

**First Session of
53rd Synod**

(to be held on 11 – 13 and 18 – 19 September 2023)

Book 1

(Pages 2 to 220)

Annual Report of the
Standing Committee and
Other Reports and Papers

Standing Committee of the Synod
Anglican Church Diocese of Sydney

2023 Report of the Standing Committee and other Reports and Papers

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Report of the Standing Committee to the First Session of the 53rd Synod

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1. Introduction

This report provides information on the Standing Committee's work for the period August 2022 to July 2023.

1.1 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.

1.2 Access

Meetings are usually held in the Diocesan Hub, Level 2, 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 subsequent meeting on the website of Sydney Diocesan Services (SDS) at www.sds.asn.au.

1.3 Meetings and members

From August 2022 to July 2023, we have met 9 times. The names of the members as at 30 June 2023 are listed below.

The President
Archbishop Kanishka Raffel

The Chancellor
The Hon Justice Michael Meek

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

The Archbishop's Executive Officer
Archdeacon Simon Flinders

The Diocesan Secretary
Mrs Briony Bounds

The Archdeacons

Archdeacon Neil Atwood
Archdeacon Anthony Douglas
Archdeacon Kara Hartley

Dean of St Andrew's Cathedral

Dean Sandy Grant

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
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
The Rev Joe Wiltshire

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
Ms Karen Calayag
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

Mr Rowen Atkinson (*elected 1/03/2023*)
Mrs Stacey Chapman
Dr David Nockles
Mr Jeffrey Reilly (*elected 1/03/2023*)

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

- A vacancy arose in the position of a lay person elected by the Wollongong Region upon the resignation of Mr Tony Willis. The Regional Electors of the Wollongong Region elected Mr Jeffrey Reilly.
- A vacancy arose in the position of a lay person elected by the Wollongong Region upon the resignation of Mr Norman Lee. The Regional Electors of the Wollongong Region elected Mr Rowen Atkinson.
- Archdeacon Simon Flinders and Mrs Briony Bounds became ex-officio members of the Standing Committee on 20 September 2022 (see items 1.6 and 1.7).

1.4 Management and structure

Our permanent subcommittees are –

Affiliated Churches Committee	Ordinance Reviewers and Panels
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	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.

1.5 Mr Daniel Glynn

We acknowledged with gratitude the faithful and committed service of Mr Daniel Glynn to the Standing Committee as Diocesan Secretary since 2017 and prior to that as Manager, Diocesan Services since 2014, and assured Mr Glynn of our thanks and prayers as he concluded his role as Diocesan Secretary and in his new role as Head of Parish and Technology Services in Sydney Diocesan Services.

1.6 Appointment of next Diocesan Secretary and Secretary of the Synod

We appointed Mrs Briony Bounds as Diocesan Secretary and Secretary of Synod, which took effect from the conclusion of the Third Session of the 52nd Synod.

1.7 Archdeacon to the Archbishop

We –

- (a) noted that the *Standing Committee Ordinance 1897 and Synod Membership Ordinance 1995 Amendment Ordinance 2022* was passed by the Synod on 13 September 2022, which among other things, provided for the Archbishop's Executive Officer to be a member of the Synod and the Standing Committee, and
- (b) welcomed Archdeacon Simon Flinders as a member of the Standing Committee and looked forward to his contribution to our meetings.

1.8 Appointment of Chair of Stipends & Allowances Committee

We noted that Mr James Flavin had resigned as a member of the Stipends & Allowances Committee (**the Committee**) and gave thanks to God for his long-standing service.

Mr Flavin served as Chair of the Committee for more than twelve years, since his first meeting in March 2010. For much of this time, Mr Flavin was also Chair of the Finance Committee and Chair of Anglican Super (formerly Anglican National Super) and a Director of the Anglican Long Service Leave Fund.

We also noted that Mr Jeremy Freeman was elected Chair of the Stipends and Allowances Committee on 12 October 2022, and congratulated him on his appointment.

1.9 Mr Tony Willis

We –

- (a) noted that Mr Tony Willis had resigned from the Standing Committee effective 30 November 2022,
- (b) gave thanks to God for Mr Willis' humble commitment to Gospel ministry, including but not limited to his work at Anglican Youthworks (including as Acting CEO), as Lay Assistant to the Bishop of Wollongong, as Chair of the Anglican Schools Corporation, as Secretary of the Sydney Anglican Indigenous Peoples' Ministry Committee, and as a member of the Work Outside the Diocese Committee and the Sydney Anglican (National Redress Scheme) Corporation, amongst many

others. Mr Willis first joined Standing Committee in 2008 and has continued as a representative of the Wollongong Region since that time. Mr Willis' wise counsel and attention to detail will be sorely missed, as will his commitment to ministry in both government and non-government schools across and beyond the Diocese, and

- (c) prayed for God's every blessing to Tony and Judy in their retirement and for their continued ministry at Corrimal and with the indigenous ministries in the Diocese.

1.10 Mr Norman Lee

Mr Norman Lee resigned from the Standing Committee with effect from 6 December 2022. Mr Lee was elected to the Standing Committee by the regional electors of the Wollongong Region from May 2021. Among his contributions, Mr Lee served as a member of Sydney Diocesan Services, the Religious Freedom Reference Group, and as inaugural Chair of SDS Legal. We thanked Mr Lee for his service to the Standing Committee since 2021 and prayed God's blessing upon his continued service for Christ.

1.11 Archdeacon Narelle Jarrett

We noted with sadness the death of Archdeacon Narelle Jarrett on Friday 4 November 2022. We gave thanks to God for her life and ministry, for her valuable contribution to the life of our Diocese, her passion for advancing the ministries of women and her commitment to biblical truth and making Christ known. We assured Narelle's family and friends of our prayers in their grief and loss.

A separate motion will be moved at Synod to recognise Archdeacon Jarrett's life and ministry and invite members to give thanks to God.

1.12 Chair of Campbelltown Anglican Schools Council

We noted that Mrs Megan Blencowe had been elected Chair of the Campbelltown Anglican Schools Council and congratulated her on her appointment.

1.13 Chair of the Safe Ministry Board

We –

- (a) noted that, upon the commencement of the *Safe Ministry Board Ordinance 2001 Amendment Ordinance 2022*, the Rev Dr Keith Condie finished as Chair of the Safe Ministry Board, on which he had served since its commencement in 2001, and
- (b) thanked Dr Condie for his significant service to Safe Ministry in the Diocese, and
- (c) noted that Ms Nicola Warwick-Mayo had been elected Chair of the newly reconstituted Safe Ministry Board and congratulated her on her appointment.

1.14 Mr Martyn Mitchell

We thanked Mr Martyn Mitchell for his 12 years of faithful, humble, and committed service as a Board member of Anglican Community Services (and the Sydney Anglican Home Mission Society Council), and as Chair of the Board's Audit & Risk Committee and assured him of our prayers as he continues to serve the Diocese as a member of the Anglican Schools Corporation and through various roles in the parish of St Matthew's Manly.

1.15 Mr Rowen Atkinson and Mr Jeffrey Reilly

We welcomed Mr Rowen Atkinson and Mr Jeffrey Reilly in March 2023 as members elected by the Wollongong Regional Electors.

1.16 Motion of Appreciation: Diocese of North West Australia

We noted a motion of thanks from the Council of the Diocese of North West Australia for the significant support of the Diocese of Sydney over many years and most recently in hosting a Consecration Service for the Bishop of North West Australia at St Andrew's Cathedral, followed by a Reception in the Upper Chapter House.

1.17 Chair of Anglican Youth and Education Diocese of Sydney (Youthworks)

We noted that the Rev Chris Braga had resigned as Chair of the Council of Anglican Youth and Education Diocese of Sydney (**Youthworks**) after 13 years of exemplary service to that organisation. In particular we thanked Chris for his dedication and faithfulness to the cause of youth and children's ministry in the Diocese through Youthworks.

We also noted that on 6 May 2023, the Youthworks Council elected Archdeacon Simon Flinders to be the next Chair and undertook to pray for him in this new role.

1.18 Chair of Sydney Anglican (National Redress Scheme) Corporation

We noted that Mrs Emma Penzo had been re-appointed as Chair of the Sydney Anglican (National Redress Scheme) Corporation, having been first appointed as Chair in 2021 following the resignation of Mr Doug Marr as inaugural Chair.

1.19 Dr Robert Tong AM

We noted that Dr Robert Tong AM celebrated his 80th birthday on 2 July 2023, and –

- (a) gave thanks to God for the enormous contribution Dr Tong has made to Christ's church through the work of the Standing Committee, the Diocese of Sydney, and the wider church,
- (b) expressed our appreciation to Dr Tong for his service to date and ongoing ministries, and to Dr Tong's wife, Winsome, for her tireless support, and
- (c) prayed for God's continued blessings on Robert and Winsome and their family.

2. Actions with the Archbishop

2.1 Rector Workforce Study Outcomes

As reported previously, in 2021 the Strategy and Research Group (**SRG**) considered the outcomes of a research study into the matter of Rectors leaving the role prior to reaching retirement age. We received a report from the SRG with further recommendations to address the findings of the research study.

In response to this report, we –

- (a) noted that SDS has identified, and will continue to identify, ways to assist with the ongoing administrative workload of Rectors,
- (b) encouraged the Archbishop and episcopal team to foster networking and collaboration between Rectors based on parish size or characteristics (e.g., Hub and Spoke parishes), in addition to the geographical collaboration contemplated within Mission Areas, and
- (c) noted the importance of Pastoral Supervision and Professional Development in providing support and accountability for Rectors and referred the research report to the committees overseeing the implementation of Royal Commission Recommendation 16.5 to inform their work.

2.2 Strategy and Research Group

In consultation with the Archbishop and his Senior Staff team, we agreed that the Strategy and Research Group (**SRG**) had completed the work it was established to do and would be wound up from the end of 2022. We thanked those who had served as members over the last nine years.

The SRG provided advice on a range of matters in that time to the Archbishop and Standing Committee. These include –

- (a) reviewing progress against Mission 2020 goals,
- (b) providing recommendations to the Diocesan Resources Committee regarding funding principles and priorities, in light of the priorities in Mission 2020,
- (c) a study into effective church planting,
- (d) analysis of National Church Life Survey data, including relating to newcomers, and Christians' growth in faith,
- (e) the Rector Workforce Study, and
- (f) the survey of Parish Nominators.

The Archbishop's Senior Staff team, comprised of the Regional Bishops, Archdeacon for Women's Ministry, and Archdeacon to the Archbishop, will provide strategic thinking and direction going forward. We encouraged the Archbishop's Senior Staff team to continue to engage Dr John Bellamy, Senior Researcher at Anglicare, to ensure their strategic decisions are based on data and evidence as far as possible.

2.3 Parramatta '54 Free Fund

The income of this fund is to be distributed among the objects of the Diocese of Sydney as determined by the Archbishop-in-Council. The amount of \$7,041 was distributed from the accumulated surplus of this fund towards the attendance and travel equalisation costs for the March 2022 Australian Bishops' Conference held in Adelaide. A further amount of \$3,061 was distributed from the accumulated surplus of this fund towards the attendance and travel equalisation costs for the March 2023 Australian Bishops' Conference held in Hobart.

2.4 Australian College of Theology

Upon our recommendation, the Archbishop appointed Bishop Michael Stead as a Custodian Member of the Australian College of Theology Limited.

2.5 Secretary to the Ministry Standards Board

Upon our recommendation, the Archbishop appointed the Diocesan Secretary as the Secretary to the Ministry Standards Board in accordance with clause 101 of the *Ministry Standards Ordinance 2017*.

2.6 Appointment of Returning Officers for all sessions of the 53rd Synod

Upon our recommendation, the Archbishop appointed Mr Gilbert van der Jagt as returning officer and Mrs Briony Bounds as deputy returning officer for the purposes of elections conducted during all sessions of the 53rd Synod.

2.7 Ministry Standards Committee

Upon our recommendation, the Archbishop appointed the Rev Timothy St Quintin to the Ministry Standards Committee.

2.8 Extra-Parochial Ordinance 1918

Upon our recommendation, for the purposes of the *Extra-Parochial Ordinance 1918*, the Archbishop –

- (a) declared the following properties as extra-parochial –
 - (i) Bankstown-Lidcombe Hospital,
 - (ii) Cobham Youth Justice Centre (Werrington),
 - (iii) Francis Greenway Correction Complex (incorporating Geoffrey Pearce Correction Centre, John Morony Correction Centre, and Dillwynia Correction Centre for Women),
 - (iv) Lithgow Correction Centre,
 - (v) Parklea Correction Centre,
 - (vi) South Coast Correction Centre (Nowra),
 - (vii) Concord Hospital,
 - (viii) Liverpool Hospital,
 - (ix) Royal Prince Alfred Hospital (Camperdown),
 - (x) Northern Beaches Hospital (Frenchs Forest),
 - (xi) St George Hospital (Kogarah),
 - (xii) Sutherland Hospital (Caringbah),
 - (xiii) Wollongong Hospital, and
- (b) declared the following properties cease to be extra-parochial, by reason of having closed –
 - (i) Minda Remand Centre,
 - (ii) Parramatta Gaol,
 - (iii) Lidcombe State Hospital.

2.9 Elections associated with the first ordinary session of the 53rd Synod

Upon our recommendation, the Archbishop –

- (a) determined, under Rule 8.2(1)(a)(ii) of the Schedule to the *Synod Elections Ordinance 2000 (the Ordinance)*, that it is impracticable to conduct an election at the ordinary session of the Synod in September 2023, and
- (b) specified the date of 11 September 2023 to be regarded as the first appointed day of the first ordinary session of the 53rd Synod for the purposes of the election, pursuant to Rule 8.2(3) of the Ordinance, the effect of which was to enable the elections to be conducted by online ballot.

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 Synod¹, 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 2023 the Ordination Training Fund (**the Fund**) received a Synod allocation of \$41,000 (2022: \$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, including psychological testing and conference costs. In exceptional cases the Fund may also provide bursaries or financial assistance to some of the candidates.

In 2023 the Fund also received \$12,000 to cover the cost of external professionals interviewing ordination candidates in relation to domestic violence, \$27,000 to cover the cost of psychological testing prior to ordination as a presbyter, and \$46,500 for a pastoral supervision pilot program.

3.4 Ordinances

The following table shows the number of ordinances passed and assented to in 2018 to 2022, and in 2023 up to July –

	2018	2019	2020	2021	2022	2023
Standing Committee	42	62	69	56	44	25
Synod	8	7	0	4	9	0
	50	69	69	60	53	25

¹ Except the 53rd Synod, as per Synod Resolution 6/22. See items 3.4(7) and 7.14.

A separate report lists the ordinances passed by us since August 2022. There are 18 ordinances of particular interest, listed below in order of assent.

(1) The *Cost Recoveries Framework Ordinance 2008 Amendment Ordinance 2022* amended the *Cost Recoveries Framework Ordinance 2008* to provide that an ordinance specifying the cost recoveries charge for the 2023 financial year would be prepared and distributed at the September 2022 session of Synod, given the postponement and ultimate cancellation of the September 2021 session.

(2) The *Mission Property Fund Ordinance 2002 Further Amendment Ordinance 2022* amended the *Mission Property Fund Ordinance 2002 Amendment Ordinance 2022* to clarify the application of amounts for the operational expenses of the Anglican Church Growth Corporation (**ACGC**). The ACGC may apply amounts from the Ministry Infrastructure Development Fund, other than proceeds of the Church Land Acquisitions Levy, towards its operational expenses provided that any amounts from the proceeds of the Property Receipts Levy applied for this purpose are approved by the Standing Committee and do not exceed \$750,000. We subsequently delegated authority to the Finance Committee to approve such applications of funds.

(3) The *Anglican Church Growth Corporation Ordinance 2018 Amendment Ordinance 2022* amended the *Anglican Church Growth Corporation Ordinance 2018* to bring its governance arrangements into conformity with the Synod's Governance Policy for Diocesan Organisations, by addressing issues including: allowing the organisation to pursue its purposes in a manner which advances the broader purposes of the Diocese; the Archbishop's entitlements as President; term limits for certain members; aligning the Statement of personal faith with the form set out in the Synod Governance Policy from time to time; the circumstances in which a casual vacancy arises; and requiring compliance with Synod ordinances and policies.

(4) The *Anglican Church Growth Corporation (Pilot Program Enabling No 3) Ordinance 2022* varied the trusts of certain church trust property held for the purposes of parishes involved in an Anglican Church Growth Corporation pilot program, to enable the revenue generated from such property to be applied, if necessary, for the purposes of another or other parishes in the program.

(5) The *Church Trust Property (Declaration of Certain Purposes and Objects) Ordinance 1979 Repeal Ordinance 2022* repealed the *Church Trust Property (Declaration of Certain Purposes and Objects) Ordinance 1979* on the basis that it relied on certain provisions of the *Trades Practices Act 1974* (Cth) which has since been repealed by the Commonwealth Parliament.

(6) The *Anglican Church Growth Corporation Ordinance 2018 Further Amendment Ordinance 2022* amended the *Anglican Church Growth Corporation Ordinance 2018* to allow the Anglican Church Growth Corporation (**ACGC**) to undertake property initiatives as part of the Urban Renewal Pilot Program without requiring the development partner to meet all costs, but only if the ACGC is the trustee of the land under development. The requirement for an indemnity from the development partner for loss will continue to apply in relation to all developments.

(7) The *Accounts, Audits and Annual Reports Ordinance 1995 Amendment Ordinance 2022* amended the *Accounts, Audits and Annual Reports Ordinance 1995* to defer the requirement for Diocesan Organisations to provide to the Synod in 2023 a report assessing their conformance to the Governance Policy for Diocesan Organisations, in response to the request of the Synod in its resolution 6/22.

(8) The *Cathedral Ordinance 1969 Amendment Ordinance 2022* amended the *Cathedral Ordinance 1969* to clarify the rights and responsibilities of the Sub-Dean.

(9) The *Long Term Pooling Fund Ordinance 2012 Amendment Ordinance 2022* amended the *Long Term Pooling Fund Ordinance 2012* to facilitate the Glebe Administration Board becoming the trustee of the Long Term Pooling Fund, in response to the request of the Synod in its resolution 45/22.

(10) The *Nomination Ordinance 2006 Amendment Ordinance 2023* and the *Nomination Ordinance 2006 Further Amendment Ordinance 2023* amended the *Nomination Ordinance 2006* in response to the request of the Synod in its resolution 51/22. Two transitional provisions were included so that the amended nomination process does not apply in the case of a vacancy in the office of rector of a parish that occurred before the date of assent, and the amendments relating to eligibility do not apply to a person who holds office as a parish nominator or Synod-elected nominator/Diocesan nominator (as the case may be) at the date of assent until the end of their current term of office.

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(11) The *Interpretation Ordinance 1985 Amendment Ordinance 2023* amended the *Interpretation Ordinance 1985* to clarify the meaning of 'doctrine' in the ordinances of this Diocese, to ensure they have the intended effect following the decision of the Appellate Tribunal concerning the meaning of 'doctrine'.

Consequent upon the passing of this ordinance, we agreed to recommend to the Synod, when it next amends the *Ministry Standards Ordinance 2017 (MSO)*, that the definition of "doctrine" be omitted from the MSO.

(12) The *Regions Ordinance 1995 Amendment Ordinance 2023* amended the *Regions Ordinance 1995* to make the Regional Archdeacon or Bishop's Executive Assistant an ex-officio member of their Regional Council, and to align it with changes made by the Synod in 2021 to the *Standing Committee Ordinance 1897*, so that a casual vacancy is not triggered when the regional boundaries are changed and to remove references to the previous form of postal voting.

(13) The *Sydney Diocesan Sickness and Accident Fund Ordinance 1969 Amendment Ordinance 2023* amended the *Sydney Diocesan Sickness and Accident Fund Ordinance 1969* to address issues including: specifying the determined rate of benefit and prescribed amount; recognising a provisional recognised church as a parochial unit; and including circumstances in which the clergy person is the primary carer of a person affected by sickness or accident and is therefore unable to perform their normal ministry duties, if the situation is confirmed by the regional bishop.

(14) The *Clergy Removals Fund Ordinance 2003 Amendment Ordinance 2023* amended the *Clergy Removals Fund Ordinance 2003* to expand and simplify the definition of removal costs and the cap on payments to a clergy person moving outside of the Diocese.

(15) The *Anglican Church Growth Corporation Ordinance 2018 Amendment Ordinance 2023* amended the *Anglican Church Growth Corporation Ordinance 2018* to facilitate the Urban Renewal Pilot Program (**URPP**) by –

- (a) empowering the Anglican Church Growth Corporation to give directions to the Anglican Church Property Trust Diocese of Sydney (**ACPT**) with respect to projects under the URPP, and
- (b) providing an indemnity for the ACPT and its members in relation to damages, losses, or liabilities the ACPT or any of its members may incur in respect to a URPP project,

both of which were necessary pre-conditions for the ACPT to remain as trustee of property involved in the URPP.

(16) The *Synod Estimates Ordinance 1998 Amendment Ordinance 2023* amended the *Synod Estimates Ordinance 1998* to insert special arrangements for the first session of the 53rd Synod to facilitate the preparation of a 1-year appropriations and allocations ordinance for 2024.

(17) The *Sydney Diocesan Services Ordinance (Interim Membership Arrangements) Ordinance 2023* put in place interim arrangements to address current and impending SDS membership vacancies, including an extension to the tenure of its current Chair beyond the maximum period currently permitted.

(18) The *Safe Ministry Board Ordinance 2001 Amendment Ordinance 2023* amended the *Safe Ministry Board Ordinance 2001 (SMBO)* to correct an error made when clauses in relation to the Director's conflicts of interest were inserted from the *Ministry Standards Ordinance 2017* into the SMBO at Synod in 2022.

3.5 Mission Property Fund Ordinance 2002 Amendment Ordinance 2022

The *Mission Property Fund Ordinance 2002 Amendment Ordinance 2022 (the Ordinance)*, which reconstituted the Mission Property Fund as the Ministry Infrastructure Development Fund, states that the provisions of the Ordinance commence on a date to be certified by the Archbishop on advice from the CEO of the Anglican Church Growth Corporation.

We noted advice that the Archbishop had certified 1 October 2022 as the date of commencement of the Ordinance on advice from the CEO.

3.6 Commencement of new Safe Ministry Board

The *Safe Ministry Board Ordinance 2001 Amendment Ordinance 2022 (the Ordinance)* states that the Ordinance commences on a date determined by the Standing Committee by resolution. We determined that the Ordinance would commence on 1 October 2022, subject to it being passed by the Synod and assented by the Archbishop, which occurred at the third session of the 52nd Synod.

3.7 Parochial cost recoveries – arrears

As at 30 June 2023, only the parochial units of Ashbury (\$9,434), Regents Park (\$3,518) and South Hurstville (\$2,686) were in arrears with their payment of cost recovery charges, but arrangements have been made with South Hurstville for the payment of their accumulated arrears by December 2023. The previous year three parishes (Greenacre \$7,418, Longueville \$4,675, and Marsden Park \$2,240) had been in arrears at 30 June.

3.8 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-June 2023, SDS had received and processed the 2022 financial statements from every parochial unit (whereas the same position was not reached until mid-July in 2022).

3.9 Local revenues test for parish status

A review of parishes to determine if during 2022 any had local revenue below the requisite amount defined in the *Parishes Ordinance 1979* will be undertaken during Q3 of 2023. Any parish with insufficient local revenue will be advised of the importance of ensuring their 2023 and future revenues meet the relevant threshold figures in order to retain their parish status.

3.10 Stipends, allowances, and benefits for 2024

We previously agreed the recommended minimum stipend for January – June 2024 should remain at \$72,890 (the figure applying since 1 July 2023). During Q3 2023 we will reconsider the recommended minimum stipend for 2024 and also approve Guidelines for the Remuneration of Parish Ministry Staff for 2023-2024 reflecting any increase in recommended minimum stipend.

It is anticipated that a report about this matter will be printed separately.

3.11 Work Outside the Diocese

In the 6 months to 30 June 2023, the Work Outside the Diocese Committee applied \$334,553 to support gospel ministry outside the Diocese from a total Synod allocation in 2023 of \$347,000 (5% of the total funds available to Synod). It is expected that further amounts will be applied during the 6 months to 31 December 2023 from the balance of the 2023 allocation, and the opening reserves of \$257,046.

In addition, in the 6 months to 30 June 2023, \$120,000 has been applied towards funding for the Diocese of Bathurst from a special Synod allocation of \$250,000 for that purpose.

A report about this matter is printed separately.

3.12 Recommended distribution from the Diocesan Endowment for 2024

We noted the advice of the Glebe Administration Board, for the purposes of clause 6(1) of the *Diocesan Endowment Trust Ordinance 2016*, that a distribution of \$3,648,000 can prudently be provided in 2023 from the Diocesan Endowment for spending by the Synod in 2024 (2023: \$3,401,000), and a distribution of \$3,713,000 is forecast for spending in 2025.

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

We noted that a distribution of \$2,965,000 will be available from the Synod – St Andrew’s House Fund 134 in 2023 for appropriation and allocation by Synod in 2024 (2023: \$2,400,000).

3.14 Stipend Continuance Insurance

As part of the renewal process for the Stipend Continuance Insurance (**SCI**) in 2022 we were able to obtain a 3 year rate guarantee period. As a result, the cost of the SCI insurance to be recovered as part of the Ministry Cost component of the Parochial Cost Recovery charge in 2024 will be the same as in 2023 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 Amalgamation of the Parishes of Drummoyne and Ashfield, Five Dock, and Haberfield

We noted that on 25 August 2022, the South Sydney Regional Council approved the amalgamation of the parish of Drummoyne with the parish of Ashfield, Five Dock, and Haberfield, under Clause 10 of the *Parishes Ordinance 1979*, effective from 26 August 2022.

3.16 Creation of a new Ecclesiastical District

We noted that on 29 September 2022, the Archbishop created under the *Parishes Ordinance 1979* a new Ecclesiastical District from 1 November 2022, to be known as the Provisional Parish of Leppington. The Ecclesiastical District is carved out from the Parish of Camden Valley and the Provisional Parish of Denham Court.

3.17 Amalgamation of the Parishes of Corrimal and Wollongong

We noted that on 11 October 2022, the Wollongong Regional Council approved the amalgamation of the parish of Corrimal with the parish of Wollongong, under Clause 10 of the *Parishes Ordinance 1979*, effective from 1 January 2023.

3.18 Change of parish name

We noted that on 2 November 2022, the Commissary approved the name change for the Parish of Ashfield, Five Dock and Haberfield to now be the parish of Christ Church Inner West.

3.19 Amalgamation of the Parishes of Killara and East Lindfield

We noted that on 8 November 2022, the Northern Regional Council approved the amalgamation of the parish of Killara with the parish of East Lindfield under clause 10 of the *Parishes Ordinance 1979*, effective from 1 January 2023. The new parish is to be known as the parish of Killara and East Lindfield.

3.20 Amalgamation of the Parishes of Ashbury and Canterbury with Hurlstone Park

We noted that on 30 March 2023, the South Sydney Regional Council approved the amalgamation of the parish of Ashbury with the parish of Canterbury with Hurlstone Park under clause 10 of the *Parishes Ordinance 1979*, effective from 1 April 2023. The new parish is to be known as the parish of Canterbury with Hurlstone Park.

3.21 Amalgamation of the Parishes of Barrenjoey with Mona Vale

We noted that on 17 April 2023, the Northern Regional Council approved the amalgamation of the parish of Barrenjoey with the parish of Mona Vale under clause 10 of the *Parishes Ordinance 1979*, effective from 1 January 2023. The new parish is to be known as the parish of Barrenjoey.

3.22 Blue Mountains Grammar School – amendments to constitution and replacement of the ACPT as a corporate member

We received a report regarding Blue Mountains Grammar School (**BMGS**), which noted that the constitution of BMGS had been amended to facilitate replacement of the Anglican Church Property Trust Diocese of Sydney as a member of the company. The constitution of BMGS now provides for any corporation, company or an individual to be the Church Member, if nominated by the outgoing Church Member and consented to by the Archbishop.

3.23 Pastoral Supervision

We authorised the Pastoral Supervision Committee to engage the Centre for Ministry Development to administer a 12-month pilot program at a total cost of \$46,500 from the Synod budget and from Synod Fund Contingencies.

3.24 Ministry Spouse Support Fund

The Ministry Spouse Support Fund (**MSSF**) provides interim financial support for spouses of clergy and lay stipendiary workers who have been, or will be, left in financial hardship as a result of their need to separate from their spouse due to misconduct (such as domestic abuse) by the clergy or lay stipendiary worker. This

wording excludes non-stipendiary lay ministers and relies on a phrase (“lay stipendiary worker”) which is not otherwise defined.

We resolved that allocations from the MSSF may be made to spouses of clergy and lay ministers (which means a person who is a lay minister for the purposes of the *Authorisation of Lay Ministry Ordinance 2015*, irrespective of whether they hold an authority under that Ordinance), who have been, or will be, left in financial hardship as a result of their need to separate from their spouse due to domestic abuse (or other serious misconduct).

It is anticipated that a report about this matter will be printed separately.

3.25 Policy for reviewing large receipts contributions to Synod

Our existing policy for reviewing large receipts contributions to Synod requires the Diocesan Resources Committee to review and comment on the impact, if any, of certain proposals on the Synod's budget, with those comments provided to the parish and incorporated into their Statement of Evidence and the Report of the Ordinance Review Panel. However, the policy only applies where a parish proposes to promote an ordinance that will amend the percentages of lease or investment income distributed to the parish and the Synod and does not contemplate a scenario such as changing the application of income prior to it being distributed.

On the recommendation of the Diocesan Resources Committee, we changed our policy to ensure that in future any proposed amendment to a parish ordinance that provides a share of the net lease or investment income to the Synod would require the Diocesan Resources Committee to review the proposal and provide its comments before the amending ordinance is considered by the Standing Committee.

3.26 St James' King Street, Sydney – Appointment of Trustees

The land in folio identifier 1/1022557 (**the Land**) known as 173 King Street, Sydney and the site of St James Church King Street is, by Crown Grant dated 19 June 1843, held upon trust for the erection thereon of a church of the United Church of England and Ireland (which is, by the 1902 Constitution and the *Anglican Church of Australia Act 1976*, to be construed as a reference to the Anglican Church of Australia).

The land is held by private trustees. The Land is church trust property and vacancies in the office of trustee are to be declared and filled by resolution of the Synod under section 14 of the *Anglican Church of Australia Trust Property Act 1917* (NSW) (**1917 Act**).

Pursuant to section 14 of the 1917 Act, we declared the existence of two vacancies in the office of trustee of the Land, the vacancies arising by reason of the death of Mr Peter Christian and the resignation of Dr Rosemary Annable, and elected Mr Robert William Marriott and Mrs Fiona Elizabeth Balfour to fill the vacancies as trustees of the Trust.

3.27 Leasing space for 5G infrastructure as a source of additional parish income

We received a report from the Anglican Church Growth Corporation, noting its intention to include leasing of space for 5G telecommunications infrastructure in Urban Renewal Pilot Program projects.

3.28 Council of Living Faith

In light of the urgent need for specialised training in pastoral care and pastoral support, we agreed to provide \$60,000 for the 2023 calendar year to support the ongoing ministry of Living Faith and enable it to work towards a sustainable funding model, noting that there is no in-principle commitment to funding future years other than through the normal funding procedures. We appropriated (by ordinance) \$44,800 of the unspent balance of Synod Fund Contingencies for 2022 and applied a further \$15,200 from the available balance of Synod Fund Contingencies for 2023 in order to provide the funding of \$60,000 in total.

3.29 Sydney Anglican Loans Board annual update

We received the Sydney Anglican Loans Board's annual report, which noted that, at 31 October 2022, the Board had 45 loans with 44 parishes and total commitments outstanding of \$15.6 million. There is currently \$2.7 million of capital not committed for existing loans and \$7.3 million of loan enquiries.

3.30 City of Sydney – City of Sydney's Heritage Floor Space Scheme

We noted that –

- (a) the Chapter of St Andrew's Cathedral and the three parishes of St James King Street, Church Hill, and Christ Church St Laurence are now eligible to participate in the sale of air rights above their heritage buildings via the City of Sydney Council's Heritage Floor Space Scheme (**HFSS**), and
- (b) the St Andrew's Cathedral Chapter and parish councils of St James King Street, Church Hill and Christ Church St Laurence may promote land sale and mortgaging ordinances to facilitate heritage maintenance works and/or participation in the HFSS.

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 August 2022 to June 2023, 74 such positions were filled. This figure does not include those positions filled by others upon the recommendation of the Standing Committee, such as to SCECGS Redlands, SCEGGS Darlinghurst and the Sydney Anglican Indigenous People's Ministry Committee.

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 will be printed as a compilation. Any reports for reclassification of provisional parishes under the *Parishes Ordinance 1979* will be printed separately.

4.3 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 October 2021 and October 2022.

4.4 Use of level 2 meeting rooms by non-diocesan organisations

We received a report from the CEO of Sydney Diocesan Services (**SDS**) regarding the use of meeting rooms on level 2 of St Andrew's House by non-diocesan organisations. The re-fitted diocesan offices on level 2 have a number of board and other meeting rooms that are able to be booked for use. These are significant resources which need to be managed carefully. While booking preference will be given to diocesan bodies and others in the diocesan network (both in terms of pricing and availability), bookings will also be accepted by others to ensure utilisation of this resource is maximised.

In order to facilitate the provision of meeting rooms to non-diocesan bodies, we delegated to each of the Archbishop's Executive Officer and the Chair of SDS power to approve on behalf of the Standing Committee 'bodies otherwise approved by the Standing Committee' under clause 17(2)(c) of the *Sydney Diocesan Services Ordinance 2017* for the purpose of accepting bookings of meeting rooms in the level 2 Diocesan offices.

4.5 Ministry in Marginalised Areas Committee annual consultation regarding 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).

Our subcommittee, the Ministry in Marginalised Areas Committee, consulted with Anglicare on our behalf, and noted their satisfaction that Anglicare continues to honour its commitment to community services work on behalf of the Diocese.

4.6 Standing Committee venue

Following the refurbishment of Level 2 of St Andrew's House, we conducted a review of the venue for our meetings. The outcome of the review was that our meetings will be held in the Diocesan Hub on Level 2 on an ongoing basis.

We expressed our thanks to St Andrew's Cathedral School for hosting our meetings over the last seven years.

4.7 Safe Ministry Check

We –

- (a) approved changes to the Safe Ministry Check for Ministers to amend the Confidentiality and Privacy Statement, and to make editorial changes in line with recent changes to the *Ministry Standards Ordinance 2017* (specifically the name change of the 'Director of Professional Standards' to the 'Director of Safe Ministry' and of the 'Professional Standards Unit' to the 'Office of the Director of Safe Ministry'),
- (b) prescribed, for the purposes of the definition of "Safe Ministry Check" in the *Safe Ministry to Children Ordinance 2020*, the updated form of the Safe Ministry Check for clergy to be licensed or to be elected as Archbishop and for a church worker to be authorised or to undertake paid ministry to children,
- (c) authorised the Safe Ministry Board to make editorial and formatting changes to any of the forms of Safe Ministry Check prescribed under the *Safe Ministry to Children Ordinance 2020*, subject to –
 - (i) the Safe Ministry Board reporting any exercise of this authority to us, and
 - (ii) such changes not having substantive effect on the matters that are required to be disclosed.

4.8 2023 Survey of members and executive officers of central diocesan organisations

We received a report from Sydney Diocesan Services (**SDS**), regarding a survey of members and executive officers of central diocesan organisations. Under the SDS Strategic Plan 2022-2024, SDS has a strategic imperative of optimising the quality of the services it provides to central diocesan organisations, including Standing Committee. SDS measures the extent to which it is achieving this strategic imperative in various ways, including through an annual survey of the members and executive officers of central diocesan organisations. The annual survey undertaken in May 2023 indicates, among other things, that a significant proportion of survey participants agree that SDS services are satisfactory.

4.9 Sydney Anglicans co-branding

We received a report from Sydney Diocesan Services (**SDS**) regarding the adoption of "Sydney Anglicans" as the overarching brand under which diocesan organisations operating out of the Level 2 offices at St Andrew's House now operate. Participating organisations now share the "Sydney Anglicans" logo, with a unique tagline for each organisation.

We also –

- (a) noted that the Registrar, in consultation with the Archbishop, intends to usually use the "Sydney Anglicans" logo with tagline "Anglican Church Diocese of Sydney" when communicating in her capacity as Diocesan Registrar, and
- (b) approved the Diocesan Secretary and Synod Secretary usually using this brand when communicating on behalf of the Standing Committee and Synod.

5. Relations with Government

5.1 Social Issues Committee

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

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

During the past year, Mrs Emma Penzo resigned her membership, and the Committee is seeking an additional member of the Standing Committee to join it. The Diocesan Research Officer, the Rev Dr Danielle Treweek, attends each meeting of the SIC and provides a significant depth of research and analysis.

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.

Since its last report (July 2022), the SIC has met seven times, including one extended session with the Archbishop early in 2023. The SIC completed a comprehensive review of the 2009 Policy on Consumption of Alcohol in the Parish Context (2009) and a fully updated report will be presented to Synod this year. The SIC is currently working on pastoral guidelines and resources in connection with the commencement of Voluntary Assisted Dying in NSW in November 2023.

The SIC has continued engaging significantly in matters related to Indigenous Australians. It has committed to preparing educational material relating to the Voice referendum, reflecting the commitment of Synod resolution 33/22. The SIC is considering a number of matters in this area referred to it by the Standing Committee, while continuing work on a proposal for an indigenous history of the Diocese.

The Committee continues to actively monitor current concerns, including matters subject to parliamentary inquiries, relating to such areas as environmental concerns, abortion and beginning of life, and gambling. The SIC also recently reactivated Housing Affordability and Refugees as an area of focus.

5.2 Commonwealth review of Religious Educational Institutions and Anti-Discrimination Laws

We initially noted that –

- (a) on 27 January 2023, the Australian Law Reform Commission (**ALRC**) released its Consultation Paper on removing religious exemptions from the *Sex Discrimination Act 1984* (Cth) (the **ALRC Consultation Paper**),
- (b) the ALRC proposals will have a significant impact on Anglican Schools in the Diocese, because they will severely restrict the ability of a religious school to preference staff who share the faith of that school,
- (c) the Religious Freedom Reference Group (**RFRG**) would submit a response on behalf of the Diocese,
- (d) a briefing session for Heads and Chairs of Anglican Schools in the Diocese was held on Wednesday 8 February 2023.

We thanked Bishop Stead for his leadership in this matter by acclamation.

We noted a letter from Faith Leaders to the Attorney-General regarding the ALRC Consultation Paper, sent on 13 February 2023.

We subsequently noted the submission dated 23 February 2023 made on behalf of the Diocese by Bishop Michael Stead as Chair of the RFRG to the ALRC Consultation Paper.

5.3 Submission to the Federal Government's Senate Community Affairs References Committee Inquiry into universal access to reproductive healthcare

We noted the submission by the Social Issues Committee to the Senate Community Affairs References Committee Inquiry into universal access to reproductive healthcare, which was submitted on 15 December 2022.

We thanked the Diocesan Research Officer, the Rev Dr Danielle Treweek, for her diligence in preparing this submission, and for the extensive research and consultation that she was able to complete within the short time frame available for responding to this inquiry.

5.4 Federal Government's Family Law Amendment Bill 2023 exposure draft

We noted the submission dated 24 February 2023 made on behalf of the Diocese by Dean Sandy Grant as a member of the Social Issues Committee on the Family Law Amendment Bill 2023 exposure draft.

5.5 Online gambling

We –

- (a) noted the report "You win some, you lose more: Online gambling and its impacts on those experiencing gambling harm" issued unanimously by the members of the federal House of Representatives' Standing Committee on Social Policy and Legal Affairs,
- (b) commended the committee members for their incisive and cooperative work on research informed reform for the prevention online gambling harm, and
- (c) requested the Archbishop to write to the Prime Minister and Leader of the Opposition, commending the unanimous report, and urging them to act promptly, and in a bipartisan way, to legislate for the reforms recommended by the report, as a matter of urgency in a public health context, especially the recommendations –
 - (i) that the Australian Government prohibit all online gambling inducements and inducement advertising, and that it do so without delay (Recommendation 16), and
 - (ii) that the Australian Government, with the cooperation of the states and territories, implement a comprehensive ban on all forms of advertising for online gambling, to be introduced in four phases, over three years, commencing immediately (Recommendation 26).

6. The International, National and Provincial Church

6.1 General Synod of the Church of England

We recorded our thanks to Archbishop Kanishka Raffel for his media statement on the decision of the General Synod of the Church of England to permit blessing of same sex marriages, and committed to continue to pray for the Archbishop as he leads our Diocese nationally and internationally.

6.2 Long Service Leave Board – Application of the Diocese of the Southern Cross

We encouraged the Archbishop, in his capacity as a Diocesan Bishop, to respond with favourable support to a request for comment from the Long Service Leave Board on an application from the Diocese of the Southern Cross Limited to become a participating organisation of the Long Service Leave Fund. In doing so, we –

- (a) noted there are clergy who hold a current licence from the Bishop of the Diocese of the Southern Cross who have been long term participants in the Long Service Leave Fund and wish to continue as participants of the Fund in their current roles,
- (b) regarded clergy who hold a current licence from the Bishop of the Diocese of the Southern Cross to be involved in Anglican pastoral ministry and therefore should be able to obtain the benefits of long service leave across a variety of Anglican ministries as is the situation of the many other clergy who work in parish or organisational ministry across Australia,
- (c) noted the Long Service Leave Fund, established some 60 years ago, is one part of the National Church structure which has wide support from all dioceses despite differences of theology and practice.

6.3 Long Service Leave Canon 2010

We wrote to the Anglican Long Service Leave Fund, asking it to consider whether it is feasible and desirable to resolve an anomaly in the *Long Service Leave Canon 2010*, whereby clergy may only take long service leave in whole-week increments.

We subsequently received a memorandum from the Anglican Long Service Leave Fund confirming that it had issued a ruling that allows a participant to access a leave entitlement once they have a full week's entitlement.

6.4 General Synod 2022 Legislation

We received a report regarding legislation passed at the Eighteenth session of General Synod in 2022.

A report about this matter is printed separately.

7. Sydney Synod Matters

7.1 Purpose and priorities for our Diocesan Fellowship

We noted the statement of diocesan purpose and priorities produced by the Archbishop with his Senior Staff Team (and in consultation with many other diocesan leaders) and encouraged the Archbishop to present a current version to this session of Synod.

A report about this matter is printed separately.

7.2 Statement of Funding Principles and Priorities 2025-2027

Under clause 3(1) of the *Synod Estimates Ordinance 1998 (the Ordinance)* we are required to prepare for the first ordinary session of the 53rd Synod a Statement of Funding Principles and Priorities to guide estimates for 2025 to 2027 of –

- (a) the amount required for meeting the cost of sittings of the Synod, the maintenance of diocesan offices and the expenses of such other diocesan activities and commitments as, in our opinion, should be supported, and
- (b) the amount which, in our opinion, should be granted to organisations under the control of Synod or to other organisations, and
- (c) the amount of income available from endowments or other trusts for meeting the amounts referred to above in the relevant financial year.

Under clause 3(2) of the Ordinance, the Statement of Funding Principles and Priorities is to be accompanied by a motion moved by request of the Standing Committee by which the Synod may approve the Statement.

A Statement of Funding Principles and Priorities together with a motion by which Synod may approve the statement are printed separately.

7.3 Amendment to Faithfulness in Service: A national code for personal behaviour and the practice of pastoral ministry by clergy and church workers

We recommended that Faithfulness in Service be amended by the Synod to reflect the changes in terminology adopted by the Synod in 2022 by substituting the phrase ‘Director of Safe Ministry’ in place of ‘Director of Professional Standards’ where it appears.

A report about this matter is printed separately.

7.4 Synod Standing Orders Ordinance 2019

We requested that a bill to amend the *Synod Standing Orders Ordinance 2019* be promoted to the Synod.

A bill and an accompanying explanatory report about this matter are printed separately.

7.5 Doctrine Commission Report – The Doctrine of concupiscence and its relevance to the experience of same-sex attraction

We received a report from the Doctrine Commission on the doctrine of concupiscence and its relevance to the experience of same-sex attraction, and approved its printing for this session of the Synod.

7.6 Leadership of Indigenous Ministry in the Diocese

We received a report regarding the challenges faced by the Sydney Anglican Indigenous People’s Ministry Committee (**SAIPMC**) in progressing the development of indigenous ministry across the Diocese, including a recommendation from SAIPMC that an indigenous person (or persons) be appointed to lead indigenous ministry in our Diocese.

A report about this matter is printed separately.

7.7 Diocesan Doctrine Commission’s terms of reference

We reviewed the resolution (19/81) establishing the Diocesan Doctrine Commission (**the Commission**) and –

- (a) agreed to recommend to the Synod that a further motion be passed to clarify the way the Commission is constituted and organised,
- (b) agreed in principle to amend the Commission's Terms of Reference to further clarify the operation and processes of the Commission, especially with regards to the reception and publication of reports, subject to the Synod passing the matter at (a).

A report about this matter is printed separately.

7.8 46/19 Fellowship with Anglicans outside the Diocese

By resolution 46/19, the Synod, among other things, requested the Standing Committee to review the operation of the *Affiliated Churches Ordinance 2005* and bring a report to the next session of Synod with any recommendations for amendment.

The Committee we appointed to address the requests of these resolutions has completed its work. It is anticipated that a report about this matter will be printed separately.

7.9 45/09 Policy on consumption of alcohol in the parish context

We referred to the Social Issues Committee (**SIC**) matters raised by the 2009 report to Synod, "Consumption of Alcohol in the context of Parishes, Churches, Congregations and Fellowships in the Anglican Church Diocese of Sydney", and resolution 45/09 "Policy on consumption of alcohol in the parish context".

We requested the SIC consider whether the report and/or the recommendations made by Synod need updating or revision, and reconsideration by Synod, in light of –

- (a) more recent research on the health and social impacts of alcohol consumption in our society,
- (b) any discernible trends about the consumption of alcohol in parish and other ministry contexts, and
- (c) the need for educating a new generation of rectors and parish councillors on the desirability of good policy and practice in this area.

To inform its consideration, the SIC conducted a survey of rectors and parish wardens regarding the consumption of alcohol in the parish context.

A report about this matter is printed separately.

7.10 46/15 Diocesan Policy for dealing with allegations of unacceptable behaviour

By resolution 46/15, the Synod, among other things, adopted the Diocesan Policy for dealing with allegations of unacceptable behaviour (the Policy), and authorised the Standing Committee to make amendments to the Policy provided any amendments are reported to the next ordinary session of the Synod.

We amended the Policy to substitute, where they appear, the words "Director of Safe Ministry" for "Director of Professional Standards", and the words "Office of the Director of Safe Ministry" for "Professional Standards Unit" to reflect the changes in terminology adopted by the Synod in 2022.

7.11 62/19 Gender Representation on Diocesan Boards and Committees

By resolution 62/19, the Synod, among other things, requested that SDS provide annual statistics regarding gender composition on Diocesan boards and committees to the Standing Committee. We received the statistics for the year ended 31 December 2022 for appointments made by the Synod, Standing Committee, or Archbishop. The total female representation was 30.16% at the end of the reporting period (YE2021: 29.61%).

We also requested that SDS report the annual statistics on a financial year, rather than calendar year, basis in future. We subsequently received the statistics for the year ended 30 June 2023, as follows –

- (a) for appointments made by the Synod, Standing Committee, or Archbishop, the total female representation was 30.07% at the end of the reporting period.
- (b) for all appointments on Diocesan boards and committees (i.e. also including ex-officio members and appointments made by the entity itself or an external body), the total female representation was 27.97% at the end of the reporting period.

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 initially referred the request of the resolution to the Strategy and Research Group (**SRG**). The SRG noted that the Ministry in Marginalised Areas Committee (**MIMAC**) had commissioned a research report regarding Ministry in Socio-Economically Disadvantaged Communities. The full report has been circulated to the Standing Committee and senior leaders in the Diocese.

We subsequently referred the request of the resolution to the Archbishop's senior staff team for further consideration. The team 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 we appointed to undertake the request of the resolution has not yet completed its work.

7.14 6/22 Review of the Governance Policy for Diocesan Organisations

By resolution 6/22, the Synod, among other things –

- (a) noted that the Standing Committee has appointed a Governance Policy Review Committee (**GPRC**) to undertake a thorough review of the Governance Policy,
- (b) requested 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) requested the Standing Committee to take any necessary steps (including the amendment of any ordinances) to defer the requirement for diocesan organisations to submit a report assessing their conformance to the Governance Policy in 2023 until after any recommendations of the GPRC have been considered by the Standing Committee, and
- (d) requested a further report on the Governance Policy be brought to Synod in 2023.

We noted that SDS was again hosting the 3-day AICD Foundations of Directorship governance training course in October/November 2023, and agreed to contribute \$6,400 from Synod Fund Contingencies to fund the participation of 2 clergy persons nominated by the Archbishop.

We amended the *Accounts, Audits, and Annual Reports Ordinance 1995* to waive the requirement for diocesan organisations to submit a report assessing their conformance to the Governance Policy for the 53rd Synod. (See also 3.4(7))

It is anticipated that a report about this matter will be printed separately.

7.15 7/22 Implementation of recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse

By resolution 7/22, the Synod requested the Standing Committee to provide a further update to the next session of the Synod in relation to implementation of recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse.

It is anticipated that a report about this matter will be printed separately.

7.16 11/22 Adequacy of clergy superannuation contribution rates

By resolution 11/22, the Synod requested the Standing Committee to report on the adequacy of the current clergy super contribution rates.

We referred this request to the Stipends and Allowances Committee. The Committee has not yet completed its work.

7.17 23/18 Responding to Domestic Abuse: Policy and Good Practice Guidelines 13/22 National Anglican Family Violence Research project

By resolution 23/18, the Synod, among other things, requested the Standing Committee to review the "Responding to Domestic Abuse: Policy and Good Practice Guidelines" after four years' operation following the passing of the Policy by the Synod and provide a report on the outcome of the review to the first ordinary session of the 53rd Synod in 2023.

By resolution 13/22, the Synod, among other things, referred the reports of the National Anglican Family Violence Research Project tabled at the recent General Synod to the Domestic Violence Monitoring Committee, and requested that the Committee bring a report to the first session of the 53rd Synod responding to the matters raised in the Reports and recommendations on strategies proposed by the Ten Commitments, as part of the wider review of our Synod's existing "Responding to Domestic Abuse: Policy and Good Practice Guidelines".

The Domestic Violence Monitoring Committee has completed its review.

It is anticipated that a report about this matter will be printed separately.

7.18 15/22 Toward the development of a Diocesan Property Strategy

By resolution 15/22, the Synod, among other things, requested the Standing Committee to prepare a diocesan-wide ministry-directed property strategy for the next session of the Synod, having taken into account feedback received from Synod members.

Members of Synod were invited to contribute to the development of this strategy by sending their feedback on the report to the Diocesan Secretary.

We referred this request, and the feedback received from Synod members, to the Anglican Church Growth Corporation.

It is anticipated that a report about this matter will be printed separately.

7.19 16/22 Fund 127 Work Outside the Diocese

By resolution 16/22, the Synod requested that a report be provided to each ordinary session of the Synod in relation to Fund 127 ("Work Outside the Diocese"), advising which projects or organisations were funded, how much each received, and for what specific purpose(s).

A report about this matter is printed separately.

7.20 19/22 Doctrine Commission Report on parish system

By resolution 19/22, the Synod requested the Diocesan Doctrine Commission to prepare a report on the parish system for the 2023 session of Synod, with special attention to –

- (a) its definition, history, theological rationale, and pastoral objectives,
- (b) its relationship to a biblical ecclesiology that prioritises the local congregation as the arena for gospel mission and ministry, and
- (c) its continuing usefulness in a complex urban and semi-urban environment.

We received a report from the Doctrine Commission addressing the request of resolution 19/22 and approved its printing for this session of the Synod.

7.21 22/22 Indigenous Ministry in the Diocese of Sydney

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

- (a) 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, requested the Standing Committee to –
 - (i) consider and prioritise the needs of the Sydney Anglican Indigenous Peoples' Ministry Committee (**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
- (b) requested that a review of the action outcomes from this report be brought to the Synod in 2024.

We referred this request to the Anglican Church Growth Corporation, in consultation with the SAIPMC.

It is anticipated that a report about this matter will be printed separately.

7.22 25/22 Holding surplus ministry assets in trust for the purposes of the Diocese

By resolution 22/22, the Synod endorsed the Standing Committee policy on Variations of Trusts after Parish Amalgamation, subject to a change being made to the policy. We made the requested change and adopted the policy.

7.23 28/22 Diocesan support for the development of missional leaders and excellent educators in Anglican Schools 29/22 Request to appoint a diocesan educational advisor 30/22 Establishment of an Education Committee

By resolutions 28/22, 29/22, and 30/22, the Synod, among other things, requested that the Standing Committee –

- (a) prepare a report for the next Synod, outlining ways the Diocese can support the recruitment and development of outstanding Christian missional leaders who are excellent educators,
- (b) take whatever steps may be necessary to ensure the appointment of a suitable person who is qualified in –
 - (i) educational philosophy,
 - (ii) educational practice, and
 - (iii) educational leadership,to advise and represent the Diocese in matters relating to education and to provide annual reports to the Synod on the status of Anglican Education in the Diocese, and
- (c) to establish a suitably qualified committee to bring to the next Synod –
 - (i) a clear diocesan statement on what Reformed Anglican Education is,
 - (ii) a report on what initial and ongoing training in the fundamentals of Anglican Education is currently available for school governors,
 - (iii) recommendations for a specific program for school chaplains and Religious Education teachers, and
 - (iv) recommendations for ongoing in-service programs on the application of Christian principles to education as a requisite for practicing teachers (which may form part of teacher registration).

The Committee we appointed to address the requests of these resolutions has completed its work. It is anticipated that a report about this matter will be printed separately.

7.24 32/22 Financial support for the Diocese of Bathurst

By resolution 32/22, the Synod agreed in principle to provide financial support of \$250,000 per year towards the costs of a Bishop and his registrar for the Anglican Diocese of Bathurst for a period of six years from 2025, subject to the Bishop of Bathurst during that time having the written support of the Archbishop of Sydney.

We referred this request to the Diocesan Resources Committee to make suitable provision in the Synod budget. We also received correspondence from the Rt Rev Mark Calder, Bishop of the Diocese of Bathurst, expressing gratitude and thanks to God for our partnership in the gospel and the generous renewal of support for a further six years.

7.25 33/22 First Nations Voice

We received correspondence regarding the Diocese's position on the Voice referendum, and responded noting –

- (a) that the Synod has not articulated a firm position regarding the proposed Voice Referendum, but has instead, in Synod Resolution 33/22, encouraged church members to give generous consideration to the case to vote “Yes”, and
- (b) that the Social Issues Committee or others may take further action in response to Synod Resolution 33/22 regarding educating all Anglicans, and that it is an open question as to whether Synod expresses a further mind on this matter at Synod in 2023.

We also –

- (a) received a paper from the Social Issues Committee, seeking to educate Anglicans within the frame of resolution 33/22,
- (b) received a paper from Dean Sandy Grant, as a further educational resource on the Voice Referendum,
- (c) noted a statement from the Sydney Anglican Indigenous Peoples' Ministry Committee (**SAIPMC**) about the Voice Referendum, and
- (d) encouraged the Archbishop to write to rectors encouraging prayer for the Voice Referendum, and distributing the SAIPMC statement and the educational resources received by the Standing Committee, as relevant to considerations about the referendum.

It is anticipated that a report about this matter will be printed separately.

7.26 35/22 Synod in the Greenfields of the Northwest of Sydney

By resolution 35/22, the Synod recommended that the Standing Committee consider duplicating the Greenfields visit, held on the first day of Synod 2022, in 2023 for the Greenfields of the Northwest of Sydney.

The Committee we appointed to make recommendations has completed its work. We agreed to hold a 'Synod in the Greenfields of the Northwest of Sydney' event in 2024.

7.27 38/22 Request for Doctrine Commission report on the relationship between church and state, in the absence of religious freedom

By resolution 38/22, the Synod requested the Diocesan Doctrine Commission to prepare a report for the 2023 session of Synod which considers, among other things –

- (a) the relationship of church and state, and in particular the extent to which Christians and church leaders are beholden to obey government directives that are contrary to the word of God and Christian conscience, and
- (b) what responsibilities does the wider Christian community have in defending believers who, in Biblical conscience, have made costly decisions to disobey directions to limit Christians' freedom to assemble, and freedom to speak and assert Biblical truths.

The Doctrine Commission has not yet completed its work on this matter.

7.28 39/22 Relational distress in the ministry workplace

By resolution 39/22, the Synod requested –

- (a) the Standing Committee to consider ways to resource those experiencing relational difficulty causing distress in a ministry workplace, so they can be empowered to take action to navigate this relational difficulty soon after they experience any such distress, and
- (b) a report to be provided to the next session of Synod on any action taken by the Standing Committee and thereafter for a suitable form of the report to be provided to all church workers in the Diocese.

We referred this request to the Parish HR Partner, in consultation with the episcopal team and the Director of Safe Ministry. The Parish HR Partner is progressing a preventative approach dealing with Mental Health and Wellbeing from which it is anticipated tools and resources will result. The work has not yet been completed.

7.29 45/22 Review of Diocesan Investment Strategy

By resolution 45/22, the Synod requested 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.

We elected the Glebe Administration Board to be the trustee of the Long Term Pooling Fund, with effect from the date of commencement of the *Long Term Pooling Fund Ordinance 2012 Amendment Ordinance 2022*. (See also 3.4(9))

7.30 51/22 Review of the Nomination Ordinance 2006

By resolution 51/22, the Synod requested that the Standing Committee implement changes to the *Nomination Ordinance 2006 (the Ordinance)* and nomination process generally as outlined in the report, "Review of the *Nomination Ordinance 2006*" (**the Report**).

We passed the *Nomination Ordinance 2006 Amendment Ordinance 2023* and the *Nomination Ordinance 2006 Further Amendment Ordinance 2023* to implement the changes requested by the Synod. (See also 3.4(10))

Two matters were implemented in a different manner to that contemplated in the Report. These were –

- (a) the Report recommended (at paragraph 35(c)) that definitions of certain terms, such as "communicant member", "lay person", and "parishioner", be included in clause 2 of the Ordinance. However, on the advice of the Senior Legal Counsel, these definitions were not inserted because they are already defined in the *Interpretation Ordinance 1985* and maintaining separate definitions could give rise to inconsistency over time. Instead, we included a note at the beginning of Part 1 of the Ordinance referencing the *Interpretation Ordinance 1985*.
- (b) the Report recommended (at paragraph 19) that the Ordinance include a statement as to the purpose and interests of the main parties in the process. The subclause proposed in the Report relating to the Archbishop was –

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

Instead, we inserted the following subclause –

"The Archbishop, while acting to ensure any appointment made complies with the laws, canons and ordinances regulating ordination/licensing that are in force in the Diocese of Sydney at the time, will retain his discretion in relation to his own policies."

The amended subclause reflected the intention of the Report to –

- (i) clarify that the Archbishop will act consistently in decision-making regarding appointments, in order to give confidence to the other stakeholders, being the Synod and the Parish,
- (ii) note that the Archbishop will respect the laws of the Synod, and
- (iii) ensure that this is also balanced with the absolute right of the Archbishop to refuse an appointment, which is made explicit in the reference to his discretion to act according to his own policies.

We also communicated the improvements to the nomination process outside the ordinance, as suggested in the Report, to the Registrar, Centre for Ministry Development, Regional Bishops, Director of Ministry Training and Development, and the Principals of Moore College and Youthworks College.

7.31 52/22 Approach to meetings of, and financial contributions to, the General Synod

By resolution 52/22, the Synod, among other things, requested the Standing Committee to consider our future approach as a Diocese to meetings of the General Synod, and report on the outcomes of this consideration prior to the nineteenth session of General Synod.

We referred this request to the General Synod Relations Committee (**GSRC**). The GSRC has not yet completed its work on this matter.

7.32 54/22 Ministry Wellbeing and Development

By resolution 54/22, the Synod, among other things –

- (a) noted that subcommittees of the Standing Committee were developing proposals for a system of mandatory professional/pastoral supervision and performance appraisals for licensed and stipendiary or paid clergy, and stipendiary or paid lay church workers providing pastoral care or service including any proposed legislation and policies,
- (b) requested a report be provided to the first ordinary session of the 53rd Synod regarding these two matters, and
- (c) requested the Standing Committee to establish a committee with a gender balance and appropriate expertise –
 - (i) to develop proposals for a system of mandatory professional development for licensed and stipendiary or paid clergy, and stipendiary or paid lay church workers providing pastoral care or service including any proposed legislation and policies, and
 - (ii) to report to the 1st ordinary session of the 53rd Synod.

We requested that a bill to establish a framework for Pastoral Supervision in the Diocese be promoted to the Synod, including: provision for the Archbishop-in-Council to declare classes of persons who are required to undertake Pastoral Supervision; provision for a Pastoral Supervision Policy to be approved by the Archbishop-in-Council; a requirement for Pastoral Supervisors to hold an approval from the Archbishop; and insurance requirements for Pastoral Supervisors. A bill and an accompanying explanatory report about this matter are printed separately.

It is anticipated that reports about the matters in paragraph (a), Pastoral Supervision and Performance Appraisals, will be printed separately. (See also item 3.23)

The Committee we appointed to undertake the request paragraph (c) regarding Professional Development has not yet completed its work.

7.33 55/22 Gospel Foundation Fund of the Diocese of North West Australia

By resolution 55/22, the Synod –

- (a) commended to the attention of members the Gospel Foundation Fund of the Diocese of North West Australia,
- (b) requested that Standing Committee consider making budgetary provision for support of this fund in the Synod budget for the next funding triennium,
- (c) further requested that, if funds are provided, then a report be provided identifying the projects and organisations funded under the Gospel Foundation Fund by the Diocese of North West Australia, how much each project/organisation received, and for what specific purpose(s).

We referred the request of the resolution to the Diocesan Resources Committee, and on its recommendation decided not to make budgetary provision for support of this fund in the Synod budget for the next funding triennium.

7.34 Resolutions made by the Third Session of the Synod in 2022 and not mentioned in this report

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

7.35 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.

Synod Funds – Amalgamated

Annual Financial Report – 31 December 2022

Incorporating:

Fund 127	Work Outside the Diocese Fund
Fund 128	Mission Areas Fund
Fund 129	Synod Appropriation and Allocation Fund
Fund 130	Sydney Representative at General Synod Fund
Fund 131	Sydney Diocesan Synod Fund (Risk Reserve)
Fund 132	Social Issues Committee Fund
Fund 133	Diocesan Research Fund
Fund 135	Ministry Spouse Support Fund
Fund 136	Parish Human Resources Partner Fund
Fund 153	The Office of the Director of Safe Ministry
Fund 189	Ordination Training Fund

Discussion and Analysis report for the year ended 31 December 2022

The Synod Funds' (**the Fund**) Discussion and Analysis report provides an overview of the Fund's financial activities for the year ended 31 December 2022. The Discussion and Analysis should be read in conjunction with the unaudited annual report for the same period, and the notes thereto, beginning on page 30.

The Fund is an amalgamation of the individual funds listed below. At 31 December 2022, the Synod Funds comprised of 11 funds (2021: 11 funds) –

Fund 127	Work Outside the Diocese Fund
Fund 128	Mission Areas Fund
Fund 129	Synod Appropriation and Allocation Fund
Fund 130	Sydney Representatives at General Synod Fund
Fund 131	Sydney Diocesan Synod Fund (Risk Reserve)
Fund 132	Social Issues Committee Fund
Fund 133	Diocesan Research Fund
Fund 135	Ministry Spouse Support Fund
Fund 136	Parish Human Resources Partner Fund
Fund 153	The Office of the Director of Safe Ministry
Fund 189	Ordination Training Fund

The main sources of funds during 2022 were distributions from the Diocesan Endowment (**DE**), and the Synod – St Andrew's House Fund. The distribution from the DE was a higher amount of \$3,345,000 (2021: \$3,239,000). The distribution from the Synod – St Andrew's House Fund was lower at \$2,477,000 (2021: \$2,693,000). Distributions under various parish ordinances totalled \$1,509,259 (2021: \$1,164,361). The Fund also received contributions under the Parochial Cost Recoveries (**PCR**) Ordinance to support the Office of the Director of Safe Ministry, the Safe Ministry program and the costs associated with membership of the Anglican Church in Australia, the Province of New South Wales and the NSW Council of Churches.

Interest is earned on surplus cash held on deposit with the Diocesan Cash Investment Fund. The interest earnings have increased due to the recovery in the interest rate environment 2022.

The Fund's total revenues increased by \$63,344 or 0.74% to \$8,664,130 (2021: \$8,600,786).

The application of funds is divided between:

- grants appropriated by the Standing Committee in the *Synod Appropriations and Allocations Ordinance 2018*,
- grants as appropriated under the delegations of the various committees of the comprising funds, and
- administrative and Care and Assistance Scheme expenses of the Office of the Director of Safe Ministry.

The Fund's total outgoings decreased by \$176,326 or 2.01% to \$8,575,449 (2021: \$8,751,775). This decrease reflects slighter lower grants.

The Net Assets of the Fund increased by 4.2% to \$2,696,760 (2021: \$2,588,079) due to operating surpluses in almost all of the funds. The assets of the Fund are composed mainly of cash and receivables. Liabilities of the Fund represent accrued expenses and provisions for staff leave entitlements.

Fund 131 has exceeded the target equity of \$1,000,000 identified as appropriate at its establishment. During 2022 there was no pre-approved replenishment of the Risk Reserve 0131 from the Appropriation Fund 0129.

Fund 134 Synod – St Andrew's House is not included in this amalgamated report. Fund 134 has been established to administer the Synod's interest in one undivided half of St Andrew's House Corporation.

Reasons for not including Fund 134 in the amalgamated report include:

- the substantially different purposes of the funds which are amalgamated to the purposes of Fund 134, and
- the disproportionate difference in Net Assets.

Redress Scheme Contingent Liabilities Disclosure

The Standing Committee of the Synod of the Anglican Diocese of Sydney has elected to participate in the *National Redress Scheme for People who have Experienced Child Sexual Abuse (the Scheme)*. The Diocese is responsible for satisfying its financial liabilities to the Scheme, should such liabilities occur. There are no such known liabilities as at 31 December 2022.

There are no matters that have arisen since 31 December 2022 which are likely to have a significant effect on the Fund.

This report has been adopted at a duly constituted and convened meeting of the members of the Finance Committee of the Standing Committee of Synod on 12 April 2023.

Standing Committee of Synod - Synod Funds

Income Statement for the 12 months ended 31 December 2022

	Fund 127	Fund 128	Fund 129	Fund 130	Fund 131	Fund 132	Fund 133	Fund 135	Fund 136	Fund 153	Fund 189	Elimin- ation	Total	Actual 12 Months ending 31 December 2021
	Work Outside the Diocese Fund	Mission Areas Fund	Synod Approp. & Alloc. Fund	Sydney Reps. at General Synod Fund	Sydney Diocesan Synod Fund (Risk Reserve)	Social Issues C'tee Fund	Diocesan Research Fund	Ministry Spouse Support Fund	Parish Human Resources Partner Fund	The Office of the Director of Safe Ministry	Ordin. Training Fund			
	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
Income	Note													
Distributions - Diocesan Endowment		-	-	3,345,000	-	-	-	-	-	-	-	-	3,345,000	3,239,000
Distributions - Synod - St Andrew's House - Fund 0134		-	-	2,477,000	-	-	-	-	-	-	-	-	2,477,000	2,693,000
Distributions - Anglican Church Property Trust	2	-	-	1,509,259	-	-	-	-	-	-	-	-	1,509,259	1,164,361
Distributions - Diocesan Cash Investment Fund				-									-	96,000
Interest		3,431	1,049	18,225	784	13,672	333	478	2,208	285	4,368	537	45,370	2,408
PCR Contributions		-	-	-	-	-	-	-	-	1,106,445	-	-	1,106,445	1,202,021
Synod Grants		599,000	-	-	70,000	-	-	47,040	-	-	54,000	(770,040)	-	-
Other Income		4,402	-	-	-	-	-	-	-	176,514	140	-	181,056	203,996
Total income		606,833	1,049	7,349,484	70,784	13,672	333	47,518	2,208	285	1,287,327	(770,040)	8,664,130	8,600,786
Expenses														
Interest		-	-	-	-	-	-	-	-	600	-	-	600	594
Staff & Related		-	-	-	-	-	24,298	-	-	806,147	-	-	830,445	800,616
Professional Fees		-	-	15,120	-	1,815	-	-	-	198,734	2,280	-	217,949	199,686
SDS Fees		8,388	3,492	1,064,304	17,676	3,492	7,188	-	-	43,464	3,492	-	1,151,496	1,111,388
Computer & Software		-	-	-	-	-	-	-	-	39,403	-	-	39,403	26,595
Insurance		184	-	-	-	-	-	-	-	916	-	-	1,100	678
Rent & Occupancy		-	-	314	-	-	-	-	-	49,122	-	-	49,436	31,305
Printing & Stationery		-	-	15,648	-	-	-	-	-	2,700	-	-	18,348	6,014
Entertainment & Travel		-	-	-	1,013	-	-	-	-	8,093	1,250	-	10,356	7,108

continued...

continued...	Fund 127	Fund 128	Fund 129	Fund 130	Fund 131	Fund 132	Fund 133	Fund 135	Fund 136	Fund 153	Fund 189	Elimination	Total	Actual
	Work Outside the Diocese Fund	Mission Areas Fund	Synod Approp. & Alloc. Fund	Sydney Reps. at General Synod Fund	Sydney Diocesan Synod Fund (Risk Reserve)	Social Issues C'tee Fund	Diocesan Research Fund	Ministry Spouse Support Fund	Parish Human Resources Partner Fund	The Office of the Director of Safe Ministry	Ordin. Training Fund			12 Months ending 31 December 2021
	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
	Note													
Depreciation	-	-	-	-	-	-	-	-	-	4,579	-	-	4,579	4,818
Advertising	-	-	-	-	-	1,500	-	-	-	8,920	-	-	10,420	7,810
Office	872	-	-	-	-	-	-	-	-	8,838	-	-	9,710	7,421
Miscellaneous	-	-	-	-	-	-	-	-	-	43,428	-	-	43,428	59,858
Grants	551,003	995	6,110,313	72,055	37,899	-	-	57,457	-	65,728	42,769	(770,040)	6,168,179	6,445,969
Bad Debts (Recovery)	-	-	-	-	-	-	-	-	-	-	-	-	-	1,915
Fund reserves	20,000	-	-	-	-	-	-	-	-	-	-	-	20,000	40,000
Total expenses	580,447	4,487	7,205,699	90,744	43,206	1,500	31,486	57,457	-	1,280,672	49,791	(770,040)	8,575,449	8,751,775
Net surplus/(deficit)	26,386	(3,438)	143,785	(19,960)	(29,534)	(1,167)	16,032	(55,249)	285	6,655	4,886	-	88,681	(150,989)
Transfer from current year surplus/(deficit)	-	-	-	-	-	-	-	-	-	-	-	-	-	69,200
Net available surplus/(deficit) after transfer to reserve	26,386	(3,438)	143,785	(19,960)	(29,534)	(1,167)	16,032	(55,249)	285	6,655	4,886	-	88,681	(220,189)

Standing Committee of Synod - Synod Funds

Balance Sheet as at 31 December 2022

	Fund 127	Fund 128	Fund 129	Fund 130	Fund 131	Fund 132	Fund 133	Fund 135	Fund 136	Fund 153	Fund 189	Elimin- ation	Total	Actual 31 December 2021	
	Work Outside the Diocese Fund	Mission Areas Fund	Synod Approp. & Alloc. Fund	Sydney Reps at General Synod Fund	Sydney Diocesan Synod Fund (Risk Reserve)	Social Issues C'tee Fund	Diocesan Research Fund	Ministry Spouse Support Fund	Parish Human Resources Partner Fund	The Office of the Director of Safe Ministry	Ordin. Training Fund				
	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	
Assets	Note														
Cash		255,397	92,483	288,146	86,198	1,211,098	30,088	58,898	174,157	34,411	467,914	55,891	-	2,754,681	2,681,310
Receivables		1,634	530	35,587	397	6,910	169	265	1,067	156	2,300	284	-	49,299	570
Fixed Assets		-	-	-	-	-	-	-	-	655	6,832	-	-	7,487	7,817
Other		14	-	433	-	-	-	-	-	-	4,136	348	-	4,931	10,609
Total assets		257,045	93,013	324,166	86,595	1,218,008	30,257	59,163	175,224	35,222	481,182	56,523	-	2,816,398	2,700,306
Liabilities															
Payables		-	-	14,428	-	-	-	-	-	574	5,630	2,342	-	21,826	22,176
Provisions - Employee Benefits	4	-	-	-	-	-	-	-	-	-	97,812	-	-	97,812	90,051
Other		-	-	-	-	-	-	-	-	-	-	-	-	-	-
Total liabilities		-	-	14,428	-	-	-	-	-	574	103,442	2,342	-	119,638	112,227
Net assets		257,045	93,013	309,738	86,595	1,218,008	30,257	59,163	175,224	35,796	377,740	54,181	-	2,696,760	2,588,079
Equity															
Capital	5	-	-	-	-	985,000	34,186	-	-	-	-	-	-	1,019,186	1,019,186
Reserve		80,000	-	-	-	-	-	-	-	-	70,100	-	-	150,100	130,100
Accumulated Funds		150,659	96,451	165,953	106,555	262,542	(2,762)	43,131	230,473	35,511	300,985	49,295	-	1,438,793	1,658,982
Current year		26,386	(3,438)	143,785	(19,960)	(29,534)	(1,167)	16,032	(55,249)	285	6,655	4,886	-	88,681	(220,189)
Total Equity		257,045	93,013	309,738	86,595	1,218,008	30,257	59,163	175,224	35,796	377,740	54,181	-	2,696,760	2,588,079

Notes to the financial report for the year ended 31 December 2022

1. Summary of significant accounting policies

The principal accounting policies adopted in the preparation of the financial report are set out below. These policies have been consistently applied to all the years presented, unless otherwise stated.

(a) Basis of preparation

This is a special purpose financial statement that has been prepared for the sole purpose of providing amalgamated financial information to Synod and for distribution to the members of Synod and must not be used for any other purpose. The Finance Committee of Standing Committee has determined that the accounting policies adopted are appropriate to meet the needs of Synod.

The income statement and balance sheet are submitted as amalgamated statements for administrative purposes. The process of amalgamation consists of adding all the balances of the individual funds on a line by line basis. There is no consideration of beneficial interests, which is involved or implied in the preparation of the amalgamated financial report. Material transactions have been eliminated between the funds.

The net assets at the date of exit of funds exiting the amalgamated accounts are debited to the relevant category of equity. The items of the statement of income for a fund that has exited the amalgamated accounts during the period are only included in the amalgamated accounts until the date of exit. When a fund is joining the amalgamated accounts a credit to equity is generally recognised to record the net assets that have been included in the amalgamated accounts.

Historical cost convention

These financial statements have been prepared under the historical cost convention.

(b) Revenue recognition

Revenue and other income is measured at the fair value of the consideration received or receivable. Amounts disclosed as revenue are net of taxes paid. Revenue and other income is recognised for the major business activities as follows:

Grants and donations

Grants and donations are recognised to the extent they have been deposited in the bank or credited to the Fund's current account with the Sydney Diocesan Services, which is the point at which the entity gains control of the grant or donation.

Disposal of plant and equipment

Income from the disposal of plant and equipment is measured at fair value of the consideration received or receivable less the carrying value of the fixed asset or group of assets sold. Gain or loss arising from the sale is recognised at net amount in the income statement.

Distributions

Distributions are recognised on an accruals basis when the right to receive payment is established.

Interest

Interest revenue is recognised on a time proportion basis using the effective interest method.

(c) Grants and donations expense

Grants and donations are generally recognised upon payment.

(d) Acquisitions of assets

The purchase method of accounting is used to account for all acquisitions of assets regardless of whether equity instruments or other assets are acquired. Cost is measured as the fair value of the assets given, shares issued or liabilities incurred or assumed at the date of exchange.

(e) Cash and cash equivalents

Cash and cash equivalents includes cash on hand, deposits held at call with financial institutions, other short-term, highly liquid investments with original maturities of three months or less that are readily convertible to known amounts of cash and which are subject to an insignificant risk of changes in value, and bank overdrafts. Bank overdrafts are shown within borrowings in current liabilities on the balance sheet.

Cash includes amounts loaned to the Diocesan Cash Investment Fund (**DCIF**). These loans are at call. DCIF pays interest quarterly.

(f) Receivables

Receivables are recognised initially at fair value and subsequently measured at amortised cost, less provision for doubtful debts. Receivables are due for settlement no more than 30 days from the date of recognition.

The collectability of receivables is reviewed on an ongoing basis. Debts, which are known to be uncollectible, are written off. A provision for doubtful receivables is established when there is objective evidence that the entity will not be able to collect all amounts due according to the original terms of receivables. The amount of the provision is recognised in the income statement.

(g) Fair value estimation

The fair value of financial assets and financial liabilities must be estimated for recognition and measurement or for disclosure purposes.

(h) Plant and equipment

Plant and equipment is stated at historical cost less depreciation. Historical cost includes expenditure that is directly attributable to the acquisition of the items.

Depreciation is calculated using the straight-line method to allocate their cost or re-valued amounts, net of their residual values, over their estimated useful lives as follows –

- Computer hardware and printers 3 years
- Furniture and fittings 10 years

The assets' residual values and useful lives are reviewed, and adjusted if appropriate, at each balance sheet date.

(i) Payables

These amounts represent liabilities for goods and services provided prior to the end of financial year that are unpaid. The amounts are unsecured and are usually paid within 30 days of recognition.

(j) Provisions

Provisions are recognised when there is a present legal or constructive obligation as a result of past events; it is probable that an outflow of resources will be required to settle the obligation; and the amount has been reliably estimated.

Where there are a number of similar obligations, the likelihood that an outflow will be required in settlement is determined by considering the class of obligations as a whole. A provision is recognised even if the likelihood of an outflow with respect to any one item included in the same class of obligations may be small.

Provisions are measured at the present value of management's best estimate of the expenditure required to settle the present obligation at the balance sheet date. The discount rate used to determine the present value reflects current market assessments of the time value of money and the risks specific to the liability. The increase in the provision due to the passage of time is recognised as interest expense.

(k) Reserves

Appropriate reserves are created to enable the Office of the Director of Safe Ministry (**ODSM**) to meet projected Domestic Violence Task Force expenditure. A reserve within Synod Appropriation and Allocation Fund has been established in 2017 to part compensate for loss of income under *St Matthew's Manly Ordinance 2018*. Work Outside the Diocese Fund has established reserves towards support for the Church

of Confessing Anglicans Aotearoa New Zealand in 2020, and the cost of GAFCON in 2023. ODSM also a provided for a fit-out contribution to Level 2, St Andrews House office.

(l) Employee benefits

Wages, salaries, annual leave and personal leave

Liabilities for wages and salaries including non-monetary benefits and annual leave expected to be settled within 12 months of the reporting date are recognised either in payables or current provisions in respect of employees' services up to the reporting date and are measured at the amounts expected to be paid when the liabilities are settled.

No liability has been recognised for personal leave, as there is no provision made for personal leave and it is not considered that any personal leave taken will incur in additional costs.

Long service leave

The liability for long service leave expected to be settled more than 12 months from the reporting date is recognised as a provision and measured at the present value of expected future payments to be made in respect of services provided by employees up to the reporting date. Consideration is given to expected future wage and salary levels, experience of employee departures and periods of service. Expected future payments are discounted using market yields at the reporting date on national government bonds with terms to maturity that match, as closely as possible, the estimated future cash outflows.

Employee benefit on-costs are recognised and included in employee benefit liabilities and costs when the employee benefits to which they relate are recognised as liabilities.

(m) Goods and Service Tax (GST)

The funds are members of the Sydney Diocesan Services GST group and the Anglican Church of Australia GST Religious group.

Revenues, expenses and assets are recognised net of the amount of GST, unless the GST incurred is not recoverable from the Australian Taxation Office (**ATO**). In these circumstances, it is recognised as part of the expense or as part of the cost of acquisition of the asset.

Receivables and payables are stated inclusive of the amount of GST receivable or payable. The net amount of GST recoverable from, or payable to, the ATO is included with other receivables or payables in the balance sheet.

(n) Income tax

The funds are exempt from income tax under Section 50-5 of the *Income Tax Assessment Act 1997*.

2. Distributions – Anglican Church Property Trust – Synod Appropriation and Allocation Fund (Fund 400)

	2022	2021
	\$	\$
Ryde (Kirkby Gdns. & Archbold) Ordinance 2000	525,474	548,697
Church Hill Trust (No1 York Street)	272,299	267,881
St James Hall	623,500	231,000
Narellan (Elderslie) Land Sale Ordinance 1980	23,988	25,322
Wollongong Parish Leasing and Licensing Property Fund	25,698	25,305
Bondi Trust Ordinance	17,089	21,642
St Georges Paddington Leasing Ordinance	7,466	14,741
South Sydney Variation of Trusts Ordinance 50/97	5,461	7,199
Sydney St Phillip (Resumption) Ordinance 19/1983	5,032	4,985
Miranda Leasing Ordinance	3,805	3,665
Surry Hills Trust	704	1,965
Retained net income from ACPT Fund 0400	(1,257)	11,959
	1,509,259	1,164,361

3. Current liabilities – Provisions

		2022	2021
Current		\$	\$
Employee benefits - annual leave		43,230	53,544
Employee benefits - long service leave		30,402	2,188
		<u>73,632</u>	<u>55,732</u>

4. Non-current liabilities – Provisions

		2022	2021
(a) Non-current		\$	\$
Employee benefits - long service leave		24,180	34,319
(b) Provisions	Note	2022	2021
		\$	\$
Provisions - Current	3	73,632	55,732
Provisions - Non-current	4(a)	24,180	34,319
Balance 31 December		<u>97,812</u>	<u>90,051</u>

5. Equity - Capital

Use of the capital of the Sydney Diocesan Synod Fund (Fund 131) is restricted to meeting material external liabilities which affect the Diocese as a whole and which are not properly met by other Diocesan organisations or funds.

There are no restrictions on the use of the capital of Fund 132.

6. Contingencies

Under the *Sydney Anglican (National Redress Scheme) Corporation Ordinance 2018* the Synod Funds have an obligation to provide funding to the Sydney Anglican (National Redress Scheme) Corporation to meet a share of ongoing administrative expenses of the Corporation and also claims that derive from defunct bodies. As at the end of the financial year end, the Synod Funds had no outstanding obligations to the Corporation.

7. Events occurring after the end of the reporting period

The members are not aware of any events occurring after the reporting period that impact on the financial report as at 31 December 2022.

The financial statements were authorised for issue on 12 April 2023 by the Finance Committee of Standing Committee.

MEMBERS DECLARATION

The members of the Finance Committee of Standing Committee of Synod declare that the financial statements and notes set out on pages 30 to 36 –

- (a) comply with the accounting policies set out in note 1,
- (b) give a fairly presented view of the Fund's financial position as at 31 December 2022 and of its performance for the year ended on that date.

In the members' opinion there are reasonable grounds to believe the individual funds will be able to pay its debts as and when they become due and payable.

This declaration is made in accordance with a resolution of the members.

Assurance Procedures

The Finance Committee engaged PricewaterhouseCoopers to undertake a range of "Agreed upon procedures" to provide assurance to the Finance Committee on the matters attested to in this declaration. The Agreed upon procedures covered the range of funds in the Synod group and included procedures covering the validity of the balances by reference to the general ledger, tests of income received, and tests of key expenses including Synod grants. The Finance Committee reviewed the results of the work undertaken by PricewaterhouseCoopers in forming its opinion on the Annual financial report.

NICOLA WARWICK-MAYO
Member

JOHN PASCOE
Member

12 April 2023

Synod Funds Amalgamated

Agreed-upon procedures report to the Finance Committee of the Standing Committee of the Synod of the Anglican Church Diocese of Sydney

Purpose of this agreed-upon procedures report, restriction on distribution and use, and disclaimer of liability to third parties and for any other purpose

This report is intended solely for the purpose of assisting the Finance Committee of the Standing Committee of the Synod of the Anglican Church Diocese of Sydney in your assessment of the validity, accuracy and authorisation of the selected transactions for the entities (Refer to procedures and findings sections [*not reproduced here*]) and may not be suitable for another purpose.

As required by the Australian Standard on Related Services ASRS 4400 *Agreed-Upon Procedures Engagements*, distribution and use of this report is restricted to the members of the Finance Committee of the Standing Committee of the Synod of the Anglican Church Diocese of Sydney. Accordingly, we expressly disclaim and do not accept any responsibility or liability to any party other than the Finance Committee of the Standing Committee of the Synod of the Anglican Church Diocese of Sydney for any consequences of reliance on this report for any purpose.

Practitioner's responsibility

We have conducted the agreed-upon procedures engagement in accordance with the Australian Standard on Related Services ASRS 4400 *Agreed-Upon Procedures Engagements*.

An agreed-upon procedures engagement involves our performing the procedures that have been agreed with you, and reporting the findings, which are the factual results of the agreed-upon procedures performed. We make no representation regarding the appropriateness of the agreed-upon procedures. This agreed-

upon procedures engagement is not an assurance engagement. Accordingly, we do not express an opinion or an assurance conclusion.

Had we performed additional procedures, other matters might have come to our attention that would have been reported.

Professional ethics and quality control

In respect of the Finance Committee of the Standing Committee of the Synod of the Anglican Church Diocese of Sydney, we have complied with the ethical requirements of the Accounting Professional & Ethical Standards Board APES 110 Code of Ethics for Professional Accountants (including Independence Standards) (APES 110), including the independence requirements in Part 4A of APES 110.

Procedures and findings

We have performed the procedures described below [*not reproduced here*], which were agreed with the members of the Finance Committee of the Standing Committee of the Synod of the Anglican Church Diocese of Sydney in our engagement letter dated 13 March 2023.

Procedures and Findings [*not reproduced here*] for following funds:

Fund 127	Work Outside the Diocese Fund
Fund 128	Mission Areas Fund
Fund 129	Synod Appropriation and Allocation Fund
Fund 130	Sydney Representative at General Synod Fund
Fund 131	Sydney Diocesan Synod Fund (Risk Reserve)
Fund 132	Social Issues Committee Fund
Fund 133	Diocesan Research Fund
Fund 135	Ministry Spouse Support Fund
Fund 136	Parish Human Resources Partner Fund
Fund 153	The Office of the Director of Safe Ministry
Fund 189	Ordination Training Fund

PricewaterhouseCoopers

NIALL McCONNELL
Partner

Sydney
13 April 2023

Parish Funds – Amalgamated

Annual Financial Report – 31 December 2022

Incorporating –

Fund 951	Parish Costs Recovery Fund
Fund 952	Stipend Continuance Fund
Fund 953	Sydney Diocesan Long Service Leave Fund
Fund 954	Sydney Diocesan Sickness and Accident Fund
Fund 955	Clergy Removals Fund

Discussion and Analysis report for the year ended 31 December 2022

The Parish Funds' Discussion and Analysis provides an overview of the Parish Funds' financial activities for the calendar year ended 31 December 2022. The Discussion and Analysis should be read in conjunction with the financial report for the same period beginning on page 41.

The Parish Funds is a group of funds amalgamated in 2006 to administer clergy entitlements under the oversight of the Finance Committee of the Standing Committee of Synod.

This is a special purpose financial statement that has been prepared for the sole purpose of providing amalgamated financial information to Synod and for distribution to the members of Synod and must not be used for any other purpose.

At 31 December 2022, the Parish Funds amalgamation is comprised of 5 funds (2021: 5) –

Fund 951	Parish Costs Recovery Fund
Fund 952	Stipend Continuance Fund
Fund 953	Sydney Diocesan Long Service Leave (Clearing) Fund
Fund 954	Sydney Diocesan Sickness and Accident Fund
Fund 955	Clergy Removals Fund

The source of funds during 2022 were mainly from Parochial Cost Recoveries Charges on Parochial units as determined in the *Parochial Cost Recoveries and Church Land Acquisitions Levy Ordinance 2018*. Certain Diocesan organisations are also levied Long Service Leave and Stipend Continuance Insurance charges for ordained staff. A distribution is received from ACPT Fund Moorebank Estate for the purposes of the Clergy Removal Fund. Interest is earned on loans to the Diocesan Cash Investment Fund (**DCIF**). Significant monies are also received from the Long Service Leave Fund and the Stipend Continuance Insurer in respect to individual claims.

The Parish Funds total revenues increased by \$2,436,687 or 11.92% to \$22,881,178 (2021 \$20,444,491). This increase was mainly from Parochial Network Cost Recoveries, Clergy support recoveries, Church Land Acquisition Levy, and Long Service Leave Receipts. Parochial Network Cost Recoveries included the Property Receipts Levy (**PRL**). The PRL was accounted for as a liability in 2021, awaiting payment. In 2022, the PRL was fully accounted as income, with an associated \$340,000 payment being recognised as an expense.

Claims on insurers via the Stipend Continuance Fund decreased by \$138,611 or 16.63% to \$694,688 (2021: \$833,299). At 31 December 2022, there were 10 clergy receiving stipend continuance claims (2021: 11).

The application of funds is divided mainly between fixed “ministry costs” and variable “parochial network costs”. Ministry costs are a fixed cost per minister, comprising contributions to clergy superannuation funds, the Long Service Leave Fund, the Sydney Diocesan Sickness and Accident Fund and cost of obtaining stipend continuance insurance.

Under the *Parochial Cost Recoveries and Church Land Acquisitions Levy Ordinance 2021* parochial network costs during 2022 were principally comprised of –

- the property and liability insurance program,
- the parish related work of the Office of the Director of Safe Ministry
- the parish risk management program,
- the safe ministry training program,
- SDS fee for managing the PCR Fund 951,
- the ACPT management fee payable by all parishes with property, and
- the contribution towards the costs of the Diocesan archives.

Funds were also applied to expenses such as Sydney Diocesan Services administration fees. The Parish Fund total outgoings increased by \$2,378,369 or 11.68%, to \$22,736,997 (2021: \$20,358,628).

The Net Assets of the Parish Funds increased by \$144,181 or 5.86% to \$2,605,309 (2021: \$2,461,128). The assets of the Parish Funds are composed of deposits with DCIF and receivables. Liabilities of the Parish Funds represent accrued expenses and other payables.

The Equity of each Parish Fund represents accumulated surpluses from operations which are retained to provide working capital for the operations of each Fund.

There are no other matters that have arisen since 31 December 2022 which are likely to have a significant effect on the Funds.

This report has been adopted at a duly constituted and convened meeting of the members of the Finance Committee of the Standing Committee of Synod on 12 April 2023.

Sydney Diocesan Parish Funds

Amalgamated income and expenditure statement for the period ending 31 December 2022

	FUND 951 PARISH COSTS RECOVERY FUND	FUND 952 STIPEND CONTIN- UANCE FUND	FUND 953 LONG SERVICE LEAVE FUND	FUND 954 SICKNESS & ACCIDENT FUND	FUND 955 CLERGY REMOVALS FUND	ELIMIN- ATIONS	TOTAL	Dec-21 TOTAL
	\$	\$	\$	\$	\$	\$	\$	\$
INCOME								
Parochial Network Costs recoveries								
PCR Variable Charge Recovery	6,782,963	-	-	-	-	-	6,782,963	6,192,037
PCR Professional Standards Unit Recovery	946,174	-	-	-	-	-	946,174	998,264
PCR Risk Management Recovery	253,767	-	-	-	-	-	253,767	246,598
PCR Safe Ministry Recovery	160,271	-	-	-	-	-	160,271	155,741
PCR Administration Fee	71,111	-	-	-	-	-	71,111	215,641
PCR Archives Recovery	74,985	-	-	-	-	-	74,985	72,875
PCR Relief or Remission Recovery	304	-	-	-	-	-	304	9,979
PCR Ministry Spouse Support Fund Program	66,837	-	-	-	-	-	66,837	-
PCR ACPT Management Fee	723,271	-	-	-	-	-	723,271	478,815
PCR Property Receipt Levy	544,715	-	-	-	-	-	544,715	-
PCR Clergy Assistance Program	69,425	72,752	-	-	-	(69,425)	72,752	70,887
Parochial Network Costs recoveries Sub-total	9,693,823	72,752	-	-	-	(69,425)	9,697,150	8,440,837
Clergy Support Cost recoveries								
PCR Superannuation Recovery	5,552,307	-	-	-	-	-	5,552,307	5,378,279
PCR LSL Recovery	766,442	-	766,697	-	-	(766,697)	766,442	752,853
PCR LSL - Admin Fees	64,177	-	64,850	-	-	(64,850)	64,177	61,322
LSL - Organisations	-	-	110,951	-	-	-	110,951	86,786
LSL - Organisations - Admin Fees	-	-	6,765	-	-	-	6,765	5,292
PCR Stipend Continuance Recovery	1,431,978	1,478,989	-	-	-	(1,478,989)	1,431,978	1,312,743
PCR Stipend Continuance Admin Fees	57,336	57,874	-	-	-	(57,874)	57,336	54,697
Stipend Continuance Organisations	-	108,389	-	-	-	-	108,389	86,499
Stipend Continuance Orgs - Admin Fees	-	5,625	-	-	-	-	5,625	3,654
PCR S&A Recovery	59,982	-	-	60,018	-	(59,982)	60,018	58,982
Clergy Support Cost recoveries Sub-totals	7,932,222	1,650,877	949,263	60,018	-	(2,428,392)	8,163,988	7,801,107
PCR Church Land Acquisition Levy	2,732,198	-	-	-	-	-	2,732,198	2,454,933
AMP Stipend Continuance receipts	-	694,688	-	-	-	-	694,688	833,299
LSL - Buy-backs	-	-	42,567	-	-	-	42,567	71,327
LSL - Claims - Anglican LSL Fund	-	-	1,477,348	-	-	-	1,477,348	819,575
Interest on cash	28,892	6,880	3,580	5,266	1,055	-	45,673	3,492
Moorebank Estate - Distribution	-	-	-	-	27,566	-	27,566	19,921
Receipt of prior year PCR charges	-	-	-	-	-	-	-	-
TOTAL INCOME	20,387,135	2,425,197	2,472,758	65,284	28,621	(2,497,817)	22,881,178	20,444,491

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	FUND 951 PARISH COSTS RECOVERY FUND	FUND 952 STIPEND CONTIN- UANCE FUND	FUND 953 LONG SERVICE LEAVE FUND	FUND 954 SICKNESS & ACCIDENT FUND	FUND 955 CLERGY REMOVALS FUND	ELIMIN- ATIONS	TOTAL	Dec-21 TOTAL
	\$	\$	\$	\$	\$	\$	\$	\$
EXPENSES								
Parochial Network Costs								
PCR Insurance	6,782,963	-	-	-	-	-	6,782,963	6,192,037
Office of the Director of Safe Ministry	894,958	-	-	-	-	-	894,958	1,082,833
Parish Risk Management Program	253,767	-	-	-	-	-	253,767	246,598
Safe Ministry Training Program	160,271	-	-	-	-	-	160,271	155,741
Accounting & Secretarial Fees	220,908	56,508	56,508	14,388	6,180	-	354,492	345,000
PCR Archives Charges	74,985	-	-	-	-	-	74,985	72,875
PCR Clergy Assistance Program	69,425	71,973	4,223	-	-	(69,425)	76,196	86,200
PCR Ministry Spouse Support Fund Program	79,985	-	-	-	-	-	79,985	-
PCR ACPT Management Fee	723,271	-	-	-	-	-	723,271	549,670
PCR Replenish Synod Risk Reserve	47,306	-	-	-	-	-	47,306	-
PCR Property Receipt Levy	340,000	-	-	-	-	-	340,000	-
Sundry Parishes and Organisations	6,400	-	-	-	-	-	6,400	-
Parochial Network Costs Sub-total	9,654,239	128,481	60,731	14,388	6,180	(69,425)	9,794,594	8,730,954
Clergy Support Cost contributions								
PCR Superannuation	5,560,092	-	-	-	-	-	5,560,092	5,380,657
PCR LSL	830,619	-	-	-	-	(831,547)	(928)	(105)
LSL - Payments to the Anglican LSL Fund	-	-	869,381	-	-	-	869,381	866,684
PCR Stipend Continuance Stipend Continuance Insurance Expense	1,489,314	-	-	-	-	(1,536,863)	(47,549)	(133)
	-	1,478,989	-	-	-	-	1,478,989	1,264,729
PCR S&A	59,982	-	-	-	-	(59,982)	-	-
Clergy Support Cost contributions Sub-total	7,940,007	1,478,989	869,381	-	-	(2,428,392)	7,859,985	7,511,832
Church Land Acquisition Levy	2,732,198	-	-	-	-	-	2,732,198	2,454,933
Claims Paid	-	763,694	1,527,763	26,821	6,336	-	2,324,614	1,729,817
Audit Fees	13,800	-	-	-	-	-	13,800	13,800
Bad Debts Expense	11,506	-	-	-	-	-	11,506	-
Operating Costs	300	-	-	-	-	-	300	300
Sundry Expenses	-	-	-	-	-	-	-	(83,008)
TOTAL EXPENSES	20,352,050	2,371,164	2,457,875	41,209	12,516	(2,497,817)	22,736,997	20,358,628
NET SURPLUS/(DEFICIT)	35,085	54,033	14,883	24,075	16,105	-	144,181	85,863

Amalgamated Balance Sheet as at 31 December 2022

	FUND 951 PARISH COSTS RECOVERY FUND	FUND 952 STIPEND CONTIN- UANCE FUND	FUND 953 LONG SERVICE LEAVE FUND	FUND 954 SICKNESS & ACCIDENT FUND	FUND 955 CLERGY REMOVALS FUND	ELIMIN- ATIONS	TOTAL	Dec-21 TOTAL
	\$	\$	\$	\$	\$	\$	\$	\$
Assets								
Cash	1,077,122	995,222	498,528	494,557	113,387	-	3,178,816	3,150,540
PCR Receivables - Parishes	-	-	-	-	-	-	-	-
Organisations Receivable	-	-	-	-	-	-	-	-
Other receivables	183,296	83,412	2,015	2,709	959	-	272,391	6,122
TOTAL Assets	1,260,418	1,078,634	500,543	497,266	114,346	-	3,451,207	3,156,662
Liabilities								
LSL Fund Payable	-	-	-	-	-	-	-	-
Other Payables	27,100	586,505	232,293	-	-	-	845,898	695,534
TOTAL Liabilities	27,100	586,505	232,293	-	-	-	845,898	695,534
Net Assets	1,233,318	492,129	268,250	497,266	114,346	-	2,605,309	2,461,128
Equity								
Accumulated Surplus - Prior Year	1,198,233	438,096	253,367	473,191	98,241	-	2,461,128	2,375,265
Net Surplus/(Deficit) - Current Year	35,085	54,033	14,883	24,075	16,105	-	144,181	85,863
TOTAL Equity	1,233,318	492,129	268,250	497,266	114,346	-	2,605,309	2,461,128

Notes to the financial report for the year ended 31 December 2022**1. Summary of significant accounting policies**

The principal accounting policies adopted in the preparation of the financial report are set out below. These policies have been consistently applied to all the years presented, unless otherwise stated.

(a) Basis of preparation

This is a special purpose financial statement that has been prepared for the sole purpose of providing amalgamated financial information to Synod and for distribution to the members of Synod and must not be used for any other purpose. The Standing Committee has determined that the accounting policies adopted are appropriate to meet the needs of Synod.

The amalgamated income and expenditure statement and balance sheet are submitted as amalgamated statements for administrative purposes. The process of amalgamation consists of adding all the balances of the individual funds on a line by line basis. There is no consideration of beneficial interests, which is involved or implied in the preparation of the amalgamated financial report. Material transactions have been eliminated between the funds.

The net assets at the date of exit of funds exiting the amalgamated accounts are debited to the relevant category of equity. The items of the statement of income for a fund that has exited the amalgamated accounts during the period are only included in the amalgamated accounts until the date of exit. When a fund is joining the amalgamated accounts a credit to equity is generally recognised to record the net assets that have been included in the amalgamated accounts.

Historical cost convention

These financial statements have been prepared under the historical cost convention.

(b) Revenue recognition

Revenue and other income is measured at the fair value of the consideration received or receivable. Amounts disclosed as revenue are net of taxes paid. Revenue and other income is recognised for the major business activities as follows:

Grants and donations

Grants and donations are recognised to the extent they have been deposited in the bank, which is the point at which the entity gains control of the grant or donation.

Distributions

Distributions are recognised on an accruals basis when the right to receive payment is established.

Interest

Interest revenue is recognised on a time proportion basis using the effective interest method.

Recoveries

Personnel cost recoveries from parochial and non-parochial units have been accounted for as income received in respect of certain clergy entitlements to cover superannuation contributions, insurances and other premiums paid on behalf of parochial and non-parochial units.

Diocesan program costs recovered from parochial units have been accounted for as income received in respect of insurances and other centrally managed programs.

Recognition is on an accruals basis.

(c) Grants and donations expense

Grants and donations are generally recognised upon payment.

(d) Cash and cash equivalents

Cash and cash equivalents includes cash on hand, deposits held at call with financial institutions, other short-term, highly liquid investments with original maturities of three months or less that are readily convertible to known amounts of cash and which are subject to an insignificant risk of changes in value, and bank overdrafts. Bank overdrafts are shown within borrowings in current liabilities on the balance sheet.

In addition to cash and cash equivalents balances the Parish Funds have adopted a policy which includes short-term investments as a cash and cash equivalent balance. These investments are lodged with the Diocesan Cash Investment Fund (**DCIF**). The loans to DCIF are at call.

(e) Receivables

Receivables are recognised initially at fair value and subsequently measured at amortised cost, less provision for doubtful debts. Receivables are due for settlement no more than 30 days from the date of recognition.

The collectability of receivables is reviewed on an ongoing basis. Debts, which are known to be uncollectible, are written off. A provision for doubtful receivables is established when there is objective evidence that the entity will not be able to collect all amounts due according to the original terms of receivables. The amount of the provision is recognised in the income statement.

(f) Fair value estimation

The fair value of financial assets and financial liabilities must be estimated for recognition and measurement or for disclosure purposes.

(g) Payables

These amounts represent liabilities for goods and services provided prior to the end of financial year that are unpaid. The amounts are unsecured and are usually paid within 30 days of recognition.

(h) Provisions

Provisions are recognised when there is a present legal or constructive obligation as a result of past events; it is probable that an outflow of resources will be required to settle the obligation; and the amount has been reliably estimated.

Where there are a number of similar obligations, the likelihood that an outflow will be required in settlement is determined by considering the class of obligations as a whole. A provision is recognised even if the likelihood of an outflow with respect to any one item included in the same class of obligations may be small.

Provisions are measured at the present value of management's best estimate of the expenditure required to settle the present obligation at the balance sheet date. The discount rate used to determine the present value reflects current market assessments of the time value of money and the risks specific to the liability. The increase in the provision due to the passage of time is recognised as interest expense.

(i) Goods and Service Tax (GST)

The funds are members of the Sydney Diocesan Services GST group and the Anglican Church of Australia GST Religious group.

Revenues, expenses and assets are recognised net of the amount of GST, unless the GST incurred is not recoverable from the Australian Taxation Office (**ATO**). In these circumstances, it is recognised as part of the cost of acquisition of the asset or as part of the expense.

Receivables and payables are stated inclusive of the amount of GST receivable or payable. The net amount of GST recoverable from, or payable to, the ATO is included with other receivables or payables in the balance sheet.

(j) Income tax

The funds are exempt from income tax under Section 50-5 of the *Income Tax Assessment Act 1997*.

2. Events occurring after the end of the reporting period

The members are not aware of any events occurring after the reporting period that impact on the financial report as at 31 December 2022.

The financial statements were authorised for issue on 12 April 2023 by the Finance Committee of Standing Committee of Synod.

MEMBERS' DECLARATION

The members of the Finance Committee of Standing Committee of Synod declare that the financial statements and notes set out on pages 40 to 45 –

- (a) comply with the accounting policies set out in note 1,
- (b) give a fairly presented view of the Fund's financial position as at 31 December 2022 and of its performance for the year ended on that date.

In the members' opinion there are reasonable grounds to believe the individual funds will be able to pay its debts as and when they become due and payable.

This declaration is made in accordance with a resolution of the members.

Assurance Procedures

The Finance Committee engaged PricewaterhouseCoopers to undertake a range of “Agreed upon procedures” to provide assurance to the Finance Committee on the matters attested to in this declaration. The Agreed upon procedures covered the range of funds in the Parish Funds group and included procedures covering the validity of the balances by reference to the general ledger, tests of key expenses, test of the accuracy of Parish Cost Recoveries charges and a test of the accuracy of superannuation payments for ministers under the Parish Cost Recoveries system. The Finance Committee reviewed the results of the work undertaken by PricewaterhouseCoopers in forming its opinion on the Annual financial report.

NICOLA WARWICK-MAYO
Member

JOHN PASCOE
Member

12 April 2023

Parish Funds Amalgamated

Agreed-upon procedures report to the Finance Committee of the Standing Committee of the Synod of the Anglican Church Diocese of Sydney

Purpose of this agreed-upon procedures report, restriction on distribution and use, and disclaimer of liability to third parties and for any other purpose

This report is intended solely for the purpose of assisting the Finance Committee of the Standing Committee of the Synod of the Anglican Church Diocese of Sydney in your assessment of the validity, accuracy and authorisation of the selected transactions for the entities (Refer to procedures and findings sections [*not reproduced here*]) and may not be suitable for another purpose.

As required by the Australian Standard on Related Services ASRS 4400 *Agreed-Upon Procedures Engagements*, distribution and use of this report is restricted to the members of the Finance Committee of the Standing Committee of the Synod of the Anglican Church Diocese of Sydney. Accordingly, we expressly disclaim and do not accept any responsibility or liability to any party other than the Finance Committee of the Standing Committee of the Synod of the Anglican Church Diocese of Sydney for any consequences of reliance on this report for any purpose.

Practitioner’s responsibility

We have conducted the agreed-upon procedures engagement in accordance with the Australian Standard on Related Services ASRS 4400 *Agreed-Upon Procedures Engagements*.

An agreed-upon procedures engagement involves our performing the procedures that have been agreed with you, and reporting the findings, which are the factual results of the agreed-upon procedures performed. We make no representation regarding the appropriateness of the agreed-upon procedures. This agreed-upon procedures engagement is not an assurance engagement. Accordingly, we do not express an opinion or an assurance conclusion.

Had we performed additional procedures, other matters might have come to our attention that would have been reported.

Professional ethics and quality control

In respect of the Finance Committee of the Standing Committee of the Synod of the Anglican Church Diocese of Sydney, we have complied with the ethical requirements of the Accounting Professional & Ethical Standards Board APES 110 Code of Ethics for Professional Accountants (including Independence Standards) (APES 110), including the independence requirements in Part 4A of APES 110.

Procedures and findings

We have performed the procedures described below [*not reproduced here*], which were agreed with the members of the Finance Committee of the Standing Committee of the Synod of the Anglican Church Diocese of Sydney in our engagement letter dated 13 March 2023.

Procedures and Findings [*not reproduced here*] for following funds:

Fund 951	Parish Costs Recovery Fund
Fund 952	Stipend Continuance Fund
Fund 953	Sydney Diocesan Long Service Leave Fund
Fund 954	Sydney Diocesan Sickness and Accident Fund
Fund 955	Clergy Removals Fund

PricewaterhouseCoopers

NIALL McCONNELL
Principal

Sydney
13 April 2023

Synod – St Andrew’s House Fund

Annual Financial Report – 31 December 2022

Statement of comprehensive income for the year ended 31 December 2022

	Notes	2022 \$	2021 \$
Revenue from continuing operations			
Interest		12,824	246
Distributions from St Andrew's House Trust		2,750,000	2,567,500
Total revenue from continuing operations		<u>2,762,824</u>	<u>2,567,746</u>
Expenses from continuing operations			
SDS Management fee		92,472	90,000
Payments under ordinance to the Anglican Church Growth Corporation		11,095	345,000
Total expenses from continuing operations		<u>103,567</u>	<u>435,000</u>
Share of net profit of investments	5	1,118,616	821,809
Surplus for the year		<u><u>3,777,873</u></u>	<u><u>2,954,555</u></u>
Other comprehensive income			
Funding of provision for distribution	6	(2,400,000)	(2,477,000)
Total comprehensive income for the year		<u><u>1,377,873</u></u>	<u><u>477,555</u></u>
Transfer from current year surplus			
Transfer (to) future rental costs reserve	8	-	-
Transfer from (to) future non-sinking fund capital works reserve	8	-	-
Net available surplus/(deficit) after transfer from (to) reserves		<u><u>1,377,873</u></u>	<u><u>477,555</u></u>

The above Statement of comprehensive income should be read in conjunction with the accompanying notes.

Statement of financial position as at 31 December 2022

	Notes	2022 \$	2021 \$
ASSETS			
Current assets			
Cash and cash equivalents	3	1,691,186	1,514,928
Receivables	4	6,145	146
Total current assets		1,697,331	1,515,074
Non-current assets			
Investment in St Andrew's House Trust	5	112,321,750	111,203,134
Total non-current assets		112,321,750	111,203,134
Total assets		114,019,081	112,718,208
LIABILITIES			
Current liabilities			
Provisions	6	2,400,000	2,477,000
Total current liabilities		2,400,000	2,477,000
Net assets		111,619,081	110,241,208
EQUITY			
Capital	7	78,945,046	78,945,046
Reserves	8	3,671,250	3,671,250
Accumulated surplus		29,002,785	27,624,912
Total equity		111,619,081	110,241,208

The above Statement of financial position should be read in conjunction with the accompanying notes.

Statement of changes in equity for the year ended 31 December 2022

	Notes	Capital	Reserves	Accumulated surplus	Total
		\$	\$	\$	\$
Balance at 1 January 2021		78,945,046	3,671,250	27,147,357	109,763,653
Surplus for the year		-	-	477,555	477,555
Total comprehensive income for the year		-	-	477,555	477,555
Transactions with beneficiaries:					
Share of SAHT's movement in future non-sinking fund capital works reserve	8	-	-	-	-
		-	-	-	-
Balance at 31 December 2021		78,945,046	3,671,250	27,624,912	110,241,208
Surplus for the year		-	-	1,377,873	1,377,873
Total comprehensive income for the year		-	-	1,377,873	1,377,873
Transactions with beneficiaries:					
Share of SAHT's movement in future non-sinking fund capital works reserve	8	-	-	-	-
		-	-	-	-
Balance at 31 December 2022		78,945,046	3,671,250	29,002,785	111,619,081

The above Statement of changes in equity should be read in conjunction with the accompanying notes.

Statement of cash flow for the year ended 31 December 2022

	Note	2022	2021
		\$	\$
Cash flows from operating activities			
Interest received		6,825	100
Distributions received		2,750,000	2,567,500
Payments to suppliers (SDS Management fee)		(92,472)	(90,000)
Net cash inflow from operating activities		2,664,353	2,477,600
Cash flows from financing activities			
Payments under ordinance to the Anglican Church Growth Corporation		(11,095)	(345,000)
Capital paid out		(2,400,000)	(2,693,000)
Net cash (outflow) from financing activities		(2,488,095)	(3,038,000)
Net (decrease) increase in cash held		176,258	(560,400)
Cash at the beginning of the period		1,514,928	2,075,328
Cash at the end of the period	3	1,691,186	1,514,928

The above Statement of cash flow should be read in conjunction with the accompanying notes.

Notes to the annual financial report for the year ended 31 December 2022

1. Purpose

The Synod – St Andrew’s House Fund (**the Fund**) is held by the Anglican Church of Australia Diocese of Sydney (**Synod**) upon the trusts set out in the *St Andrew’s House Trust (Variation) Ordinance 2017*.

The purposes of the Trust are to:

- Hold the half share of the trust property for the general purposes of the Anglican Church of Australia in the Diocese of Sydney;
- Act so that the income of the property be paid to and applied or otherwise dealt with by the Standing Committee in accordance with the determination and direction of the Synod as the governing body of the Diocese.

2. Summary of significant accounting policies

The principal accounting policies adopted in the preparation of the financial report are set out below. These policies have been consistently applied to all the years presented, unless otherwise stated. The Fund is not-for-profit for financial reporting.

(a) Basis of preparation

These special purpose financial statements have been prepared in accordance with the *Accounts, Audits and Annual Reports Ordinance 1995* and the *St Andrew’s House Trust (Variation of Trusts) Ordinance 2017* for the sole purpose of providing financial information to Synod and for distribution to the members of Synod and must not be used for any other purpose.

Historical cost convention

These financial statements have been prepared under the historical cost convention, as modified by the revaluation of financial assets and liabilities at fair value through profit or loss, and revaluation of land and buildings to market value.

Critical accounting estimates

The preparation of financial statements requires the use of certain critical accounting estimates. It also requires management to exercise its judgement in the process of applying the Fund’s accounting policies.

The material area of the financial statements where assumptions or estimates are used is the valuation of the beneficial interest in the St Andrew’s House Trust (refer note 2b).

(b) Investment in St Andrew’s House Trust

Under the *St Andrew’s Trust (Variation of Trusts) Ordinance 2017* the Fund has a 50% beneficial interest in St Andrew’s House Trust (**SAHT**). The principal asset of SAHT is the land and building known as St Andrew’s House.

In the statement of financial position the beneficial interest in SAHT is stated at fair value, measured as 50% of the SAHT’s accumulated funds and provision for distribution. Revaluation increments/decrements are credited/debited directly to the operating surplus.

The key accounting policies and critical accounting estimates applied in St Andrew’s House Trust are:

(i) Lease income

Lease income from operating leases is recognised in income on a straight-line basis over the lease term, where it has a material effect on the accounts.

(ii) Investment property

Investment property, comprising an office complex, carpark and a retail arcade, is held for long-term rental yields. In St Andrew’s House Trust, investment property is carried at fair value, representing open-market value determined annually by external valuers. Changes in fair values are recorded in St Andrew’s House Trust’s surplus. The valuation of investment property requires the use of critical accounting estimates.

Valuation basis

Fair value of investment property is the price at which the property could be exchanged between market participants under current market conditions. The best evidence of fair value is given by current prices in an active market for similar property in the same location and condition.

An independent valuation of the Tower, the St Andrew's House car park and Town Hall Square Arcade has been undertaken by Knight Frank Australia Pty Ltd. For valuation purposes, St Andrew's House is considered to be a single asset and its separate parts not independently realisable. The values provided for the Tower, Car Park and Town Hall Square Arcade are notional assessments of the value of the separate parts of the building.

The capitalisation rates adopted by the valuer are as follows:

	2022	2021
	%	%
Tower and Car Park	5.75	5.50
Town Hall Square Arcade	6.00	5.75

The valuation is as follows:

	2022	2021
	\$	\$
Tower and Car Park	177,500,000	176,500,000
Town Hall Square Arcade	35,000,000	36,000,000
	<u>212,500,000</u>	<u>212,500,000</u>

The fair value of the investment properties includes the amortised cost of lease incentives and the impact of straight-lining rental income in accordance with Australian Accounting Standards.

(iii) Sinking fund

On 16 February 2001 the Glebe Administration Board, in its capacity as owner and manager of St Andrew's House Corporation (lessor), entered into a lease agreement with St Andrew's Cathedral School (the lessee). Under the agreement the school leased levels 6-8, the roof and the school's Kent Street entrance for a period of 120 years. Part of the lease agreement required the establishment of a fund (sinking fund) to provide for structural works. The school currently contributes 34.36% and the lessor 65.64% of the required amounts.

The St Andrew's House Corporation's share of the sinking fund is set aside as a restricted cash balance. The St Andrew's Cathedral School's share of the sinking fund which is not spent at year end is classified as a deferred income in the balance sheet. The deferred income will be released to the income statement as and when the capital expenditure relating to the maintenance of the building is occurring.

(iv) Reserves

Reserves are set aside under the terms provided for in the *St Andrew's House Trust Ordinance 2015*.

Clause 5(b) for the ordinance provides for amounts to be reserved for replacement or refurbishment of the St Andrew's House tower, shopping arcade and car park.

Clause 5(b) of the ordinance provides amounts to be reserved for other purposes that St Andrew's House Corporation may determine including amounts set aside for distributions in future years.

(c) Revenue recognition

Income (with the exception of grants and donations) is recognised on an accruals basis. It is measured at the fair value of the consideration received or receivable. Grants and donations are recognised on a cash basis. Amounts disclosed as revenue are net of goods and services tax (GST) where applicable.

Dividends and distribution from unlisted trusts are brought to account as revenue when equities and units are quoted “ex distribution”. Distributions are recorded as revenue in the period in which they are received. The Trust’s proportion of the unpaid surplus is included in the value of the beneficial interest owned.

Other revenue is brought to account on an accruals basis, except as otherwise disclosed.

(d) Income tax

The Trust is exempt from income tax under Section 50-5 of the *Income Tax Assessment Act 1997*.

(e) Acquisitions of assets

The purchase method of accounting is used to account for all acquisitions of assets regardless of whether equity instruments or other assets are acquired. Cost is measured as the fair value of the assets given, shares issued or liabilities incurred or assumed at the date of exchange plus costs directly attributable to the acquisition.

(f) Impairment of assets

Assets are reviewed for impairment whenever events or changes in circumstances indicate that the carrying amount may not be recoverable. An impairment loss is recognised for the amount by which the assets carrying amount exceeds its recoverable amount. The recoverable amount is the higher of an asset’s fair value less costs to sell and value in use. Where the future economic benefits of the asset are not primarily dependent on the asset’s ability to generate net cash inflows and where the Trust would, if deprived of the asset, replace its remaining future economic benefits, value in use is the depreciated replacement cost of the asset. For the purposes of assessing impairment, assets are grouped at the lowest levels for which there are separately identifiable cash inflows (cash generating units).

(g) Cash and cash equivalents

For statement of cash flow presentation purposes, cash and cash equivalents includes cash on hand, deposits held at call with financial institutions, other short-term, highly liquid investments with original maturities of three months or less that are readily convertible to known amounts of cash and which are subject to an insignificant risk of changes in value, and bank overdrafts.

Cash includes amounts loaned to the Diocesan Cash Investment Fund (**DCIF**). These loans are at call. DCIF pays interest quarterly.

(h) Receivables

Receivables are recognised initially at fair value and subsequently measured at amortised cost, less provision for impaired receivables. Receivables are generally due for settlement no more than 30 days from the date of recognition.

Collectability of receivables is reviewed on an ongoing basis. Debts, which are known to be uncollectible, are written off. A provision for impaired receivables is established when there is objective evidence that the Trust will not be able to collect all amounts due according to the original terms of receivables. The amount of the provision is recognised in the Statement of comprehensive income.

(i) Payables

These amounts represent liabilities for goods and services provided prior to the end of financial year that is unpaid. The amounts are unsecured and are usually paid within 30 days of recognition.

(j) Goods and Service Tax (GST)

The Fund is a member of the Sydney Diocesan Services GST group.

Revenues, expenses and assets are recognised net of the amount of GST, unless the GST incurred is not recoverable from the Australian Taxation Office (**ATO**). In these circumstances, it is recognised as part of the cost of acquisition of the asset or as part of the expense.

Receivables and payables are stated inclusive of the amount of GST receivable or payable. The net amount of GST recoverable from, or payable to, the ATO is included with other receivables or payables in the Statement of financial position.

Cash flows are presented on a net basis. The GST components of cash flows arising from operating, investing or financing activities, which are recoverable from, or payable to the ATO, are presented as operating cash flow.

(k) Capital

Amounts will be added to the capital of the Trust where they represent additions to the "Capital Fund" as defined in the Capital Ordinance.

3. Current assets – Cash and cash equivalents

	2022	2021
	\$	\$
Current account with Sydney Diocesan Services	2,322	286,064
Diocesan Cash Investment Fund (DCIF)	1,688,864	1,228,864
	<u>1,691,186</u>	<u>1,514,928</u>

Included as a cash equivalent is a deposit with the Diocesan Cash Investment Fund (**DCIF**). The DCIF is a wholesale charitable investment fundraiser. The Glebe Administration Board is trustee of the DCIF. The underlying investments of DCIF are cash accounts at call, term deposits and cash trusts. Deposits are payable at call.

4. Current assets – Receivables

	2022	2021
	\$	\$
Diocesan Cash Investment Fund interest receivable	6,145	146

5. Non-current assets – Investment in St Andrew's House Trust

	2022	2021
	\$	\$
Beneficial interest in the St Andrew's House Trust	<u>112,321,750</u>	<u>111,203,134</u>
Movements in carrying amounts of investment in associate		
Carrying amount at 1 January	111,203,134	110,381,325
Share of net (deficit) surplus of investments	1,118,616	821,809
Carrying amount at 31 December	<u>112,321,750</u>	<u>111,203,134</u>
Comprised of:		
Capital invested	4,714,615	4,714,615
Future rental costs reserve	8 1,310,000	1,310,000
Non-sinking fund capital works reserve	8 2,361,250	986,250
Strategic projects reserve	8 -	1,375,000
Accumulated surplus	103,935,885	102,817,269
	<u>112,321,750</u>	<u>111,203,134</u>

(a) Summarised financial information of associates

The Fund’s share of the results of its investment in the St Andrew’s House Trust and its aggregated assets and liabilities are as follows:

	Ownership	Synod - St Andrew's House's share of:			
	Interest	Assets	Liabilities	Revenues	Surplus
	%	\$	\$	\$	\$
2022					
St Andrew's House Trust	50	113,270,317	948,567	6,615,156	3,868,616
2021					
St Andrew's House Trust	50	113,273,967	2,070,835	5,628,705	3,389,309

(b) Share of capital commitments

	2022	2021
	\$	\$
Share of capital commitments of St Andrews House Trust	73,396	-

6. Provisions

	2022	2021
	\$	\$
Current		
Provision for distribution to the Synod Appropriations Fund	2,400,000	2,477,000

7. Capital

	2022	2021
	\$	\$
Balance 31 December	78,945,046	78,945,046

Capital has been contributed by variations of the trusts declared in the *St Andrew’s House Trust Ordinance 2015*.

8. Reserves

	2022 \$	2021 \$
Share of SAHT's future rental costs reserve	1,310,000	1,310,000
Share of SAHT's future non-sinking fund capital works reserve	2,361,250	986,250
Share of SAHT's strategic projects reserve	-	1,375,000
	<u>3,671,250</u>	<u>3,671,250</u>
Movements:		
Future rental costs reserve (a)		
Balance at 1 January	1,310,000	1,310,000
Share of increase in SAHT's future rental costs reserve	-	-
Balance at 31 December	<u>1,310,000</u>	<u>1,310,000</u>
Future non-sinking fund capital works reserve (b)		
Balance at 1 January	986,250	986,250
Share of increase in SAHT's future non-sinking fund capital works reserve	1,375,000	-
Balance at 31 December	<u>2,361,250</u>	<u>986,250</u>
Strategic projects reserve (c)		
Balance at 1 January		
Balance at 1 January	1,375,000	1,375,000
Share of increase in St Andrew's House Corporation's strategic projects reserve	(1,375,000)	-
Balance at 31 December	<u>-</u>	<u>1,375,000</u>
Total Reserves	<u>3,671,250</u>	<u>3,671,250</u>

Nature and purpose of reserves**(a) Future rental costs reserve**

This represents the Fund's share of the reserve of St Andrew's House Trust to provide for future rental void, incentive and leasing costs for St Andrew's House.

(b) Future non-sinking fund capital works reserve

This represents the Fund's share of the reserve of St Andrew's House Trust to provide for future non-sinking fund capital works for St Andrew's House.

(c) Strategic projects reserve

This represents the Fund's share of the reserve of St Andrew's House Trust to provide for strategic projects to better position St Andrew's House.

9. Events occurring after the balance sheet date

The members are not aware of any other events occurring after reporting date that impact on the financial report as at 31 December 2022.

The financial statements were authorised for issue on 12 April 2023 by the Finance Committee of Standing Committee.

MEMBERS’ DECLARATION

The members of the Finance Committee of Standing Committee of Synod declare that the financial statements and notes set out on pages 48 to 56:

- (a) comply with the accounting policies set out in note 2,
- (b) give a fairly presented view of the Fund’s financial position as at 31 December 2022 and of its performance for the year ended on that date.

In the members’ opinion there are reasonable grounds to believe the Fund will be able to pay its debts as and when they become due and payable.

This declaration is made in accordance with a resolution of the members.

Assurance Procedures

The Finance Committee engaged PricewaterhouseCoopers to undertake a range of “Agreed upon procedures” to provide assurance to the Finance Committee on the matters attested to in this declaration. The Agreed upon procedures covered the range of funds in the Synod group and included procedures covering the validity of the balances by reference to the general ledger, tests of income received, and tests of key expenses including Synod grants. The Finance Committee reviewed the results of the work undertaken by PricewaterhouseCoopers in forming its opinion on the Annual financial report.

NICOLA WARWICK-MAYO
Member

JOHN PASCOE
Member

12 April 2023

Synod – St Andrew’s House Fund

Agreed-upon procedures report to the Finance Committee of the Standing Committee of the Synod of the Anglican Church Diocese of Sydney

Purpose of this agreed-upon procedures report, restriction on distribution and use, and disclaimer of liability to third parties and for any other purpose

This report is intended solely for the purpose of assisting the Finance Committee of the Standing Committee of the Synod of the Anglican Church Diocese of Sydney in your assessment of the validity, accuracy and authorisation of the selected transactions for the entities (Refer to procedures and findings sections [*not reproduced here*]) and may not be suitable for another purpose.

As required by the Australian Standard on Related Services ASRS 4400 *Agreed-Upon Procedures Engagements*, distribution and use of this report is restricted to the members of the Finance Committee of the Standing Committee of the Synod of the Anglican Church Diocese of Sydney. Accordingly, we expressly disclaim and do not accept any responsibility or liability to any party other than the Finance Committee of the Standing Committee of the Synod of the Anglican Church Diocese of Sydney for any consequences of reliance on this report for any purpose.

Practitioner’s responsibility

We have conducted the agreed-upon procedures engagement in accordance with the Australian Standard on Related Services ASRS 4400 *Agreed-Upon Procedures Engagements*.

An agreed-upon procedures engagement involves our performing the procedures that have been agreed with you, and reporting the findings, which are the factual results of the agreed-upon procedures performed. We make no representation regarding the appropriateness of the agreed-upon procedures. This agreed-

upon procedures engagement is not an assurance engagement. Accordingly, we do not express an opinion or an assurance conclusion.

Had we performed additional procedures, other matters might have come to our attention that would have been reported.

Professional ethics and quality control

In respect of the Finance Committee of the Standing Committee of the Synod of the Anglican Church Diocese of Sydney, we have complied with the ethical requirements of the Accounting Professional & Ethical Standards Board APES 110 Code of Ethics for Professional Accountants (including Independence Standards) (APES 110), including the independence requirements in Part 4A of APES 110.

Procedures and findings

We have performed the procedures described below [*not reproduced here*], which were agreed with the members of the Finance Committee of the Standing Committee of the Synod of the Anglican Church Diocese of Sydney in our engagement letter dated 13 March 2023.

Procedures and Findings [*not reproduced here*] for following funds:

Fund 134 Synod – St Andrew’s House Fund (Procedure 6 & 7 only applicable)

PricewaterhouseCoopers

NIALL McCONNELL
Principal

Sydney
13 April 2023

Amendment to *Faithfulness in Service: A national code for personal behaviour and the practice of pastoral ministry by clergy and church workers*

(A report from the Standing Committee.)

Purpose

1. To recommend that Synod amend *Faithfulness in Service: A national code for personal behaviour and the practice of pastoral ministry by clergy and church workers* by substituting all references to “Director of Professional Standards” with “Director of Safe Ministry” where they appear throughout the code, and to use the term “pastoral supervision” instead of “professional supervision/consultation”.

Recommendations

2. Synod receives this report.
3. Synod, noting the report ‘Amendment to *Faithfulness in Service: A national code for personal behaviour and the practice of pastoral ministry by clergy and church workers*’, adopts the amendments to *Faithfulness in Service* as set out in the report.

Background

4. The Key Terms section of *Faithfulness in Service: A national code for personal behaviour and the practice of pastoral ministry by clergy and church workers* (**Faithfulness in Service**) adopted by the Synod of the Diocese of Sydney includes:

‘**Director of Professional Standards** means the person in a diocese who has responsibility for the maintenance of professional standards of clergy and church workers.

...

Professional supervision/consultation is a formal, collaborative process which a more senior or experienced person uses to develop and support a person in their ministry. This relationship is confidential, evaluative, and extends over time. It is preferable if the supervisor:

- has no other pastoral or personal relationship with the person being supervised; and
- has been trained in professional supervision.’

Discussion

Adoption of the term “Director of Safe Ministry”

5. The *Ministry Standards and Safe Ministry Amendment Ordinance 2022* amended the *Ministry Standards Ordinance 2017 (MSO)* to substitute, where they appear throughout the MSO, the words “Director of Safe Ministry” for “Director of Professional Standards”.
6. It is proposed that *Faithfulness in Service* be amended consequentially to maintain consistency with the MSO and reflect the changes in terminology adopted by the Synod in 2022 by substituting the

words “Director of Safe Ministry” in place of “Director of Professional Standards” where they appear throughout *Faithfulness in Service*.

Adoption of the term “pastoral supervision”

7. The Standing Committee has agreed to adopt the phrase “pastoral supervision” instead of “pastoral consultation” or “professional supervision”.
8. It is proposed that *Faithfulness in Service* be amended by substituting the words “pastoral supervision” in place of “professional supervision/consultation” or “professional supervision” where they appear throughout *Faithfulness in Service*.

For and on behalf of the Standing Committee.

BRIONY BOUNDS
Diocesan Secretary

17 July 2023

Consumption of alcohol in the parish context: update to the 2009 report

(A report of the Social Issues Committee.)

Key Points

- In 2009, Synod received a Report on the consumption of alcohol in the context of parishes (**the Report**), and, through resolution 45/09 and on the basis of the Report, adopted and commended to all parishes the 'Policy on Consumption of Alcohol in the Parish Context' (**the Policy**).
- The Social Issues Committee has reviewed the Report at the request of the Standing Committee, in the light of recent research, societal changes, and in consideration of the time that has elapsed since the original report was written. The review included detailed research and widespread consultation (including a survey of rectors and wardens).
- The Report has been updated in light of this research. No change is recommended to the Policy.

Purpose

1. To propose changes to the 2009 report 'Consumption of Alcohol in the Context of Parishes, Churches, Congregations and Fellowships in the Anglican Church Diocese of Sydney' in the light of more recent research, trends in the consumption of alcohol in parish and other ministry contexts, and the need for educating a new generation of rectors and parish councillors.

Recommendations

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

“Synod, noting the report 'Consumption of alcohol in the parish context: update to the 2009 report' and the associated updated report on 'Consumption of Alcohol in the Context of Parishes, Churches, Congregations and Fellowships in the Anglican Church Diocese of Sydney' (**the updated Report**) –

 - (a) requests that a copy of the updated Report be sent to all parish ministers and wardens,
 - (b) requests that all parish ministers and wardens be reminded of the 'Policy on Consumption of Alcohol in the Parish Context' (**the Policy**) adopted by Synod in 2009,
 - (c) encourages all wardens to implement a parish policy on alcohol, or review their existing policy, in the light of the updated Report and the Policy, and
 - (d) requests the General Synod to consider the impact of social media on parishioners, especially the vulnerable, and educate clergy on faithful usage of these media. This may include instruction on the potential damage of posting photographs of leaders consuming alcohol.”

Background

4. In 2009, Synod received the report titled 'Consumption of Alcohol in the Context of Parishes, Churches, Congregations and Fellowships in the Anglican Church Diocese of Sydney' (**the Report**) and through resolution 45/09 resolved to adopt the 'Policy on Consumption of Alcohol in the Parish Context' (**the Policy**).

5. The text of resolution 45/09 is as follows –

“Synod receives the report on the consumption of alcohol in the parish context and, recognising that drinks containing alcohol are a gift from God to be enjoyed in moderation but also recognising that alcohol abuse has caused significant damage in our community, requests that the minister and parish council of each parish –

- (a) study the information in the report, and
- (b) determine the parish’s own policy on the consumption of alcohol having regard to the Synod’s recommendation –

‘Except for –

- services of public worship where wine is provided as part of the Lord’s Supper,
- private activities in ministry residences, and
- activities undertaken pursuant to a commercial or residential lease of church trust property,

no alcohol should be consumed or made available in the context of any public ministry activity of the parish on church trust property or any private activity held on church trust property, without the approval of the parish council.’

(Archdeacon Deryck Howell 27/10/2009)”

6. In March 2022, the Standing Committee referred to the Social Issues Committee (**SIC**) matters raised by the Report and Synod resolution, and requested the SIC consider whether the Report and/or the recommendations made by Synod need updating or revision, and reconsideration by Synod, in light of –

- (a) more recent research on the health and social impacts of alcohol consumption in our society,
- (b) any discernible trends about the consumption of alcohol in parish and other ministry contexts, and
- (c) the need for educating a new generation of rectors and parish councillors on the desirability of good policy and practice in this area.

7. The SIC, through the Diocesan Research Officer, updated the Report based on –

- (a) more recent research on the health and social impacts of alcohol consumption in our society (for example, the National Health and Medical Research Council (**NHMRC**) released a revised version of the Australian guidelines to reduce health risks from drinking alcohol in 2020, see <https://www.health.gov.au/news/australianalcohol-guidelines-revised>),
- (b) a survey of rectors and wardens (with answers de-identified from respondents and parishes).

8. The table on the following page shows details of updates and revisions, arranged according to each section of the Report.

Summary of updates to the Report

Section	Updates/Revisions
1. Preamble	Updates to refer to the 2009 Report, Synod Resolution 45/09 and contemporary questions or matters of concern
2 Objectives	Added a reference to Synod Resolution 45/09
3. Theological Perspectives – A Précis	No changes required

Section	Updates/Revisions
4. Consumption of Alcohol in the Australian Community	Significant updates have been made in line with more recent research
5. The Social Impact of Alcohol	Some updates have been made in line with more recent research
6. Social Media & Alcohol Consumption	New section of content created in line with recent research
7. Legal Considerations	Updated content from SDS Legal
8. Use of Alcohol in Sydney Diocesan Parish Ministry Contexts	New section based on results and analysis of survey in conjunction with Synod Resolution 45/09
9. Church Law & Protocols	Updated content from SDS Legal
10. Practical Issues for Churches	Updated in light of other content updates elsewhere in the report

9. The text of the updated Report is attached at Appendix 1.

For and on behalf of the Social Issues Committee.

THE REV DR CHASE KUHN
Chair

22 May 2023

Consumption of Alcohol in the context of Parishes, Churches, Congregations and Fellowships in the Anglican Church Diocese of Sydney

(This report was received by the Synod in 2009. The Social Issues Committee updated the report by request of the Standing Committee and provided it to Synod in 2023.)

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1. Preamble

The Anglican Church in the Diocese of Sydney is a fellowship committed to the purposes given to us by God. These purposes are to make disciples by proclaiming and commending Christ, establishing them in the life of the church, equipping them for compassionate service, sending some to serve beyond our Diocese, and prayerfully seeking God's work in all things.

In this context, the Diocese encourages appropriate behaviour among the members of our parishes, churches, congregations and fellowships: behaviour that reflects the truths of Scripture and demonstrates the love and concern for one-another and for the non-believer that was central to the ministry of Jesus and hence the gospel we seek to promote. One of these areas of behaviour is the consumption of alcohol.

It is an unfortunate fact that alcohol is widely misused in our society. In recent decades, governments, health organisations and other societal stakeholders have come to increasingly recognise that the misuse of alcohol is the cause of many other problems. Individuals and the community are impacted in terms of serious illness, injury, social violence, broken relationships, and financial cost.

From time to time the Diocese has given public expression to its concerns about the misuse of alcohol in the wider community. In the period up until the end of the Second World War, one of the distinguishing marks of Evangelical Christians was their total abstinence from alcohol. This position was commended to both church members and the general populace and was reflected in the use of church property. Alcohol consumption was banned except for its use in the Lord's Supper. Anecdotal evidence would suggest that the practice of total abstinence is far less common now among Christians at both the individual and communal level than once was the case.

For many years the Standing Committee has had a policy that alcohol should not be consumed on church trust property, except in the service of the Lord's Supper, and on certain particular properties where the lessee has a licence to sell alcohol. This policy is reflected in the 'social covenants' governing the leasing and licensing of church trust property. However, in November 2007 the Standing Committee resolved that the 'social covenants' are intended to apply only to church trust property that is being leased, and the following month passed an ordinance to confirm that position. Accordingly, after a brief policy debate the

Standing Committee also requested the preparation of a draft statement of policy covering on the consumption of alcohol at church events and at private activities on church trust property.

In passing resolution 36/08 the Synod –

- (a) noted the right of adult persons to enjoy alcohol in moderation,
- (b) regretted the increasing practice of binge drinking, the scourge of alcohol-fuelled violence and property damage, the knock-on effects of alcohol abuse, the carnage on our roads often caused by drunk drivers, the prevalence of alcohol-led physical assaults, and the practice of specifically targeting teenagers in some advertising of alcohol campaigns,
- (c) applauded the recently reported plans for the NSW Cabinet to consider a range of drinking laws designed to address the problems brought on by alcohol abuse,
- (d) requested the Archbishop to write to the Premier, Leader of the Opposition and Police Commissioner to encourage them to pursue this matter vigorously and to assure them of our support as they do so,
- (e) recalled the biblical teaching that everything God created is good, that drunkenness is always to be avoided, that civil rulers and church leaders must take special care in
- (f) any consumption of alcohol, and that Christians should avoid causing others to stumble by what they drink,
- (g) noted section 6 of our code of conduct *Faithfulness in Service* in relation to the consumption of alcohol, and
- (h) therefore encouraged Christian pastors and other leaders and teachers to proclaim scriptural truths concerning the use of alcohol and to set a godly example in regards to any personal use of alcohol and further encouraged Christian pastors to take time to understand alcohol addiction which afflicts many in our congregations such that they can show compassion and pastoral care to Christians struggling to overcome this addiction.

In 2009, the Standing Committee considered a draft policy prepared by a committee appointed by the Archbishop which it resolved to bring to the Synod along with an corresponding report. The 2009 Synod received the report titled "Consumption of Alcohol in the Context of Parishes, Churches, Congregations and Fellowships in the Anglican Church Diocese of Sydney" (the 2009 Report) and resolved to accept 45/09 "Policy on Consumption of Alcohol in the Parish Context", detailed below:

Synod receives the report on the consumption of alcohol in the parish context and, recognising that drinks containing alcohol are a gift from God to be enjoyed in moderation but also recognising that alcohol abuse has caused significant damage in our community, requests that the minister and parish council of each parish –

- (a) study the information in the report, and
- (b) determine the parish's own policy on the consumption of alcohol having regard to the Synod's recommendation –

"Except for –

- services of public worship where wine is provided as part of the Lord's Supper,
- private activities in ministry residences, and
- activities undertaken pursuant to a commercial or residential lease of church trust property,

no alcohol should be consumed or made available in the context of any public ministry activity of the parish on church trust property or any private activity held on church trust property, without the approval of the parish council."

(Archdeacon Deryck Howell 27/10/2009)

Since that 2009 Synod, most parishes have welcomed at least one new generation of ministers and parish councillors. It is unclear how many of these individuals are aware of the existing 45/09 resolution (and/or the 2009 report), and how many parishes have in fact determined a policy on the consumption of alcohol as requested by the Synod resolution. As a result, in March 2022, Standing Committee resolved to –

- (a) refer to the Social Issues Committee (**SIC**) matters raised by the 2009 Report and Synod resolution,
- (b) request the SIC consider whether the Report and/or the recommendations made by Synod need updating or revision, and reconsideration by Synod, in light of –

- (i) more recent research on the health and social impacts of alcohol consumption in our society,
- (ii) any discernible trends about the consumption of alcohol in parish and other ministry contexts, and
- (iii) the need for educating a new generation of rectors and parish councillors on the desirability of good policy and practice in this area.

The report below constitutes the SIC's response on these matters. It is presented as a revised and updated version of the original 2009 Report "Consumption of Alcohol in the Context of Parishes, Churches, Congregations and Fellowships in the Anglican Church Diocese of Sydney". The content of the report has been particularly updated to include –

- (a) more recent research and data on the impacts of alcohol consumption in our society (including a new section on the relationship between social media and alcohol consumption),
- (b) the results and analysis of a diocese-wide survey of both rectors and wardens which sought to attain –
 - (i) a comprehensive understanding of the extent to which Synod 45/09 resolution has been adopted by parishes in the Diocese and applied in those settings,
 - (ii) an informed understanding of the current landscape of alcohol consumption at public ministry events in the Diocese (both on church property trust, and offsite),
 - (iii) opportunity to receive feedback from rectors and wardens on this matter.

2. Objectives

This report aims to –

- Acknowledge our responsibility to behave in a way that promotes the gospel, encourages 'safe' communities and models Christian love.
- Identify the particular circumstances, manner and controls under which it is, or is not, appropriate for alcohol to be available in the context of church activities and church trust property.
- Produce positive, educative guidelines and resource material to assist the clergy and lay leaders, parents, youth leaders and all members of our churches to make responsible decisions in relation to the use of alcohol.
- Explore the knowledge and implementation of Synod Resolution 45/09.

3. Theological perspectives – a précis

The Scriptures condemn drunkenness and portray in a disparaging manner many of the effects associated with the consumption of what we would term alcoholic drinks. Though they indicate that there are dangers associated with the drinking of alcoholic beverages, they give no overriding command from God to abstain from them. In some texts the beverage is fermented, in other cases it is unclear whether it is fermented or not. There are instances where the effects of consuming the beverage are portrayed in a favourable light and it is difficult to argue that the beverage must have been unfermented.

Out of concern for the believer, with respect to alcoholic consumption, an appeal is often made to what is termed "the weaker brother principle." The texts commonly referred to are those of Romans 14:1–15:6 and 1 Corinthians 8:1-13. The former text relates to different attitudes towards the eating or drinking of certain substances. The latter relates specifically to the consumption of food that has been offered to idols. In both situations, matters of grave concern are at stake, namely the faith of the believer and the believer's possible destruction. Whatever the limits to the strict applicability of these texts, underlying the arguments of both passages is the requirement under God to act out of love towards a fellow believer and not to place one's own beliefs or inclinations above the welfare of other members of the household of God.

In 1 Corinthians 10:27–11:1, Paul exhibits the same type of concern for the unbeliever. The situation addressed is where an unbeliever invites a believer to a meal, but it is soon revealed that some of the food has been offered to idols. Paul's position is that the believer, now knowing the origin of the food, for the sake of the "conscience" of others, and possibly unbelievers are predominantly in mind, should desist from eating it. One could argue from this passage that if an unbeliever's understanding of the faith is in serious jeopardy, as a consequence of certain behaviour of a believer, be it the consumption of alcohol in a specific situation or some other action, then that behaviour is to be abandoned. However, where it is judged that a serious misunderstanding of the faith by an unbeliever is unlikely to occur then the passage would not strictly apply.

What would always be of concern however is having a sincere longing for God's salvation of the unbeliever. In certain circumstances, this might mean abstention from consuming alcoholic drinks. In other cases, such an abstention might be unhelpful for unbelievers and even mislead them in their understanding of the faith. The relevance of Paul's strategy of becoming all things to all men should be considered.

Furthermore, the Scriptures warn us of any behaviour that the unbelieving world might rightly judge to be inappropriate. Believers must be concerned about how the public perceives their behaviour. Certainly, whether believers or unbelievers are in mind, we are also under obligation to love those suffering from the effects of alcohol and, with that same love, we are to endeavour to reduce and not increase such suffering.

There is freedom that the believer enjoys because of the work of Christ. It incorporates freedom from slavery to sin and its consequences. There is also freedom from being constrained by human regulations, though the believer must not appeal to any such freedom as an excuse for sinful behaviour. Furthermore, the believers' freedom from human regulations is not to be made the basis of their actions. Rather, the rule is that one should act as a slave towards unbelievers in order that they might be saved and as a slave towards fellow believers so that they might grow and develop under God.

4. Consumption of alcohol in the Australian community

Data from the Australian Bureau of Statistics, the Commonwealth Government and other research institutes provide ample evidence that the inappropriate use of alcohol is a serious and growing problem in the Australian community.

Alcohol is a depressant drug. The World Health Organisation (**WHO**) offered this assessment in 2004:

"Alcohol is a psychoactive substance with dependence-producing properties that has been widely used in many cultures for centuries. The harmful use of alcohol causes a high burden of disease and has significant social and economic consequences. The harmful use of alcohol can also result in harm to other people, such as family members, friends, co-workers and strangers. Alcohol consumption is a causal factor in more than 200 diseases, injuries and other health conditions. Drinking alcohol is associated with a risk of developing health problems such as mental and behavioural disorders, including alcohol dependence, and major noncommunicable diseases such as liver cirrhosis, some cancers and cardiovascular diseases."¹

A diocesan policy relating to alcohol consumption needs to be informed by research on alcohol consumption in Australia with its consequent effect on the Australian population.

(a) Alcohol and Demography

Between 2009-2018, Australia's overall consumption of alcohol (on a per capita basis) either declined or remained relatively stable.² However, in 2020-2021, one in four Australians (18+) exceeded the Australian Adult Alcohol Guidelines (or no more than 10 standard drinks a week and no more than 4 standard drinks on any one day).³ In 2020, 45% of Australians who drank alcohol did so with the intention of getting drunk (28% reported doing this at least once a month).⁴ While global respondents to a 2021 international survey reported that they would get drunk on average 14.6 times a year (a little more than once a month), Australian respondents reported getting drunk 26.7 times a year (more than twice a month).⁵

According to the Commonwealth of Australia's National Alcohol Strategy, approximately one in five Australian adults over the age of 40 drink at risky levels.⁶ While those over the age of 65 are most likely to drink alcohol every day, 77% of 18-24-year-olds, 76% of 25-34-year-olds and 70% of 35-49-year-olds drank

¹ "Alcohol: Fact Sheet," <https://www.who.int/news-room/fact-sheets/detail/alcohol>.

² Commonwealth of Australia (CoA), *National Alcohol Strategy*, 5.

³ Australian Bureau of Statistics, *Alcohol Consumption* (March 21, 2022 2022), <https://www.abs.gov.au/statistics/health/health-conditions-and-risks/alcohol-consumption/latest-release>.

⁴ Foundation for Alcohol Research and Education (FARE), *2020 Annual Alcohol Poll: Attitudes and Behaviours* (2020), <https://fare.org.au/wp-content/uploads/ALCPOLL-2020.pdf>, 14.

⁵ Global Drug Survey, *Global Drug Survey (GDS) 2021 Key Findings Report* (2021), https://www.globaldrugsurvey.com/wp-content/uploads/2021/12/Report2021_global.pdf.

⁶ Commonwealth of Australia, *National Alcohol Strategy*, 10.

alcohol in 2020 with the intention of getting drunk (compared to 28% of 50+ year-olds).⁷ While the number of teenagers choosing to abstain from alcohol increased from 72% in 2013 to 82% in 2016, 15% of younger Australians drink more than 11 drinks on a single occasion at least monthly.⁸

Men (33.6%) are significantly more likely than women (18.5%) to exceed the Australian alcohol guidelines,⁹ and it is in the home that 67% of Australians drink the largest quantity of alcohol on a single occasion.¹⁰ Australians in full-time employment were twice as likely (32%) to have exceeded the national guidelines as those who were unemployed (16.8%), and those living in the areas of least disadvantage were significantly more likely (30.7%) to have done the same when compared to Australians living in the areas of most disadvantage (18.5%).¹¹

Aboriginal and Torres Strait Islander peoples are more likely to abstain from alcohol altogether (31%) than the rest of the Australian population (23%). However, amongst those Aboriginal and Torres Strait Islander peoples who do drink, higher proportions drink at risky levels (20%). High risk alcohol consumption is lower in non-English speaker Australian populations (5.4% compared to 18.7%). However, the government considers response to alcohol use amongst these populations to be higher priority because of increased barriers to receiving support.¹²

(b) Alcohol and Physical/Mental Health

Alcohol-related disease is more likely to be experienced by older Australians, while their younger counterparts are significantly more prone to experience alcohol-related injury or accident.

Some lifestyle related health risk factors can be associated with risky/high risk level of drinking. The National Health and Medical Research Council (**NHMRC**) confirms that the effects of alcohol are often worsened by other risk factors, such as smoking and dietary factors. Indeed, alcohol use contributes to the burden of 30 diseases and injuries, 8 types of cancer and chronic liver disease.¹³ In 2015, alcohol was the fifth leading risk factor contributing to about 4.5% of the disease burden across Australia.¹⁴ And in 2017-2018, alcohol was the most common drug of concern for people accessing specialist medical treatment (35% of all such access).¹⁵

Alcohol consumption is the second highest cause of drug-related deaths in Australia (second only to tobacco), with approximately 4000 deaths annually. In 2020, there was an 8.3% increase in the age-standardised rate of alcohol-induced deaths in Australia, with 13% of deaths amongst 14-17 year olds attributed to alcohol. 1 in 4 road fatalities can be attributed to drink driving. Amongst Aboriginal and Torres Strait Islander people, alcohol is a contributing factor to avoidable mortality at rates 4.9 times higher than the rest of the population.¹⁶

Acute substance use or intoxication was the second most common risk factor/associated cause for suicide between 2017-2020,¹⁷ and the risk of mental illness is about four times higher for those who drink alcohol heavily, than those who do not.¹⁸

(c) Alcohol and Crime

As at 2020, 40% of Australians had been affected by alcohol-related violence (43% within the last 12 months).¹⁹ Alcohol was involved in 34% of intimate partner violence and 29% of family violence incidents,

⁷ FARE, *2020 Annual Alcohol Poll*, 14.

⁸ CoA, *National Alcohol Strategy*, 9.

⁹ ABS, *Alcohol consumption*.

¹⁰ FARE, *2020 Annual Alcohol Poll*, 17.

¹¹ ABS, *Alcohol consumption*.

¹² CoA, *National Alcohol Strategy*, 11.

¹³ CoA, *National Alcohol Strategy*, 6.

¹⁴ Australian Government (Department of Health), *Budget 2022-23*.

¹⁵ CoA, *National Alcohol Strategy*, 7.

¹⁶ CoA, *National Alcohol Strategy*, 8.

¹⁷ Australian Bureau of Statistics, *Alcohol consumption*.

¹⁸ CoA, *National Alcohol Strategy*, 9.

¹⁹ Foundation for Alcohol Research and Education, *2020 Annual Alcohol Poll*

while 25% of all frontline police officer's time involved alcohol-related crime.²⁰ 10% of Australians who consume alcohol have driven after drinking, with 40% of young risky drinkers having been in a vehicle with an alcohol-affected driver. 1 in 4 road fatalities can be attributed to drink driving.²¹

(d) Alcohol and the Covid19 Pandemic

In the pandemic years of 2020-21, 9.8% of Australians increased their alcohol usage, 23.9% decreased their alcohol use (possibly impacted by reduced opportunities to gather with others socially) and 66.4% report their use stayed reasonably stable. However, when compared to 2019 data, 2020 calls to the National Alcohol and Other Drug Hotline had almost doubled and 2021 calls had almost tripled. Emerging evidence suggests there was a greater increase in female alcohol consumption during the pandemic and that alcohol use in the home has become more concentrated during the pandemic.²²

5. The social impact of alcohol

The core issues relating to alcohol consumption are issues of culture, pleasure, and identity.

“The search for pleasure and the pursuit of playful enjoyment and hedonism generally I think plays a much greater role in young people's lives today than it did previously. And this is partly the phenomenon of the period of extended adolescence, that they're simply in an environment with the facilities and the resources to party hard and play longer than they have been able to do previously. And so alcohol then becomes a crucial and central part of that sort of hedonistic lifestyle.” (Professor Ann Roche, Director of the National Centre for Education and Training on Addiction, Flinders University Adelaide)

Alcohol can serve many functions. Reasons for drinking can vary from culture to culture, person to person and occasion to occasion. No single factor alone is sufficient to explain drinking, but it is useful to consider some of the important factors. For example, alcohol might be consumed for –

- Socio-cultural reasons (to celebrate, commiserate, or to cement an agreement),
- Self-medication (to help them sleep, to deal with anxiety or stress, to build self-confidence),
- Social acceptance (to feel part of the crowd, to gain peer acceptance),
- The taste and symbolism of the drink.

Some people are more vulnerable to develop alcohol problems. These include people who live in a heavy drinking community or culture, people who have other significant problems in their lives (e.g. mental health problems; people recovering from trauma; people who live in socially and economically deprived environments) and people have a familial history of alcohol dependence. However, as the Australian Government's National Alcohol Strategy concludes, 'social pressures can also influence young people to consume alcohol in harmful ways'.²³ A subsequent section of this report will explore how the ever increasing influence of social media exacerbates this reality.

The majority in our society would probably agree with the Bible's clear teaching that drunkenness and certain behaviours associated with the consumption of alcohol are inappropriate. On the other hand, our society values alcohol when used appropriately and the Bible certainly does not contain a general prohibition against its use.

Anecdotal evidence suggests that many people who consume alcohol believe they do so in a way that does not harm themselves or others. And yet, at the same time, 77% of Australians either strongly agree or agree that more needs to be done in Australia to reduce the harm caused by alcohol.²⁴ The research detailed in the previous section of this report evidences that alcohol consumption in Australia continues to result in very real and significant risk, harm and cost, not only to our society as a whole but also to individuals within

²⁰ CoA, *National Alcohol Strategy*, 7.

²¹ CoA, *National Alcohol Strategy*, 7.

²² Foundation for Alcohol Research and Education, *Alcohol use and harms during the COVID-19 Pandemic* (May 2022), <https://fare.org.au/wp-content/uploads/Alcohol-use-and-harms-during-the-COVID-19-pandemic.pdf>.

²³ CoA, *National Alcohol Strategy*, 9.

²⁴ FARE, *2020 Annual Alcohol Poll*, 6.

it. Sadly, it is often the most vulnerable or marginalised of those individuals who disproportionately bear that risk, experience that harm and carry that cost.

Governments are obviously in the difficult position of having to balance competing interests on this issue – on the one hand a significant part of their revenue comes from taxes from the sale of alcohol, on the other they recognise the heavy social cost of alcohol abuse. To their credit both the Australian and NSW governments have developed policies and resources aimed at delineating what levels of harm are associated with alcohol abuse, and to develop appropriate harm minimisation strategies. In general these policies reflect concerns about the adverse health effects of alcohol for certain vulnerable people and particular social practices, while retaining space for individual freedom.

A variety of risk factors influence the experience of alcohol related harm. There are things to do with the individual (their health; their age) things to do with the drug (the amount of alcohol consumed; how quickly it is consumed) and things to do with the environment (drinking at home with a meal is less risky than drinking quickly before driving a car). The context of drinking is also important. For example, some licensed venues have been identified as “hot spots” which account for a disproportionate amount of alcohol-related violence attended by police. Particular times of day are riskier than others. Young people, particularly are more prone to binge drinking, while older Australians are more likely to drink daily. While historically young men have been the heavier drinkers, there is evidence that young women are catching up with, and in some cases overtaking young men, in terms of drinking at risky levels. Data evidences that those within the LGBTQ community are more like to be classified as risky drinkers than those who are not (25.8% compared to 17.2%).²⁵ How we make alcohol available also seems to matter. Hours of sale, who we sell to (e.g. their age and their state of intoxication) number and type of alcohol outlets all seem to have influence. Some parental attitudes and family factors (e.g. connectedness, communication, clear rules about alcohol consumption) reduce risk while other factors (e.g. poor communication, family disharmony and conflict, permissiveness about alcohol) increase risk. The degree of young people’s connectedness to school, to community and to adults can influence the risk of a range of problems, including risky alcohol consumption.

In 2022-2026, the Australian Government has committed to investing \$372.4 million to help build safe and healthy communities by reducing the social impact of drug and alcohol use.²⁶ It has released a comprehensive National Alcohol Strategy (2019-2028) aimed at preventing and minimising alcohol-related harms among individuals, families and communities by:

- identifying agreed national priority areas of focus and policy options,
- promoting and facilitating collaboration, partnership and commitment from the government and non-government sectors, and
- targeting a 10% reduction in harmful alcohol consumption

The national strategy prioritises engaging and building capacity of local community stakeholders and identifies four agreed national priority areas:

- Improving community safety and amenity by working to better protect the health, safety and social wellbeing of those consuming alcohol and those around them,
- Managing availability, price and promotion by reducing opportunities for these things to contribute to risky consumption,
- Supporting individuals to obtain help and systems to respond, by facilitating access to appropriate treatment, information and support services,
- Promoting healthier communities by improving the understanding and awareness of alcohol-related harms.

In 2020, the National Health and Medical Research Council published revised alcohol guidelines.²⁷ Healthy adults consuming alcohol within these guidelines have less than a 1 in 100 chance of dying from an alcohol-related condition –

- (i) Healthy men and women should drink no more than 10 standard drinks a week and no more than 4 standard drinks on any one day. (A standard drink contains 10g of alcohol).
- (ii) Children and people under 18 years of age should not drink alcohol.

²⁵ CoA, *National Alcohol Strategy*, 11.

²⁶ Australian Government (Department of Health), *Budget 2022-23: Addressing the impact of alcohol and other drugs* (March 29 2022), <https://www.health.gov.au/resources/publications/budget-2022-23-addressing-the-impact-of-alcohol-and-other-drugs>.

²⁷ Australian Government (Department of Health and Aged Care), *Australian Alcohol Guidelines Revised*, The National Health and Medical Research Council (December 8 2020), <https://www.health.gov.au/news/australian-alcohol-guidelines-revised>.

- (iii) Women who are pregnant or planning a pregnancy should not drink alcohol. For women who are breastfeeding, not drinking alcohol is safest for their baby.

6. Social media and alcohol consumption

One very significant societal development which has emerged since the 2009 Synod's consideration of the consumption of alcohol is the ubiquitous impact of social media. Even though the first-generation social media platforms are little more than a decade old, it would be nearly impossible to overestimate the extent to which the medium has come to exercise formative impact on society (including on its attitudes towards and use of alcohol), and especially amongst its younger users.

Alcohol advertising and marketing in Australia is self-regulatory and voluntary. One particular standard within the Code for responsible alcohol promotion is that alcohol advertising cannot target minors or those under the age of 25. However, as the *Australian Drug and Alcohol Foundation* notes, not only does the self-regulatory nature of compliance result in 'large amounts of unchecked marketing content [being] publicly released [... but] through social media, alcohol brands are now targeting young people in new ways that are even more difficult to regulate than traditional advertising'.²⁸ This is especially problematic because not only is social media advertising particularly lucrative (providing up to a 600% return on investment for alcohol companies),²⁹ but its age verification processes and technologies are broadly ineffective and easy to evade. For instance, one group of researchers, using underage profiles, were able to achieve a 100% success rate in subscribing to various alcohol brands' YouTube channels.³⁰

And yet, it is not only paid promotion and targeted advertising that makes these platforms such a powerful medium in shaping societal attitudes to alcohol. Just as significant, if not more so, are social media users' sharing of their own content relating to or featuring alcohol. Numerous studies have evidenced that between 36% to 96% of adolescents and young adults post content on Facebook which features, visually depicts or otherwise relates to alcohol.³¹ Not only is there an abundance of alcohol-related content generated on social media sites, but 'the social aspects common to alcohol posts trigger social interactions that show further appreciation of the post and help spread the message even further'³² (usually through "likes", comments and shares). This is one of the fundamental reasons why organic social media promotion of alcohol by individual users can be so much more effective than traditional advertising from the companies themselves. It creates a perpetual self-reciprocating loop of positive social messaging about alcohol, which informs and reinforces social norms concerning alcohol consumption amongst users and their social circles, which then feeds back into further positive social messaging, and so on. The loop is further strengthened by the fact that negative reactions to alcohol related social media content tend to be far less common, with one study reporting that 'the number of pro-drinking tweets was more than 10 times the number of anti-drinking tweets'.³³

The operative role of social media "influencers" in endorsing specific alcoholic products, promoting certain attitudes towards alcohol consumption, and encouraging the formation of particular cultural norms regarding alcohol use is also key to this discussion. And yet, it is not only social media users with very large followings whose digital content relating to alcohol exercises significant influence amongst other users. The posts of anyone considered to be a trusted, liked or otherwise important figure within any online relational network can exercise significant influence amongst and over that network. Within the Christian context, this certainly includes ministry leaders, and perhaps even most relevantly, those involved in ministry to young people. Adolescents and young adults are not only the most ubiquitous users of contemporary social media platforms (and especially the newer, more visually oriented platforms) but these younger members of society also tend to be the most vulnerable to peer pressure, influence and manipulation. That 'exposure

²⁸ Barry AE, Padon AA, Whiteman SD, Hicks KK, Carreon AK, Crowell JR, et al. Alcohol Advertising on Social Media: Examining the Content of Popular Alcohol Brands on Instagram. *Substance Use & Misuse*. 2018;53(14):2413-20.

²⁹ "Social media as an advertising platform," <https://adf.org.au/talking-about-drugs/parenting/alcohol-advertising-social-media-youth/social-media-advertising-platform/>.

³⁰ Barry AE, Johnson E, Rabre A, Darville G, Donovan KM, Efunbumi O. Underage access to online alcohol marketing content: a YouTube case study. *Alcohol Alcohol*. 2015 Jan;50(1):89-94.

³¹ Hanneke Hendricks et al., "Social Drinking on Social Media: Content Analysis of the Social Aspects of Alcohol-Related Posts on Facebook and Instagram," *Journal of Medical Internet Research* 20, no. 6 (2018): 2.

³² Hendricks et al., "Social Drinking," 8.

³³ Patricia A. Cavazos-Rehg et al., "'Hey Everyone, I'm Drunk.'" An Evaluation of Drinking-Related Twitter Chatter," *Journal of Studies on Alcohol and Drugs* 76, no. 4 (2015): 640-41.

to alcohol posts of older peers has increased interest in alcohol among underage [social media] users',³⁴ makes it especially important for those in any form of Christian leadership and ministry amongst young people to consider the impact any of their alcohol related social media content may be (inadvertently) exercising.

7. Legal considerations

The following information has been provided by SDS Legal.

(a) Provision of alcohol to minors

There is an absolute prohibition of the *sale* of alcohol to minors (persons under 18 years of age), or the supply of alcohol to a minor at a licensed premises.

Parents, guardians, or someone authorised by a parent or guardian can supply alcohol to a minor at unlicensed premises, however, the provision of alcohol must be consistent with the 'responsible supervision' of the minor.

Penalties can apply where alcohol is provided to a child not in a manner that is consistent with the 'responsible supervision' of the minor. In determining whether the supply is consistent with the 'responsible supervision' of a minor the following are to be considered: the age of the minor, whether minor is intoxicated, whether the minor is consuming food with the liquor, whether the minor is being supervised, the quantity and type of liquor and the period over which it is consumed. If a minor is intoxicated at the time of supply, this will not, in any circumstance, be consistent with the responsible supervision of a minor.

(b) Liquor licensing requirements

Generally, a person must not *sell* liquor unless authorised to do so by a licence. The term 'sell' is interpreted widely. For example, if a parish holds a function for which tickets are sold and the cost of the ticket will cover a meal and alcohol, this will constitute the sale of alcohol for licensing purposes.

A licence is not required if liquor is provided free of charge or people bring their own liquor.

i. Limited Licences

If a not-for-profit organisation holds a function (that is not for the purpose of fundraising) where alcohol will be sold, a type of liquor licence called a *limited licence* will be required.

Limited licences can be granted for single functions, or for multiple functions (up to 52 functions annually).

The liquor can only be consumed on the premises specified in the licence and the provision of liquor must be ancillary to the purpose for which the function is held.

Every person involving in selling, serving or supplying liquor at the function must have completed a Responsible Service of Alcohol (**RSA**) course and hold a valid NSW competency card. The licensee must complete two compulsory courses: Licensee training and Advanced licensee training. Certain signage must also be displayed.

The conditions attached to a limited licence must also be upheld. The conditions will differ depending on the size and nature of the event, but all licences will include at least the following:

- Food of a nature and quantity consistent with the responsible sale, supply and service of alcohol must be available during liquor trading hours.
- The licensee, or nominated person holding current RSA competency card in their absence, must be in attendance & contactable for the duration of the function.
- The Licensee must ensure that free drinking water is available at all times at or near the bar areas.

³⁴ Mathijs Mesman, Hanneke Hendricks, and Bas Van den Putte, "How Viewing Alcohol Posts of Friends on Social Networking Sites Influences Predictors of Alcohol Use," *Journal of Health Communication* 25, no. 6 (2020): 527.

- The Licensee must not permit patrons of the function to take alcohol bought for consumption on the premises out of the licensed area.
- The Licensee must not permit the entry of intoxicated persons into the licensed area.
- Minors must not be permitted entry into the designated Bar Area, unless the minor is accompanied and in the presence of a responsible adult.
- No more than four (4) alcoholic drinks may be sold, supplied or served to a patron per visit to the bar.

ii. *Fundraising functions*

There is an exemption from licensing for not-for-profit organisations running fundraising functions. The functions must be held to raise funds for the benefit of the organisation conducting the function, or for the community.

Not-for-profit organisations can sell liquor at up to six fundraising functions a year without a liquor licence subject to compliance with exemption requirements. These include that:

- The provision of liquor supports the function and is not be the sole purpose of the function.
- Liquor cannot be supplied continuously for more than four hours.
- Substantial food must be provided.
- The function must not exceed 250 people.
- The same RSA and training requirements for limited licences apply for exempted fundraising events.

The exemption applies on application, not automatically. Organisations must apply for the exemption at least 14 days before the function is to be held.

8. Use of Alcohol in Sydney Diocesan Parish Ministry Contexts

In November 2022, all rectors, acting rectors, and wardens of parishes within the Sydney Anglican Diocese were invited to respond to an anonymous survey regarding the consumption of alcohol in the parish context. The survey was open for completion between November 2022 – January 2023 and was purposed to facilitate –

1. a comprehensive understanding of the extent to which Synod 45/09 resolution has been adopted by parishes in the Diocese and applied in those settings,
2. an informed understanding of the current landscape of alcohol consumption at public ministry events in the Diocese (both on church property trust, and offsite), and
3. opportunity to receive feedback from rectors and wardens on this matter.

A total of 277 responses were received (107 from rectors/acting rectors and 170 from wardens). Responses were received from all regions within the Diocese, with the South Sydney and Northern Regions having a very slightly higher response rate than the South Western, Western Sydney and Wollongong regions.

An analytical overview of the survey results is detailed below.

(a) The extent to which Synod 45/09 resolution has been adopted by parishes in the Diocese and applied in those settings

The majority of respondents (64% of rectors and 70.5% of wardens) were first appointed to that role (in any parish) following the 2009 Synod. Of all rector respondents, 65% were aware of the 2009 Synod report and 73% were aware of 2009 Synod resolution 45/09. Of all warden respondents, 55% were aware of the 2009 Synod report and 54% were aware of 2009 Synod Resolution 45/09.

Almost 25% of rector respondents and over 45% of warden respondents were *not aware* of the Synod resolution that recommended their parish determine a policy on the consumption of alcohol at ministry activities on church trust property.

Approximately 45% of both rector and warden respondents answered that their parish has developed and adopted such a policy. Significantly more wardens (38.5%) than rectors (24.5%) were unsure as to whether such a policy has been adopted. According to the data, somewhere between 28-53% of the respondents' parishes *have not* developed or adopted a policy as per Synod resolution 45/09.

(b) An informed understanding of the current landscape of alcohol consumption at public ministry events in the Diocese (both on church property trust and offsite)

i. Parishes that do have an alcohol consumption policy in place

Respondents who indicated that their parish *does* have such a policy in place were asked whether this policy informs all decisions about the consumption of alcohol at ministry events on and off church property. They were able to provide answers of always, usually, sometimes, never and unsure.

Regarding the policy's application to ministry events on church trust property, little differentiation was noted between wardens' and rectors' responses. Almost 80% of those respondents whose parish *does* have a policy in place responded that the policy "always" informs all decisions on this matter. Approximately 20% of parishes represented by respondents have a policy that "sometimes" or "usually" informs all decisions about alcohol consumption on church trust property.

When it came to the same question about the policy's application to ministry events held offsite, more than double the number of warden respondents answered "unsure" than did rectors. Assuming that rectors are in a better position than wardens to provide a more accurate answer to this question, the data suggests that only 25% of such offsite events are "always", 19% are "never" and 46% are "sometimes" or "usually" informed by the established policy. 10% of rectors were unsure about the extent to which their parish's policy is applied to alcohol consumption at offsite ministry events.

Where a policy *is* in place, rectors (only) were asked whether ministry staff employed within the parish and/or lay members who plan and run ministry activities are aware of and guided by the policy. Approximately 60% responded that this is "always" the case, 27% indicated this was true for "some of them", 10% were unsure, and 2% said "no".

ii. Parishes that do not have an alcohol consumption policy in place

When rector respondents whose parish *does not* have such a policy in place were asked how important they would consider the development and adoption of such a policy, only 9% said they would consider it to be "very important". 12.5% considered such a policy largely unimportant, while the vast majority were more ambivalent (41% answered "reasonably important" and 37.5% answered "reasonably unimportant").

The same rectors were asked what best describes the approach they take regarding the service of alcohol at ministry events (in the absence of a formal policy). 46% of those responded that they screen and review all requests, 24% said that it hasn't been something their parish has needed to consider, 15% entrust the decision to their ministry leaders, and another 15% answered "other" and provided further comment. A significant number of those comments indicated that even when rectors indicated they do not have a formal or informal process in place, there is a general expectation that no alcohol will be consumed at ministry events.

iii. All respondents' parishes

All rector respondents (i.e., both those whose parish *does* and *does not* have a formal policy regarding alcohol consumption) were asked how often alcohol has been consumed at parish ministry events across the last three years. (It is important to consider that this period coincides with a lower level of ministry events due to the Covid-19 pandemic and related restrictions).

With regard to *events on church trust property*, 0% of rectors did not know the answer to this question. 53.5% responded that it has not been consumed at all, 42% said it has occasionally or rarely been consumed, and 5% of rectors responded that it has been consumed regularly. With regard to offsite alcohol consumption, 6% of rectors did not know the answer to the question, 40% said it has not been consumed at offsite events (compared to 53.5% for onsite events), 61% responded that it has been consumed rarely or occasionally and 5% said it had been consumed regularly.

This data indicates that alcohol is more likely to be consumed at offsite ministry events than it is at events or activities held on church trust property. There is a 20% more likelihood for rare or occasional offsite consumption and almost 15% less likelihood that it is never consumed offsite.

All rector and warden respondents were asked how pressing or significant they think the societal consumption of alcohol is in terms of its impacts on the church and Christian ministry. There was a strong correlation between wardens' and rectors' responses to this question, with approximately 25% of all

respondents saying they considered it a matter of great ethical significance and approximately 54% calling it a matter of reasonable ethical significance. Approximately 18% of both wardens and rector respondents answered that it is not particularly a matter of ethical significance (with 0% of rectors and 4% of wardens saying it was of no ethical significance at all).

(c) Feedback from rectors and wardens on this matter

While the survey was designed to be both brief and anonymous, all respondents were also invited to make any freeform comments they wished. Approximately 90 additional comments were submitted, covering a fairly wide variety of relevant matters.

A number of respondents commented that their parish has a firm “no alcohol” policy in place, with some specifically citing the vulnerability of certain members of their congregations or the ethical importance of this issue within their broader social and geographic community. Other respondents spoke of having no official policy in place but erring towards a conservative practice in this regard. Still, others indicated that they think it is important for the consumption of alcohol at ministry events to allow for freedom of conscience, with certain respondents indicating that they make sure certain procedures are in place to ensure the safe serving of alcohol on such occasions.

A number of respondents expressed some frustration that this was a matter which Synod might wish to revisit and potentially regulate further. There was an element of scepticism amongst some respondents of the usefulness of such policies for ministry and a concern that the Synod does not overstep in this area. Conversely, another group of respondents indicated that they consider further discussion and possible regulation at a diocesan level to be both welcome and important.

9. Church law and protocols

(a) Faithfulness in Service – code of conduct

For clergy and church workers the standards contained in *Faithfulness in Service* state –

- 6.7 You are to be responsible in your use of alcohol and other mind altering or addictive substances or services.
- 6.8 You are not to undertake any pastoral ministry when you are impaired by alcohol or any other mind-altering or addictive substances.

The guidelines then go on to say –

- 6.20 Monitor your consumption or use of alcohol and other mind altering or addictive substances or products (e.g. gambling) to ensure your well-being and that of others. Seek professional help if the use of these substances or products adversely affects your ministry, personal well-being or relationships.

(b) Ministry standards

For clergy, the *Offences Ordinance 1962* specifies drunkenness as an offence for which a charge may be heard and determined by the Diocesan Tribunal.

Under the *Ministry Standards Ordinance 2017*, misconduct by church workers may include acts that would constitute the commission of an offence under the *Offences Ordinance 1962*. The types of misconduct listed in the Ordinance are not exhaustive and may include drunkenness irrespective of whether it would constitute an offence on the basis that it is conduct that calls a person’s fitness into question.

(c) Use of Property

The *Sydney Anglican Use of Church Property Ordinance 2018* requires that a Diocesan body (including a parish) must only use or allow the use of its property for acts or practices which conform to the doctrines,

tenets and beliefs of the Diocese. These doctrines, tenets and beliefs are set out in the Synod's Property Use Policy.

With respect to the Doctrine of Christian Freedom, the Policy states that "Church property must ... not be used for activities which profit from addictive desires, or which will cause others to become entrapped by addictive desires." The following example of an inconsistent use is given:

The commercial manufacture, distribution or sale of liquor (other than the sale and consumption of liquor on premises where the liquor is intended to be consumed with food sold on those premises for consumption on those premises).

10. Practical issues for churches

The conditions attached to liquor licensing requirements (see section 7) may make it very difficult for a church's leaders (ministry staff and wardens as a minimum, but preferably also the parish council) to ensure complete compliance.

The legal requirement to obtain a licence only applies where the alcohol is to be "sold" and does not apply to where it is provided free of charge and when people bring their own. However, even if it were legal, it would not be appropriate (i.e. prudent or morally responsible) for a parish to hold a function or ministry event at which alcohol is available, either free of charge or on a BYO basis, without ensuring that the conditions under which it is provided at least meet the government's minimum requirements for the responsible service of alcohol and related harm minimisation strategies. Clearly, we would want to ensure that any church function or ministry event at which alcohol was available at least met the minimum community standards as reflected in current NSW government legislation and Australian government guidelines.

This highlights a significant moral point. A parish should take account of secular law and community expectations as well as church law and recommendations when considering the provision of alcohol at church functions or ministry events. The prevailing mood and law in NSW is for very rigorous and professional control of the provision of alcohol in group settings. So, before proceeding to permit the service and consumption of alcohol at a church event, the parish leadership (minister and parish council) must satisfy themselves that the leadership at the event has the relevant will, experience and organisational ability to provide it in the manner stipulated by the licensing laws and can ensure safe and responsible drinking. If that is not the case, the only responsible course would be for the parish council to determine that there will be no alcohol at such events.

As part of their response, parishes would also need to –

- Recognise the danger alcohol poses for the vulnerable (particularly people under stress, those with a history of alcohol abuse or dependence, and the young).
- Ensure that they are equipped to offer compassion, pastoral care and appropriate support (and no further temptation) for those struggling to overcome alcohol addiction.
- Acknowledge the validity of choosing a life without alcohol,
- Encourage their leaders, in particular, to proclaim scriptural truths concerning the use of alcohol and to set a godly example in regard to the personal use of alcohol.

For and on behalf of the Standing Committee

ARCHDEACON DERYCK HOWELL
Chair of the Committee

THE REV DR CHASE KUHN
Chair of the Social Issues Committee

14 July 2009

22 May 2023

The Diocesan Doctrine Commission's terms of reference

(A report from the Standing Committee.)

Key Points

- The Diocesan Doctrine Commission was established by a resolution of the Synod (19/81). Over 40 years the Commission has generated many valuable reports on important theological issues confronting the Diocese.
- At this time it is appropriate to review the text of the original resolution, in order to reflect developments in the way the Commission is constituted and organised.
- It is proposed that the terms of reference be updated by the Standing Committee to further clarify the operation and processes of the Commission, especially with regards to the reception and publication of reports.

Purpose

1. The purpose of this report is to recommend revising and expanding on the 1981 Synod resolution that originally established the Diocesan Doctrine Commission (**the Commission**).

Recommendations

2. Synod receives this report.
3. Synod, noting the report 'The Diocesan Doctrine Commission's terms of reference', requests that the Commission appointed by the Archbishop in consultation with the Standing Committee pursuant to resolution 19/81 –
 - (a) be comprised of ten persons, to serve for a term of three years,
 - (b) have a Chair, appointed by the Archbishop from among the members, and
 - (c) consider and report on issues which may be referred to it from time to time only by the Synod, the Standing Committee, or by the Archbishop,and encourages the Standing Committee to approve suitable Terms of Reference for the Commission that reflect the recommendations of this motion.

Background

4. The Commission was established via Synod Resolution 19/81, which was moved by Deaconess Margaret Rodgers, and passed by Synod on 8 October 1981. It reads as follows –

"Synod requests the Archbishop, in consultation with the Standing Committee, to appoint a Diocesan Doctrine Commission, to consider and report on issues which may be referred to it from time to time by the Synod, the Standing Committee, or by boards and committees set up by the Synod. The Commission to be comprised of ten persons."

Discussion

5. The recommendations advocated in this report have been developed in consultation with the Chair of the Diocesan Doctrine Commission, and are presented with his endorsement.
6. Further, these recommendations seek to codify and detail existing practices that have developed over time, rather than make changes to the way the Commission operates.

7. It is appropriate that these matters be dealt with at this time to –
 - (a) recognise the need to clarify inconsistencies that have arisen (between the intent of the original motion, current practice, and the processes presumed by the written statement on the Doctrine Commission website),
 - (b) recognise that terms of reference have developed over time without being formally agreed to through proper processes, and
 - (c) seek to address ambiguities that exist around the status of Commission reports.
8. The proposed refreshed Synod resolution is commended with thankfulness for the work of the Commission over the past four decades, and in order to renew, clarify and focus its work for years to come.

Amendments to the Resolution establishing the Commission

9. Synod Resolution 19/81 does not state that the Archbishop may refer issues to the Commission. The reports on the public website include six that were specifically requested by an Archbishop, and the website states that the Archbishop may refer issues to the Commission. It is recommended that the motion clarify that the Archbishop (along with Synod, and the Standing Committee) may refer issues to the Commission.
10. Synod Resolution 19/81 anticipates that “boards and committees set up by the Synod” may refer issues to the Commission. This has never occurred in practice, and it is recommended that the referring entities be limited to the Synod, the Standing Committee, and the Archbishop.
11. Synod Resolution 19/81 does not specify a term of office for members of the Commission. Members are conventionally appointed for three-year terms, with a date of retirement linked to the first Standing Committee meeting after the first session of each Synod. It is proposed that the Synod resolution specify a three-year term. The date of retirement of members can be specified in the terms of reference.
12. The Commission has a Chair, but the method of appointment is not defined. The present Chair was appointed from the members by the Archbishop. It is proposed that this practice be formalised in the Synod resolution.
13. If the proposed Synod resolution is passed, the Commission will be regarded as established jointly by Synod resolutions 19/81 and xx/23, with the 2023 resolution supplementing the 1981 resolution.

The terms of reference

14. Revised terms of reference will be considered by the Standing Committee following Synod and thereafter published on the publicly accessible page of the SDS website. The proposed revisions to the terms of reference are set out in marked-up form in Appendix A and explained below.
15. The sentence “Topics may include specific doctrinal debates within the Church itself or issues confronting society more broadly.” will be deleted. This keeps the focus on “important theological issues” and reduces potential confusion or overlap with matters that might be more properly referred to the Social Issues Committee.
16. The sentence “Once completed, the report is presented to the requesting body and published.” will end at “body” and the words “and published” will be deleted. This will be replaced with the phrase, “and is usually then published on the Commission’s website.” This acknowledges that publication is typical but that in certain circumstances a requesting body may ask that a report not be published.
17. A new section will be added relating to the response to reports requested by the Standing Committee or the Synod. All reports requested by the Synod will be provided to the Standing Committee in the first instance, for response, before presentation to Synod. It is considered that Standing Committee is likely to be the most productive context for substantive debate of matters raised by Commission reports.
18. A report may be endorsed or commended by a requesting body, or simply received or noted. A requesting body may also ask that further work be done, or potentially reject a report, but the

requesting body will not be invited to amend a report. It is the intention that, usually, a requesting body will respond to a motion inviting them to 'endorse' a report.

19. A key point is that a requesting body must have the opportunity to receive and respond to a report before it is published. The following new text will be added detailing the process for publication of reports –

“Once a report has been received by the requesting body, it will be made publicly available unless otherwise requested. A note will be added to the published report, commenting on its reception and status.”

An example of what this may look like is shown in Appendix B.

20. It is recognised that, in the case of the Synod, for example, some months may pass between the completion of a Commission report and the first opportunity for that body to receive the report. Nevertheless, it is appropriate that a report not be published until the body that requested it has had an opportunity to receive it. The proposed text also allows for a requesting body to decline to recommend publication of a Commission report on the website.
21. Existing reports already publicly available on the website (dating from 1983-2023) will continue to be publicly available. Over time, details of the reception and status of historic reports, where known, will be added.

22. The following details will be added to elaborate on the term of office of members of the Commission –

“Members retire at the first meeting of the Standing Committee following the first ordinary session of the Synod, and are eligible for re-appointment. At the first meeting of the Standing Committee after the first ordinary session of the Synod, the Archbishop recommends to the Standing Committee names of persons for appointment to the Commission.”

For and on behalf of the Standing Committee.

BRIONY BOUNDS
Diocesan Secretary

17 July 2023

Extract from the SDS website, with marked-up changes:

Diocesan Doctrine Commission

The Diocesan Doctrine Commission prepares reports on important theological issues confronting the Diocese. ~~Topics may include specific doctrinal debates within the Church itself or issues confronting society more broadly.~~

A report is initiated when the Archbishop, Synod or Standing Committee requests a theologically-informed consideration of a particular matter. Once completed, the report is presented to the requesting body, ~~and is usually then published on the Commission's website, and published.~~

A report requested by the Synod will first be presented to the Standing Committee for discussion and response, before being presented to Synod. A requesting body may ask that further work be done, or potentially reject a report, but the requesting body will not be invited to amend a report.

Once a report has been received by the requesting body, it will be made publicly available unless otherwise requested. A note will be added to the published report, commenting on its reception and status.

Constitution and Current Membership

The Doctrine Commission was constituted by the Archbishop as a result of a request from Synod in 1981 and consists of ten members appointed by the Archbishop every three years in consultation with the Standing Committee.

Members retire at the first meeting of the Standing Committee following the first ordinary session of the Synod, and are eligible for re-appointment. At the first meeting of the Standing Committee after the first ordinary session of the Synod, the Archbishop recommends to the Standing Committee names of persons for appointment to the Commission.

Current members of the Doctrine Commission are:

The Rev Dr Mark Thompson (Chair)
 The Rev Dr David Höhne
 The Rev Dr Edward Loane
 The Rev Dr Gavin Perkins
 The Rev Dr Willis Salier

The Rev Dr Andrew Shead
 The Rev Robert Smith
 Bishop Michael Stead
 The Rev Dr Danielle Treweek
 Mrs Beth Webb

Reports by Diocesan Doctrine Commission

Reports prepared by the Diocesan Doctrine Commission may be viewed [here](#).

Alternatively, they are shown below by year of publication.

...

The following is an example of how status and response may be added (see text in blue) to a completed report, using as an example the 2021 report of the Diocesan Doctrine Commission entitled *The Unchanging Heart of Parochial Incumbency*:

Report received by Standing Committee 8 November 2021, which referred a copy to the Stipends and Allowances Committee and approved the printing of a suitable form of the report for the next ordinary session of the Synod. Synod received the report on 12 September 2022 and noted that it was printed at the direction of the Standing Committee.

The Unchanging Heart of Parochial Incumbency

A Report by the Sydney Diocesan Doctrine Commission

On 19 October 2020, the Standing Committee made the following request to the Diocesan Doctrine Commission, regarding the nature of parochial incumbency and the cure of souls:

‘Standing Committee requests the Sydney Diocesan Doctrine Commission to produce a report on the nature of parochial incumbency and the cure of souls, with particular attention to its full-time character (or otherwise), to be provided as theological advice to the Stipends and Allowances Committee as assistance towards their policy review of ministry remuneration and preparation for retirement’.

Introduction

1. In the search for resources to clarify the nature of parochial incumbency with

...

The Doctrine of Concupiscence and its Relevance to the Experience of Same-Sex Attraction

(A report of the Sydney Diocesan Doctrine Commission.)

On 2 July 2021, the following resolution from the Standing Committee (dated 21 June 2021) was forwarded to the Doctrine Commission:

‘Standing Committee asks the Doctrine Commission to prepare a report on the doctrine of concupiscence and its relevance to the experience of same-sex attraction.’

1. Introduction

- 1.1. The Standing Committee has asked the Diocesan Doctrine Commission to produce a report on the doctrine of concupiscence and to reflect on the relevance of the doctrine to the experience of same-sex attraction. We understand ‘same-sex attraction’ in this reference to mean the experience of same-sex *sexual* attraction, rather than the elemental human experience of enjoying non-sexual intimacy (e.g., friendship or companionship) with those of our own sex. For this reason, throughout this report we will use the extended phrase *same-sex sexual attraction* to avoid any misunderstanding.
- 1.2. The aim of this report is to provide greater clarity on what God has revealed about the nature and relationship of sin, temptation and desire that might assist in pastoral responses to one of the most contentious issues facing the Christian churches at this moment. How can Christians think and speak truthfully, clearly, and compassionately about desire and temptation in a way that does not condone or encourage sin? How can churches welcome people from all backgrounds and with all kinds of brokenness and introduce them to the Saviour who meets us where we are but loves us too much to leave us where we are? How does discipleship work in the context of a world that characterises all attempts to challenge sin as oppressive and cruel? In short, how do we address this topic in a way that demonstrates, in both matter and manner, the grace of the gospel and the goodness of God?
- 1.3. The Christian doctrine of concupiscence arises from the teaching of the Bible. The doctrine has been expounded and debated for much of Christian history and is the subject of one of the 39 Articles (Article 9). Like all doctrine, the doctrine of concupiscence is connected: to our understanding of God, human life as it was created, the tactics of the devil, the work of the Spirit, the impact of the cross and the resurrection life, and the intercession of Christ our high priest and advocate before the Father. By dealing with the doctrine first, to some degree in isolation from the context into which we hope to apply our conclusions, we will be more confident that what we bring to that context is actually well-grounded, and not simply a matter of personal or corporate preference.
- 1.4. As the Doctrine Commission we are acutely aware of the sensitivities surrounding this discussion. Godly men and women continue to struggle with same-sex sexual attraction, aware of the Bible’s teaching against same-sex sexual activity, yet aware too that a desire for sexual intimacy with someone of the same sex is real and powerful in their lives. For those who choose not to define themselves by this desire nor to surrender to it, there is often great difficulty and distress. For this reason, moving too quickly from the first part of the Standing Committee’s reference to the second risks riding roughshod over very significant pastoral issues. Yet not to move from theological reflection about desire, temptation, and sin to the application of this reflection to Christian discipleship in the confused moment in which we live, would likewise be irresponsible. On the one hand, our pastoral approaches must be theologically driven, rather than the other way around; on the other hand, our theology must be lived and liveable, which must mean allowing the God who gives and sustains life to direct our thinking.
- 1.5. We are very aware of the limits of our work as a Doctrine Commission. Our responsibility is to expound the theology upon which pastoral judgments will be made, not to attempt to provide pastoral guidelines or to canvas the myriad of specific circumstances. Determining how we walk faithfully at this moment is a collaborative exercise, involving the Doctrine Commission and other groups, such as the Social Issues Committee. Most important of all, it will involve the prayerful engagement of the local congregations.

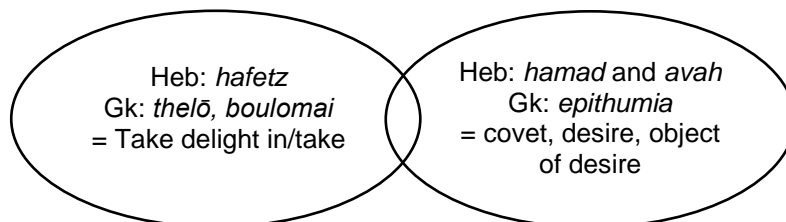
2. The language and meaning of concupiscence

- 2.1. The language of *concupiscence* derives from the Latin *concupiscentia* (which is a compound of *con* = 'with,' *cupi(d)* = 'desiring,' and *escere* = 'the beginning of a process or state') and bears the general meaning of 'an ardent, usually sensual, longing.' So understood, it often had a morally neutral use in classical philosophy. In theological discussion, however, it has come to refer to the human inclination toward sin, which is part of the inheritance of original sin. Concupiscence, then, is that which gives rise to 'the passions of the flesh' or 'the desires of the body and the mind' (Eph 2:3).
- 2.2. Historically, concupiscence has been one way of translating the Greek word *epithumia*, which occurs 38 times in the New Testament. Consequently, *concupiscentia* appears many times in the Vulgate. In terms of English translations, there are nine occurrences of *concupiscence* in the Douay-Rheims Bible (Wis 4:12; Rom 7:7-8; Col 3:5; Jas 1:14-15; 2 Pet 1:4; 1 John 2:17) and three occurrences in the King James Bible (Rom 7:8; Col 3:5; 1 Thess 4:5). Contemporary versions routinely translate *epithumia* by 'passion' or 'desire.'

3. The biblical basis of the doctrine of concupiscence

- 3.1. The biblical data for an understanding of concupiscence is part of the teaching of Scripture on sin, its nature as rebellion against God, and its pervasiveness as understood by the terms *total depravity* and *original sin*. The focus in what follows will be on what the biblical material says about how desire relates to sin, and particularly if desire *is* sinful (concupiscence).
- 3.2. Before looking at some significant texts, it will be helpful to look more generally at the words used in Scripture to denote desire. The Bible uses two sets of word groups to describe two different senses of 'desire' – desire as a *disposition* (i.e., that which one finds desirable, that which is pleasing, that which one delights in) and desire as a *drive* (i.e., lust, passion, longing, greed, covetousness etc).
- 3.3. The key Hebrew root for the first word group is translated 'delight in, take pleasure in,' and is typically translated in the LXX with words from two stems, which both mean 'to want, to wish, to will.' It is occasionally translated 'desire,' in the sense of what is delighted in.¹
- 3.4. The two key Hebrew roots for the second word group are translated 'covet, desire,' and are typically translated in the LXX with words from a stem which is normally rendered 'desire, covet, object of desire.'
- 3.5. While the two senses of desire can and should be distinguished from each other (because of the discrete terminology generally used for each), there is also a small degree of semantic overlap.² This can be represented by the following diagram:

DIAGRAM: TWO SENSES OF DESIRE:



- 3.6. Narrowing the scope of the investigation to the *epithumia* word group, we can observe the following. In the Greek Old Testament (the LXX), the word family is used more often positively or in a neutral way than negatively (e.g., Prov 21:20, Ps 106:24; Hos 9:16; Deut 21:21; 2 Chr 8:6; Ps 10:17, 21:2; 103:5). The negative uses, when they occur, are dependent upon context rather than the word alone

¹ In the ESV, the verb *hafetz* is translated 'delight' 34 times and 'please/pleased/pleasure' 17 times. There are only 7 instances (out of 73) in the ESV where it is translated 'desire' – 1 Kgs 9:1, Job 13:3, Job 21:14, Job 33:32, Ps 73:25, Jer 42:22, Hos 6:6.

² This small degree of semantic overlap can be seen when the Hebrew word normally translated 'delight' is translated with the Greek word for covet/desire (e.g., Isa 58:2) or occasions where the Hebrew words normally translated covet/desire are translated using words other than the Greek word translated covet/desire (Gen 3:6, Job 23:13).

(Num 11:4, Pss 78:39-40; 112:20, Jer 2:24). In the New Testament, the word is used more frequently in the negative sense, often exploring the corruption of desire due to sin and the nature of some desire as sinful. This suggests that in both testaments sinful desires can and do exist but not all that is labelled desire is necessarily sinful.³ As already noted, the New Testament tends to focus more on the negative uses and some significant examples of these will now be explored.

Jesus' teaching

- 3.7. Jesus' statement in Matthew 5:28, that 'everyone who looks at a woman *with lustful intent* [*pros to epithumēsa*] has already committed adultery with her in his heart,' demonstrates that an internal desire can be sinful even without an external action. Jesus also explains that the evils that come out of a person's heart are what defile them (Mark 7:17-23). Paul reinforces this teaching in Romans 5–8.

Romans 5–8

- 3.8. In Romans 5–8, Paul explores the implications of the justifying work of Jesus Christ presented in chapters 1–4. In Romans 5:12-21, he asserts the surpassing greatness of Christ's action in the light of the catastrophic consequences of Adam's original transgression. In doing so, he shows that sin cannot simply be defined as individual voluntary acts. He explores humanity's descent into a universally pervasive sinful state as evidenced by the fact that all die (5:12). While the question of how exactly the one act affects the many remains a point of discussion, it is clear that humanity's inheritance from Adam includes both a propensity to sin and original guilt.
- 3.9. In Romans 6, Paul outlines the liberation the Christian person experiences with respect to sin because of their union with Christ, while also acknowledging the ongoing battle against sin and its effects via the exhortation to not let sin reign in your mortal body (Rom 6:12-13, 19).
- 3.10. In Romans 7, Paul seeks to dissuade a possible return to law-keeping to guarantee what has been given through faith in Christ. Paul asserts that the believer has been put to death in relation to the law through their union with Christ to live in the new way of the Spirit (vv 4-7). However, Paul labours to show that this is not because the law is sin (v 7). Rather, he defends the law's goodness by showing its important role in exposing sin, not causing it (vv 7-12). He uses the commandment regarding coveting as his example (v 7). Paul's point is that the law enabled him to know that his inner desire to possess was in fact a transgression of God's law. By using the only commandment that '*explicitly* refers to the desires of one's heart rather than merely to outward actions,'⁴ Paul (like Jesus) makes clear that the root of sin lies in the desire to do that which is contrary to God's will.
- 3.11. In Romans 7:14-25, Paul speaks of humanity's impotence with respect to sin. The fleshy 'I' vividly struggles yet is rendered powerless to understand its actions or control them in any way. The issues in establishing the identity of the 'I' in Romans 7:14-25 are well-known and complex. At its core, the debate revolves around whether Paul is describing regenerate Christian experience or some other experience (e.g., Israel under the law, unregenerate humanity). The issue is that if the I's identity is a believer, how could Paul be so pessimistic about the power of sin in their life? Are Christians simply powerless in the face of their desires, coveting and passions?
- 3.12. Recent work on Romans 7 in the context of chapters 5–8 suggests that Paul is describing a transfer of the believer from one dominion to another through participation in the death and resurrection of Christ. At the same time, an ongoing solidarity with Adam is also a reality to be reckoned with (cf. 6:12, 19). 'The body is the place of ἐπιθυμῖαι [desires] and, therefore, remains a constant, willing ally of sin. And it is characterised as weak "flesh", lacking the self-generative capacity for obedience.'⁵ Thus, Romans 7 establishes an anthropological phenomenon where believers lack the ability to fully carry out the new life in Christ because of their continuing solidarity with Adam (cf. 5:12-21). He explains: 'The incongruity, a contrast between the condition *intrinsic* to believers and the new life possessed *extrinsically* in Christ, is the context in which we are able to situate ἐγώ's [I's] confession

³ In the Old Testament, positive and neutral uses include Prov 21:20, Ps 106:24; Hos 9:16; Deut 21:21; 2Chron 8:6; Ps 10:17, 21:2; 103:5 and negative uses include Num 11:4, Ps 78:39-40; 112:20, Jer 2:24. In the New Testament, positive and neutral uses include Phil 1:23; Lk 22:15, Mark 4:19, Rev 18:14 and negative uses include Gal 5:24, 1 Tim 6:9; 1 Pet 1:14.

⁴ Thomas R. Schreiner, *Romans* (Grand Rapids: Baker, 1998), 368. Emphasis original.

⁵ Will N. Timmins, *Romans 7 and Christian Identity: A Study of the 'I' in Its Literary Context* (Cambridge: Cambridge University Press, 2017), 202.

of this condition in Romans 7:14-25.⁶ The passage is about the condition of all human beings, who experience this fleshiness, but this passage is told by a Christian. Thus, it is best understood as describing the Christian's experience of being fallen. However, as Paul will go on to explain in Romans 8, this is not the whole of Christian experience.

- 3.13. In Romans 8:1-2, Paul declares, 'Therefore, no condemnation *now* exists for those in Christ Jesus, because the Spirit's law of life in Christ Jesus has set you free from the law of sin and of death.' Believers do participate in the new life in the Spirit *in the present*, even though they clearly will not fully participate in this until the resurrection and redemption of their bodies (Rom 8:23). Until then, their Adamic nature will persist and continue to give rise to desires of the flesh. These desires are produced by sin and are counted as sin. They thus generate a tension in the believer and a call 'to put to death the deeds of the body' (Rom 8:13; cf. Gal 5:16-26).

1 Corinthians 10:1-13

- 3.14. In 1 Corinthians 10, Paul explores the relationship between temptation and sin as he warns his readers not to provoke the Lord by participating in practices not pleasing to the Lord. Being a 'desirer of evil' (v 6) is at the heart of this.
- 3.15. In verses 1-10, examples are drawn from Israel's history to illustrate. In response to the four blessings bestowed upon Israel, a general statement of God's displeasure and consequent judgement ensues (vv 1-5) because the generation referred to desired evil things in the face of God's blessing. This scenario is a warning to the Corinthian readers (v 6) not to fall prey to idolatry, sexual immorality, testing Christ, and grumbling (vv 7-10).
- 3.16. In 1 Corinthians 10:12, Paul brings things to a head by warning his readers about spiritual overconfidence. Verse 13 then offers a note of comfort by pointing to the faithfulness of God who provides a way out in the context of temptation.
- 3.17. While the specific focus is idolatry, the preceding examples from Israel's past broaden the range of temptations faced. The explanatory statement of verse 6 suggests an inward focus to temptation, springing from misplaced desire. However, the observation that God 'will not permit you to be tempted beyond what you are able to bear' and the final verb in verse 13 (endure, bear up under – cf. 2 Tim 3:11; 1 Pet 2:19) suggest that there is also an external or situational dimension to the temptation.
- 3.18. Paul notes that not all the Israelites succumbed with evil desire to the various temptations mentioned ('most of them' in v 5; 'some' is repeated through vv 7-10), and so there are examples of those in Israel who were able to endure or were not tested beyond their strength in the circumstances where others succumbed.
- 3.19. Paul exhorts his readers to holiness by encouraging them with the faithfulness of God, who does not allow temptations to reach irresistible proportions, and also provides a way out for his people (vv 12-13).

James 1:13-16

- 3.20. James 1:13-16 raises the issue of the relationship between desire and sin. The passage occurs in the context of an exhortation to endure trials with the promise of a crown of life for those who love God (v 12). Verse 13 provides a transition to a related thought as James moves to discuss the nature of temptation. He does this by engaging in an imaginary dialogue with a person suggesting that God is tempting them. James emphatically denies this, on the basis of God's goodness and holiness.
- 3.21. In verse 14, James moves to consider temptation and sin from an anthropological perspective. In emphatic fashion, he traces the source of temptation back to the individual ('each,' 'one's own desire') and not to God or anyone else. Imagery is used from the activities of fishing and hunting that describe the manner in which desire operates; it hooks, drags, entices. These associations cast such a negative take on desire that the translation 'sinful desire' (e.g., NIV, CSB) is justified.

⁶ Timmins, *Romans 7*, 202.

- 3.22. In verse 15, the thought continues using the imagery of conception and birth. These desires conceive, sin is born and in turn, brings forth death. The sequence is clear and there is a sense of inevitability in the metaphor.
- 3.23. The inference from James 1 – that temptation inevitably leads to sin – is in apparent tension with Paul's point in 1 Corinthians 10, that temptation is not irresistible. However, this tension is resolved by recognising that James' key point is that God is not the source of any temptation (v 13). Verses 14-15 then give *one example* of non-divine temptation – the kind of temptation that arises from sinful desires within us. This example does not cover the field of all sources of temptation; for example, the source of temptation may be the devil (cf. Jas 4:7), or external circumstances. James' key point – that God is not the source of temptation – is not in any way in tension with Paul's key point, which is that God provides us with the means to resist temptation (cf. Jas 1:12). Furthermore, this reading of James and Paul together which recognises that temptation is not itself sin and can be resisted is also consistent with Hebrews 4:15, which tells us that Jesus was tempted in every way as we are, and yet was without sin.
- 3.24. While not an exhaustive examination, these passages point to the general New Testament picture where sinful desires are both the wellspring of sinful actions and also have the nature of sin themselves. These passages provided the source for theological reflection on the doctrine of concupiscence in the centuries that followed.

4. The Anglican doctrine of concupiscence

- 4.1. Roman Catholic theology argues that concupiscence arises from sin but is not in itself sinful. According to section 5 of the fifth session of The Council of Trent (1546), concupiscence is 'of sin' and 'inclines to sin,' but is not 'properly sin.'
- 4.2. Protestants, by way of contrast, argue that concupiscence is not only of sin and inclines to sin but is sin itself. Behind this lies an understanding of the legacy of the Fall not so much as the forfeiting of a supernatural gift, but as the corrupting of human nature. Thus, according to Zacharias Ursinus (1534–83), concupiscence is 'an inordinate desire or corrupt inclination, coveting those things which God has forbidden.'⁷ Protestants also stress that there is no aspect or faculty of the human person that is untouched by original sin.
- 4.3. The Thirty-nine Articles (1562) address the matter of concupiscence as part of its dealing with the larger doctrine of original sin in 'Article IX. *Of Original or Birth Sin*':

Original sin stands not in the following of Adam (as the Pelagians do vainly talk), but it is the fault and corruption of the nature of every man that naturally is engendered of the offspring of Adam, whereby man is very far gone from original righteousness, and is of his own nature inclined to evil, so that the flesh lusts always contrary to the spirit; and therefore in every person born into this world, it deserves God's wrath and damnation. And this infection of nature doth remain, yea, in them that are regenerated, whereby the lust of the flesh, called in Greek *phronema sarkos* (which some do expound the wisdom, some sensuality, some the affection, some the desire of the flesh), is not subject to the law of God. And although there is no condemnation for them that believe and are baptized, yet the Apostle doth confess that concupiscence and lust hath itself the nature of sin.

- 4.4. Here Article IX argues that original sin (and the concupiscence that results from it) has corrupted every aspect of human nature. Concupiscence, therefore, is much more than sexual lust (specifically) or even lust (generally); it is an 'infection of nature' that inclines us to evil and refuses to be 'subject to the law of God.' As such, it is fully deserving of God's wrath and damnation. The Article also identifies concupiscence as moral perversity whereby a man turns in on himself and sets himself entirely in opposition to God. As a consequence, 'the flesh lusts always contrary to the spirit' (Gal 5:17).

⁷ *The Commentary of Zacharias Ursinus on the Heidelberg Catechism*, Second American Edition (Columbus: Scott & Bascom, 1852), 606.

- 4.5. Article IX is clear that concupiscence remains even in the regenerate. Moreover, while this does not disturb the verdict of 'no condemnation' for those in Christ, it continues to be the case that 'concupiscence and lust' has 'of itself the nature of sin.' This explains why the Christian life is one of constant moral and spiritual conflict. It also explains the insistence of Article XVI, that 'the grant of repentance is not to be denied to such as fall into sin after Baptism.' For the fact of the matter, as the Article goes on to explain, is that we who have received the Holy Spirit may both 'depart from grace given and fall into sin, and by the grace of God we may arise again and amend our lives.'
- 4.6. As Thomas Cranmer further outlined in his *Homily of Salvation*, the believer's ongoing battle with concupiscence highlights why the imputation of the righteousness of Christ is so essential for salvation. For our 'great infirmity' (Cranmer's way of expressing the traditional concept of concupiscence) is such that it guarantees the continuing 'imperfectness of our own works.' Righteousness, therefore, is only and ever to be found by faith alone in Christ alone. Consequently, writes Cranmer,

we must renounce the merit of all our said virtues, of faith, hope, charity, and all our other virtues and good deeds, which we either have done, shall do, or can do, as things that be far too weak and insufficient and unperfect, to deserve remission of our sins, and our justification; and therefore we must trust only in God's mercy.

5. The theological significance of concupiscence

- 5.1. The theological significance of concupiscence in relation to desire in general arises from what the Bible reveals about God's character and activity as the One who created humanity. The Lord, as creator, does whatever he desires/delights in (Job 23:13; Ps 115:3; Isa 42:27). True to his character, he desires 'justice and righteousness on the earth' (Jer 9:24). As the God who makes promises, he desires Zion as his everlasting dwelling place with his people (Ps 68:16; cf. Ps 132:13-14). He delights in truth in the inner being of his people (Ps 51:6) and does not delight in wickedness (Ps 5:4) or in the death of the wicked (Ezek 18:23). More importantly, there is a perfect correlation between the Lord who delights in the Messiah (Isa 42:1) and the Messiah who 'delights in the fear of the Lord' (Isa 11:3). This provides a paradigm for the relationship between divine desire and human desire.
- 5.2. The mutual delight between the Lord and the Messiah is fulfilled in the Gospel accounts of the relationship between Jesus and God the Father. Jesus is addressed by the Father at his baptism as 'my beloved Son, with whom I am well-pleased' (Matt 3:17; cf. Luke 3:22). Consequently, the Son responds, confident in the Father's good pleasure, in praise of the Father for all that has been entrusted to him (Matt 11:25-27; Luke 10:21-22). Especially in John's Gospel we are given wonderful insights into God's inner life and the way that life is incarnate for humanity in Jesus. The Father loves the Son and shares his honour with the Son (John 5:20, 23). The Son loves the Father and does what he commands (John 14:31). The Father grants to the Son to have life in himself as only he as Father can (John 5:26). The Father also glorifies his Name in the Son as he glorified it in the Exodus (John 12:27). Throughout the Gospel story this dynamic serves as the foundation for the unity and distinction between the desire of God and righteous desire in humanity.
- 5.3. The importance of that unity and distinction in the discussion of concupiscence is revealed as we focus on the experience of the Son in a fallen world. The Bible tells us that the Son came from the Father to us 'in the likeness of sinful flesh' (Rom 8:5). Hebrews explains this likeness in the following terms: 'in every respect [he] has been tempted as we are, yet without sin' (Heb 4:15). This means he was similarly tempted in all the ways that a member of the church might be. This similarity notwithstanding, he did not sin. While the writer makes a deliberate point of Christ's fellowship in our suffering, it is essential for his substitutionary role that he remains outside the experience of sin, even if he had personal knowledge of human weakness. In the power of the Spirit, the desires of the Son are directed toward the will of the Father, free from concupiscence. Thus, in the state of weakness, he offers up a sinless life in place of all those whose weaknesses led to sin.
- 5.4. Jesus' victory over sin and death creates an entirely new situation for those he has redeemed. As the apostle Paul put it, 'There is, therefore, now no condemnation for those who are in Christ Jesus' (Rom 8:1). It is a decisive change: they have been brought from death to life (Eph 2:5). Enabled by the Spirit to confess that 'Jesus is Lord' (1 Cor 12:3) and to approach God in prayer as our 'Father' (Rom 8:15), they embark on a life of discipleship that is radically different from life outside of Christ.

Disciples are led by the Spirit (Rom 8:14; Gal 5:18) and follow in the footsteps of their master (John 10:27; 12:26). Eager to hear his words, they strive to put them into practice. In doing so, they might not avoid the storm, but they are not overwhelmed by it (Matt 7:24-25).

- 5.5. With Jesus, the end has broken into the middle, the last day into the present. Yet the present continues, and a tension between joy at our freedom and frustration at our weakness is a feature of life in this overlap of the ages. The New Testament speaks of a struggle between 'the desires of the flesh' and 'the desires of the Spirit' (Gal 5:17). Yet it is a struggle in which there is an expectation of victory: 'those who belong to Christ Jesus have crucified the flesh with its passions and desires' (Gal 5:24). That struggle involves conscious effort, not as a condition of our redemption, but as a consequence of it. Since we are the Lord's redeemed people, we seek to work out our salvation with fear and trembling, 'for it is God who works in you, both to will and to work for his good pleasure' (Phil 2:12-13). We are called to 'put off' or 'put to death' those things which are contrary to the express will of God (Rom 8:13; Eph 4:22; Col 3:5, 9) and to 'put on' Christ and those attitudes, desires and actions that are consistent with him and his character (Rom 13:14; Gal 3:27; Col 3:10, 12, 14). Yet this putting off and putting on, sometimes known as mortification and vivification, is not something we can effect on our own. It is the Spirit by whom we put to death the deeds of the body (Rom 8:13).
- 5.6. Christians are therefore not to fall into either defeatism or triumphalism. We are not yet perfect, but we have not been abandoned in our imperfection. We realise that the Fall has impacted every faculty of our being (our minds, wills, affections, as well as our bodies) and that the Christian life is from beginning to end one of both faith and repentance. This infection of human nature is what the Articles describe as concupiscence.
- 5.7. The resurrected Christ stands as both the perfection of human nature in himself (Art. 4) and the promise of a perfected human nature that awaits all those who will be united with him in a resurrection like his (Rom 6:4-5; 1 Cor 15:20-23, 49). All of God's covenantal promises find their resounding yes in him (2 Cor 1:20). In the new creation, we will fully and finally live with the righteous fear of God in our hearts, such that we will never again turn from him (Jer 32:41; Ezek 11:19-20).
- 5.8. As those who will then dwell where righteousness dwells (2 Pet 3:13), the concupiscent infection of our human nature will be no more. The old order of sin, death, mourning and pain will have passed away, and God will make everything – including us – new (Rev 21). Resurrected humanity will have a human nature that has been made perfect, just like that of our Saviour. Having been brought from death to eternal life, we shall neither sin nor desire to sin. Instead, we will know the true freedom of living as eschatologically embodied people whose desire, reason and actions have been harmoniously reassociated to God's gracious will, even as we have been restored to the proper knowledge of him ourselves (Jer 31:33).
- 5.9. Our experience of concupiscence serves to fix our eyes on this grand eschatological horizon secured by Christ and guaranteed through the deposit of the Spirit (2 Cor 5:5). That is to say, the tragic sense of internal turmoil wrought upon us by our concupiscence (Rom 7:15-25; Gal 5:17) is not rightly resolved by a denial of the infection's existence or a diminishment of its extent but rather by the promise of its eschatological eradication. And so 'our wish ought to be nothing less than the nonexistence of these very desires, even if the accomplishment of such a wish be not possible in the body of this death.'⁸
- 5.10. It is in recognising the true extent to which sin has corrupted our present human nature that we will all the more glorify Christ for his defeat of it on our behalf (Rom 4:24-25, 5:6-11, 8:1-4). For this reason, we groan all the more with the burden of this earthly body, longing for it to be swallowed up by life and our lowly bodies made like his glorious body (Rom 8:23; 2 Cor 5:1-4; Phil 3:20-21).

6. Concupiscence and the experience of same-sex sexual attraction

- 6.1. As we begin to tease out the implications of the preceding sections of this report for the experience of same-sex sexual attraction, we first need to clarify that concupiscence is not to be particularly equated with sexual desire. As a theological term, it refers to the fallen human inclination toward sin. Furthermore, because this inclination is all-pervasive, concupiscence is a reality across the range of

⁸ Augustine, *On Marriage and Concupiscence*, 1:30.

our desires. In that sense, the doctrine of concupiscence is a great leveller. No human being, except Jesus, has escaped the corruption of desire (i.e., concupiscence) that is part of the inheritance of original sin.

- 6.2. The desire which I extend towards a good thing is always corrupted in some way by my sinfulness, but that need not make the *exercise* of that desire sinful. So even though sin corrupts all my desires with selfish motives, it is still good to desire what God desires. In this sense we may speak of 'good desires,' not meaning that we desire perfectly, but that we direct our fallen desires appropriately. Wrongly directed desire is, however, always displeasing to God.
- 6.3. Accordingly, same-sex sexual desire is always sinful, inasmuch as it always expresses an inclination toward that which Scripture identifies as sin – i.e., sexual intimacy with a person of the same sex (Lev 18:22; 20:13; Rom 1:25-27; 1 Cor 6:9-11; 1 Tim 1:9-10; Jude 6-7). However, because many heterosexual desires also express an inclination toward sin (Matt 5:28; 15:19), the doctrine of concupiscence applies to both heterosexual and homosexual sexual desires.
- 6.4. The key distinction is that homosexual desires are *contrary to nature*, whereas heterosexual desires are *according to nature* (Rom 1:26-27). Again, this does not mean that all heterosexual desires are benign. What it does mean is that 'there are godly ways of expressing heterosexual sexual desires. There are not godly ways of expressing homosexual sexual desires.'⁹ This means that all homosexual sexual desire (or same-sex sexual attraction) has the nature of sin.
- 6.5. Although same-sex sexual attraction is a result of the Fall and a manifestation of concupiscence (and so has the nature of sin), having a propensity for such attractions should not be equated with the commission of *actual sin*. Experiencing temptation is not itself sin – for Jesus, as we have seen, was tempted but did not sin (Heb 4:15). While our temptations (unlike his) often arise from our own fallenness, actual sin only occurs when we fail to resist temptation and allow ourselves to be enticed by our own desires (Jas 1:14-15). Therefore, while we are right to lament our fallen condition, we are not called to repent of temptation but to resist it. Repentance becomes necessary when we yield to temptation.
- 6.6. For this reason, the commonly asked question – Is same-sex sexual attraction sinful? – requires a careful response. The desire for same-sex sexual intimacy is an inclination toward evil, has of itself the nature of sin, and is deserving of God's wrath (Art. IX). As a result, the Christian person who experiences such desire ought to wish 'nothing less than the nonexistence of these very desires' and 'to assert [their] freedom against it.'¹⁰ However, the propensity to be sexually attracted to someone of the same-sex is not in and of itself *actual sin*. For such a propensity to become a sinful act, it would need to be expressed in actuality, either through lustful intent (Matt 5:28) or sexual activity.

7. Conclusion

- 7.1. It has not been the purpose of this report to provide extensive pastoral guidelines for ministry to and among same-sex attracted persons. Nonetheless, the nuanced theological relationship between same-sex sexual attraction, concupiscence and sin outlined herein has a number of important pastoral implications with which we conclude.
- 7.2. Scripture is clear that same-sex sexual desire and same-sex sexual behaviour are contrary to God's will and contrary to created nature. Given the corrupting effects of original sin, as well as the damage caused by actual sin (both our own and others'), it is not surprising that some of us experience such desires and are tempted to engage in such behaviours.
- 7.3. However, those who have a propensity to be sexually attracted to members of their own sex are not, by mere virtue of this, actively and consistently perpetuating sin in their lives. This propensity is not something that demands repentance but is something to be lamented and from which we seek to be liberated.

⁹ Sam Allberry, "The Christian Debate over Sexual Identity," *Desiring God* (July 13, 2018), <https://www.desiringgod.org/interviews/the-christian-debate-over-sexual-identity>.

¹⁰ Augustine, *On Marriage and Concupiscence*, 1:30; Oliver O'Donovan, "Chastity," *The Furrow* 36, no. 12 (1985): 731.

- 7.4. Finally, Scripture is clear that all human beings (Jesus excepting) are the recipients of both inherited condemnation and inherited corruption. Consequently, all of our desires, including our heterosexual desires, are affected by the reality of concupiscence. Therefore, no one can claim to be free from sin (Rom 3:10), not in the sexual realm or any other. For this reason, concupiscence, while clearly relevant to same-sex sexual attraction, is not uniquely or especially so. All Christians are called, by the grace of God, to put to death all desires that are contrary to his will and to bring to life the fruits of righteousness. This can only be done by the power of his Spirit who is at work in all believers to conform them to the image of Christ.

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29 November 2022

A Theological Reflection on the Parish System

19/22 Doctrine Commission report on parish system

(A report of the Sydney Diocesan Doctrine Commission.)

Synod, in light of the anticipated growth of new communities in greenfields areas of the Diocese, the speed at which this growth is occurring, and the urgent need to plant churches to reach them, requests the Doctrine Commission to prepare a report on the parish system for the 2023 session of Synod, with special attention to:

- (a) its definition, history and theological rationale and pastoral objectives,
- (b) its relationship to a biblical ecclesiology that prioritises the local congregation as the arena for gospel mission and ministry, and
- (c) its continuing usefulness in a complex urban and semi-urban environment.

Introduction

1. The Doctrine Commission provides the following brief report on the parish system and its continuing usefulness. However, members of Synod are encouraged to read previous Doctrine Commission reports that cover similar ground to what is being presented here, in particular the 2021 report, *The Unchanging Heart of Parochial Incumbency?* and the 2008 report, *A Theology of Christian Assembly*.

Definition, History, Theological Rational and Pastoral Objectives of Parish System

2. The establishment of local churches is a corresponding implication of the evangelism we see taking place in the New Testament. Throughout The Acts of the Apostles, cities and regions were significant to the gospel preaching ministry conducted by the apostles and other evangelists. Both the New Testament and early post New Testament epistles were generally written to specific local churches (e.g., Romans) or to a number of churches in a region (e.g., 1 Peter). There is no reference to parishes in the New Testament.
3. The English word 'parish' has its root in the Greek word *paroikia*, meaning district. In the early Christian centuries, the Roman Empire organised its jurisdictional administration using dioceses. These, however, did not correspond with what later became the ecclesiastical divisions using these terms. An imperial diocese was a very large geographical area (e.g., Britain or the Iberian Peninsula) and a parish was a smaller region. Early ecclesiastical use of the term *parish* dates from about the fourth century AD but was used at that time of large areas that later roughly corresponded to ecclesiastical dioceses.
4. During the early Middle Ages, ecclesiastical dioceses which contained many local churches were divided up into several parishes. The word parish thus came to refer to a defined area surrounding a church where the people in that area were responsible for paying tithes to that church. As an example of how closely the establishment of the parish was tied to local ecclesiastical taxation, the related term *benefice*, which simply means income associated with a particular church, became virtually synonymous with *parish*. The incumbent was the cleric entitled to the income of the parish and was appointed by the patron who was also responsible for maintaining the church building. Patrons could be ecclesiastical (e.g., bishop or abbot) or lay (e.g., noble or landowner).
5. While Archbishop Theodore of Canterbury has been traditionally regarded as the founder of the English parish system in the seventh century, there is strong evidence that parishes existed in England much earlier. The dioceses and parishes of England underwent significant refinement after the Norman invasion in 1066, but the bounds of most rural parishes have remained largely unchanged since the thirteenth century.

6. The English parish took on the double function of being both an ecclesiastical unit as well as the most basic unit of civil government. In other words, Parish councils were responsible for far more than the ministry of the church. Since the late nineteenth century, those two tasks have been divided and parishes are served by both a parish council which looks after secular matters (like roads), and a parish church council (PCC) which is focused on the ministry of the church.
7. At the time of the Reformation, the English Church, like most reformed traditions (e.g., Lutheran, Presbyterian, Reformed), maintained the parish system. All who lived within the boundaries of a particular parish were considered members of the parish church and so were both entitled to its ministrations and obliged to pay tithes. Over the centuries, however, tithes and glebes produced radically different incomes from parish to parish. One parish could be worth 7,000 pounds per year while the neighbouring parish could be worth 40 pounds. Moreover, England was slow to adapt the parish system to population growth, as any changes needed to pass through parliament.¹
8. Nevertheless, the strength of the parish system was that a minister was tasked with the responsibility of proclaiming God's word and administering the sacraments to all the people within a geographic location. However, while parish boundaries can be seen as a positive development, ensuring that every person has someone tasked with the cure of their soul, many ministers were not doing their job of proclaiming the grace of Christ to their parishioners. In these cases, the boundaries had turned into barriers to the gospel. It was this that led John Wesley to declare 'the whole world is my parish'. The evangelicals from the beginning worked both inside and outside the parish system to build the kingdom of Christ.
9. When Christian ministry began in Australia in 1788, its earliest form was extra parochial and extra diocesan, although certainly evangelical and Anglican. There were no bishops or dioceses outside the British Isles until Samuel Seabury was consecrated for the newly independent Episcopal Church in the USA in 1784. Although by that point there had been Anglican churches in the colonies for more than 150 years, oversight of these churches by the Bishop of London was seen as adequate. For this reason, Richard Johnson's friend and mentor John Newton often quipped that Johnson was, in fact, 'the Bishop of Botany Bay' and contrasted his missionary enterprise with 'parish' ministry in England. Within a few decades, however, ministry in Sydney was regularised and parishes were established, albeit not with the traditional obligation of tithing for those within their bounds because the chaplains were paid by the government. In 1836, the diocese of Australia was founded, and the number of parishes continued to multiply. In the following decades, new dioceses were established around the country.
10. The benefits of the parish system were advantageous in settled areas like expanding suburbs and regional towns where ministry was theoretically provided to every resident, and often the church became a point of community focus. However, the inflexibility and lumbering nature of the system meant that Anglicans were relatively ineffective in times of rapid change and transience (such as during the gold rushes of the Victorian era), especially when compared with the Methodists.
11. In more recent years, churches have been established which have focused on particular social, demographic, ethnic or other networks, alongside the traditional local parish divisions across the diocese. Sydney Diocese has accommodated these changes by recognising churches that are Anglican, but which do not fall into the traditional parish system.

Parish System's Relationship to Biblical Ecclesiology

12. As noted above, the New Testament's theology of church does not mandate the parish system, but neither is the system inconsistent with biblical ecclesiology. Christians have consistently gathered in local congregations, as noted in the Doctrine Commission's Report *A Theology of Christian Assembly* (2008):

From the very beginning, Christian believers met together. Those who responded to Peter's preaching on the Day of Pentecost "devoted themselves to the apostles' teaching and fellowship, to the breaking of bread and the prayers" (Acts 2:42),

¹ As an example of the lack of agility within the English parish system, note the time between consecutive New Parish Acts – 1710, 1818.

purposefully and frequently assembling in different places (in the temple and in their homes, v. 46). Wherever the gospel of Christ went, assemblies were formed, meeting in households (1 Cor. 16:19; Rom. 16:5) and in larger groups (1 Cor. 14:23).

13. Local churches also have an ongoing theological purpose, as the same report makes clear:

Thus, when Christians meet together now in the midst of a groaning creation, each particular gathering is both a manifestation of our union with Christ and each other before God's throne in the heavenly realms and an anticipation of the ultimate assembly of God's people around his throne in a renewed creation... They have been gathered by the triune God himself, who is powerfully present in them.

14. While the ordered division of geographic areas into distinct and contiguous areas of ministry responsibility is not evident in the New Testament, segregated spheres of ministry can be seen. For example, Paul in Galatians 2:9 describes his agreement with Peter and James that they should go to the Jews and that he should go to the Gentiles. This rationale is not dissimilar to that of the cure of souls associated with the parish system.

Parish System's Continuing Usefulness

15. The continuing usefulness of the parish system is dependent on churches remaining faithful to the gospel and expressing biblical ecclesiology in local areas. As noted in the Doctrine Commission's Report, *The Unchanging Heart of Parochial Incumbency* (2021), Anglican clergy make significant promises which were written with parish ministry in mind:

For every parish church a minister (or ministers) is appointed to serve that local area. The promises the priest (rector) makes reflect his role: 'to teach and forewarn, to feed and provide for the Lord's family; to seek for Christ's sheep who are scattered abroad...' The scope of this charge was always conceived to be a specific parish area.

16. At the same time, to focus exclusively on parish churches may be detrimental to contemporary mission in our complex, multicultural and urban diocese. As the same report goes on to say:

Changes and challenges have come to this geographical model due to the greater mobility of people (who freely travel between suburbs and regions), and also to the growth of ethnic or other communities who seek to meet together around shared language, culture and place of origin. Consequently, many Christians bypass their 'local' gathering to find spiritual strengthening in other parishes. This is also the case with social networks in the community at large. They are rarely bound by a local main street, or even neighbouring suburbs. Rather, networks form around language or cultural groups, socio-economic or migrant needs, religious affiliations and more. The result is a multi-ethnic urban setting with highly complex social networks. This poses a further challenge to the traditional model of the cure of souls. As a consequence, ministers may not be able to reach all the various cultural or linguistic groups in their geographical parish, since a variety of approaches, or culturally or linguistically sensitive ministries, may be needed.

17. The 'Recognised Churches Ordinance 2000' of our diocese has evolved into a response to this reality. Its original intention notwithstanding, it has become a mechanism to create new churches within the boundaries of existing parishes. According to the report, which gave the rationale for this ministry pattern, 'the responsibilities of the recognised church are the same as the responsibilities of a parish. However, the pastoral responsibilities of a minister of a recognised church would be limited to the members of the church'. The rationale behind this was to allow flexibility in mission, especially if the church was established to reach a particular ethnic or social group. This is a different model from that received and implemented throughout the diocese from its inception and introduces another level of complexity to the question of the scope of the cure of souls. The minister is no longer committed to seeking all of Christ's sheep in a particular area, but some of Christ's sheep in many areas.

18. The parish system has some flexibility to adapt to different church planting methods and ministries that aim to reach various groups. However, when new ministries are planted within the boundaries of another parish, it can often lead to relational tensions. These can not only undermine the new venture but deter others from making similar attempts. Yet perhaps a more significant issue is the rising amount of ministry workers dependent on long term fundraising. Many must function less like a traditional parish minister and more like a church planting missionary. However, the costs of the parish system remain the same, making it difficult for some parishes to operate financially. Furthermore, if we aim to raise leaders from more culturally diverse areas or with lower socio-economic backgrounds, we must recognise that the educational, financial, and linguistic barriers they face to becoming a parish minister are significant.

Conclusion

19. In the light of the anticipated growth of new communities in greenfields areas of the Diocese, the speed at which this growth is occurring, and the urgent need to plant churches to reach them, it is clear that the parish system will continue to play a significant role in establishing and growing churches in local communities, with a primary focus on those within parish boundaries. It is also important to note, however, that it is desirable for parishes to be complemented by other churches which may be more effective at reaching the diversity of people within large, multicultural cities. There is no theological reason why these two systems could not exist alongside each other as parallel strategies for reaching the lost and providing pastoral care within the Diocese. Each has its own theological integrity as an expression of biblical ecclesiology. The difficulties that may remain are largely practical and logistical rather than theological.

MARK D. THOMPSON
Chair, Sydney Diocesan Doctrine Commission

4 May 2023

General Synod 2022 Legislation

(A report of the Standing Committee.)

Key Points

- It is recommended that Synod –
 - (a) assent to the *Constitution Amendment (Mandatory Suspension) Canon 2022*,
 - (b) assent to the *Constitution Amendment (Mandatory Deposition) Canon 2022*,
 - (c) adopt the *Safe Ministry Legislation Amendments Canon 2022*, and
 - (d) not adopt the *Episcopal Standards Investigations Amendment Canon 2022*.
- Some amendments in the *Safe Ministry Legislation Amendments Canon 2022* relate to principal canons that are not in force in Sydney. Some of these amendments should be given effect by separately amending the *Safe Ministry to Children Ordinance 2020*.

Purpose

1. The purpose of this report is to outline the Standing Committee's recommendations with respect to legislation passed by the General Synod in 2022.
2. The report provides an overview of the legislation. A detailed explanation is provided in the explanatory reports accompanying those canons which are recommended for adoption or assent.

Recommendations

3. Synod receive this report.
4. Synod –
 - (a) assent to the *Constitution Amendment (Mandatory Suspension) Canon 2022*,
 - (b) assent to the *Constitution Amendment (Mandatory Deposition) Canon 2022*,
 - (c) adopt the *Safe Ministry Legislation Amendments Canon 2022*, and
 - (d) not adopt the *Episcopal Standards Investigations Amendment Canon 2022*.

Background

5. Under the constitution of the Anglican Church of Australia in the Schedule to the *Anglican Church of Australia Constitution Act 1961 (the Constitution)*, the General Synod has power to make canons for the order and good government of the Church. The General Synod also has power, by canon, to amend the Constitution.
6. Not all canons come into effect when they are passed. For example, where a canon affects the order and good government of the Church in a diocese, the canon does not come into effect in that diocese unless the diocese *adopts* the canon by ordinance. Further, a canon to amend the Constitution only comes into effect if the requisite number of diocesan synods report their *assent* to the canon. In the case of certain provisions of the Constitution, the canon only comes into effect if it receives *assent* from all dioceses.

18th General Synod

7. The 18th General Synod was held on the Gold Coast from 8–13 May 2022.
8. The 18th General Synod consisted of 249 members of whom 73 were from the Diocese of Sydney. Resolutions, canons and rules were passed at the session, and elections also took place for General

Synod boards and committees. A report outlining these matters was provided to the Synod at its session in September 2022.

Canons passed by the General Synod in 2022

9. In 2022, the General Synod passed the following canons –
- Canon 01/22 – Eighteenth General Synod Participation Canon 2022 **
 - Canon 02/22 – Constitution (Repeal of Canon No 9 of 2010) Canon 2022 **
 - Canon 03/22 – National Aboriginal and Torres Strait Islander Anglican Council Amendment Canon 2022 **
 - Canon 04/22 – Defence Force Ministry (Amendment) Canon 2022 **
 - Canon 05/22 – Long Service Leave (Sabbatical Allowance Amendment) Canon 2022 **
 - Canon 06/22 – Strategic Issues, Commissions, Task Forces and Networks Amendment Canon 2022 **
 - Canon 07/22 – Constitution Amendment (Mandatory Suspension) Canon 2022*
 - Canon 08/22 – Constitution Amendment (Mandatory Deposition) Canon 2022*
 - Canon 09/22 – Episcopal Standards (Child Protection) (Amendment) Canon 2022*
 - Canon 10/22 – Special Tribunal (Removal from Office) Canon 2022 **
 - Canon 11/22 – Safe Ministry Legislation Amendments Canon 2022*
 - Canon 12/22 – Episcopal Standards Investigations Amendment Canon 2022*
 - Canon 13/22 – General Synod Presence Canon 2022 **

Canons already in force

10. Several of the canons passed by the General Synod in 2022 have taken effect because they do not affect the order and good government or the church trust property of the Church in a diocese. These canons are marked with a single asterisk (*) in the above list.

Canons adopted by our Synod in 2022

11. At its session in September 2022, our Synod adopted *Canon 09/22 – Episcopal Standards (Child Protection) (Amendment) Canon 2022*.

Canons recommended for assent by our Synod in 2023

12. It is recommended that the Synod assent to the *Constitution Amendment (Mandatory Suspension) Canon 2022* and the *Constitution Amendment (Mandatory Deposition) Canon 2022*.
13. Both canons amend the Constitution and will not come into effect until at least three-quarters of the diocesan synods (including all the metropolitan sees) have assented to the canon by ordinance (with all such assents to be in force at the same time).
14. Clause 5.2(3) of the *Synod Standing Orders Ordinance 2019* requires that, if a proposed ordinance seeks to assent to a canon of the General Synod of the Anglican Church of Australia to amend the Constitution in the Schedule to the *Anglican Church of Australia Constitution Act 1961*, a copy of the proposed ordinance be sent to each member of Synod at least 3 months before the first day of the session at which the proposed ordinance is to be considered. Accordingly, a copy of the proposed ordinances were sent to Synod members on 9 June 2023.

Canon 07/22 – Constitution Amendment (Mandatory Suspension) Canon 2022

15. The *Constitution Amendment (Mandatory Suspension) Canon 2022* creates a Constitutional requirement for mandatory suspension of a Bishop charged with a sexual offence relating to a child. The Canon also inserts a definition of “sexual offence relating to a child” to mean a conviction or charge of sexual activity against, with or in the presence of a child, or the possession, production or distribution of any form of child pornography.

Canon 08/22 – Constitution Amendment (Mandatory Deposition) Canon 2022

16. The *Constitution Amendment (Mandatory Deposition) Canon 2022* creates a Constitutional requirement for mandatory deposition of person convicted of a sexual offence relating to a child committed while a member of the clergy. The phrase “sexual offence relating to a child” as the same meaning as quoted above.

Canons recommended for adoption by our Synod in 2023

17. It is also recommended that the Synod adopt the *Safe Ministry Legislation Amendments Canon 2022*.
18. This Canon amends the following principal canons for the purpose of implementing certain recommendations of the Royal Commission into Institutional Response to Child Sexual Abuse and to make other technical amendments:
- (a) Chancellors Canon 2001 **;
 - (b) Episcopal Standards (Child Protection) Canon 2017;
 - (c) National Register Canon 2007;
 - (d) Offences Canon 1962;
 - (e) Safe Ministry to Children Canon 2017 **;
 - (f) Special Tribunal Canon 2007;
 - (g) Episcopal Standards Canon 2007 **.
19. The principal canons marked with a double asterisk (**) in the above list have not been adopted in the Diocese of Sydney. The *Safe Ministry Legislation Amendments Canon 2022* includes provisions which allow each its parts and divisions to be adopted separately, however the parts and divisions are structured on the basis of subject-matter rather than the canons they amend. Nonetheless the amendments to the principal canons that are not in force in Sydney are not capable of having effect on their own without adoption of the principal canons and will therefore not have any substantive operation in the Diocese.
20. Although the Diocese of Sydney has not adopted the *Safe Ministry to Children Canon 2017 (the Canon)*, it has passed equivalent legislation in the form of the *Safe Ministry to Children Ordinance 2020 (the Ordinance)*. Certain amendments should be made to the Ordinance to ensure implementation of the recommendations of the Royal Commission and to maintain parity with the standards in the Canon. Other amendments are unnecessary because they relate to laws that are not in force in NSW and are only dealt with in the Canon because it operates nationally or are unnecessary due to differences between the Canon and the Ordinance (for example, the auditing regime).
21. It is anticipated that the proposed amendments to the *Safe Ministry to Children Ordinance 2020* will be printed separately.

Canons not recommended for adoption by our Synod

22. The *Episcopal Standards Investigations Amendment Canon 2022* expands the discretion of the Episcopal Standards Commission to decide whether or not to investigate allegations of conduct which might call into question the fitness of a Bishop to hold office.
23. The principal canon (the *Episcopal Standards Canon 2007*) is not in force in the Diocese of Sydney. There would be no utility in adopting the amendments and therefore it is recommended that the Synod not adopt this Canon.

For and on behalf of the Standing Committee.

Leadership of Indigenous Ministry in the Diocese

(A report from the Standing Committee.)

Key Points

- The Sydney Anglican Indigenous People's Ministry Committee (**SAIPMC**) has written to the Archbishop to highlight the limitations faced by it, as a voluntary committee, in progressing the development of indigenous ministry across the Diocese.
- It is recommended that an indigenous person (or persons) be appointed to lead Aboriginal ministry in our Diocese.
- The Synod should ask the Standing Committee to appoint a subcommittee to determine how best to progress this matter from in-principle support towards implementation.

Purpose

1. This report seeks the in-principle support of the Synod to recognise and appoint an indigenous person (or persons) to lead and represent Indigenous ministry in our Diocese.

Recommendations

2. Synod receive this report.
3. Synod, noting the report "Leadership of Indigenous Ministry in the Diocese" –
 - (a) expresses its gratitude for the work of the volunteers who serve on the Sydney Anglican Indigenous Peoples' Ministry Committee (**SAIPMC**),
 - (b) notes the report from the SAIPMC that indigenous ministry in the Diocese is hampered because a committee of volunteers is not able to lead and drive the vision for indigenous ministry (and true gospel reconciliation) across our Diocese and beyond,
 - (c) expresses in-principle support for the recommendation of SAIPMC that an indigenous person (or persons) be recognised and appointed to lead and represent Indigenous ministry in our Diocese,
 - (d) requests the Standing Committee to appoint a committee to explore how best to implement the recommendation of SAIPMC. The committee should consider –
 - (i) the scope of the role,
 - (ii) whether this role should be full time or part time, and/or a possible staged implementation,
 - (iii) whether there should be Indigenous representation on the Standing Committee,
 - (iv) the appropriate form of appointment (e.g., Canon, Archdeacon or Bishop), and
 - (v) the funding of this role.
 - (e) requests, to the extent that the recommendations of the committee require ordinance changes, that such changes be brought to the next session of the Synod for consideration.

Discussion

4. In a letter to the Archbishop dated 6 April 2023, the SAIPMC identified limitations faced by the committee and its members, which hamper efforts to grow indigenous ministry across the Diocese. Their letter makes the following points –

"The SAIPMC, as with most Diocesan Committees is a voluntary committee and has no external personnel support. Included on the Committee are our three Aboriginal ministers: Rev Michael Duckett (Chair), Rev Rick Manton and Pastor Brendon Garlett.

Although each of these members are paid in ministry, they each have churches to oversee and have limited time.

As Chair of the Committee there are many additional demands on Michael Duckett's time with requests from parishes, schools and other community bodies for specific Indigenous ministry support and input. The time demands on Michael and other Indigenous members and limitations of the SAIPMC generally has revealed the need for a person who will specifically drive the vision for Indigenous ministry (and true gospel reconciliation) across our Diocese and beyond.

Although the Committee is thankful for the funding provided through the generosity of the Synod and many supporters, the reality is that this funding falls far short of what is required to develop and sustain viable Indigenous ministries. Without someone able to drive the gospel vision it is difficult to raise the necessary funds to see the vision realised."

5. In the view of SAIPMC, what is needed is for a suitable person to be recognised, authorised and set apart to progress this work. The SAIPMC can assist but is unable to fulfill this need as it operates as a committee of volunteers and functions more in a consultative role than an implementation role.

6. SAIPMC suggests that this role would include coordination of –
 - Training pathways for Indigenous ministry in the Diocese
 - Participate in the planning and development of training pathways for Indigenous people in ministry in a culturally safe environment.
 - Development of financial and accountability structures for Indigenous Churches
 - Currently churches raise their own funds with accountability being managed by their partner churches. The goal would be to develop a process to standardise all formal structures and processes managed by the Indigenous churches.
 - Enhancing cultural awareness and guidance in sensitive matters within the Diocese, eg;
 - Aboriginal spirituality
 - Acknowledgement of Country
 - Smoking ceremonies
 - Property sales and development
 - Indigenous ministry succession
 - Plan, search and develop strategies for ministry succession when pastors move on.
 - Indigenous church planting proposals
 - Provide counsel and guidance on the engagement and consultation with Indigenous communities to prevent mistakes of the past
 - Providing resources and educational material
 - Sorry Day
 - NAIDOC
 - Significant dates on the Indigenous calendar

7. To progress this, Synod is invited to express its in-principle support for the SAIPMC's recommendation that an indigenous person (or persons) be recognised and appointed to lead and represent Indigenous ministry in our Diocese.

8. The Standing Committee should be asked to appoint a committee to develop a plan as to how to progress this, recognising that a staged implementation may be required. The committee would, in close consultation with SAIPMC, consider –
 - (a) the scope of the role,
 - (b) whether this role should be full time or part time, and/or a possible staged implementation,
 - (c) whether there should be Indigenous representation on the Standing Committee,
 - (d) the appropriate form of appointment (eg. Canon, Archdeacon or Bishop), and
 - (e) the funding of this role.

9. To the extent that the recommendations of the committee require ordinances changes, these matters should be brought to the next session of the Synod for consideration.

For and on behalf of the Standing Committee.

BRIONY BOUNDS
Diocesan Secretary

17 July 2023

Ordinances passed by the Standing Committee since its last report

(A report from the Standing Committee.)

The following ordinances were passed by the Standing Committee in the period August 2022 to July 2023 –

Cremorne Trust Ordinance 2019 Amendment Ordinance No 24, 2022
Cost Recoveries Framework Ordinance 2008 Amendment Ordinance No 25, 2022
Ingleburn with Glenquarie Variation of Trusts and Amendment Ordinance No 26, 2022
Ingleburn with Glenquarie Mortgaging and Allocation Ordinance No 27, 2022
Fairy Meadow Land Sale Ordinance No 28, 2022
Jamberoo (ACPT Client Fund 0565) Variation of Trusts Ordinance No 29, 2022
Mission Property Fund Ordinance 2002 Further Amendment Ordinance No 30, 2022
Anglican Church Growth Corporation Ordinance 2018 Amendment Ordinance No 40, 2022
Anglican Church Growth Corporation (Pilot Program Enabling No 3) Ordinance No 41, 2022
Church Trust Property (Declaration of Certain Purposes and Objects) Ordinance 1979 Repeal Ordinance No 42, 2022
Mona Vale Trust Ordinance No 43, 2022
Woollahra Trust Ordinance No 44, 2022
Paddington Trust Ordinance 2018 Amendment Ordinance No 45, 2022
Anglican Church Growth Corporation Ordinance 2018 Further Amendment Ordinance No 46, 2022
Church Hill Leasing Ordinance 2011 Further Amendment Ordinance No 47, 2022
Dural District Land Sale Ordinance 2019 Amendment Ordinance No 48, 2022
Christ Church Inner West Variation of Trusts and Amendment Ordinance No 49, 2022
Ryde Trust Ordinance 2013 Amendment Ordinance No 50, 2022
Accounts, Audits and Annual Reports Ordinance 1995 Amendment Ordinance No 51, 2022
Cathedral Ordinance 1969 Amendment Ordinance No 52, 2022
Long Term Pooling Fund Ordinance 2012 Amendment Ordinance No 53, 2022
Nomination Ordinance 2006 Amendment Ordinance No 1, 2023
Interpretation Ordinance 1985 Amendment Ordinance No 2, 2023
Christ Church Inner West (Five Dock Urban Renewal) Trust Ordinance No 3, 2023
Cronulla Variation of Trusts and Land Sale Ordinance 2022 Amendment Ordinance No 4, 2023
Wollongong Variation of Trusts and Amendment Ordinance No 5, 2023
Nomination Ordinance 2006 Further Amendment Ordinance No 6, 2023
Regions Ordinance 1995 Amendment Ordinance No 7, 2023
Sydney Diocesan Sickness and Accident Fund Ordinance 1969 Amendment Ordinance No 8, 2023
Clergy Removals Fund Ordinance 2003 Amendment Ordinance No 9, 2023
Synod Fund (Living Faith) Application Ordinance No 10, 2023
Canterbury with Hurlstone Park Variation of Trusts and Amendment Ordinance No 11, 2023
Carlingford and North Rocks Easement Ordinance No 12, 2023
Wentworthville Easement Ordinance No 13, 2023
Sans Souci Trust Ordinance No 14, 2023
Unichurch (UNSW) Trust Ordinance No 15, 2023
Anglican Church Growth Corporation Ordinance 2018 Amendment Ordinance No 16, 2023
Campbelltown Trust Ordinance 2016 Amendment Ordinance No 17, 2023
Miranda Trust Ordinance 2015 Amendment Ordinance No 18, 2023

Sutton Forest Trust Ordinance No 19, 2023

Synod Estimates Ordinance 1998 Amendment Ordinance No 20, 2023

Sydney Diocesan Services Ordinance (Interim Membership Arrangements) Ordinance No 21, 2023

Safe Ministry Board Ordinance 2001 Amendment Ordinance No 22, 2023

South Head Variation of Trusts and Amendment Ordinance 2021 Amendment Ordinance No 23, 2023

Wollondilly Land Sale and Mortgaging Ordinance No 24, 2023

Figtree Trust Ordinance No 25, 2023

For and on behalf of the Standing Committee.

BRIONY BOUNDS
Diocesan Secretary

17 July 2023

Purpose and priorities for the Diocesan Fellowship

*“For what we preach is not ourselves, but Jesus Christ as Lord,
and ourselves as your servants for Jesus’ sake” (2 Corinthians 4:5)*

‘We’re For Jesus’

Our **continuing purpose** as Sydney Anglicans is given to us by God in the Scriptures. This purpose is **to make disciples** by:

- proclaiming and commending Christ
 - establishing them in the life of the church
 - equipping them for compassionate service in the world
 - sending some to serve beyond our Diocese
 - prayerfully seeking God’s work in all things

As an expression of our love for God and our neighbours, our Diocese is a **fellowship of churches, schools and organisations**, all of which are shaped by the gospel and share our disciple-making purpose. The **churches** (including those that meet in gaols, schools, and aged-care and retirement village settings) are the foundation of our Diocesan fellowship and have unique opportunity and responsibility for the work of making disciples since they are communities gathered by the gospel. We seek God’s work amongst us to **multiply Christians, multiply churches, and multiply leaders**. To these ends, we long to see our fellowship marked by healthy **communication, collaboration, and coordination**.

The following is a list of **areas of focus**, particularly thinking about **the next five years**. This is not intended to be a list of everything that’s important to us, and we acknowledge that there are a number of existing areas of priority/work that warrant ongoing attention and effort. Rather these are some areas where we believe we especially need to grow/change.

Each in their own way the priorities below will express and foster our commitment to the purposes outlined above- multiplying Christians, multiplying churches, and multiplying leaders.

Our **highest priorities** are:

- 1) the ministry of the word
- 2) prayer
- 3) mobilising and motivating all Sydney Anglicans to be disciple-making disciples

Our **other priorities** (in no particular order) are:

- 4) encouragement of deeper collaboration between churches, schools, and organisations- including a more collaborative approach to the use of our property assets
- 5) healthy and flourishing churches made possible especially by the retention, strengthening, and accountability of Rectors through:
 - (a) re-focussing of Regional Bishops (and the provision of better support for Bishops in their role)
 - (b) professional supervision and professional development for Rector well-being
- 6) recruitment and training of new ministry leaders, including but not limited to:
 - (a) leaders for particular kinds of churches (church plants; larger (or “hub and spoke”) parishes

- (b) leaders (both women and men) of ministry in particular communities (indigenous; cross-cultural; blue collar; marginalised areas)
- 7) growth and strengthening of ministry amongst children and young people, especially through better leveraging of links between schools and churches
- 8) media and engagement: strengthening internal communication with better systems/processes for sharing stories and resources; and strengthening external communication through a significant reinvestment in Anglican Media
- 9) church planting: establishing new fellowships in Greenfields areas (with accompanying investment in land and buildings) and other areas (with creative approaches to beginning new ministries/communities)

July 2023

Statement of Funding Principles and Priorities 2025 – 2027

1. God’s Mission and Our Mission as a Diocese

The purpose of the Statement of Funding Principles and Priorities has historically been to attempt to translate our diocesan mission into principles that can be applied for the allocation of scarce resources for the furtherance of that mission. As we approach this task for the 2025 - 2027 Triennium it is important to understand that Archbishop Raffel, in consultation with his senior leadership team and other diocesan leaders, has framed our understanding of the diocesan mission in a new way.¹

Given the polity of our Diocese, which places a high value on the local ministry especially centred in our churches, to have a centrally driven diocesan mission that prescribes certain priorities for our churches seems to run counter to our deeply held theological principles. Instead, the Archbishop is encouraging us to see the Diocese as a fellowship by which we support and enable the ministry of the gospel firstly in our parishes and churches, and then also in our diocesan organisations and schools.

Ultimately, the mission of our Diocese must be to support the gathered people of God in every local church, through whom God is at work to take the saving message of the cross to a lost world and to call a people for his very own. That is the mission of God, and therefore it must be our Diocese’s mission to support that happening in any and every age. (For a fuller consideration of the place of the Diocese, see Appendix B, “What is the Diocese?”)

The Archbishop has invited the Diocese to commit to the following understanding of our purposes as a Diocese (see also Appendix D).

We’re For Jesus

“For what we preach is not ourselves, but Jesus Christ as Lord, and ourselves as your servants for Jesus’ sake” (2 Corinthians 4:5)

Our **continuing purpose** as Sydney Anglicans is given to us by God in the Scriptures. This purpose is **to make disciples** by:

- proclaiming and commending Christ
 - establishing them in the life of the church
 - equipping them for compassionate service in the world
 - sending some to serve beyond our Diocese
 - prayerfully seeking God’s work in all things

As an expression of our love for God and our neighbours, our Diocese is a **fellowship of churches, schools and organisations**, all of which are shaped by the gospel and share our disciple-making purpose. The **churches** (including those that meet in gaols, schools, and aged-care and retirement village settings) are the foundation of our Diocesan fellowship and have unique opportunity and responsibility for the work of making disciples since they are communities gathered by the gospel. We seek God’s work amongst us to **multiply Christians, multiply churches, and multiply leaders**. To these ends, we long to see our fellowship marked by healthy **communication, collaboration, and coordination**.

This mission and understanding of the Diocese should then shape how we allocate our resources. For instance, our three high-level priorities - multiplying Christians, multiplying churches and multiplying leaders - will ensure that we always prioritise the allocation of resources to those things that will help to achieve these outcomes. For instance, theological education will always remain a high priority in our allocation of resources as it is essential for each of these priorities. Similarly, ministry to youth and children will always be a strategic priority, given how many people make a commitment for Christ before the age of 20. Similarly, the priority of the local church as the centre of God’s plans for his world means that we will seek to minimise extra financial impost on parishes, so that their funds can be used for local gospel purposes.

¹ Of course, there are underlying biblical and theological principles that drive all of our thinking about the use of resources in the funding of Christian ministry. See Appendix A for a discussion of these principles.

2. Understanding the Structure of Funding the Diocese of Sydney

Broadly speaking, there are two funds that resource the various activities of the Diocese – the Synod Fund, and the Endowment of the See Fund. Parish Cost Recoveries is a separate means of recovery of expenses incurred centrally on behalf of parishes.

The Synod Fund

The Synod Fund is responsible for funding the agreed priorities of the network that forms our Diocese as decided upon and agreed by the Synod. The Glebe Administration Board, as manager of the Diocesan Endowment, and St Andrew's House Corporation, as manager of the St Andrew's House Trust, continue to provide the bulk of the funds available each year for distribution from the Synod Fund. (The Synod is a 50% income beneficiary of the St Andrew's House Trust). A small number of parishes with very substantial lease and other property income provide a significant further source of Synod funds.

The Endowment of the See (EOS)

The EOS is responsible for funding the work of the Office of the Archbishop, which includes the Assistant Bishops, the Archdeacons and other support staff. The EOS is the other 50% income beneficiary of the St Andrew's House Trust and this provides the majority of its income.

Parish Cost Recoveries (PCR)

PCR are responsible for recovering the direct costs (e.g., minister's superannuation) and indirect costs (e.g., Office of the Director of Safe Ministry) incurred centrally on behalf of all parishes.

It should be noted that any "Levy" is distinct from PCR, in that it is a charge to raise funds from parishes for specific purposes – for example, the Church Land Acquisitions Levy.

3. Diocesan funding principles

Arising out of the above sections, there are both general principles and specific funding principles that should guide our preparation of diocesan budgets.

A. General principles

- (a) We are a network of Christian churches and other associated Christian ministries working in partnership in a particular geographical area that is parish based, episcopally led and synodically governed under an Anglican constitution (see Appendix B).
- (b) We are a long term organisation that seeks to encourage gospel growth, whether in the short or long term. Accordingly, we need to invest strategically for the long term in both people and infrastructure while also supporting immediate and short term opportunities.
- (c) The different parts of the Diocese must be appropriately accountable –
 - (i) Synod funding provided for organisations should recognise their delegated authority and –
 1. give appropriate responsibility and authority to the elected board,
 2. consider outcomes, conducting reviews and evaluation primarily through periodic discussion with the elected representatives on the board, and
 3. be determined on the basis of information supplied in an appropriate way (a statement as to the suggested procedure is contained in Appendix C to this paper) and
 - (ii) wherever possible programme outcomes should be measured, either quantitatively or qualitatively.
- (d) We shall endeavour to meet all contractual commitments under secular legislation and Anglican structures.

B. Specific funding principles

- (a) As part of the network of Christian ministries in the Diocese, Synod needs to –
 - (i) fund the selection, appointment and ordination of Christian workers,
 - (ii) contribute to funding the recruitment, training and equipping of people for ministry,

- (iii) support the ministry of the Dean and diocesan events at the Cathedral,
 - (iv) contribute to our representation in the wider Anglican Church, to government and in the public sphere, and
 - (v) ensure the affairs of the Province are appropriately governed.
- (b) The Diocesan network also needs to pay for Synod-determined costs, including –
- (i) annual meetings of Synod,
 - (ii) Standing Committee costs,
 - (iii) Sydney Diocesan Services,
 - (iv) Registry-related costs. This is a substantial change from previous funding arrangements, which seeks to recognise that the Registry is primarily the servant of the synod and the parishes. This has been obscured in the past by the close connection between the role of the Registrar and the Office of the Archbishop. However, the appointment of the Archdeacon to the Archbishop has separated the role of the Registrar from the Office of the Archbishop. For a fuller explanation, see Appendix E.
 - (v) representatives to attend General Synod, and
 - (vi) whatever Synod by Ordinance establishes.
- (c) Among parish-related costs the Diocesan network has chosen to collectively administer funding for the following –
- (i) employment related on-costs for clergy – superannuation, long service leave, clergy care (stipend continuance insurance premiums and Clergy Assistance Program), and sickness and accident fund contributions,
 - (ii) property and liability insurance program,
 - (iii) risk management program,
 - (iv) Office of the Director of Safe Ministry,
 - (v) safe ministry program,
 - (vi) Ministry Spouse Support Fund,
 - (vii) Voluntary Relinquishment of Incumbency Fund,
 - (viii) Anglican Church Property Trust (**ACPT**) Management Fee for all parishes with property,
 - (ix) contribution to Diocesan Archives.
- (d) The Diocese needs to fund any Synod-determined discretionary spending for specified ministry initiatives.
- (e) A levy on parishes of 2% of their net operating receipts will continue to raise funds for the acquisition of land for future church sites. As a Synod in 2022, we committed for a period of 10 years to continue to support the work of acquiring land for future church sites in areas of population growth, through the Church Land Acquisition Levy.
- (f) The work of the Anglican Church Growth Corporation (**ACGC**) is not funded through these sources. It is instead partly funded by the Property Receipts Levy. It is anticipated that the ACGC will in the future generate returns that will help to fund building developments in greenfield areas and redevelopments in brownfield areas.

C. 2025-2027 Triennium Funding Priorities

The following specific principles and priorities for the allocation of resources for the 2025-2027 Triennium have been prepared in consultation with Archbishop and his Leadership team in light of the Purpose and Priorities for the Diocesan Fellowship (Appendix D).

Not all high priorities require funding

Several of the priorities listed in Appendix D do not require funds to be allocated. For instance, the Archbishop has reminded us that our highest priority must be prayer. As a Synod we need to consider how to make this the priority it should be in the life of our Diocese, however it does not require a direct allocation of financial resources.

Similarly, the encouragement of deeper collaboration between churches, schools, and organisations, including a more collaborative approach to the use of our property assets needs to be at the forefront of the Synod's thinking. However, once more, it does not require funding from these sources. Indeed, the good work

of our organisations and schools is on the whole self-funded and most do not receive allocations from these sources.

The priority of the parish as the focal point of God's mission

As has been stated repeatedly in this paper we must always remind ourselves that the majority of our fundamental work of making and growing disciples is carried out in our parishes and funded by the generosity of our parishioners in their support of their local church.

Over recent years the PCR charge on parishes has risen significantly, due mainly to large increases in insurance premiums. It is our hope over this triennium to continue to limit the impact of PCR increases on our parishes, so that their funds can go towards meeting their own needs and supporting local gospel endeavours.

Funding obligations

As set out above in sections B(a) and B(b) there are many things that we are required to fund by virtue of being a network which is parish based, episcopally led and synodically governed and under the Constitution of the Anglican Church of Australia. We do not have liberty to cease to fund these things whatever our immediate priorities.

Ongoing priorities

We will continue to fund certain ongoing priorities, including but not limited to:

- (a) Raising up and equipping leaders through our investment in Moore Theological College and the Ministry Training and Development programme (**MT&D**).
- (b) Supporting and encouraging ministry to children and youth through our support of Youthworks College and the Youthworks ministry support programs.
- (c) The encouragement and fostering of evangelism and training in evangelism in the Diocese through the support of Evangelism and New Churches (**ENC**).
- (d) Ongoing support for work outside the Diocese through the work of the Work outside the Diocese Committee.
- (e) Ongoing support for the Diocese of Bathurst, to which we are committed up to 2029.
- (f) The work of the Dean and Cathedral as the central church of the Diocese.

Specific priorities for the next triennium

Recognising the uncertainties and limitations of Diocesan funding, and flowing from Appendix D, we will also focus on the following additional areas for this Triennium (not listed in order of priority):

- (a) The encouragement of healthy and flourishing churches made possible especially by the retention, strengthening, and accountability of Rectors through:
 - (i) re-focussing of Regional Bishops (and the provision of better support for Bishops in their role of supporting Rectors); and
 - (ii) the ongoing implementation of professional supervision and professional development for Rector well-being;
- (b) The recruitment of new ministry leaders including but not limited to:
 - (i) leaders for particular kinds of churches (church plants; larger or "hub and spoke" parishes); and
 - (ii) leaders (both women and men) of ministry in particular communities (indigenous; cross-cultural; blue collar; marginalised areas);
- (c) The growth and strengthening of ministry amongst children and young people, especially through better leveraging of links between schools and churches;
- (d) Attention to media and engagement, both through the: strengthening of internal communication with better systems/processes for sharing stories and resources; and the strengthening of external communication through a significant reinvestment in Anglican Media; and
- (e) A focus on church planting; both through establishing new fellowships in Greenfields areas (with accompanying investment in land and buildings) and also in other areas (with creative approaches to beginning new ministries/communities).

Biblical and theological background

Important principles can be drawn from a biblical and theological background to Christians' use of money and the relationship between churches.

- (a) The material world and its wealth are part of God's good creation for our stewardship and sufficient for our need (Genesis 1:28-31; Matthew 6:19-34; Philippians 4:19; 2 Corinthians 9:8-11; 1 Timothy 4:1-6; 6:17-19).
- (b) We should avoid covetousness, learn contentment, be generous, provide for the disadvantaged and seek to act justly (Exodus 20:17; Matthew 23:23; Luke 3:14; Acts 20:33f; 2 Corinthians 8:8-15; 9:6-14; Ephesians 4:28; Philippians 4:12-13; Colossians 3:5).
- (c) Christians are to provide for their own needs and the needs of their families in order not to burden others or the church, so that the church can help those who are genuinely in need (2 Thessalonians 3:6ff; 1 Timothy 5:3-16).
- (d) Those who benefit from the ministry of the word should support those who, principally or otherwise, provide that ministry (1 Corinthians 9:4-14; Galatians 6:6; 1 Timothy 5:17-18).
- (e) The New Testament values the work of Christians and churches who voluntarily support gospel ministry and social concerns beyond their local community (Acts 11:27-30; 18:3-5; Philippians 4:10-20; 2 Corinthians 8).
- (f) We should have a concern for transparent honesty and faithfulness in financial dealings (2 Corinthians 8:18-24).
- (g) There is a relationship among Christian congregations. The New Testament does not mandate any constituted structures like "parish" or "diocese". However, congregational independence was not the first century church pattern either. Apostles maintained pastoral oversight of congregations they no longer attended (Acts 14:23; 1 Corinthians 5:3-5; 2 Corinthians 10:7-13; 11:28; 1 Timothy 3:1-13; Titus 1:5-9), and they appointed elders to exercise governance (Acts 14:23). Churches "appointed" a brother to transport money (2 Corinthians 8:19); and there were rules and common practices that individual churches were not free to vary (1 Corinthians 4:17; 7:17; 11:16; 14:33).
- (h) The church is the fruit of the Lord's activity through the ministry of the gospel. This gospel ministry continues inside the church as well as outside. It is as people hear the word of life that they are regenerated by the Spirit and baptised into the one body (Ephesians 2:1-10; 4:1-6; 1 Corinthians 12:12-13; 1 Peter 1:22-2:5).

What is the Diocese?

For the purpose of thinking holistically, a description that captures the Diocese is –

We are a network of Christian churches and other associated Christian ministries working in partnership in a particular geographical area. In the Sydney Diocese our partnership is parish based, episcopally led and synodically governed under an Anglican constitution.

The fundamental activity of each part of the Diocese is **Christian ministry**. That is what unites everything else that we are or do. The church, unlike a parish or diocese, is the fruit of the Lord's activity through the ministry of the gospel. The ministry of the gospel precedes, empowers and governs the church. The church further promotes, supports and extends the ministry of the gospel.

The Diocese as a whole is a **network** of Christian ministries, for Christians are called into fellowship not only with God but also with one another. Such fellowship is not limited to congregational life but also among congregations. All ministries, churches, organisations and institutions are part of this network of people ministering the gospel.

We do this ministry in **partnership** with each other, recognising that we are better together. We must always recognise that each local church cannot do the task of reaching Greater Sydney and beyond alone, and so in gospel generosity we support each others' ministries alongside our own. One of the great strengths of our Diocese is that we work in partnership together to do things that individual parishes could not do alone.

This network of Christian ministries occurs in a **particular geographical area** because under God we have been entrusted with the responsibility to minister the gospel of salvation to all those who live within the diocesan boundaries.

This network of Christian ministries is **parish based**. A parish is a defined geographical area in which ministry is led by a rector and assisted by a parish council with responsibility to minister the gospel to every person living in that geographical area. However, parish boundaries should not be thought of as hard boundaries that limit people's ability to plant new congregations for the sake of gospel growth.

While the parish is central to the responsibility of bringing salvation to all people, not all Christian ministry of the Diocesan network happens within the parish system. Accordingly, our parish focus should never operate to the exclusion of other fellowship and networks that are not centred in geography.

Some ministries targeted to particular people groups are the responsibility of particular Diocesan organisations, for example Anglican schools minister primarily to children and youth and Anglicare provides aged care services both at home and in retirement villages. Some areas are nominated as "extra-parochial" because of the specialised ministry conducted within them. Some ministries such as chaplaincies are not church based. Furthermore, many ministries in the Diocese support and supplement other gospel ministries such as those of the parish or chaplaincies (e.g., Moore Theological College and Youthworks College train our future gospel workers, Sydney Diocesan Services provides legal support and the Office of the Director of Safe Ministry deals with allegations of misconduct).

Though parish ministries operate with considerable independence, they do not function in isolation – nor should they. They are formally linked into the Diocesan network because we are **episcopally led**. Given that we are a network of Christian ministry it is appropriate that it should be led by a minister of the gospel.

The network as a whole is **synodically governed** under an Anglican constitution. The government of the Diocese is constituted by State legislation and implemented by ordinances and elections of the Synod. The Synod governs for the good order of the network and the long term promotion of the ministry of the gospel in the Diocese as a whole.

Supporting information

One of the principles found in scripture (Appendix A(f)) is transparent honesty and faithfulness in financial dealings. It follows that all funding recipients should be prepared to give an account of their use of Synod funds as well as identify any other sources of funding that contribute to the resources they have to deliver ministry outcomes. Moreover, proper accountability requires an ongoing assessment of the outcomes achieved as well as the resources utilised to produce those outcomes.

Our Synod funding seeks to ensure that we adequately resource long term requirements, immediate requirements, long term strategic commitments and current strategic activities. The concept of financial accountability is particularly important when assessing current activities. With limited financial resources there will always be more 'good' things that could be funded, or which could receive more funding than at present. Part of the exercise therefore is not just to ensure that only 'good' things receive the funding, but to try and assess whether the present distribution of funding is helping to produce the 'best' outcomes for our current priorities. This will necessarily involve an assessment of the effect on outcomes of both an increase and a decrease in the level of funding in order to facilitate a comparison between different programs.

It is possible some funding may be provided directly to a particular project the Standing Committee and Synod consider a high priority activity, notwithstanding that no particular organisation has sought funds for this purpose. In other cases funding may be proposed for an organisation on an agreed fee-for-service basis. Furthermore, for some organisations the funding provided by Synod represents their only source of income, they have no reserves and they only undertake one activity whereas in other cases the Synod funding may represent only a small part of the recipient organisation's overall budget and activities.

In preparation for the next triennial budget, Standing Committee intends to hold a series of meetings with both the current and potential recipients of Synod funding. Where it considers accountability and transparency would be improved by the provision of the following information Standing Committee intends to ask organisations seeking funds to provide the following –

1. A detailed proposal identifying –
 - (a) the purpose for which the funds are sought,
 - (b) attempts that have or can be made to raise funds from other sources,
 - (c) the likely timing of any expenditure,
 - (d) the outcomes expected, and
 - (e) the reporting and other accountability measures by which those outcomes will be assessed.
2. A statement of any reserves held by the organisation –
 - (a) specifically for the purpose for which funds are being sought, or
 - (b) that could be made available for that purpose.

PURPOSE AND PRIORITIES FOR THE DIOCESAN FELLOWSHIP

July 2023

*“For what we preach is not ourselves, but Jesus Christ as Lord,
and ourselves as your servants for Jesus’ sake” (2 Corinthians 4:5)*

‘We’re For Jesus’

Our **continuing purpose** as Sydney Anglicans is given to us by God in the Scriptures. This purpose is **to make disciples** by:

- proclaiming and commending Christ
- establishing them in the life of the church
 - equipping them for compassionate service in the world
 - sending some to serve beyond our Diocese
 - prayerfully seeking God’s work in all things

As an expression of love for God and our neighbours, our Diocese is **a fellowship of churches, schools and organisations**, all of which are shaped by the gospel and share our disciple-making purpose. The **churches** (including those that meet in gaols, schools, and aged-care and retirement village settings) are the foundation of our Diocesan fellowship and have unique opportunity and responsibility for the work of making disciples since they are communities gathered by the gospel. We seek God’s work amongst us to **multiply Christians, multiply churches, and multiply leaders**. To these ends, we long to see our fellowship marked by healthy **communication, collaboration, and coordination**.

The following is a list of **areas of focus**, particularly thinking about **the next five years**. This is not intended to be a list of everything that’s important to us, and we acknowledge that there are a number of existing areas of priority/work that warrant ongoing attention and effort. Rather these are some areas where we believe we especially need to grow/change.

Each in their own way the priorities below will express and foster our commitment to the purposes outlined above- multiplying Christians, multiplying churches, and multiplying leaders.

Our **highest priorities** are:

- 1) the ministry of the word
- 2) prayer
- 3) mobilising and motivating all Sydney Anglicans to be disciple-making disciples

Our **other priorities** (in no particular order) are:

- 4) encouragement of deeper collaboration between churches, schools, and organisations- including a more collaborative approach to the use of our property assets
- 5) healthy and flourishing churches made possible especially by the retention, strengthening, and accountability of Rectors through:
 - (a) re-focussing of Regional Bishops (and the provision of better support for Bishops in their role)
 - (b) professional supervision and professional development for Rector well-being
- 6) recruitment and training of new ministry leaders, including but not limited to:
 - (a) leaders for particular kinds of churches (church plants; larger (or “hub and spoke”) parishes

- (b) leaders (both women and men) of ministry in particular communities (indigenous; cross-cultural; blue collar; marginalised areas)
- 7) growth and strengthening of ministry amongst children and young people, especially through better leveraging of links between schools and churches
- 8) media and engagement: strengthening internal communication with better systems/processes for sharing stories and resources; and strengthening external communication through a significant reinvestment in Anglican Media
- 9) church planting: establishing new fellowships in Greenfields areas (with accompanying investment in land and buildings) and other areas (with creative approaches to beginning new ministries/communities)

Synod Funding for the Registry

Key Points

- Until 2022, the role of the Registrar was to be both Executive Officer for the Archbishop and the “keeper of the Registry”. Recognising that the Executive Officer role had become dominant, these functions have been divided – Simon Flinders was appointed as Archdeacon to the Archbishop, to take on the Executive Officer role, and the Deputy Registrar, Mrs Catherine Rich, was appointed as Registrar.
- Also in 2022, the Registry function moved from being an operational unit of the Endowment of the See Corporation (EOSC) to being part of the Parish Services division of SDS. This was done to integrate the parts of our central operations that serve the parishes, rather than having them ‘siloe’d’ in different corporate and operational structures.
- However, despite these changes, in 2023, the EOSC continued to fund the full cost of the Registrar and other registry staff. It is also funding the additional role of the Archdeacon to the Archbishop. The EOSC cannot afford this. The EOSC is projecting significant and ongoing budget deficits as a result. Furthermore, the Registry is currently understaffed, but the EOSC cannot afford to pay the service fee to SDS to resource it at a proper level.
- It is time to re-evaluate the historical pattern that the Endowment of the See is responsible for the costs of the Registrar and registry-related functions. The primary work of the Registry is serving the parishes, clergy, authorised lay people and parish office holders of our Diocese. This work has become increasingly complex (and therefore costly to administer) because of new compliance requirements that have been introduced by Ordinances of the Synod over the past 2 decades.
- The increased distributions to the Synod available from 2024 provide an opportunity for the Synod to take responsibility for funding the work of the registry. Allowing for an increase in the registry staffing to address current under-resourcing, this will result in a cost of approx. \$570,000 in 2024.
- If the EOSC were no longer responsible for funding the work of the Registry, it would enable the appointment of additional Archdeacons. These Archdeacons would take over a significant proportion of the administrative load from the five regional bishops, allowing them to devote themselves more fully to their primary tasks of supporting rectors and leading strategic initiatives to grow the gospel across the Diocese.

Summary

3. Since the primary work of the Registry is serving the parishes, clergy, authorised lay people and parish office holders of the Diocese, this is a cost that should be borne by the Synod.
4. This principle has been incorporated into the above Statement of Funding Principles and Priorities for 2025-2027, and the one-year budget for 2024 (printed separately).

Discussion

5. For decades at least, the Registrar in the Diocese of Sydney has been a dual role – both the Registrar proper (i.e., responsible for maintaining registers of parish, clergy, licences, appointments etc.) and the Executive Officer of the Archbishop.
6. Over time, the latter role has taken progressively more of the Registrar’s time, and the Deputy Registrar has taken on more and more of what historically had been the Registrar’s role. During the tenure of Archbishop Goodhew, most of the work of the 2 Registrars he appointed (Archdeacon Stan Skillicorn [1993-1997] and Archdeacon Peter Smart [1997-2001]) was registry-related. But the Registrars appointed by Archbishop Jensen (Philip Selden [2002-2013]) and Archbishop Davies (Doug Marr [2013-2021]) increasingly functioned as Executive Officer / Chief of Staff on behalf of the

Archbishop. Dr Selden was a part-time appointment (4 days per week), and it is estimated that at the outset this was split 2.5 days on registry-related matters and 1.5 days on the Executive Officer role. However, this proportion had inverted (and more) by the end of the tenure of Doug Marr, in that most of his time (more than 4 days per week) was engaged on non-registry related matters, and that the Deputy Registrar was responsible for 80% or more of the registry-related functions.

7. The election of Archbishop Raffel provided an opportunity to re-examine the role of the Registrar. After consulting with his episcopal team, and after an interim period when the Bishop of South Sydney served as Acting Registrar/Executive Officer, Archbishop Raffel decided to create a new role – the Archdeacon to the Archbishop – to function as the Executive Officer of the Archbishop and the EOS Corporation, and to appoint Mrs Catherine Rich, then the Deputy Registrar, as the Registrar. This took effect at Synod in 2022. Simon Flinders was appointed as Archdeacon to the Archbishop, commencing part-time in 2022 and full-time from 2023 onwards.
8. In parallel to the creation of this arrangement, the registry function switched from being an operational unit of the EOS Corporation (**EOSC**) to being part of the Parish and Technology Services division of SDS. The rationale for this was to better integrate diocesan parish-facing operations, instead of having them 'siloes' in different corporate structures.
9. The following diagram shows the current (2023) structure, the Registry as a sub-division within the Parish and Technology Services Division.



10. Since 2022, the EOS has been paying the SDS an annual service fee to manage the registry-related functions, in much the same way that the ACPT pays the SDS an annual service fee to manage its property-related functions (via its Parish Property Services division). That is, the EOS currently pays for the full costs of the Registrar and the work of the Registry as part of its annual service fee.
11. However, in addition to paying for the Registry, the EOSC is also funding the additional role of the Archdeacon to the Archbishop. The EOSC cannot afford this. The EOSC is projecting significant and ongoing budget deficits as a result.
12. Furthermore, the Registry is currently understaffed, but the EOSC cannot afford to pay the service fee to SDS to resource the Registry at a proper level.

Historical staffing levels for the Registry

13. As at 2010, the Registry consisted of approximately **3.4 FTE** staff:
 - (a) Registrar (Dr Philip Selden) employed four days per week and also served as the Archbishop’s Executive Assistant, leaving roughly 2.5 days for Registry matters (0.5 FTE for Registry)
 - (b) Deputy Registrar (Mrs Rich) (1 FTE)

- (c) Personal Assistant to the Registrar was usually a job share role, with Archbishop's Office responsibilities and responsibilities to Regional administration. As a result, about half of the time was spent on Registry matters (0.5 FTE)
 - (d) Assistant to the Deputy Registrar (1 FTE)
 - (e) Registry Assistant PT - 2 days per week. (0.4 FTE)
14. By March 2021 (just prior to Mr Doug Marr's retirement as Registrar), the Registry consisted of **3.6 FTE** staff:
- (a) Registrar (Mr Marr) –Registry-related (0.2 FTE), Executive Officer to the Archbishop (0.8 FTE).
 - (b) Deputy Registrar (Mrs Catherine Rich) – having served as Deputy Registrar for over twenty years, was undertaking the majority of the senior-level workload for the Registry (1 FTE)
 - (c) Database Administrator (Mrs Anna McCarthy) – serving on the Registry team full time with a focus on development of the Registry Database (1 FTE)
 - (d) Registry Assistant (Mrs Nola Betts) – administered certain sections of Registry work (principally Lay authorities) and processing of bulk information during busy times (AGM and Year Book) (0.4 FTE)
 - (e) Data entry staff – Mrs Belinda Priestly and Mrs Naomi Wrigley were employed on a casual basis for data entry, approximately 2-3 days per week each (approx. 1.0 FTE)
15. Following the appointment of Mrs Rich as Registrar in September 2022, the Registry has consisted of **2.4 FTE** staff, which has proved inadequate:
- (a) Registrar (Mrs Rich) – the Registrar role no longer includes the 'Executive to the Archbishop' component of the role, so Mrs Rich has taken up the Registry leadership, retaining some of her responsibilities as the former Deputy Registrar. (1 FTE)
 - (b) Database Administrator (Mrs McCarthy) – Anna has been instrumental in introducing digital forms to the Registry, helping with post-AGM data collection among them. (1 FTE)
 - (c) Registry Assistant (Mrs Betts) (0.4 FTE)
- The Diocesan Archivist (Dr Louise Trott) is also formally a part of the Registry team and reports to the Registrar. However, for the sake of consideration of the current matter, Dr Trott is not included in Registry staff.
16. The Registry has hired a new full time Deputy Registrar, following the appointment of Mrs Rich as Registrar in September 2022, bringing the staffing level to **3.4 FTE**, which is consistent with historical patterns.
17. In 2023, the component of the SDS Service fee to the EOSC related to the registry is \$543,000. This charge has already factored in the increase in staff from 2.4 to 3.4 FTE. CPI Indexing will see this cost rise to \$570,000 in 2024. As noted above, this will push the EOSC budget even further into deficit.
18. It is time to re-evaluate the historical pattern that the Endowment of the See is responsible for the costs of the Registrar and registry-related functions. The primary work of the Registry is serving the parishes, clergy, authorised lay people and parish office holders of the Diocese. This work has become increasingly complex (and therefore costly to administer) because of new compliance requirements, as discussed further below.
19. The core responsibilities of the Registry / Registrar include –
- (a) Administering the licensing of clergy and authorisation of lay people in the Diocese;
 - (b) Administering the licensing of entities, including churches (and faculties) and parishes, and administration of other parochial matters (e.g., Annual Statistics);
 - (c) Maintaining a record of other instruments signed by the Archbishop that impact clergy or parishes (e.g., creation of parishes, prohibition orders for clergy);
 - (d) Processing AGM Return and recording parish officers and Safe Ministry Representatives; and
 - (e) Production of the annual Year Book.
20. The Registry / Registrar has also traditionally had responsibility for –
- (a) Supporting the Nomination and Retirements Boards;

- (b) Overseeing and monitoring Marriage processes (e.g., celebrant registration with Births, Deaths and Marriages, remarriage of divorced persons approvals);
 - (c) Administering Provincial Synod and its Standing Committee, and other Provincial Matters.
21. A number of significant additional responsibilities have been introduced in recent years –
- (a) In approximately 2006 the Confidential Lifestyle Questionnaire (**CLQ**) became a requirement for all lay ministers in addition to clergy who were being licensed in the Diocese and ordinands (but did not apply to clergy already licensed in the Diocese). The Registry was tasked to monitor, ensure compliance and communicate regarding the CLQ process.
 - (b) In 2013, the current version of the Working With Children Check (**WWCC**) was introduced, and the Registry was tasked to monitor, and ensure compliance among all licensed clergy, authorised lay and relevant lay office holders. Registry needs to verify every number and deal with any follow up matters (e.g., incorrect number, married name provided rather than legal name etc). The additional workload associated with administering the WWCC in its first year resulted in the Year Book not being published in 2013.
 - (c) In 2015, the *Authorisation of Lay Ministry Ordinance 2015* introduced the requirement that lay ministers be authorised. Previously, this had been required but often not taken up, resulting in the problem that the various professional standards checks were not being undertaken for affected lay ministers. This requirement has also increased the administrative process of Registry in making sure that all ministry staff (from the full time lay minister to the student minister) are authorised.
 - (d) In 2016, *The Anglican Schools Ministry Ordinance 2016* introduced the requirement for lay School Chaplains to be authorised (the previous 1975 ordinance only envisaged clergy Chaplains).
 - (e) In 2020, *The Safe Ministry to Children Ordinance 2020* introduced the requirement for clergy already in the Diocese to complete the CLQ prior to commencing any new appointment, along with completing the WWCC and undergoing Safe Ministry Training.
 - (f) In 2022, the Standing Committee agreed to a Professional Development Pilot, which will soon form an additional requirement that the Registry must administer and confirm prior to the finalising of a licence.
22. There are 486 active lay authorities and 1,076 active clergy licenses, with approximately 500 licensing documents issued each year. Before a licence is issued, the Registry must: ensure the validity of the WWCC, the completion of Safe Ministry Training, the currency of the CLQ; cause a National Register Check to be undertaken; and confirm requirements regarding rector/CEO support, Baptism/confirmation and theological qualifications. The follow-up and communication relating to each of these is a significant and ongoing responsibility of the Registry that has dramatically increased in scope in the last three years.
23. In 2016, the Registry moved to a new Salesforce-based database system, which now contains records (both current and historical) for 61,474 contacts. Of those records, approximately 6,000 require ongoing maintenance (updates of addresses, emails, licenses, appointments, committee appointments etc). The Salesforce system is the source used for the production of the physical Year Book. The Salesforce database is necessary for the maintenance of this complex array of information, and has enabled the introduction of efficiencies (such as the use of online forms for AGM office-holder notifications) and other requests / notices to the Registry.
24. It is appropriate to transfer the responsibility for funding the registry from EOSC to the Synod for the following reasons:
- (a) The ambiguity in the role of the Registrar has been removed. Former registrars had predominantly served as an Executive Officer to the Archbishop. This function has now been transferred to the role of the Archdeacon to the Archbishop. The role of the Registrar is now wholly related to the functions of the registry.
 - (b) The primary work of the registry and Registrar is to serve the parishes, clergy and laity of the Diocese.
 - (c) It is primarily at the direction of the Synod (via its ordinances) that the registry collects and maintains data on the parishes and people of our Diocese. Ordinances of the Synod have substantially increased the workload of the registry in recent years. To this point, the burden of this increased cost has been borne by the EOSC, which is unsustainable.

25. How should the Registry costs be funded?
- (a) Since the Synod determines the responsibilities of the Registry, it should be funded directly by the Synod, rather than by transferring the cost to the parishes by means of the Parish Cost Recovery (**PCR**) charge.
 - (b) The increased distributions to the Synod from 2024 provide an opportunity for the Synod to take responsibility for funding the work of the Registry. As noted above, funding the Registry to employ 3.4 FTE staff will cost approximately \$570,000 in 2024. Given that 2024 is the first year that the increased funding is available, we recommend that the full transition occurs in that year, rather than a transition that takes place in stages.
 - (c) At present, the Registry is line-managed in the SDS structure (as part of the Parish and Technology Services team), and the review of its cost and performance is managed via a service-level agreement with EOSC. It is envisaged that the Service Review Committee (**SRC**), a subcommittee of the Standing Committee, will take over this review function from the EOSC, as part of its existing annual review of the services provided by Sydney Diocesan Services to the Synod.
26. If the EOSC were no longer responsible for funding the work of the registry, it would enable the funding of the current level of Episcopal support (without a deficit budget) as well as the appointment of additional Archdeacons. These Archdeacons would take over a significant proportion of the administrative load from the five regional bishops, allowing them to devote themselves more fully to their primary tasks of supporting rectors and leading strategic initiatives to grow the gospel across the Diocese.

The commencement of voluntary assisted dying in NSW

(A report from Anglican Community Services.)

Purpose

1. The purpose of this report is to advise Synod about Anglicare Sydney's adopted strategy of minimum compliance with the *Voluntary Assisted Dying Act 2022 (NSW)* and its ongoing provision of life-affirming services to residents in its homes in opposition to Voluntary Assisted Dying.

Recommendations

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

'Synod, noting the report "The commencement of voluntary assisted dying in NSW" –

- (a) gives praise and thanks to God for his continued goodness in the provision of care and support to older persons living in residential aged care homes by Anglican Community Services (**Anglicare Sydney**),
- (b) thanks the members of the Archbishop's Working Group on Voluntary Assisted Dying and recommends the Working Group's Report to all who consider the passage of the *Voluntary Assisted Dying Act 2022 (NSW)* (**Act**) to be a tragedy for our society and a profound challenge for the church,
- (c) commends the decision by Anglicare Sydney to continue providing aged care services whilst adopting an approach that refuses to actively support euthanasia but complies with the Act, regulations and guidelines,
- (d) prays for the care and protection of all residents, their families and friends, and the staff, executives, and Board of Anglicare Sydney, as access to voluntary assisted dying becomes available on 28 November 2023 and beyond, and
- (e) reaffirms its opposition to voluntary assisted dying and calls on the NSW Parliament to repeal the Act, and failing that to administer the Act in such a manner as to permit faith-based organisations, including residential aged care providers, who oppose euthanasia on the grounds of institutional conscientious objection, not to participate in, facilitate or permit voluntary assisted dying in or at their premises, facilities or services in any way.'

Introduction

4. On 28 November 2023, eligible people will be able to choose to access euthanasia in NSW as set out in the *Voluntary Assisted Dying Act 2022 (NSW)* (**Act**), regulations and guidelines¹. This is despite repeated, ultimately unsuccessful, calls for the Act to be either repealed or amended or for regulatory relief to be given on the grounds of conscientious objection, including by Synod, the Sydney Diocese, Anglican Community Services (**Anglicare Sydney**) and others.
5. As an operator, Anglicare Sydney will be required to allow voluntary assisted dying (**VAD**) in Anglicare Sydney's residential aged care homes from that time. This obligation creates significant theological and practical issues.
6. Anglicare faced a difficult choice to either comply with the Act or withdraw from providing care and support to older persons in its residential aged care homes. In response, the Archbishop established a *Working Group on Voluntary Assisted Dying* to consider the theological and practical issues and

¹ NSW Health has not issued the regulations or guidelines as at the date of this report.

to make recommendations to the Board of Anglicare Sydney and the Archbishop as President of Anglicare Sydney.

7. Anglicare's adopted position is that VAD will NOT be available at its residential aged care homes insofar as the Act allows. Policies and procedures have been developed to ensure this position is clearly communicated to all whilst ensuring strict compliance with Anglicare Sydney's obligations under the Act.
8. This report informs Synod about Anglicare Sydney's adopted strategy of minimum compliance with the Act and its ongoing provision of life-affirming services to residents in its homes in opposition to VAD.

Archbishop's Working Group on Voluntary Assisted Dying

9. The *Report of the Archbishop's Working Group on Voluntary Assisted Dying* (the **Report**, at Attachment 1) makes recommendations on the theological and practical issues confronting Anglicare Sydney to the Board of Anglicare Sydney and the Archbishop as President of Anglicare Sydney. The Archbishop established the Working Group in 2022, and Synod and others were invited to comment on the theological issues and implications of VAD.
10. The Report clearly sets out the biblical, theological and ethical "...considerations (that) have led Christians to consistently oppose the practices of physician-assisted suicide and euthanasia in the strongest terms, as essentially varieties of murder." The risks VAD represents to caring for the vulnerable, as commanded, is also considered. Finally, the Report discusses discerning between obeying God and honouring His established authorities.
11. The two pressing issues considered in detail were, one, would Anglicare Sydney be complicit if it complied with the Act, and two, does VAD intolerably corrupt the provision of residential aged care?
12. The Working Group concluded that Anglicare Sydney would not be complicit because the Act made VAD legal and provided that Anglicare Sydney made its opposition and non-active participation clear. As is discussed in the Report, the practice of VAD may eventually lead to a degree of corruption such that Anglicare Sydney would need to exit providing residential aged care, but this is not yet the case. Therefore, the recommendations are that Anglicare Sydney carefully monitors and evaluates the impact of VAD once it commences, develops policies and procedures that make clear its opposition and refusal to provide active support and continues, with others, to seek the overturning of the Act. Finally, the Report challenges Anglicare Sydney to respectfully, in compliance with the law, seek to dissuade residents from accessing VAD by "deed and word".
13. The Board of Anglicare Sydney commends the Report to Synod and all who agree that the passage of the Act and similar legislation is "a tragedy for our country and a profound challenge for the church".

How Anglicare Sydney is responding

14. As an operator, Anglicare Sydney will be required to allow euthanasia to occur in its residential aged care homes from 28 November 2023. Critically, under Sections 90-97 of the Act, residential aged care facilities must not hinder access to information, people providing information, a medical practitioner making assessments, and a person delivering, witnessing or administering VAD drug(s).
15. Having considered the Report and the ethical, practical and financial implications of alternatively exiting residential aged care, the Board of Anglicare Sydney decided insofar as the Act allows, VAD will NOT be available at its residential aged care homes, and the organisation and all staff will NOT actively participate in the provision of any VAD services. Policies and procedures have been developed to ensure this position is clearly communicated to staff, residents and prospective residents while ensuring Anglicare Sydney strictly complies with its obligations under the Act, regulations and guidelines.

16. To ensure compliance, Resident /Service agreements and contracts are being updated to confirm that Anglicare does not provide direct VAD services and stipulates that Anglicare staff will not be associated with such activities. Further, the updated agreements and contracts will clarify that the decision, assessment, and enabling act in VAD is a discussion and decision between the resident and their medical practitioner. The changes to agreements and contracts will be communicated to residents well in advance of the commencement of VAD on 28 November 2023.
17. All Anglicare Sydney staff working in its residential aged care homes will not initiate discussions, provide information or take any active part in a resident's VAD process, including subsequent steps. These prohibitions are permitted under the recognition of staff's right to conscientious objection and by the prohibition on caregivers initiating VAD discussions in Division 4 of the Act.
18. Anglicare Sydney is committed to the alternative, the excellent delivery of exceptional end-of-life palliative care services, holistically supporting a person's physical, emotional, and spiritual well-being through to the last stage of life and post-death. Anglicare Sydney will offer and support life-affirming choices for residents and provide chaplaincy support to residents and their family/friends, respecting their right to choose, thereby supporting them with maintaining their dignity through respecting their choice if and when a VAD decision has been made.
19. A VAD Readiness Steering Committee of senior executives has been established, reporting regularly to the Board's Care and Clinical Governance Committee and the Anglicare Sydney Board.

What's Next?

20. As NSW Health continues to disclose details of its full implementation of the Act, Anglicare Sydney is monitoring and, if required, updating its policies and procedures. Anglicare Sydney provides training and support to all staff on the Act and Anglicare Sydney's policies and procedures, supporting the adopted life-affirming position towards VAD. Anglicare Sydney is consulting with other Christian-based organisations in Victoria, Western Australia and Queensland that have successfully continued providing life-affirming care for older persons in a regime where euthanasia is permitted.
21. The Anglicare Sydney Board, with the senior executive team, will continually review the impact of VAD on the care and services it provides, including after the Act commences on 28 November 2023.

For and on behalf of the Board.

GREG HAMMOND OAM
Chairman, Anglican Community Services

17 July 2023

Report of the Archbishop's Working Group on Voluntary Assisted Dying

Executive Summary

- The NSW Parliament passed The *Voluntary Assisted Dying Act 2022* (NSW) (**Act**) on the 19 May 2022. Its provisions automatically commence 18 months after the date of royal assent.
- The theological and practical issues Anglican Community Services (**Anglicare**) faces in grappling with a way forward in response to the Act, and the requirement to allow voluntary assisted dying to occur in Anglicare's residential aged care homes, are significant.
- In this report the Working Group provides some theological and practical reflections, and consequent guidance to the Board of Anglicare, and to the Archbishop as President of Anglicare.
- The Working Group has explored questions raised in its Terms of Reference and has concluded that –
 1. Despite still having to allow access by third parties who will provide voluntary assisted dying services, it is permissible (albeit not desired nor ideal), under certain circumstances and following additional operational considerations, to continue to provide Residential Aged Care.
 2. Anglicare will need to undertake a significant work (including that specified within this report) in preparation for the implementation of VAD in November 2023.
 3. Anglicare should commit to a watching brief and regular reporting to the Executive and Board on this novel unwanted practice. Such reporting should at least include,
 - (a) the impact of VAD within Anglicare facilities, (especially the utilisation and operations of VAD),
 - (b) the impact of VAD on other residents and the community of the Home, and
 - (c) the impact of VAD on the staff and volunteers within the Home.
 4. Consideration should be given to collecting this information as a formal research project.
 5. Anglicare should commit to a formal review of VAD within its Homes. This should be presented to the Board no later than 2 years from the commencement date of the Act.
 6. If Anglicare continues in Residential Aged Care at this time, it should be recognised that the existence of VAD may well become an intolerable corruption to the service, thus precipitating the need for withdrawal from Residential Aged Care provision in the future.
- Although this Act may well have implication for other operations within Anglicare, particularly Independent Seniors Living and Anglicare at Home services, the Working Group decided to focus its attention on the Residential Aged Care context as that most impacted by the legislation. We do, however, note that the theological reflections and moral reasoning articulated here are relevant for Anglicare's internal consideration of the implication of this Act on those operations.

A/Professor Megan Best
The Rev Dr Andrew Errington
The Rev Dr Andrew Ford (Chair)
Mr David Goodhew

The Rev Dr Chase Kuhn
Professor Jonathan Morris
The Rt Rev Dr Michael Stead

2 December 2022

Introduction

The passing of the [Voluntary Assisted Dying Act 2022 \(NSW\)](#) (the Act) has significant practical and ethical implications for Anglicare, and requires considered reflection. This report aims to respond to the Terms of Reference given to the Archbishop's Working Group (Appendix A), and to move towards clarifying both the questions that need further investigation and some of the practical issues that need attention over the coming months as the details of the implementation of the legislation become clearer. It is anticipated that some questions will not be fully resolved until further information about the implementation of the Act is forthcoming from NSW Health.

The [3rd Session, 52nd Synod](#) passed resolution 5/22 in relation to Voluntary Assisted Dying (VAD). Amongst other things it extended an invitation for comments from members of Synod on the theological issues and implications of VAD. No comments were received.

§1 Biblical and theological principles¹ (Terms of Reference (a))

The message of the gospel is a message of freedom from the fear of death. All human beings face death: 'It is appointed for mortals to die once, and after that the judgment' (Heb. 9:27). Death, furthermore, is a prospect that is fundamentally out of our control. For we are only creatures, but death and life are in the hand of the Creator.

'See now', says the Lord:
 ... that I myself am he!
 There is no god besides me.
 I put to death and I bring to life,
 I have wounded and I will heal,
 and no one can deliver out of my hand. (Deut. 32:39)

As the psalmist sees, we stand alongside all creatures in utter dependence upon our Creator:

All creatures look to you
 to give them their food at the proper time.
 When you give it to them,
 they gather it up;
 when you open your hand,
 they are satisfied with good things.
 When you hide your face,
 they are terrified;
 when you take away their breath,
 they die and return to the dust.
 When you send your Spirit,
 they are created,
 and you renew the face of the ground. (Psalm 104:27–30)

Death is a humbling reality, reminding us that we are only creatures and not the Creator.

Yet, for human beings, death is not merely humbling but also threatening and fearful, because we face it not merely as creatures, whose lives have a natural span and finitude, but as sinners. 'The sting of death', writes the apostle Paul, 'is sin' (1 Cor. 15:56). We face death, therefore, as a gateway to ultimate loss, as those who have failed to live as we were made to and so stand condemned and under the wrath of God.

However, as the book of Hebrews tells us, the Lord Jesus Christ, the Son of God, shared our human nature and condition, 'so that by his death he might break the power of him who holds the power of death – that is, the devil – and free those who all their lives were held in slavery by the fear of death' (Heb. 2:14–15).

¹ For a more detailed discussion of some of these points, see Rev Dr Andrew Errington, 'Against "Voluntary Assisted Dying"', <https://ccl.moore.edu.au/resources/against-voluntary-assisted-dying-andrew-errington/>; Bishop Michael Stead, 'Why We Must Oppose Assisted Suicide,' <https://sydneyanglicans.net/news/why-we-must-oppose-assisted-suicide/51678>; Rev Dr Chase Kuhn, 'Euthanasia and a Different Sort of Compassion,' <https://sydneyanglicans.net/news/euthanasia-and-a-different-sort-of-compassion/51587>; Dr Megan Best, 'Palliative Care and the Art of Dying Well,' <https://au.thegospelcoalition.org/article/palliative-care-and-the-art-of-dying-well/>

'Do not be afraid!' declares the risen Lord, 'I am the First and the Last. I am the Living One: I was dead, and now look, I am alive forever and ever! And I hold the keys of Death and Hades' (Rev. 1.17–18). 'Thanks be to God! He gives us the victory through our Lord Jesus Christ' (1 Cor. 15:57).

Christ's conquest of death brings the freedom to face death without fear, to submit to it and to face it with confidence and hope, as a final trial through which we must pass, and beyond which lies glory. It allows us to accept and even to welcome death when it comes, because of that to which it leads us (Phil. 1:23), in hope of the day when Death will be 'swallowed up in victory' (1 Cor. 15:54) through resurrection.

As a correlate of this understanding of death, the fear of death, and the gospel's promise of freedom and life in Christ, the Christian tradition understands suicide and assisted suicide as forbidden by the sixth commandment, 'You shall not murder' (Exod 20:13; Deut 5:17). Although this commandment does not prohibit every form of killing – in the Old Testament and throughout much of Christian tradition, some killing in war and in judicial punishment has been seen as lawful – it is a clear prohibition of private killing. This commandment recognises that the deliberate taking of human life is a special boundary that must be carefully safeguarded because human beings are created in God's image (Gen. 1.27; 9.6). Stories of suicides and assisted suicides in the Bible therefore all reflect a clear sense of shame and failure (see Judg 9:52–4; Judg 16:28; 1 Sam 31:1–6; 1 Chr 10:1–6; 2 Sam 17:23; 1 Kings 16:18; Matt 27:3–5).

In the light of this Biblical witness, the Christian tradition has mostly maintained that suicide is unlawful, a forbidden breach of the commandment not to kill, a kind of 'self-murder'. Augustine's judgment represents the mainstream of the tradition: 'if no one has a private right to kill even a guilty man ... then certainly anyone who kills himself is a murderer'.²

At stake is the fundamental conviction that it is the prerogative of God to take human life. The practices of suicide, assisted suicide, and euthanasia represent a temptation to take the bounds of human life into our own hands that must be resisted, even though various practices of modern medicine can make it appear that such resistance is no longer meaningful – practices such as screening embryos, and prolonging life through artificial support. The Bible's understanding of suffering and endurance depends on the acceptance of limits to the legitimate scope of our control of our own life.

The pastoral realities of suicide are, of course, deeply complex, and painful. Yet pastoral practice is assisted, rather than impeded, by clarity on this foundational principle, even if there are many further issues to discuss, most especially including the challenges of mental ill-health. And the principle is of great importance when it comes to issues of public law and institutional practice.

These considerations have led Christians to consistently oppose the practices of physician-assisted suicide and euthanasia in the strongest terms, as essentially varieties of murder. In addition, these practices raise grave public-policy concerns, especially relating to the care of the vulnerable. The difficulties involved in adequately safeguarding these practices, ensuring transparency, protecting against the corruption of medicine, and the risks they pose to people affected by various kinds of disabilities, are well-documented.³ The example of Christ's care for the weakest and most invisible, and the biblical exhortation to give special attention to the weak and the needy (e.g. Matt. 25:31–46), give these considerations a special weight.

Although some have argued in recent years that euthanasia and physician assisted suicide are in fact permissible for Christians,⁴ these arguments have not been widely regarded as persuasive. In general, the Christian church remains widely opposed to physician-assisted suicide and euthanasia, which are the practices involved, respectively, in self-administered and practitioner-administered 'voluntary assisted dying' (the euphemistic terminology adopted in the Act). The Diocese of Sydney has consistently opposed the legalisation of these practices on grounds of principled opposition and good public policy.⁵

² Augustine, *City of God* 1.17 (trans. H. Bettenson; Penguin, 1984), p. 27.

³ See for example, David Albert Jones, Chris Gastmans, and Calum MacKellar, eds., *Euthanasia and Assisted Suicide: Lessons from Belgium* (Cambridge University Press, 2017). For a summary of the public policy issues, see Andrew Errington, 'Against "Voluntary Assisted Dying"'; and Megan Best, "Assisted Dying Laws: Is suffering still the main problem?" <https://www.case.edu.au/blogs/case-subscription-library/assisted-dying-laws-is-suffering-still-the-main-problem>

⁴ See, most notable, Paul Badham, *Is there a Christian Case for Assisted Dying: Voluntary Euthanasia Reassessed* (London: SPCK, 2009); and Jonathan Romain and George Carey, 'There is nothing holy about agony: religious people and leaders support assisted dying too', *BMJ* 374.2094 (2021): <https://www.bmj.com/content/374/bmj.n2094>.

⁵ As recently expressed in its [submission](#) to the NSW Parliaments, Standing Committee on Law and Justice, *Provisions of the Voluntary Assisted Dying Bill 2021*- Submission No 42.

Christians are called to honour human institutions and to submit to governing authorities (Rom. 13:1–7; 1 Pet. 2:13–17), for the fundamental task of political authority to secure a limited space of peace and freedom is of service to the mission of the gospel (1 Tim. 2:1–4). Holy Scripture also testifies, however, that political authority can exceed this task. The kings of the earth can ‘band together’ against the Lord and his Messiah (Psalm 2:2; Acts 4:25–26). When this happens there may be moments when Christians must refuse to obey what is asked of them, though even this may often be done with a spirit of respect for authority (Acts 4:18–22; 5:27–32).

When laws are made, therefore, that Christians know to be unjust, we are faced with a complex task of discerning how we may obey God and still honour the authorities God has established (Rom. 13:1). Sometimes this may mean the gracious acceptance of the consequences of the disobedience, as we see with the apostles in the book of Acts (Acts 4:19). At other times it may mean withdrawing from forms of public service that we are no longer able, in good conscience, to undertake. In the context of modern Australia, it often entails negotiation with government to find a pathway to forms of action that are mutually acceptable.

§2 Ethical questions raised by the Act (Terms of Reference (b))

These considerations must make us regard the passing of the NSW Act, and of the similar Acts passed over the last few years in other Australian jurisdictions, as a tragedy for our society and a profound challenge for the church. What must now be considered is what practical, pastoral and theological responses this legislation calls for. Although it is not the task of the working group to consider these responses in all their breadth, it is worth noting that the practice of VAD within our society will raise many pastoral challenges. The change of law puts into the hands of an individual a decision with the gravest moral significance, and this will have serious impacts upon the life and practice of our churches. Christians will face decisions for themselves and their loved ones. Families maybe painfully divided. Churches and church leaders will need to consider questions of church discipline.

Turning now to the impact of the legislation on Anglicare, the first thing to recognise is the complexity and uncertainty of the issues facing Anglicare.

a) Complexity

The complexity of the issues facing Anglicare is a product of both the distinctiveness of the Residential Aged Care setting and the legislation itself. Anglicare has a long history of caring for the frail elderly within our society, including through the last phases of life until death. Although this care can and does happen in people’s private homes, the primary sphere upon which this legislation will have an immediate impact is Residential Aged Care. This is not only because this is a specific focus of the legislation, but also because it is where Anglicare has some control and influence with respect to the physical site, and some direction and responsibility for the provision of care services provided to residents in these sites. This stands alongside the reality both in regulation and expectation that such an Anglicare site has become for the resident their home. Both these realities – that the location in view is both a property controlled by Anglicare and an individual person’s home – shape the legislation and create complexities in considering possible responses to it⁶.

The provision of medical services in Residential Aged Care is also complex. Primary health care services in facilities run by Anglicare are not simply a service provided by Anglicare to the resident, but rather a provision of service requested and authorised by external health care professionals. Anglicare does not employ physicians (General Practitioners, Geriatricians etc). Rather, residents (or their Person Responsible) maintain a ‘private’ arrangement (albeit sometimes facilitated by Anglicare), with primary external health care professionals of their choosing. It is these health practitioners who prescribe treatments for residents in Anglicare Homes. In normal operational circumstances suitably qualified Anglicare staff (e.g. Registered Nurses and the like) do undertake procedures and administer medications as prescribed by these physicians. In this portion of the administration of health care Anglicare has manifest control.

Regarding the legislation itself, positively, the Act clearly makes room for a residential facility to refuse ‘to provide services relating to voluntary assisted dying at the facility....’ [§89.1]. It further specifies that this includes refusing to ‘participate in the request and assessment process’; ‘participate in an administrative

⁶ We note that Anglicare is committed to ensure that ‘facilities’ are the resident’s ‘home’. Amongst other things this happens through, ensuring an excellent standard of care, facilitating of real community, and building a culture of belonging. As such Anglicare always refers to its residential aged care facilities as “Homes”.

decision'; 'prescribe, supply, or administer a VAD substance'; 'store a VAD substance'; or 'be present at the time of administration or self-administration' [§89.2]. On the face of the legislation, therefore, Anglicare will apparently be free to not actively engage in the direct delivery of VAD services.

It is worth registering a caution at this point, however. This issue of storage is complex. For if residential facilities are free to refuse to store VAD substances, what will happen to them? There are clear potential conflicts between the legislative obligations residential facilities have relating to the storage of dangerous drugs and the freedom to refuse to store a VAD substance. This issue awaits clarification, hopefully in regulations to come prior to the commencement of VAD.⁷ This issue is not insignificant, because it may represent a moral step into a position of tacit, active support for VAD. This issue is explored below.

What the Act does require of residential facilities is, first, that they 'not hinder' a person's 'access at the residential facility to information about voluntary assisted dying' [§90.2]. This 'not hindering', however, does not appear to mean the active provision of information, because the following point requires the facility to provide access to a person who can provide the relevant information [§90.2]. The only information a residential facility must provide appears to be information about the fact that the facility does not provide VAD services. This information must be provided in an effective way [§98]. Secondly, the Act requires that the facility permit access to VAD services through VAD practitioners [§§91–97], which extends to permitting access for an external health practitioner to administer a VAD substance or to deliver a VAD substance for purposes of self-administration.

The requirements of the Act that residential facilities allow access to information about voluntary assisted dying and to the provision of these services in their facilities raises instinctive ethical concerns. It is useful to begin by clarifying two different kinds of concern.

b) Complicity

The first is the concern raised in the Terms of Reference for the working group that this requirement might make Anglicare 'complicit in the delivery of the services in a way which would be contrary to the teaching of the Bible'. Complicity is primarily a legal category, with highly specific qualifications. It is worth clarifying that there is no prospect of Anglicare being legally complicit because the action in question is no longer a crime. However, the term is also used in broader moral terms to describe the way a moral agent may be 'objectionably involved' in an immoral act without their being directly responsible for it.⁸ This may happen in a range of ways. Most straightforwardly – and this is the primary way complicity functions at a legal level – an agent can be complicit in an act if the act is done with their assistance or encouragement. If I say to someone, 'Go on, shoot him', and he does, then I am complicit in the shooting. However, moral complicity also seems to extend to wider forms of involvement. An agent might also be felt to be complicit through a failure to take action to prevent the evil act occurring that the agent might reasonably have taken. If I know that a robbery is about to take place and fail to alert the police, I might be felt to be morally complicit in some wider sense. Here, however, things get complicated. In this situation, the obligation that, say, a frightened spouse of the robber must alert the police is different to the obligation someone in a position of power and security would have. One person's silence might be judged objectionable when the other's might not because of further considerations.

Someone might also be considered to be complicit in some sense if they facilitated an evil act. If, despite the fact that I know my flatmate is an alcoholic, I leave bottles of wine around the house in obvious places, I might be considered to be complicit in his ongoing addiction. If a rector or school principal allowed a known paedophile to occupy a role looking after children, they might be considered complicit in any subsequent abuse. In certain conditions, each of these examples could be considered instances of wilful negligence; but complicity might be felt to be the right term if these risks were undertaken with a clear awareness of the likely consequences. An organisation might be regarded as complicit if they knowingly allowed their premises to be used for human trafficking – this is clearly a form of morally objectionable involvement in the action.

⁷ Under the Act the VAD substance will be a Schedule 4 or Schedule 8 poison [§7.1]. These drugs have a variety of medical uses and are highly regulated. In normal operations they are securely stored by Anglicare. Upon prescription by a primary health care provider, these drugs would only be dispensed and administered by authorized Anglicare personnel. We note that §79 of the Act, which concerns the storage of VAD substances, appears to be in conflict with the regular practice in a residential aged care facility. However, §14 reads, "**Relationship with Poisons and Therapeutic Goods Act 1966 and Drug Misuse and Trafficking Act 1985:** If there is an inconsistency between a provision of this Act and a provision of the *Poisons and Therapeutic Goods Act 1966* or the *Drug Misuse and Trafficking Act 1985*, the provision of this Act prevails to the extent of the conflict or inconsistency."

⁸ The phrase is taken from Neal Tognazzini and D. Justin Coates, 'Blame', *Stanford Encyclopedia of Philosophy*: <https://plato.stanford.edu/entries/blame/#MorAge>

This final example draws us closer to the issue facing Anglicare. Does the legal requirement to allow access to VAD information and services by external parties put Anglicare in a position of complicity in this way? Notice, however, two important differences from the example. First, the choice to allow access does not belong to Anglicare but has been taken out of its hands by the legislation. The only choice Anglicare has is whether to operate residential aged care facilities given this requirement. And even this is not a simple choice, because for a range of reasons, including existing commitments to residents and financial concerns, such a step could not reasonably be taken prior to the legislation coming into force.

The second difference is that the morally objectionable actions in question now have a different legal status. Human trafficking is a criminal act, but the provision of VAD services is not. This significantly complicates the issue of complicity because it alters the public context of the act, and the expectations the organisation may have of other agents. In a previous generation, a hotelier might have been felt to be complicit in sexual immorality if she permitted unmarried guests to share a bedroom. It would be hard to maintain the same judgment now. The reason is that the public context has changed. The hotelier can no longer count on widespread social support for her action, and the accompanying sense of shame for the people involved. This means that her permission no longer represents an active enabling of sexual immorality, and the refusal of permission might involve costs to her that are no longer reasonable to expect in such a public context.

Returning, then, to Anglicare, there are reasons to suspect that the legislative requirement to allow access to euthanasia services will not put Anglicare in a position of complicity in relation to the delivery of VAD. Anglicare will apparently be in a position where it is required only to signal that it does not provide VAD services, to allow others to provide information to residents 'if asked' [§90.2. b], and to allow others to enter its facility in order to engage with residents on this issue, make decisions and administer VAD substances. Were Anglicare free to refuse access to information and VAD, the decision not to do so would arguably put Anglicare in a position of complicity; but this is not the situation Anglicare is in. There is no sense in which Anglicare would be actively enabling euthanasia and physician-assisted suicide. As long as Anglicare is free to make clear that it does not provide VAD information and services and does not support them other than as required by the legislation, it is hard to see how this involvement could be considered a form of complicity.

That said, it is worth recognising that the complexity of this argument means that there may well be people, including concerned parties such as Anglicare staff and residents, who will continue to think that for Anglicare to permit VAD on its premises does constitute a form of objectionable involvement. The moral significance of such felt convictions must be respected and may play a role in creating a situation in which the ongoing provision of residential aged care by Anglicare becomes extremely difficult. This leads us to a second kind of ethical concern.

c) Intolerable corruption

The concern about complicity is not the only kind of concern raised by the Act. A second concern is that this development constitutes what we might call an intolerable corruption of the practice of providing residential aged care in Australia. As noted above, the decision over which Anglicare does have some choice is the decision to continue to operate residential aged care facilities. Its commitments to existing residents notwithstanding, Anglicare does have the freedom to cease providing this care over time. It might, therefore, be argued that the requirement to allow access to information about and services relating to VAD so corrupts the practice of providing residential aged care that Anglicare ought to make use of this freedom. Recalling for the sake of analogy the example noted above, a Christian hotelier might decide that the changed public expectations about sex and marriage had so poisoned the work of operating a hotel that it was no longer a good thing to do.

There are a number of things to say about this suggestion. The first is that this is a question that will have to be discerned over time. The extent to which the practice of VAD will corrupt the work of providing aged care is not yet clear. It will depend upon the details of implementation, which are not yet available, and upon the lived reality of putting them to work in different contexts. In any case, Anglicare could not cease operating aged care facilities quickly. This, therefore, should be seen as a question to revisit and/or pay attention to over time.

Secondly, we should beware of adopting an implicit logic of pollution, according to which the mere proximity to certain kinds of evil acts is felt to be intolerable. Although this logic is easily adopted, it is not deeply Christian. The Christian life is not lived according to a logic of clean and unclean, because it is not from outside, but from within, that one is defiled (Mark 7:1–23). Christ does not ask the Father to take his disciples 'out of the world', but to protect them from the evil one and to sanctify them while they journey within it (John 17:15–17). The truth is that no church, home, community, or aged care facility is free of evil;

we should beware of assuming that the presence of this imposed evil, which has special public prominence, is uniquely corrupting.

Thirdly, that said, it should be acknowledged that the requirements noted, despite their minimal nature, may pose real risks to the practice of providing aged care. The presence of VAD discussions and practitioners may have a range of impacts upon the culture and experience of residential facilities. It may distort perceptions of Anglicare staff, or damage residents' sense of the safety of their home. It may complicate and add stress to the role of the facility manager, as the one who has to navigate the provision of access and information, which may in turn hinder the ability of Anglicare to find suitable staff for this already stressful role. It may also have profoundly difficult impacts upon the practice of pastoral care for the dying. Chaplains and other staff providing pastoral care will face extremely challenging decisions about how to care for those ending their life by euthanasia or assisted suicide. Such situations can be conducive of forms of moral injury, and Anglicare will need to invest significant energy and time in the creation of policies and procedures for such situations. Additional challenges for Anglicare are easy to envisage, such as responding to the event of a malfunction in the administration of a VAD substance, an issue known to cause acute stress in emergency departments. These are some of the matters that will need to be thought through, and watched, as time proceeds and further details emerge. This leads us to the courses of action open to Anglicare at this juncture.

§3 Courses of action to be considered by Anglicare (Terms of Reference (c), (d), and (e))

Anglicare has had a longstanding public opposition to euthanasia. This was most recently expressed in its submission to NSW Parliament's Standing Committee on Law and Justice, Provisions of the Voluntary Assisted Dying Bill 2021- Submission No 55, in which Anglicare outlined its desires and intentions with respect to the provision of care. A summary of these commitments is contained in Appendix B.

From the date of commencement, some residents may well commit suicide through the provision available in this Act while residing in Anglicare's Homes. Considering what has been discussed, if Anglicare is to continue to provide residential aged care, it will need to undertake a significant body of work to ensure that it can both provide the kind of life-affirming care it desires to give to residents in its facilities, up to and including the end of life.

Given that the practice of VAD is antithetical to Anglicare's ethos of care, and moreover will potentially undermine the practical outworking of that ethos, Anglicare will need, at a minimum, to make significant efforts, invest appropriate resources, and potentially significantly transform its current operations to ensure that the desires and commitments expressed in its submission (see Appendix B) are not only aspirational but are clearly and consistently a reality in each of its residential aged care facilities.

It should be noted, however, that a decision to withdraw from providing residential aged care cannot be ruled out at this point. To be sure, such a decision should not – and indeed could not – be taken lightly. It would come at the significant cost of forgoing all the good Anglicare does both in terms of care, the provision of Christian ministry and the evangelistic fruit that is abundant in our residential aged care homes. It would also be extraordinarily costly and difficult.⁹ However, such a course of action cannot be categorically ruled out, as there remain, as discussed above, significant unanswered questions and ambiguities that could result, perhaps quickly or perhaps over a longer period, in Anglicare's ongoing provision of residential aged care becoming untenable.

Bearing all this in mind, at this stage we believe that Anglicare should consider the following courses of action.

a) Build upon existing commitments to palliative care

The single most important response Anglicare must take is to continue and to build upon its existing commitment to palliative care. This includes commitment to ongoing active service improvement, and investment in skilled and experienced palliative care practitioners. Anglicare should ensure that its aspirations for excellent palliative care are consistently met in all its residential aged care homes. This will

⁹ The financial liabilities involved in a rapid exit from Residential Aged Care would deprive Anglicare of the ability to provide the vast majority of their other benevolent community services, such as Food and Financial services and Chaplaincy.

act as a preventative measure against VAD and ensure that opposition to VAD can be voiced and sustained with integrity.

b) Advocate for Legislative reform and Regulative clarity

Anglicare alongside the Diocese should continue to call on the NSW Government to remove the obligation of all residential aged care providers to allow VAD on their premises, and to provide adequate and timely access to palliative care for all NSW citizens. Anglicare should also proactively engage with those developing Regulations under the Act and other implementation guidelines, to ensure that the concerns identified in this paper (such as inconsistencies around storage of VAD substances) are clarified.

c) Review and monitor developments

Anglicare should develop a plan for reviewing and monitoring the implementation of the legislation and its ongoing impacts. The roll-out of the legislation needs to be watched with care, and then significant impacts will need to be tracked. It will be important that Anglicare, as far as it is able, is aware of whether and how many requests to access VAD are made within its homes, how these requests are responded to, the outcome of such requests (in terms of pursuing VAD or non-completion of the VAD pathway) and assessment of the impact of the process upon staff and other residents.

Anglicare could consider advocating for and resourcing research on these matters and consider addressing the quality control measures above as a research project, the result of which could be published as an academic journal article, therefore raising relevant issues for academic and community debate. In the planning and implementation of such research, care would need to be taken to ensure any such research would not impinge on either the provision of quality care, the culture and environment of the Home, or unnecessarily impact on the commercial setting of the Home. Care would also need to be taken to ensure such research was not at cross purposes with other responses Anglicare will need to make in response to the Act (e.g. its stance towards communication concerning VAD). Issues of staff and patient confidentiality should be addressed by a standard research protocol. Approval of the protocol by a Human Research Ethics Committee would be required if the research was to be published in an academic journal. It should be noted that the ethical approval for such a process would ideally need to be in place prior to the implementation of the Act.

Once the implementation regulations have been produced, and prior to the commencement of the Act, Anglicare should conduct an internal policy and procedure review. This assessment should give special attention to the facility manager and their particular responsibilities arising under the Act and its provisions.

Anglicare should also commit to a formal review of VAD within its residential aged care facilities once VAD has been established but well before any normalisation of the process makes such an assessment difficult. A report on such should be presented to the Board no later than 2 years from the commencement of the Act. In due time a legal risk assessment of the Act and any proposed operational responses will also be required.

d) Development of policies and procedures

Anglicare should immediately begin to develop policies and procedures to enable the organisation to meet the various challenges posed by the legislation. At least the following warrant attention:

- Policies and procedures for all staff concerning the organisational position of non-participation in VAD. This should form part of Anglicare's Code of Conduct.
- A communication strategy that would fulfil the Act's requirements for provision of information concerning VAD. The Working Group discussed whether this could be done in pre-admission information given to prospective residents, and then the same reissued on the allocation of a bed. Such communications could be within an information flyer detailing Anglicare's life affirming care service offering, including Palliative care. The information on VAD could come with a note about the organisation's in-principle opposition, and non-provision of these services, but then pointing people (as required by law) to information in the form of a link to an appropriate NSW Health website (e.g. <https://www.health.nsw.gov.au/voluntary-assisted-dying>). When a resident asks for information concerning VAD, they could be directed back to the already provided information. Note that legal review of these procedures would be required to ensure that they do not contravene the provisions in the Act regarding raising the topic of VAD with residents.

- Policies and procedures that ensure the safety of all in the Home, and the provision of life-affirming care for all residents especially as this risk profile changes with the introduction of VAD. Things to be considered include:
 - security of VAD substances and ensuring non-accessibility without the need for Anglicare staff to be involved in the storage of such;
 - active monitoring process implemented designed to detect coercive practices with respect to others encouraging a resident to undertake VAD;
 - ensuring life-enriching care; cultivating caring compassionate communities that honour life and appropriately grieve death.
 - ensuring that Anglicare facilities are not used for gatherings to “celebrate” the termination of life, such as a “pre-wake”.
- Procedures should be developed for misadventure or malfunction in the administration and effect of the VAD substance. Life-affirming care should be the default position here, however this would also need to consider any Advanced Directive in place. A standard policy should be in place for when transfer to hospital is required for specialised medical attention.
- Policies and procedures relating to the desirability and use of Advance Directives.
- Practical guidance and appropriate ministry tools (rites, rituals etc) should be developed for Pastoral Care and Chaplaincy personnel (staff and volunteers).
- Policies and procedures relating to the care and support of staff and residents who are connected to people dying by VAD. Anglicare should be aware of the risk of moral distress and take necessary steps to provide a safe working environment considering this risk.

e) Development of a pastoral strategy for responding to requests for VAD

Anglicare should carefully develop a pastoral strategy for responding to requests for VAD. It should be noted that a request for hastened death at the end of life is well known to be an expression of distress and not necessarily a desire to receive VAD. Therefore, when a resident expresses a request for hastened death, whether or not a specific reference to VAD is included, the appropriate response from Anglicare should include the following:

1. Explore the circumstances which have prompted this request and address any problems which are identified.
2. Ensure that pastoral care is involved in resident care.
3. Ensure that the resident is referred to high quality palliative care.
4. Respond respectfully and compassionately to residents’ questions about VAD.
5. Assure residents that they will never be abandoned.

Under the Act Anglicare has no legal right to prevent permanent residents from independently accessing VAD services.¹⁰ However, Anglicare may wish to dissuade residents from doing so by deed and by word.

Dissuasion respects the autonomy of an individual by regarding them as open to thoughtful reflection. Christians recognise respect for autonomy as due to all mentally competent human beings who are made in the image of God and as such are free to choose to access legally available procedures.¹¹ Respect does mean a willingness to accept that others may come to a judgement with which we do not agree, but it does not mean unquestioning reverence for every expressed desire. Respect, rather, can encompass a willingness to engage with a person and to give them space to come to a considered judgement, including putting before them reasons to consider a different course of action.

¹⁰ Moreover under the [The Aged Care Quality Standards](#), which Anglicare must fulfil to remain an approved Aged Care provider, the first and core standard is, Standard 1: Consumer dignity and choice. The respect due to someone under this standard also extends even to an individual making choices and decisions that may even put themselves in harm’s way. This is often referred to as ‘[dignity of risk](#)’.

¹¹ That said, even apart from legislative restrictions, autonomy is never completely unfettered. In certain circumstances we can insist on the imposition and acceptance of restrictions in order say, for one to be a member of a particular association with others (like a church congregation) or insist on restrictions to continue to enjoy the use of or cohabitation in a ‘privately’ owned location. In a real sense in both these examples the individual chooses to set aside their freedom and be bound by another’s choice. These avenues for restricting autonomy apart from the constraint of the law do not strictly or better still simply apply to Anglicare.

Reasons to dissuade someone from pursuing VAD

There are in fact numerous reasons why it might be right to seek to dissuade people from pursuing VAD. These include the following:

i) VAD legislation ignores research relevant to requests for hastened death

Research has found that when patients express their fears at the end of life, healthcare staff often misinterpret this fear as a request for euthanasia when it is really intended to be a cry for help.¹² The appropriate response to a request for hastened death is therefore to ask what is wrong. Research shows that requests for euthanasia and physician assisted dying are usually due to undiagnosed depression, demoralisation, loneliness, fear of being a burden or lack of support.¹³ All these issues can be addressed with comprehensive care. Physical pain is an uncommon reason for a request of euthanasia and uncommon at the end of life when high quality palliative care is available. Patient desires are known to fluctuate over time, including desires for hastened death.¹⁴ That suggests that even if patients request euthanasia, they may have changed their mind if they had spent more time considering their decision.

ii) VAD legislation is misrepresented by government as healthcare

The government's assertion that prescription of a poison to a person to allow them or assist them to end their life is a form of healthcare is false.¹⁵ The goals of medicine and healthcare involve the preservation of life where possible and comfort care when cure is not possible, while neither hastening nor deferring death. VAD terminology seeks to provide a cloak of medical legitimacy to state sanctioned killing. Both the Australian Medical Association¹⁶ and the World Medical Association¹⁷ are opposed to medical practitioners being involved with euthanasia and physician-assisted suicide, even where they are legal.

Making VAD legal does not make VAD a valid "choice" to replace quality palliative care, although the legalisation of euthanasia and physician assisted suicide removes the imperative for governments to provide good end of life care. The rhetoric in our community about VAD as a "healthcare" choice and the use of euphemisms to mask the reality of the procedure make it important for Anglicare to ensure that residents have an opportunity to understand the evil nature of this project before engaging with pro-VAD personnel.

iii) This (and other) VAD legislation has inadequate safeguards to protect the vulnerable

Despite the efforts of Anglicare and many others to amend the legislation and see more robust safeguards legislated, we are left with an Act with inadequate safeguards. This obliges Anglicare be vigilant with what safeguards are there and to urge caution to residents considering VAD as part of its duty of care to a vulnerable group. Inherent risks in the Act include the following:

- Decision-making capacity of the patient is assumed [§6(2)(b)], a questionable assumption in a population with advanced disease. Cognitive capacity is known to be impacted negatively by factors such as organ failure, medical treatments, and psychological morbidity. Research shows that 35% of people with physical and mental illness may lack capacity to make decisions about their health.¹⁸ There is no requirement for a psychiatric assessment in the legislation to determine whether the patient is mentally competent.

¹² Johansen S, Hølen JC, Kaasa S, Kaasa S, Loge JH, Materstvedt LJ. 'Attitudes towards, and wishes for, euthanasia in advanced cancer patients at a palliative medicine unit.' *Palliative Medicine*. 2005;19(6):454-60.

¹³ Hudson PL, Kristjanson LJ, Ashby M, Kelly B, Schofield P, Hudson R, *et al*. 'Desire for hastened death in patients with advanced disease and the evidence base of clinical guidelines: a systematic review.' *Palliative Medicine*. 2006; 20(7):693-701; Oregon Death with Dignity Act: 2020 Data Summary. Public Health Division, Center for Health Statistics. February 26, 2021.

¹⁴ Chochinov HM, Tataryn D, Clinch JJ, Dudgeon D. 'Will to live in the terminally ill.' *The Lancet*. 1999;354(9181):816-9.

¹⁵ Boudreau JD, Somerville MA. 'Euthanasia is not medical treatment.' *Br Med Bull*. 2013 106:45-66.

¹⁶ AMA Position Statement. Euthanasia and Physician Assisted Suicide. AMA 2016. file:///Users/megan_best/Downloads/AMA_Position_Statement_on_Euthanasia_and_Physician_Assisted_Suicide_2016-1.pdf

¹⁷ WMA Declaration on Euthanasia and Physician-Assisted Suicide. 2019. <https://www.wma.net/policies-post/wma-resolution-on-euthanasia/>

¹⁸ Breitbart, W. 'Depression, Hopelessness, and Desire for Hastened Death in Terminally Ill Patients with Cancer.' *Journal of the American Medical Association* (Dec. 13, 2000); Lepping, P, *et al*. 'Systematic Review on the prevalence of lack of capacity in medical and psychiatric settings.' *J Clin Med (Lond)* 2015; 15(4).

- The eligibility criteria include a prognosis of 6 months, or 12 months for a neurodegenerative condition [§16(1)(d)], but the standard of assessment is the balance of probabilities. There is extensive research showing that it is not possible to predict life expectancy with any accuracy,¹⁹ and there is no requirement for VAD doctors to check the records of the patient's own treating doctors to ensure accuracy of medical information. Coordinating or consulting practitioners are not required to be specialists in the patient's illness or the patient's usual doctor [§18].
- Mental illness per se does not disqualify a person from euthanasia [§16(2)(b)]. With this legislation, as long as a person can understand the decision, mental illness (e.g., clinical depression) does not prevent a person from accessing euthanasia or assisted suicide. Treatment of depression in the palliative care setting is effective and we know that thoughts around suicide are not static and resolve when depression is treated.
- A person can make euthanasia requests using "gestures," but these are not specified or recorded [§19(3)(b), §48(3)(b), §57(3)(b)]. If unspecified "gestures" are enough to make a death request, it is the doctor's interpretation of the gestures that prevails.
- The eligibility criterion for suffering is assessed subjectively by the patient and they are not required to avail themselves of any means by which suffering may be relieved before accessing VAD if the means are not acceptable to them [§16(d)(iii)]. Evidence shows that the wish to hasten death reduces in patients who receive good palliative care.²⁰ However, this effect operates only when the patient *receives* the care, not when they are just told about it. In this legislation, the person informing the patient about palliative care options is not required to have any expertise in palliative care, and patients are not even required to have received a referral to palliative care, in order to find out the true extent of options available to them.
- This legislation anticipates problems with identifying coercion and undue influence, as referral to a psychiatrist or psychologist is suggested to assess pressure or duress [§27]. However, the fact that this is not mandated shows that this risk is underestimated. This is of particular concern as elder abuse has been identified as a pervasive problem in NSW by the Legislative Council's report on Elder Abuse released in 2016.²¹ Similar issues were identified in the Australian Law Reform Commission's (ALRC) report on elder abuse released in 2017.²² While the exact prevalence of elder abuse is not established in NSW, the ALRC reported that, at the international level, estimated prevalence rates of elder abuse range from 2-14% and may be as high as 20% in older women. Coercive control is regularly observed by healthcare professionals in the aged care setting, but it is difficult to detect.
- Time between first and final request can be as short as 5 days, or even shorter if the patient is expected to die or lose mental capacity within 5 days [§49]. Research has shown that the desire for hastened death often fluctuates over time.²³ This period between first requesting VAD and receiving it does not allow sufficient time for reflection and determining whether the request for hastened death is permanent.

¹⁹ White, *op.cit.*

²⁰ Breitbart W, Rosenfeld B, Gibson C, Pessin H, Poppito S, Nelson C, *et al.* Meaning-centered group psychotherapy for patients with advanced cancer: A pilot randomized controlled trial. *Psychooncology*. 2010;19:21-8.

²¹ Report 44 – Elder abuse in New South Wales.
<https://www.parliament.nsw.gov.au/lcdocs/inquiries/2387/Report44ElderabuseinNewSouthWales.pdf>

²² Australian Law Reform Commission. Elder Abuse – A National Legal Response. ALRC 2017.
<https://www.attorneygeneral.gov.au/Mediareleases/Pages/2017/SecondQuarter/Building-the-national-response-to-elder-abuse.aspx>

²³ Chochinov, *op.cit.*

Archbishop's Working Group on Voluntary Assisted Dying

Terms of Reference

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 complies with Act and permits, and does not hinder, a permanent resident accessing voluntary assisted dying services from a third party, is Anglicare complicit in the delivery of the services in a way which would be contrary to the teaching of the Bible?
- (c) should Anglicare 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 should consider?
- (d) if Anglicare 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 take?
- (e) if by complying with the Act, Anglicare would be complicit in the provision of voluntary assisted dying services, what other Biblically and theologically informed responses should be considered by Anglicare in relation to:
 - (i) Anglicare's residential aged care services;
 - (ii) Anglicare's home care services; and
 - (iii) the provision of independent retirement living accommodation?

The Working Group may refine, narrow, or augment these questions in its early meetings to ensure the breadth of relevant issues are considered.

Anglicare's position on palliative care

1. Anglicare is deeply committed to excellence in the delivery of end-of-life palliative care services that holistically support a person's physical, emotional, and spiritual wellbeing through the last stage of life. Anglicare has a nurse-led, palliative care team who assist our residential and community-based aged care staff, to provide exceptional end-of-life care to our residents and clients. Anglicare considers physician assisted suicide and euthanasia to be the antithesis of this approach.
2. Anglicare believes that every person is uniquely made in the image of God and has dignity and worth, whatever physical or mental capabilities they possess or whatever circumstances in which they find themselves. For people who are nearing the end of their lives, and/or experiencing physical or psychological pain, a dignified and enriched life includes a right to receive or refuse medical treatment and to be accepted and well cared for by our community.
3. A person's autonomous decisions cannot be viewed in isolation from their relationships, and the expectations placed on them by family, carers, friends, and the community at large. People who are facing life-limiting (terminal) illness have no less dignity and worth in our community than their healthy counterparts, and we resolve to care for people in this situation by restating that they have value and purpose as individuals and as part of our community, even amidst pain and grief. They are not a burden to us, and they are not a burden on our society. We seek to uphold their value and worth by providing excellent palliative care services and honoring a person's decisions regarding their wishes should their body require treatment of significant symptoms, such as pain.
4. We support the process of natural dying, which includes the management of significant symptoms (pain, breathlessness, nutritional needs). The level of intervention required for any individual is based on a collaborative decision between the person dying and their treating physicians. Whilst we are aligned with the Act's intention to provide choices to a person facing a life-limiting illness, we do not agree that dignity and compassion are embedded in a decision to end a life through an act of administering a poison through voluntary assisted dying. We believe that dignity and compassion in such circumstances includes:
 - *Active empathy*: we attempt to understand a person's feelings, experiences and wishes, and act accordingly to assist in supporting their living. We understand and appreciate a person's desire to refuse treatment that would prolong their life and support them in that choice by providing a palliative approach to their care which aims at comfort, inclusive of promotion of advanced care planning.
 - *Honoring a dignified and enriched life*: we speak and act upon our belief that a person who requires intensive physical and/or psychological support is not a burden to us and continues to have inherent value and worth as a person and member of our community. We reinforce to all our residents and clients in this situation that they are valued by us and the community, even when they feel like their lives may be burdensome to others.
 - *Excellent palliative care support*: we provide services to people in residential care homes or in their own homes to compassionately provide comfort and accompaniment and to relieve their physical and psychological pain with a holistic approach.

Although residential care facilities are places of specific health care delivery, at their best our facilities are *homes* for those who live there. For our residents we desire that they find a home within these communities alongside other residents, staff and visitors which are places to experience consistent life-affirming care and to live well to the end.

Parochial Cost Recoveries Ordinance 2023

(replaces report shown in Synod Book 1 at pages 135 – 149)

Explanatory Report

Key Points

- The total Parochial Network Costs for 2024 are expected to be 3.5% higher than in 2023. This is a pleasing result given the large increases in recent years.
- The main factors contributing to the modest overall increase in Parochial Network Costs for 2024 are a reduction in the net cost of the Parish property and liability insurance program as a result of the exclusion of the Synod's contribution to the Cathedral's share of parish property insurance (which will be substantially funded in 2024 from a direct allocation of Synod funds). However, this will be substantially offset by a reduced drawdown in 2024 from the working capital of the Parish Cost Recovery (PCR) Fund 951, just sufficient to cover the increase in the parish related costs of the Office of the Director of Safe Ministry (ODSM).
- The variable PCR charge percentage is expected to increase very slightly compared to 2023. This is a result of the increase in total net operating receipts from 2021 to 2022 (approximately 3.21%) being a little less than the 3.5% increase in Parochial Network Costs from 2023 to 2024.
- The estimated total Ministry Costs per clergy is expected to rise by approximately 4%. This is due to the increase in superannuation and long service leave contributions as a result of the expected increase in the recommended minimum stipend for 2024.
- While these estimates represent the best figures currently available, the proposed Parochial Cost Recoveries Ordinance 2023 allows Standing Committee to set the actual charge for 2024 during Q4 of 2023 based on the formula in the Schedule to the Ordinance.
- The Church Land Acquisition Levy will continue at the previous rate of 2% of the net operating receipts of each parochial unit, in accordance with the *Church Land Acquisitions Levy Ordinance 2022*.
- Information in relation to the Property Income received by each parish in 2022 and the resulting Levy payable in 2024 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 2024.

Recommendation

2. Synod receive this report.
3. Synod pass the Bill for the proposed Parochial Cost Recoveries Ordinance 2023 as an ordinance of the Synod.

Background

4. The Bill for the proposed Parochial Cost Recoveries Ordinance 2023 (**the Bill**) and this Explanatory Report have been prepared in accordance with the requirements of clause 5B of the *Cost Recoveries Framework Ordinance 2008*. The Bill provides for the charges to be recovered from and levied on parishes in 2024 in a manner that is broadly similar to the actual charges and levies payable in 2023.

5. The details of the components of the cost recoveries charge in respect of parochial network costs and ministry costs under the Bill, and the levy to acquire land for future church sites under the *Church Land Acquisitions Levy 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 2024 are shown in **Attachment 2** to this report.

Parochial network costs

6. The total of the Parochial Network Costs is expected to rise by 3.5% in 2024. The Board of the Anglican Church Property Trust (**ACPT**) have estimated the cost of the parish property and liability insurance program will rise by 4% compared to 2023. However for 2024 a substantial proportion of the cost of the property insurance program for St Andrew's Cathedral (**the Cathedral**) has been removed from the Parochial Network Costs and will be funded with a direct allocation of \$534,000 of Synod funds (in the same way as several specific insurance policies that are applicable just to the Cathedral have been funded in recent years). This represents an attempt to be consistent in the application of the principle agreed for some years that the Cathedral is a Diocesan responsibility. As a result, the estimate of the balance of the parish property and liability insurance program which forms part of the Parochial Network Costs will decrease from \$7,500,000 to \$7,270,472. Offsetting this decrease in the net cost of the parish insurance program will be an inflationary increase in Sydney Diocesan Services' (**SDS**) cost base which will impact the cost of most other programs included in Parochial Network Costs.

Parish property and liability insurance program

7. For 2024, the Standing Committee is proposing to extend the principle of excluding the cost of insuring the Cathedral from the cost of the parish property and liability insurance program. As a result, Synod will be asked to fund the majority of the Cathedral's share of the cost of the normal building insurance (the Industrial and Special Risks (**ISR**) policy covering fire and theft etc up to \$150 million per location) in addition to the two insurance policies specific to the Cathedral – the ISR excess over \$150 million policy and the Liability 4th excess layer policy.
8. The Cathedral's share of the cost of the normal ISR policy is estimated at \$575,000, based on the broker's recommendation that it reflect the proportion of the declared/insured value of the Cathedral relative to the declared/insured value of all property in the Diocese held on behalf of parishes, with an adjustment to reflect the fact that the component of the ISR premium relating to the terrorism levy is loaded towards the CBD (and hence the Cathedral). Synod will be asked to fund \$534,000 of this cost. After deducting this amount the balance of the parish property and liability insurance program is expected to cost \$7,270,472 in 2024 (a 3% decrease compared to 2023).
9. Were it not for the exclusion of the Cathedral's share of the cost of property insurance, the parish property and liability insurance program would have increased by 4%. Underlying this relatively benign overall increase, the premium rate for the renewal of the ISR insurance policy (covering buildings and contents) and the associated heritage contingency cover continues to escalate at 18%-19%. Now that a new insurer will be required to replace Catholic Church Insurance Limited (which is no longer writing new business or offering renewals), there is a risk this cost may even increase beyond the current estimates. However, for 2024 the ACPT has advised that it expects the increasing cost of ISR premiums to be largely offset by a decrease in the amount needed to cover uninsured and underinsured risks. The final cost of the parish property and liability insurance program for 2024 may change if the results of the ACPT's annual insurance renewal process in August indicates that the actual aggregate premium cost will be significantly different to the amount included in the above estimates.

Office of the Director of Safe Ministry

10. The volume and nature of the parish related work of the Office of the Director of Safe Ministry (**ODSM**, formerly the Professional Standards Unit) is expected to expand. Accordingly, the overall cost of the ODSM is expected to rise by 26% with the increase. This increase is due to a combination of increased rent, IT costs and staff costs, as well as an increase in investigations costs in order to use

third party lawyers. This use of third party lawyers is because SDS Legal are frequently unable to act for ODSM as they were already involved in some aspect of the dispute.

11. As indicated last year, the ODSM has now utilised what limited reserves it had been holding in recent years and accordingly there is no further opportunity for the ODSM to offset some of the cost of its 2024 program by drawing on accumulated reserves.

Safe ministry training program

12. It is expected that the cost of this program in 2024 will rise by the expected 4% increase in SDS's cost base.

Ministry Spouse Support Fund

13. Although several payments have been made in 2022 and the first quarter of this year, at 31 March 2023 this fund still had a balance in excess of \$150,000. As it is not expected that any significant payments will be required in the second half of 2023, it is proposed that no new allocation be made in 2024.

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 2024.

Parish contribution to the cost of Diocesan archives, SDS fee for managing the PCR Fund 951, and ACPT management fee payable by parishes with property

15. It is expected the cost of these three items will increase by the estimated 4% increase in SDS's cost base for 2024.

Voluntary relinquishment of incumbency

16. 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 in 2021. Accordingly, nothing has been required to be included in the Parochial Network Costs for 2024 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

17. The National Church Life Survey (**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 2024 for the cost of the Diocese's participation in the next NCLS. Given the next NCLS is not due until 2026 it is recommended that any decisions on funding be made closer to that time.

Generally

18. Following a review of the amounts held in all the funds under the control of Synod, including the Parochial Cost Recoveries group of funds, the Finance Committee has identified that the working capital of the PCR Fund 951 may contain up to \$700,000 in excess of current or likely future requirements. This figure represents an amount accumulated over several years and is in large part due to a reduced need for working capital to cover timing differences in receipts and payments made from this fund during the year as a consequence of the move some years ago to collect the PCR charges from parish in 12 equal instalments. It is recommended that \$255,000 of this excess be utilised to cover the increase costs of the ODSM with the balance of this amount held as a reserve against the expected continuation of significant increases in the cost of the ACPT's parish insurance program in 2025 and beyond.

19. Every effort has been made to limit the rise in the variable PCR percentage and accordingly the impact on parish finances given the consistent increase in costs over the last 10 years. The following table shows the movements in parochial network costs, total net operating receipts and the variable PCR percentage payable by parishes with property over the last 10 years –

Year	Parochial network costs	Total operating receipts	Variable PCR percentage
2024	\$10.0m	\$126.6m	8.0%
2023	\$9.7m	\$122.7m	8.0%
2022	\$9.3m	\$136.6m (<i>incl. JobKeeper</i>)	6.9%
2021	\$8.3m	\$122.9m	6.8%
2020	\$7.5m	\$116.9m	6.4%
2019	\$6.9m	\$112.5m	6.2%
2018	\$5.5m	\$110.0m	5.1%
2017	\$5.3m	\$104.3m	5.1%
2016	\$5.2m	\$101.2m	5.2%
2015	\$4.7m	\$95.5m	4.9%

Net operating receipts

20. Audited financial statements have been received from all the parishes due to report for the year ended 31 December 2022. All of these financial statements have been reviewed, any queries resolved and the relevant data captured in the SDS database.
21. Now the review of parish financial statements is complete the aggregated data reveals total net operating receipts have increased from \$122.7m in 2021 to \$126.6m in 2022 (an increase of 3.21%).
22. The combined effect of a 3.5% increase in total Parochial Network Costs and a 3.21% increase in aggregate net operating receipts results in the variable PCR charge percentage payable in 2024 by parishes with property increasing very slightly from 8.0% to 8.02%, and for parishes without property the percentage payable in 2024 will also be marginally higher at 4.82%
23. As preparation for the start of the funding triennium 2025-2027, next year it is intended to revisit the calculation of the appropriate percentage needed to recover the parochial network costs applicable to parishes without property.

Ministry costs

24. The estimated cost of some of the components of the ministry costs for 2024 is dependent on decisions that have yet to be made. Where necessary the actual PCR charge for 2024 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 2024 are expected to be approximately 4% more per clergy than the actual cost for 2023 (3.7% in the case of rectors and 4.3% for assistant ministers – see Attachment 1).

Superannuation

25. Standing Committee is yet to determine the recommended minimum stipend that will apply for 2024. Accordingly, at this stage the amount of the superannuation contribution required for 2024 can only be estimated. Assuming the superannuation contributions for clergy are maintained at 17% of the average recommended minimum stipend, it is estimated that the cost of superannuation contributions will increase 5% in 2024.

Long service leave

26. The actual long service leave (**LSL**) contribution for 2024 will not be known until set by the General Synod LSL Fund in late 2023. Accordingly, for now the LSL contribution has been estimated based on a 5% increase over the figure for 2023 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 Stipend Continuance Insurance (**SCI**) cover, in 2021 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, beginning in 2022.
28. As 2024 will be the third year of the current 3-year fixed rate agreement with the current insurer the cost should remain unchanged from the rates applying in 2023.

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 2024 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. 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 *Church Land Acquisitions Levy Ordinance 2022* provides for the Levy to continue for the 10 years 2023-2032 under the current formula 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 2024 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 2022, and the amount of Levy payable on that Property income in 2024. The total property income subject to the Levy was \$10.3m (2021 \$8.3m), an increase of 24%. The total amount of Levy payable by 69 parishes in 2024 is just over \$850k (2023: 56 parishes and \$570k).
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 and parishes for which Standing Committee declares by ordinance or resolution that the Levy does not apply to the whole or part of their property income (indicated by a * next to their Levy amount) pay no Levy on that income subject to an ordinance or resolution, but pay a higher rate of Levy on their other property income that is subject to the Levy (unless Standing Committee declares by ordinance or resolution that such income is not to be included in the calculations).

For and on behalf of the Standing Committee

BRIONY BOUNDS
Diocesan Secretary

17 July 2023

Parochial Cost Recovery Charges for 2024

	Actual for 2023 \$	Proposal for 2024 \$
Parochial Network Costs		
Parish property and liability insurance program	7,500,000	7,270,472
Parish risk management program	258,868	269,223
Office of Director of Safe Ministry -		
Parish related costs	998,000	1,253,000
Reimbursing Synod Risk Reserve for non-standard expenses	-	-
Safe ministry training program	156,000	162,240
Ministry Spouse Support Fund	-	-
Provision for relief and remission of PCR charges	-	-
Parish contribution to the cost of Diocesan archives	76,499	79,559
SDS fee for managing the PCR Fund 951	226,379	235,434
ACPT management fee payable by all parishes with property	988,827	1,028,380
Voluntary relinquishment of incumbency fund	-	-
Parish contribution to cost of the 2021 National Church Life Survey	-	-
<u>less</u> amount drawn from the working capital in PCR Fund 951	(500,000)	(255,000)
	9,704,573	10,043,308
<i>\$ increase on previous year</i>	9.5%	3.5%
Total Net Operating Receipts 2021 & 2022	122,699,356	126,639,652
Variable PCR charge percentage (parochial units with property)	7.9990010%	8.0316930%
Variable PCR charge percentage (parochial units without property)	4.7994006%	4.8190158%

	Actual for 2023 \$	Proposal for 2024 \$
Ministry costs (per F/T minister)		
Ministers		
Superannuation contribution	12,246	12,858
Long service leave contribution	1,791	1,881
Clergy Care -		
Stipend Continuance Insurance	1,737	1,737
Clergy Assistance Program	4,737	4,737
Clergy Assistance Program	150	150
Sickness & accident fund	125	125
Cost per minister	\$ 16,049 19,049	\$ 16,771 19,751
<i>\$ increase on previous year</i>	1.9%	3.7%
Assistant Ministers (7+ years, Senior Assistant Ministers)		
Superannuation contribution	12,246	12,858
Long service leave contribution	1,791	1,881
Clergy Care -		
Stipend Continuance Insurance	1,757	1,757
Clergy Assistance Program	150	150
Sickness & accident fund	125	125
Cost per minister	\$ 16,069	\$ 16,771
<i>\$ increase on previous year</i>	-14.1%	4.4%

Assistant Ministers (1-6 years)		
Superannuation contribution	11,021	11,572
Long service leave contribution	1,791	1,881
Clergy Care -		
Stipend Continuance Insurance	1,757	1,757
Clergy Assistance Program	150	150
Sickness & accident fund	125	125
Cost per minister	\$ 14,844	\$ 15,485
<i>\$ increase on previous year</i>	2.2%	4.3%

Variable PCR Charge, Church Land Acquisition Levy and Property Receipts Levy for 2024

Total Net Operating Receipts for 2022
(as at 13 July 2023)
Parochial Network Costs to be recovered
in 2024
**Variable PCR percentage for parishes
with property**
**Variable PCR percentage for parishes
without property (= 60%)**
**Church Land Acquisitions Levy
percentage**
Contribution to the acquisition of land for
future church sites
Property Income subject to the Levy
Property Receipts Levy payable

2022 Net Operating Receipts	Variable PCR charge for 2024	Church Land Acquisition Levy for 2024	2022 Property Income subject to Levy	Property Receipts Levy for 2024
126,639,652	\$ 10,043,308 8.0316930% 4.8190158%	2.00% \$ 2,532,793	\$ 10,277,699	\$ 855,132

	Parish, Prov. P, R, Church, Prov. R. C.	Region	Parochial Unit	2022 Net Operating Receipts \$	Variable PCR charge for 2024 \$	Church Land Acquisition Levy for 2024 \$	2022 Property Income subject to Levy \$	Property Receipts Levy for 2024 \$
1	PP	SS	Abbotsford	186,572	14,985	3,731	41,528	-
2	P	W	Albion Park	277,305	22,272	5,546	23,508	-
3	P	SS	Annandale	801,140	64,345	16,023	35,488	-
4	PP PRC(np)	WS	Arise Anglican Church #	265,707	12,804	5,314	-	-
5	P	N	Artarmon	375,221	30,137	7,504	792	-
6	P	N	Asquith/Mt Colah/Mt Kuring-gai	413,863	33,240	8,277	12,762	-
7	P	WS	Auburn-St Philip	402,218	32,305	8,044	31,664	-
8	PP	WS	Auburn-St Thomas	150,021	12,049	3,000	38	-
9	P	W	Austinmer	469,883	37,740	9,398	44,280	-
10	P	N	Balgowlah	359,757	28,895	7,195	47,421	-
11	PP	SS	Balmain (St Mary's, formerly part of Darling Street)	247,749	19,898	4,955	55,460	819
12	P	SW	Bankstown	176,109	14,145	3,522	31,100	-
13	P	N	Barrenjoey (including Mona Vale from 1 Jan '23)	678,529	54,497	13,571	113,145	10,786
14	P	WS	Baulkham Hills	291,234	23,391	5,825	23,972	-
15	PP_P	SS	Bayside (formerly Arncliffe)	293,890	23,604	5,878	-	-
16	P	N	Beecroft	551,273	44,277	11,025	39,336	-
17	P	SS	Bellevue Hill	204,353	16,413	4,087	188,486	29,621
18	P	SW	Belmore with McCallums Hill & Clemton Park	192,561	15,466	3,851	49,868	-
19	P	N	Belrose	326,073	26,189	6,521	75,716	3,857
20	PP_P	WS	Berala	291,527	23,415	5,831	25,476	-
21	P	N	Berowra	377,061	30,284	7,541	29,518	-
22	P	W	Berry	157,149	12,622	3,143	11,544	-
23	P	SW	Beverly Hills with Kingsgrove	253,448	20,356	5,069	57,706	1,156
24	P	SS	Birchgrove (formerly Balmain-St John's)	151,424	12,162	3,028	25,474	-

	Parish, Prov. P, R. Church, Prov. R. C.	Region	Parochial Unit	2022 Net Operating Receipts \$	Variable PCR charge for 2024 \$	Church Land Acquisition Levy for 2024 \$	2022 Property Income subject to Levy \$	Property Receipts Levy for 2024 \$
25	P	WS	Blackheath	193,538	15,544	3,871	10,721	-
26	P	WS	Blacktown	541,645	43,503	10,833	79,799	4,470
27	P	SW	Blakehurst	226,539	18,195	4,531	55,729	859
28	P	W	Bomaderry	190,500	15,300	3,810	-	-
29	P	SS	Bondi and Waverley	597,472	47,987	11,949	-	-
30	P	W	Bowral	887,438	71,276	17,749	30,768	-
31	P	SS	Brighton/Rockdale	454,308	36,489	9,086	111,516	10,379
32	P	SS	Broadway	1,400,724	112,502	28,014	144,980	40,623
33	P	W	Bulli	447,230	35,920	8,945	6,601	-
34	P	SS	Burwood	461,501	37,066	9,230	25,999	-
35	PP	SW	Cabramatta	436,143	35,030	8,723	3,686	-
36	P	WS	Cambridge Park	200,041	16,067	4,001	3,540	-
37	P	SW	Camden	470,155	37,761	9,403	21,384	-
38	P	SW	Camden Valley (formerly South Creek)	548,408	44,046	10,968	-	-
39	P	SW	Campbelltown	957,365	76,893	19,147	39,101	13,685
40	P	SW	Campsie	395,249	31,745	7,905	36,557	-
41	P	SS	Canterbury with Hurlstone Park (and Ashbury from Apr '23)	421,001	33,814	8,420	15,577	-
42	P	W	Caringbah	702,281	56,405	14,046	22,090	-
43	P	WS	Carlingford and North Rocks	1,863,781	149,693	37,276	6,404	-
44	P	N	Castle Hill	2,854,217	229,242	57,084	66,953	2,543
45	P	SS	Centennial Park	766,168	61,536	15,323	61,976	1,796
46	P	N	Chatswood	585,325	47,012	11,707	-	-
47	RC(np)	N	Cherrybrook #	250,310	12,062	5,006	-	-
48	PP	SW	Chester Hill with Sefton (and Villawood from 1 Jan 21)	285,421	22,924	5,708	23,564	-
49	P	SS	Christ Church Inner West (formerly Ash., F.D., Hab. (+Drumm. Aug'22))	927,395	74,486	18,548	-	-
50	P	N	Christ Church Northern Beaches	230,373	18,503	4,607	45,574	-
51	PRC(np)	SW	Church at the Peak, Peakhurst South #	363,724	17,528	7,274	-	-
52	P	SS	Church Hill	2,468,602	198,271	49,372	-	-
53	P	SS	Clovelly	487,723	39,172	9,754	48,256	-
54	PP	SW	Cobbitty	315,239	25,319	6,305	72,126	3,319
55	P	SS	Concord and Burwood	165,606	13,301	3,312	39,451	-
56	PP	SS	Concord North	205,714	16,522	4,114	20,338	-
57	P	SS	Concord West	138,038	11,087	2,761	47,966	-
58	P	SS	Coogee	212,358	17,056	4,247	22,255	5,564
59	P	SS	Cooks River	133,555	10,727	2,671	27,934	-
60	P	WS	Cranebrook with Castlereagh	382,133	30,692	7,643	46,460	-
61	P	N	Cremorne	326,845	26,251	6,537	122,968	13,242
62	P	W	Cronulla	266,057	21,369	5,321	36,946	-
63	P	SS	Croydon	888,509	71,362	17,770	-	-
64	PP	W	Culburra Beach	146,031	11,729	2,921	88	-
65	P	W	Dapto	817,026	65,621	16,341	85,783	5,368
66	P	SS	Darling Point	881,535	70,802	17,631	167,076	24,269

	Parish, Prov. P, R. Church, Prov. R. C.	Region	Parochial Unit	2022 Net Operating Receipts \$	Variable PCR charge for 2024 \$	Church Land Acquisition Levy for 2024 \$	2022 Property Income subject to Levy \$	Property Receipts Levy for 2024 \$
67	P	SS	Darling Street (<i>now without St Mary's</i>)	332,266	26,687	6,645	207,389	35,086
68	P	SS	Darlinghurst	572,890	46,013	11,458	216,862	38,402
69	P	N	Dee Why	466,198	37,444	9,324	5,633	-
70	PP	SW	Denham Court	152,302	12,232	3,046	26,418	-
71	PP	WS	Doonside	102,779	8,255	2,056	13,465	-
72	PP	SW	Dulwich Hill	263,225	21,141	5,265	89,197	5,880
73	P	WS	Dundas/Telopea	220,916	17,743	4,418	-	-
74	P	N	Dural District	530,341	42,595	10,607	21,514	-
75	P	SW	Eagle Vale	194,878	15,652	3,898	262	-
76	P	SS	Earlwood	191,990	15,420	3,840	28,850	-
77	P	SS	Eastgardens	1,033,918	83,041	20,678	41,285	-
78	P	N	Eastwood (<i>and Ermington from 1 Jan '21</i>)	1,013,455	81,398	20,269	58,370	1,255
79	P	WS	Emu Plains	440,255	35,360	8,805	15,364	-
80	P	SS	Enfield and Strathfield	1,163,265	93,430	23,265	31,156	-
81	P	W	Engadine	788,574	63,336	15,771	886	-
82	P	SS	Enmore/Stanmore	230,758	18,534	4,615	62,232	1,835
83	P	N	Epping	409,657	32,902	8,193	214,082	37,429
84	PP_P	SW	Fairfield with Bossley Park	482,985	38,792	9,660	21,641	-
85	P	W	Fairy Meadow	332,134	26,676	6,643	11,952	-
86	P	W	Figtree	1,237,793	99,416	24,756	23,110	-
87	P	N	Forestville	473,036	37,993	9,461	-	-
88	P	N	Frenchs Forest (<i>incorporating Beacon Hill</i>)	429,435	34,491	8,589	8,036	-
89	P	N	Freshwater	317,788	25,524	6,356	7,819	-
90	P	SW	Georges Hall	189,013	15,181	3,780	1,799	-
91	P	W	Gerringong	287,843	23,119	5,757	10,857	-
92	P	N	Gladesville	1,177,944	94,609	23,559	117,089	11,772
93	P	SS	Glebe	492,672	39,570	9,853	241,921	47,172
94	P	N	Glenhaven	535,830	43,036	10,717	20,810	-
95	P	WS	Glenmore Park and Mulgoa	757,379	60,830	15,148	35,858	-
96	P	N	Gordon	433,430	34,812	8,669	26,345	-
97	RC(np)	SS	Grace City Church #	1,134,360	54,665	22,687	39,030	-
98	P	WS	Granville	177,098	14,224	3,542	33,133	-
99	PP	SW	Greenacre	133,802	10,747	2,676	14,046	-
100	P	N	Greenwich	79,251	6,365	1,585	40,393	-
101	P	WS	Greystanes-Merrylands West	109,779	8,817	2,196	40,112	-
102	PP	WS	Guildford (<i>formerly Guilford with Villawood</i>)	288,141	23,143	5,763	131,588	15,397
103	P	W	Gymea	516,818	41,509	10,336	30,214	-
104	P	W	Helensburgh and Stanwell Park	342,813	27,534	6,856	28,712	-
105	P	N	Hornsby	164,962	13,249	3,299	38,291	-
106	PRC(np)	N	Hornsby Anglican Chinese Church #	160,611	7,740	3,212	-	-
107	P	N	Hornsby Heights	159,365	12,800	3,187	11,475	-
108	P	SW	Hoxton Park	302,688	24,311	6,054	39,635	-
109	P	N	Hunters Hill	355,305	28,537	7,106	128,162	14,540

	Parish, Prov. P, R. Church, Prov. R. C.	Region	Parochial Unit	2022 Net Operating Receipts \$	Variable PCR charge for 2024 \$	Church Land Acquisition Levy for 2024 \$	2022 Property Income subject to Levy \$	Property Receipts Levy for 2024 \$
110	P	SW	Hurstville	838,519	67,347	16,770	2,443	-
111	P	SW	Hurstville Grove	502,929	40,394	10,059	721	-
112	P	SW	Ingleburn (<i>incorporating Glenquarie</i>)	326,596	26,231	6,532	35,665	-
113	PP	W	Jamberoo	308,698	24,794	6,174	12,202	-
114	P	W	Jannali	866,335	69,581	17,327	18,053	-
115	P	W	Jervis Bay and St Georges Basin (<i>formerly Huskisson</i>)	161,112	12,940	3,222	830	-
116	P	W	Kangaroo Valley	165,670	13,306	3,313	36,128	-
117	P	WS	Katoomba	250,643	20,131	5,013	8,276	-
118	P	W	Keiraville	331,932	26,660	6,639	42,421	-
119	P	WS	Kellyville	823,709	66,158	16,474	27,399	-
120	P	SS	Kensington Eastlakes	200,633	16,114	4,013	71,470	3,220
121	P	W	Kiama and Minnamurra	418,781	33,635	8,376	24,364	-
122	P	N	Killara and East Lindfield (<i>amalgamated 1 Jan '23</i>)	635,722	51,059	12,714	140,055	17,514
123	P	SS	Kingsford	276,442	22,203	5,529	5,117	-
124	P	WS	Kingswood	246,945	19,834	4,939	10,106	-
125	P	N	Kirribilli and Neutral Bay	2,454,703	197,154	49,094	124,029	13,507
126	P	WS	Kurrajong	297,086	23,861	5,942	-	-
127	PP	SW	Lakemba	94,044	7,553	1,881	8,287	-
128	P	WS	Lalor Park and Kings Langley	226,351	18,180	4,527	14,433	-
129	P	N	Lane Cove and Mowbray	648,282	52,068	12,966	67,319	2,598
130	P	N	Lavender Bay	316,415	25,413	6,328	71,777	3,267
131	P	WS	Lawson	219,276	17,612	4,386	26,699	-
132	P	SS	Leichhardt	352,306	28,296	7,046	173,778	25,944
133	PP	SW	Leppington (<i>from 1 Nov '22</i>)	90,678	7,283	1,814	-	-
134	P	WS	Leura	205,834	16,532	4,117	13,485	-
135	P	WS	Lidcombe	237,720	19,093	4,754	8,716	-
136	P	N	Lindfield	557,834	44,804	11,157	22,098	-
137	P	WS	Lithgow	343,349	27,577	6,867	42,412	-
138	P	SW	Liverpool	515,231	41,382	10,305	44,574	11,143 *
139	P	SW	Liverpool South	135,003	10,843	2,700	2,721	-
140	P	N	Longueville	200,091	16,071	4,002	45,680	-
141	PP	SS	Lord Howe Island	12,561	1,009	251	1,208	-
142	P	WS	Lower Mountains	768,589	61,731	15,372	1,501	-
143	P	SW	Lugarno	150,014	12,049	3,000	18,676	-
144	P	N	Macquarie	487,636	39,165	9,753	85,000	5,250
145	P	SS	Malabar	345,403	27,742	6,908	112,878	10,720
146	P	N	Manly	1,754,963	140,953	35,099	189,976	29,994 *
147	P	SS	Maroubra	426,375	34,245	8,528	20,551	-
148	P	SS	Marrickville	355,785	28,576	7,116	191,815	30,454
149	PP(np)	WS	Marsden Park #	223,320	10,762	4,466	8,589	-
150	P	W	Menai	1,050,270	84,354	21,005	3,813	-
151	P	SW	Menangle	121,340	9,746	2,427	2,637	-
152	P	WS	Merrylands	289,823	23,278	5,796	108,507	9,627

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	Parish, Prov. P, R. Church, Prov. R. C.	Region	Parochial Unit	2022 Net Operating Receipts \$	Variable PCR charge for 2024 \$	Church Land Acquisition Levy for 2024 \$	2022 Property Income subject to Levy \$	Property Receipts Levy for 2024 \$
153	P	WS	Minchinbury	403,738	32,427	8,075	17,581	-
154	P	SW	Minto	302,708	24,313	6,054	21,048	-
155	P	W	Miranda	998,119	80,166	19,962	86,637	5,496 *
156	P	W	Mittagong	445,065	35,746	8,901	16,698	-
157	P	SW	Moorebank	479,414	38,505	9,588	31,242	-
158	P	N	Mosman – St Clement's	691,550	55,543	13,831	194,138	31,034
159	P	N	Mosman – St Luke's	315,531	25,342	6,311	154,405	21,101
160	P	W	Moss Vale	168,441	13,529	3,369	7,010	-
161	PP	WS	Mt Druitt	205,566	16,510	4,111	44,904	-
162	P	SW	Narellan	608,877	48,903	12,178	40,548	- *
163	P	N	Naremburn/Cammeray	1,141,163	91,655	22,823	4,216	-
164	P	N	Narrabeen	901,564	72,411	18,031	40,546	-
165	P	N	Newport	175,942	14,131	3,519	-	-
166	P	SS	Newtown with Erskineville	679,737	54,594	13,595	-	-
167	P	SS	Norfolk Island	-	-	-	-	-
168	P	N	Normanhurst	916,131	73,581	18,323	32,444	-
169	P	N	North Epping	461,361	37,055	9,227	8,285	-
170	P	N	North Ryde	202,195	16,240	4,044	16,347	-
171	P	N	North Sydney	1,821,351	146,285	36,427	9,105	-
172	P	N	Northbridge	535,099	42,978	10,702	69,287	2,893
173	P	WS	Northmead and Winston Hills	774,836	62,232	15,497	-	-
174	P	WS	Norwest	1,272,986	102,242	25,460	-	-
175	P	W	Nowra	451,652	36,275	9,033	-	-
176	P	W	Oak Flats	163,219	13,109	3,264	2	-
177	P	WS	Oakhurst	252,410	20,273	5,048	69,324	2,899
178	P	SW	Oatley	233,052	18,718	4,661	94,466	6,670
179	P	SW	Oatley West	187,816	15,085	3,756	35	-
180	PP_P	SW	Oran Park	511,666	41,095	10,233	155	-
181	P	SS	Paddington	152,080	12,215	3,042	23,717	- *
182	P	SW	Padstow	108,389	8,705	2,168	4,641	-
183	P	SW	Panania	336,622	27,036	6,732	182	-
184	P	WS	Parramatta	1,138,767	91,462	22,775	118,971	12,243 *
185	P	WS	Parramatta North with Harris Park	416,270	33,434	8,325	87,584	5,638
186	P	SW	Peakhurst/Mortdale	225,934	18,146	4,519	1,269	-
187	P	WS	Penrith	341,942	27,464	6,839	84,246	5,137
188	P	SW	Penshurst	273,823	21,993	5,476	39,882	-
189	P	SS	Petersham	309,433	24,853	6,189	21,570	-
190	PRC(np)	N	Philadelphia Anglican Church #	146,794	7,074	2,936	410	-
191	P	W	Picton and Wilton	223,159	17,923	4,463	4,396	-
192	PP_P	WS	Pitt Town	614,435	49,350	12,289	-	-
193	PP	W	Port Kembla	189,318	15,205	3,786	75,060	3,759
194	P	N	Pymble	860,319	69,098	17,206	14,239	-
195	P	WS	Quakers Hill	693,414	55,693	13,868	38,190	-
196	P	SS	Randwick	721,634	57,959	14,433	44,704	20,117 *

	Parish, Prov. P, R. Church, Prov. R. C.	Region	Parochial Unit	2022 Net Operating Receipts \$	Variable PCR charge for 2024 \$	Church Land Acquisition Levy for 2024 \$	2022 Property Income subject to Levy \$	Property Receipts Levy for 2024 \$
197	PP	SW	Regents Park	1,520	122	30	-	-
198	PP	SW	Revesby	97,657	7,844	1,953	20,974	-
199	P	WS	Richmond	313,960	25,216	6,279	22,641	-
200	PP	WS	Riverstone	288,698	23,187	5,774	82,306	4,846
201	P	SW	Riverwood-Punchbowl	296,130	23,784	5,923	80,691	4,604
202	P	W	Robertson	189,315	15,205	3,786	272	-
203	P	WS	Rooty Hill	1,686,813	135,480	33,736	1,811	-
204	PP	SW	Rosemeadow	221,599	17,798	4,432	59,379	1,407
205	P	N	Roseville	860,332	69,099	17,207	-	-
206	P	N	Roseville East	381,511	30,642	7,630	54,065	610
207	P	WS	Rouse Hill	501,703	40,295	10,034	17,507	-
208	P	N	Ryde	719,338	57,775	14,387	69,311	31,190 *
209	PP	SW	Sadleir	246,148	19,770	4,923	-	-
210	P	SS	Sans Souci	221,220	17,768	4,424	2,647	-
211	P	N	Seaforth	235,106	18,883	4,702	1,580	-
212	P	WS	Seven Hills	292,716	23,510	5,854	788	-
213	P	W	Shellharbour	163,965	13,169	3,279	10,009	-
214	P	W	Shellharbour City Centre	621,323	49,903	12,426	2,368	-
215	P	W	Shoalhaven Heads	189,954	15,257	3,799	295	-
216	RC(np)	W	Soul Revival Church #	793,472	38,238	15,869	622	-
217	P	SW	South Carlton	290,861	23,361	5,817	8,470	-
218	P	SS	South Coogee	149,340	11,995	2,987	-	-
219	P	SS	South Head (formerly Vacluse & Watsons Bay)	566,753	45,520	11,335	233,412	44,194
220	P	SW	South Hurstville	222,339	17,858	4,447	30,951	-
221	P	SS	South Sydney	223,486	17,950	4,470	5,440	1,360 *
222	P	WS	Springwood	907,404	72,880	18,148	-	-
223	P	SS	St George	165,114	13,261	3,302	46,531	-
224	P	SW	St George North	1,004,219	80,656	20,084	24,477	-
225	P	N	St Ives	1,926,656	154,743	38,533	73,333	3,500
226	P	SW	St Johns Park (formerly Smithfield Road)	223,210	17,928	4,464	28,242	-
227	P	WS	St Marys and St Clair (from 1 Nov '21)	315,331	25,326	6,307	32,573	-
228	RC	WS	Stanhope	385,701	30,978	7,714	3,174	-
229	P	SS	Strathfield and Homebush	285,788	22,954	5,716	96,628	6,994
230	P	SS	Summer Hill	363,658	29,208	7,273	88,825	5,824
231	PP	SS	Surry Hills	1,037,171	83,302	20,743	166,058	24,014 *
232	PP	W	Sussex Inlet	138,367	11,113	2,767	12	-
233	P	W	Sutherland	382,994	30,761	7,660	40,101	-
234	P	W	Sutton Forest	281,661	22,622	5,633	30,074	-
235	P	SS	Sydney – Cathedral of St Andrew	-	-	-	-	-
236	P	SS	Sydney – Christ Church St Laurence	752,612	60,447	15,052	7,312	2,559 *
237	P	SS	Sydney – St James, King Street	1,839,955	147,780	36,799	30,458	13,706 *
238	P	W	Sylvania	324,928	26,097	6,499	121,320	12,830
239	PP	N	Terrey Hills	181,116	14,547	3,622	707	-

	Parish, Prov. P, R. Church, Prov. R. C.	Region	Parochial Unit	2022 Net Operating Receipts \$	Variable PCR charge for 2024 \$	Church Land Acquisition Levy for 2024 \$	2022 Property Income subject to Levy \$	Property Receipts Levy for 2024 \$
240	P	SW	The Oaks	232,823	18,700	4,656	38,179	-
241	P	N	Thornleigh – Pennant Hills	706,625	56,754	14,133	33	-
242	P	WS	Toongabbie	693,139	55,671	13,863	6,183	-
243	P	N	Turrumurra	1,247,781	100,218	24,956	35,589	-
244	P	N	Turrumurra South	461,746	37,086	9,235	12,113	-
245	P	W	Ulladulla	206,392	16,577	4,128	3,856	-
246	RC(np)	SS	Unichurch (Uni. NSW) #	645,917	31,127	12,918	1,136	-
247	P	N	Wahroonga (combined, previously St Andrew's)	765,442	61,478	15,309	47,311	-
248	P	N	Waitara	314,441	25,255	6,289	-	-
249	P	WS	Wentworth Falls	322,430	25,897	6,449	24,452	-
250	P	WS	Wentworthville	204,919	16,458	4,098	5,038	-
251	P	N	West Pennant Hills	890,378	71,512	17,808	5,157	-
252	P	N	West Pymble with West Lindfield (from 1 Jan '21)	1,421,971	114,208	28,439	40,280	-
253	P	N	West Ryde	577,462	46,380	11,549	38,954	-
254	P	W	West Wollongong	462,210	37,123	9,244	103,575	8,394
255	P	WS	Westmead	198,176	15,917	3,964	65,351	2,303
256	P	WS	Wilberforce	241,161	19,369	4,823	36,581	-
257	P	N	Willoughby	490,463	39,392	9,809	40,816	-
258	P	N	Willoughby Park	389,759	31,304	7,795	81,340	4,701
259	P	WS	Windsor	141,059	11,329	2,821	30,112	-
260	P	W	Wollondilly	191,056	15,345	3,821	4,447	-
261	P	W	Wollongong (and Corrimal from 1 Jan '23)	1,169,176	93,905	23,384	49,404	17,291 *
262	P	SS	Woollahra	193,201	15,517	3,864	26,056	-
263	P	SW	Yagoona	325,082	26,110	6,502	73,043	3,456
				126,639,652	10,043,308	2,532,793	10,277,699	855,132

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, and parishes for which Standing Committee has declared the Levy does not apply to the whole or part of that income (indicated by a * next to their Levy amount) pay no Levy on the income subject to an ordinance, but pay a higher rate of Levy on their other property income that is subject to the Levy unless Standing Committee has declared that such income is not to be included in the calculations.

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 2023

No _____, 2023

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 5B of the Framework Ordinance, the Standing Committee is to prepare for the first session of the 53rd Synod a proposed ordinance for adoption by the Synod which specifies the cost recoveries charge to be paid by each parochial unit in 2024, 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 2023.

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 Office of the Director of Safe Ministry, and
- (d) the cost of the safe ministry training program, and
- 15 (e) the parish contribution to the cost of Diocesan archives, and
- (f) the cost of the fee charged by Sydney Diocesan Services for managing the Parochial Cost Recoveries Fund 951, and
- (g) the cost of the Property Trust’s management fee for property related services to parishes with property.

20 “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*.

25 3. Cost recoveries charge

(1) In 2024 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.

30

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 2024, 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 2024 means the determined percentage of the Net Operating Receipts of the parochial unit for 2022 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 2024, and

TR is the total of the Net Operating Receipts of all parochial units, except for St Andrew’s Cathedral, for 2022,

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
2023.

Secretary of Synod

I Assent to this Ordinance.

Archbishop of Sydney

/ /2023

Synod Appropriations and Allocations Ordinance 2023

Explanatory Report

Key Points

- The Bill for the proposed Synod Appropriations and Allocations Ordinance 2023 has been prepared in accordance with the requirements of clause 4 of the *Synod Estimates Ordinance 1998*.
- The total funds available for distribution in 2024 are \$1,691,000 more than in 2023 (an increase of 22%), largely due to the additional income distribution from the parish of Church Hill's No. 1 York Street property, and a higher distribution from the St Andrew's House Trust.
- Across the 'Use of Funds' most individual allocations have been increased by 4% for 2024 (as a contribution toward the impact of inflation) unless information is available indicating the requirement has changed and a new allocation has been calculated.
- In 2023, funding to Evangelism and New Churches for the position of Assistant Director (Parish Evangelism) was suspended as the position had not been filled. This funding has been partially restored given that a new appointment has now been made.
- Three major new initiatives are funded in the proposed Synod allocations for 2024 as follows:
 - In keeping with the policy decision made in 2021 for Synod to assume responsibility for the components of the Cathedral's insurance previously included in the Parish Cost Recoveries (PCR) charge, a substantial contribution of \$534,000 has been allocated towards the general property insurance costs applicable to the Cathedral (estimated at \$575,000).
 - Synod is assuming responsibility for the funding of the Registry function (\$565,000) recognising that this is a division of SDS Parish Services.
 - Funding for the cost of supporting implementation of the Pastoral Supervision program, has been allocated (\$150,000), subject to the review of the pilot program yet to be completed.

Purpose

1. The purpose of this Report is to provide explanatory comments on the specific proposed sources and uses of Synod funds for 2024.

Recommendation

2. Synod receive this report.
3. Synod pass the Bill for the proposed Synod Appropriations and Allocations Ordinance 2023 as an ordinance of the Synod.

Background

4. The Bill for the proposed Synod Appropriations and Allocations Ordinance 2023 (**the Bill**) and this Explanatory Report have been prepared in accordance with the requirements of clause 4 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 2023, with the exception of funding for three new initiatives. These initiatives are consistent with the Statement of Funding Principles and Priorities 2025-2027 being considered by this session of Synod. Further details of each of these new initiatives are contained in paragraph 14 of this report.

5. The actual individual amounts appropriated and allocated by last year's ordinance for 2023 can be compared with the individual amounts proposed to be appropriated and allocated under the Bill for 2024, 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 \$2,315,000 or 33% more than the equivalent figure in 2023, due mainly to the additional income distribution from the parish of Church Hill's No. 1 York Street property and a higher distribution from the Synod – St Andrew's House Fund 134.
7. However, after the effects of some unspent allocations from the previous year and some surplus funds released from the Synod Risk Reserve in 2023 which will not repeat in 2024, the actual funds available for 2024 is only \$1,691,000 or 22% more than the equivalent figure in 2023.

Use of funds

8. The majority of the increase in the total funds available has been required to meet two new 'Immediate requirements' and one new 'Long term mission commitment'.
9. There has been a 12% increase in the allocation needed to meet the Diocese's General Synod statutory assessment, in part because the assessment is now based on more current clergy numbers.
10. The estimate of the cost of the venue hire and printing for the 2nd session of the 53rd Synod in 2024 has been based on the agreement with the Wesley Theatre, and an estimate of the increase in costs for ancillary services such as AV, catering and security.
11. 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 Sydney Diocesan Services (**SDS**) for its support of the Synod, Standing Committee and parishes and the provision of Diocesan Overheads has been increased by 4% because it is estimated that SDS's cost base will increase by that amount in 2024.

12. The majority of the proposed individual allocations of Synod funds include a 4% increase in their funding for 2024 as a contribution to the impact of inflation.
13. The proposed allocations continue the policy agreed in recent years of seeking to fund the insurance costs specific to the Cathedral. This decision is based on the recognition that the Cathedral is a Diocesan responsibility as the seat of the Archbishop. It also ensures that the burden of these exceptional insurance costs does not fall on parishes through PCR. In that light, funding of specific insurance policies relating to the Cathedral (totalling \$529,000 in 2024) are again included in the 'Use of Funds' schedule.
14. In 2024, additional funding will be required for three new initiatives approved by Standing Committee –
- (a) In keeping with the principles articulated in the paragraph above, it is proposed that Synod move toward assuming responsibility for funding the Cathedral's share of the normal Industrial Special Risks (**ISR**) insurance which was previously included in the PCR charge. The full cost of this insurance in 2024 is estimated at \$575,000 based on the broker's recommendation that it reflect the proportion of the declared/insured value of the Cathedral relative to the declared/insured value of all property in the Diocese held on behalf of parishes, with an adjustment to reflect the fact that the component of the ISR premium relating to the terrorism levy is loaded towards the CBD (and hence the Cathedral). For 2024 it is proposed that Synod fund \$534,000 (93%) of this cost. The transfer of this amount from PCR will reduce the amount otherwise payable by parishes as their PCR charge.

- (b) Synod will assume responsibility for funding the Registry function, previously funded from the Endowment of the See. The cost of this function in 2024 is estimated to be \$565,000 based on the SDS cost of supporting the Registry in 2023. The rationale for the Synod to assume funding for the Registry is contained in the report 'Synod Funding for the Registry' on pages 114-118 and is consistent with the proposed Statement of Funding Principles and Priorities 2025-2027.
 - (c) An amount of \$150,000 has been allocated for the administration of the Pastoral Supervision Program (\$50,000 in set-up costs and \$100,000 of ongoing annual costs). This allocation is subject to the review to be conducted of the 2023 pilot program which received direct funding of \$20,000 in 2023 to supplement the \$26,500 applied from Contingencies in 2022.
15. The base allocation to Moore Theological College for 2024 of \$1,522,000 includes a contribution to the impact of inflation. In addition, a special allocation of \$48,000 has been made to fund bursaries of \$4,000 for each of the 12 students studying as part of 'The Well' training program (<https://thewelltraining.org.au/>). The Well is a new initiative that trains a wide cross section of people for work in marginalised communities, involving a immersive internship in a local church and a specially tailored Diploma of Biblical Theology provided by Moore College.
16. In 2024 funding of \$80,000 has been reinstated for the position of Assistant Director (Parish Evangelism) with Evangelism and New Churches (**ENC**). This position was not funded by Synod in 2023 while ENC reviewed the role following the resignation of the previous incumbent. However, now that a suitable candidate has been appointed it is proposed to partially fund this position consistent with the currently applying Statement of Funding Principles and Priorities.
17. For 2024 the amount allocated to the Work Outside the Diocese Committee to support gospel ministry outside the Diocese has been determined based on 4.5% of the total income available to Synod. It is intended this will be only a temporary reduction from the 5% requested by Synod, recognising that even with this lower percentage the dollar amount allocated in 2024 will increase by \$69,000 or 20% compared to 2023 as a result of the increase in total income. In addition, a further \$250,000 has been allocated to continue the direct support provided for the Diocese of Bathurst.
18. Funding of \$49,000 for the position of Diocesan Researcher has been resumed in 2024. The funding of this position was suspended in 2023 as SDS had sufficient funds to pay the salary of the researcher following a vacancy in the role in 2021 and 2022.
19. An amount of \$100,000 remains available for Contingencies in 2024. This figure is lower than the \$143,000 allocated in 2023 but is considered a prudent minimum given the recent pattern of calls on contingencies.

For and on behalf of the Standing Committee

BRIONY BOUNDS
Diocesan Secretary

17 July 2023

Synod Funding for 2024

	Actual for 2023 \$000	Proposed for 2024 \$000
SOURCE OF FUNDS		
GAB distribution from Diocesan Endowment	3,401	3,648
Synod - SAH Fund 134 distribution from Synod's 50% share of SAHT for the year	2,400	2,965
Synod - SAH Fund 134 special distribution from SAHT unbudgeted distribution Dec 2022	-	260
Parish trusts		
Bondi (lease income from preschool at 34 Ocean St)	27	27
Church Hill (lease income from No. 1 York St office block) distributions ceased June 2021	137	-
Church Hill (lease income from No. 1 York St office block) - catch-up for Jul-Dec 2021	137	-
Church Hill (lease income from No. 1 York St office block) - now 45% of new rent	-	1,328
Church Hill (investment income)	5	5
King St - St James (lease income from Phillip Street office block) - received in 2020	282	498
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)	24	24
Paddington (lease income from 241 Glenmore Rd)	1	1
Ryde (lease income from Kirkby Gardens residential unit block)	463	561
South Sydney (investment income from sale proceeds)	-	-
Surry Hills (investment income from sale proceeds)	-	-
Wollongong (lease income from hotel/university accommodation)	26	26
Miranda (lease income from former service station)	4	4
ACPT Synod Fund (C/F 400 interest less ACPT fees)	1	1
subtotal parish trusts	1,208	2,475
<u>less</u> 1% added to capital of SAIPMF	(70)	(93)
subtotal all sources	6,939	9,254
Surplus released from the Synod Risk Reserve (Fund 131)	700	-
Amounts appropriated for prior year that will not be spent/required that year -		
General Synod statutory assessment	6	-
Sydney Synod - Venue Hire and Printing	38	-
Insurance cover for the Cathedral - ISR excess over \$250m & Liability 4th excess layer	-	100
Education advocacy consultants (\$10k pa not spent in 2022 or 2023 to date)	-	20
total funds available	7,683	9,374

	Actual for 2023 \$000	Proposed for 2024 \$000
USE OF FUNDS		
Long Term Requirements		
Archbishop's PR (Media Officer)	161	167
Immediate Requirements		
Membership/affiliation -		
General Synod	582	649
Provincial Synod	8	8
Sydney Reps at General Synod	50	50
Freedom4Faith - affiliation fee	25	25
NSW Council of Churches	18	26
Sydney Synod -		
Venue Hire	90	111
Printing & mailing hard copy Synod materials to members who opt-in	10	10
Committee members car parking	10	15
Standing Committee venue hire and catering (incl. subcommittees)	12	12
St Andrew's Cathedral staff car parking in SAH	10	10
SDS - Synod, Standing Committee & parishes	1,062	1,104
SDS - Diocesan Overhead	453	471
Synod Risk Reserve (Fund 131) replenishment	250	250
Cathedral - Diocesan contribution to recurrent funding needs	269	280
Cathedral - specific insurance policies for ISR excess over \$250m & Liability 4th excess layer	541	529
Cathedral - contribution to Cathedral's share of all parishes' building related insurance program	-	534
Registry	-	565
Increased costs to maintain expanded Diocesan database (previously EOCS, now Registry)	28	-
Long Term Mission Commitments		
Ministry Training & Development	397	413
OTF - new ordinands' psychological tests & conference	41	43
- qualified persons to interview ordination candidates in relation to domestic abuse	12	12
- presbyters psychological testing	27	28
- pastoral supervision (pilot program)	20	-
- pastoral supervision (set-up costs in first year if full program rolled out)	-	50
- pastoral supervision (ongoing annual cost if full program rolled out)	-	100
Moore Theological College - base allocation	1,463	1,521
- bursaries fund for 'The Well' students at MTC	-	48
Youthworks College	75	78
Current Mission Activities		
Education advocacy consultant(s)	10	-
Anglican Media Council	199	207
Anglicare - research	108	112
Evangelism & New Churches	274	285
Additional funding to support new position of Assistant Director (Parish Evangelism)	-	80
TEMOC - Anglican chaplaincy in tertiary education	108	112
Work Outside the Diocese Committee -		
Supporting gospel ministry outside the Diocese (4.5% of total income from all sources)	347	416
Funding the Diocese of Bathurst (\$250k pa for 6 years from 2019)	250	250

continued...

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Youthworks - Ministry Support Team	293	305
SRE Office - SRE Primary Upgrade	215	223
Lord Howe Island	22	23
Diocesan Researcher	-	49
Contribution to cost of Parish HR Partner	75	78
Sydney Anglican (National Redress Scheme) Corporation annual administration fee	25	25
Contingencies	143	100
	7,683	9,374

Synod Appropriations and Allocations Ordinance 2023

No, 2023

Long Title

An Ordinance to authorise financial appropriations and allocations for 2024 and for incidental matters.

Preamble

By clause 4(a) of the *Synod Estimates Ordinance 1998*, the Standing Committee is to prepare for the first session of the 53rd Synod a proposed ordinance which contains estimates for the 2024 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(a) for consideration at the first session of the 53rd Synod 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 2023.

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 2024” in the “SOURCE OF FUNDS” section of the Attachment to the Standing Committee’s Explanatory Report about the 2023 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 2024

15 (1) The Synod directs that the amounts referred to in the column “Standing Committee proposal for 2024” 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
2023.

Secretary of Synod

I Assent to this Ordinance.

Archbishop of Sydney

/ /2023

General Synod – Constitution Amendment (Mandatory Suspension) Canon 2022 Assenting Ordinance 2023

Explanatory Statement

Purpose of the bill

1. The purpose of the bill for the General Synod – Constitution Amendment (Mandatory Suspension) Canon 2022 Assenting Ordinance 2023 (**the Bill**) is to assent to the *Constitution Amendment (Mandatory Suspension) Canon 2022 (the Canon)*.
2. The Canon amends the Constitution in the Schedule to the *Anglican Church of Australia Constitution Act 1961 (the Constitution)* to implement recommendation 16.52 of the Royal Commission into Institutional Responses to Child Sexual Abuse relating to the mandatory suspension of persons in ministry who are subject to a plausible complaint of child sexual abuse.
3. The Canon provides that where a charge involving a sexual offence relating to a child has been promoted against Bishop of a diocese or a bishop assistant to the Primate in their capacity as Primate, the Bishop shall be suspended until the charge has been determined.

Recommendations

4. That Synod receive this report.
5. That Synod pass the Bill as an ordinance of the Synod.

Evidence Given

6. The evidence for this Bill is set out in the Explanatory Memorandum that was provided to the General Synod. The Explanatory Memorandum is included as an Appendix to this report.
7. The Canon amends the Constitution and will not come into effect unless and until at least three-quarters of the diocesan synods, including all the metropolitan sees, have assented to the Canon by ordinance and all such assents are in force at the same time.

For and on behalf of the Standing Committee

BRIONY BOUNDS
Diocesan Secretary

22 May 2023

**A BILL FOR THE
CONSTITUTION AMENDMENT (MANDATORY SUSPENSION)
CANON 2022**

EXPLANATORY MEMORANDUM

General Background

The Royal Commission into Institutional Responses to Child Sexual Abuse

1. In January 2013, the Royal Commission into Institutional Responses to Child Sexual Abuse was established and its terms of reference included “what institutions ... should do to better protect children against child sexual abuse and related matters in institutional contexts in the future”.
2. In March 2017, the failure to achieve a nationally consistent approach to child protection in this Church was highlighted by the Royal Commission at its public hearing in Case Study 52 inquiring into the current policies and procedures of Anglican Church authorities in Australia in relation to child-protection and child-safety standards, including responding to allegations of child sexual abuse. Leaders of this Church appearing before the Royal Commission in Case Study 52 committed to core national minimum standards for safe ministry to children.
3. In December 2017, the Final Report of the Royal Commission into Institutional Responses to Child Sexual Abuse made a recommendation to all religious institutions made a recommendation to all religious institutions as to the suspension of clergy who are the subject of a plausible complaint of child sexual abuse against, and there is a risk that they may come into contact with children in the course of their ministry.

16.52 – All religious institutions’ complaint handling policies should require that, if a complaint of child sexual abuse against a person in religious ministry is plausible, and there is a risk that person may come into contact with children in the course of their ministry, the person be stood down from ministry while the complaint is investigated.

4. Since 2018, this Church has been publicly accountable on its progress towards implementing the recommendations from the Royal Commission into Institutional Child Sexual Abuse through an annual report to the National Office of Child Safety. By passing this canon this Church will commence the process of amending its Constitution to implement recommendation 16.52 for complaint of child sexual abuse before the Special Tribunal. This amendment will not come into effect until the conditions in section 67(1)(c) of the Constitution have been satisfied.

Object of the canon

5. The object of this canon is to amend the Constitution of the Anglican Church of Australia in order to implement recommendation 16.52 of the Royal Commission into Institutional Responses to Child Sexual Abuse relating to the mandatory suspension of persons in ministry who are subject to a plausible complaint of child sexual abuse.

Main provisions of the canon

6. This canon provides that where a charge involving a sexual offence relating to a child has been promoted against Bishop of a diocese or a bishop assistant to the Primate in their capacity as Primate, the Bishop shall be suspended until the charge has been determined.

Notes on clauses

- Clause 1 states the title of the canon.
- Clause 2 amends section 61A to provide that where a charge which involves a sexual offence relating to a child has been promoted against the Bishop of a diocese or a bishop assistant to the Primate in their capacity as Primate, the President of the Special Tribunal must suspend the Bishop from their duties of office until the charge has been determined.
- Clause 3 amends section 74 to add definitions of **child** and **sexual offence relating to a child**, and repeals the definition of **child** in *the Episcopal Standards (Child Protection) Canon 2017* and the *National Register Canon 2007*, and the definition of **sexual offence relating to a child** in the *Episcopal Standards (Child Protection) Canon 2017* and the *Special Tribunal Canon 2007*. These provisions will only come into force if these definitions are not already included in section 74 by the earlier coming into effect of the *Constitution Amendment (Mandatory Deposition) Canon 2022*.
- Clause 4 repeals the *Constitution Amendment (Suspension of Bishops) Canon 2007*.

General Synod – Constitution Amendment (Mandatory Suspension) Canon 2022 Assenting Ordinance 2023

No , 2023

Long Title

An Ordinance to assent to Canon No 7, 2022 of the General Synod of the Anglican Church of Australia.

The Synod of the Diocese of Sydney Ordains as follows.

1. Name

This Ordinance is the General Synod – Constitution Amendment (Mandatory Suspension) Canon 2022 Assenting Ordinance 2023.

2. Assent to Canon No 7, 2022

- 5 The Synod assents to Canon No 7, 2022 of the General Synod of the Anglican Church of Australia, the text of which is set out in the Schedule.

Schedule

The General Synod prescribes as follows.

Title

1. This Canon may be referred to as the "Constitution Amendment (Mandatory Suspension) Canon 2022".

Mandatory suspension of a Bishop charged with sexual offence relating to a child

2. In section 61A of the Constitution —
- (a) for "Where" substitute:

"(1) Subject to sub-section (2), where";
 - (b) after "some lesser time." insert —

"(2) Where a charge which involves a sexual offence relating to a child has been promoted in the Special Tribunal against a person referred to in section 56(6), the President of the Special Tribunal must suspend the person from the duties of office until the determination of the charge."; and
 - (c) for "If such suspension is made and is from" substitute "(3) If a person is suspended under sub-section (1) or (2) and that suspension is from".

Definition of "sexual offence relating to a child"

3. (1) Subject to sub-section (3)—
- (a) in section 74 of the Constitution, after the definition of "Ceremonial" insert —

' "child" means a person under the age of 18;'; and
 - (b) there are repealed:
 - (i) the definition of "child" in section 2(1) of the Episcopal Standards (Child Protection) Canon 2017; and
 - (ii) the definition of "child" in the Third Schedule to the National Register Canon 2007.
- (2) In section 74 of the Constitution, after the definition of "See" insert —
- ' "**sexual offence relating to a child** means —
- (a) sexual activity by a person against, with or in the presence of a child, or

- (b) the possession, production or distribution by a person of any form of child pornography—
in respect of which—
 - (c) the person has been convicted under the laws of the Commonwealth, State or Territory; or
 - (d) a court, commission or tribunal of the Commonwealth, a State or a Territory has made an adverse finding of fact in relation to that person; or
 - (e) the person has been convicted in some other country under the laws of that country that are equivalent to a law of the Commonwealth or of a State or Territory; or
 - (f) the person has not been tried by a court of competent jurisdiction and which if proved—
 - (i) if alleged to have been committed within Australia, would constitute a criminal offence in the State or Territory in which it is alleged to have occurred; and
 - (ii) if alleged to have been committed in a country other than Australia, would if committed in Australia constitute a criminal offence under a law of the Commonwealth or of a State or Territory.”; and
- (b) there are repealed—
 - (i) any definition of "sexual offence relating to a child" in section 2(1) of the Episcopal Standards (Child Protection) Canon 2017; and
 - (ii) any definition of "sexual offence relating to a child" in section 2 of the Special Tribunal Canon 2007.
- (3) Sub-section (1) has effect only if at the time when this Canon comes into effect there is no definition of "child" in section 74 of the Constitution.

Repeal of Constitution Amendment (Suspension of Bishops) Canon 2007

4. Canon No. 18 of 2007 is repealed.

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
2023.

Secretary

I Assent to this Ordinance.

Archbishop of Sydney

/ /2023

General Synod – Constitution Amendment (Mandatory Deposition) Canon 2022 Assenting Ordinance 2023

Explanatory Statement

Purpose of the bill

1. The purpose of the bill for the General Synod – Constitution Amendment (Mandatory Deposition) Canon 2022 Assenting Ordinance 2023 (**the Bill**) is to assent to the *Constitution Amendment (Mandatory Deposition) Canon 2022 (the Canon)*.
2. The Canon amends the Constitution in the Schedule to the *Anglican Church of Australia Constitution Act 1961 (the Constitution)* to further provide for a person convicted of a sexual offence relating to a child, and to implement recommendation 16.56 of the Royal Commission into Institutional Responses to Child Sexual Abuse relating to the mandatory deposition of persons in religious ministry who are convicted of an offence relating to child sexual abuse.
3. The Canon provides that where a tribunal is satisfied that a member of the clergy has been convicted of a sexual offence relating to a child while being a member of the clergy, the applicable tribunal must recommend a sentence of deposition from holy orders.

Recommendations

4. That Synod receive this report.
5. That Synod pass the Bill as an ordinance of the Synod.

Evidence Given

6. The evidence for this Bill is set out in the Explanatory Memorandum that was provided to the General Synod. The Explanatory Memorandum is included as an Appendix to this report.
7. The Canon amends the Constitution and will not come into effect unless and until at least three-quarters of the diocesan synods, including all the metropolitan sees, have assented to the Canon by ordinance and all such assents are in force at the same time.

For and on behalf of the Standing Committee

BRIONY BOUNDS
Diocesan Secretary

22 May 2023

A BILL FOR THE CONSTITUTION AMENDMENT (MANDATORY DEPOSITION) CANON 2022

EXPLANATORY MEMORANDUM

General Background

The Royal Commission into Institutional Responses to Child Sexual Abuse

1. In January 2013, the Royal Commission into Institutional Responses to Child Sexual Abuse was established and its terms of reference included “what institutions ... should do to better protect children against child sexual abuse and related matters in institutional contexts in the future”.
2. In March 2017, the failure to achieve a nationally consistent approach to child protection in this Church was highlighted by the Royal Commission at its public hearing in Case Study 52 inquiring into the current policies and procedures of Anglican Church authorities in Australia in relation to child-protection and child-safety standards, including responding to allegations of child sexual abuse. Leaders of this Church appearing before the Royal Commission in Case Study 52 committed to core national minimum standards for safe ministry to children.
3. In December 2017, the Final Report of the Royal Commission into Institutional Responses to Child Sexual Abuse made a recommendation to this Church as to the action to be taken against clergy who are convicted of an offence relating to child sexual abuse.

16.56 – Any person in religious ministry who is convicted of an offence relating to child sexual abuse should:

b. in the case of Anglican clergy, be deposed from holy orders.
4. Since 2018, this Church has been publicly accountable on its progress towards implementing the recommendations from the Royal Commission into Institutional Child Sexual Abuse through an annual report to the National Office of Child Safety. By passing this canon this Church will commence the process of amending its Constitution to implement recommendation 16.56 in its tribunals. This amendment will not come into effect until the conditions in section 67(1)(c) of the Constitution have been satisfied.

Object of the canon

5. The object of this canon is to amend the Constitution of the Anglican Church of Australia in order to implement recommendation 16.56 of the Royal Commission into Institutional Responses to Child Sexual Abuse relating to the mandatory deposition of persons in religious ministry who are convicted of an offence relating to child sexual abuse.

Main provisions of the canon

6. This canon provides for an amendment of the Constitution to provide that, where a diocesan tribunal or provincial tribunal hearing a charge is satisfied that the member of the clergy, or the Special Tribunal hearing a charge is satisfied that the bishop, has been convicted of a sexual offence relating to a child committed while a member of the clergy, the applicable tribunal must recommend a sentence of deposition from orders. It also provides for definitions to enable this effectuate amendment.

Notes on Clauses

- Clause 1 states the title of the canon.
- Clause 2 amends section 60 to provide that where a tribunal is satisfied that the person has been convicted under the laws of the Commonwealth, State or Territory or under the laws of some other country with equivalent laws of a sexual offence relating to a child committed while a member of the clergy, it must recommend a sentence of deposition from orders. Amends section 60 to add definition of **sexual offence relating to a child**.
- Clause 3 amends section 74 to add definition of **child** and repeals the definition of **child** in the *Episcopal Standards (Child Protection) Canon 2017* and the *National Register Canon 2007*. These provisions will only come into force if these definitions are not already included in section 74 by the earlier coming into effect of the *Constitution Amendment (Mandatory Suspension) Canon 2021*.

General Synod – Constitution Amendment (Mandatory Deposition) Canon 2022 Assenting Ordinance 2023

No. 8, 2023

Long Title

An Ordinance to assent to Canon No 8, 2022 of the General Synod of the Anglican Church of Australia.

The Synod of the Diocese of Sydney Ordains as follows.

1. Name

This Ordinance is the General Synod – Constitution Amendment (Mandatory Deposition) Canon 2022 Assenting Ordinance 2023.

2. Assent to Canon No 8, 2022

- 5 The Synod assents to Canon No 8, 2022 of the General Synod of the Anglican Church of Australia, the text of which is set out in the Schedule.

Schedule

The General Synod prescribes as follows.

Title

1. This Canon may be referred to as the “Constitution Amendment (Mandatory Deposition) Canon 2022”.

Mandatory deposition of a person convicted of a sexual offence relating to a child

2. In section 60 of the Constitution—

- (a) in sub-section (1), for "A tribunal" substitute "Subject to sub-section (1A), a tribunal";
(b) after sub-section (1) insert—

"(1A) Where the tribunal is satisfied that the person so charged has been convicted under the laws of the Commonwealth, State or Territory or under the laws of some other country that are equivalent to a law of the Commonwealth or of a State or Territory of a sexual offence relating to a child committed while a member of the clergy, it must recommend a sentence of deposition from orders.

(1B) For the purposes only of sub-section (1A), “**sexual offence relating to a child**” means —

- (a) sexual activity by a person against, with or in the presence of a child, or
(b) the possession, production or distribution of any form of child pornography.”;
(c) in sub-section (2), after "is recommended," insert "other than a sentence of deposition from orders recommended under sub-section (1A),"; and
(d) in sub-section (4), for “The provisions” substitute “Subject to sub-section (1A), the provisions”.

Definitions

3. (1) Subject to sub-section (2)—

- (a) in section 74 of the Constitution, after the definition of "Ceremonial" insert—

’ “**child**” means a person under the age of 18;’; and

- (b) there are repealed:

- (i) the definition of "child" in section 2(1) of the Episcopal Standards (Child Protection) Canon 2017; and

- (ii) the definition of "child" in the Third Schedule to the National Register Canon 2007.
- (2) Sub-section (1) has effect only if at the time when this Canon comes into effect there is no definition of "child" in section 74 of the Constitution.

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
2023.

Secretary

I Assent to this Ordinance.

Archbishop of Sydney

/ /2023

General Synod – Safe Ministry Legislation Amendments Canon 2022 Adopting Ordinance 2023

Explanatory Statement

Purpose of the bill

1. The purpose of the bill for the General Synod – Safe Ministry Legislation Amendments Canon 2022 Adopting Ordinance 2023 (**the Bill**) is to adopt the *Safe Ministry Legislation Amendments Canon 2022*.
2. The *Safe Ministry Legislation Amendments Canon 2022 (SMA Canon)* amends the following principal canons for the purpose of implementing certain recommendations of the Royal Commission into Institutional Response to Child Sexual Abuse and to make other technical amendments:
 - (a) Chancellors Canon 2001 *;
 - (b) Episcopal Standards (Child Protection) Canon 2017;
 - (c) National Register Canon 2007;
 - (d) Offences Canon 1962;
 - (e) Safe Ministry to Children Canon 2017 *;
 - (f) Special Tribunal Canon 2007;
 - (g) Episcopal Standards Canon 2007 *.
3. The principal canons marked with an asterisk (*) in the above list have not been adopted in the Diocese of Sydney. The SMA Canon includes provisions which allow each its parts and divisions to be adopted separately. The parts and divisions are structured on the basis of subject-matter rather than the canons they amend, meaning that it is not possible to only adopt the canon in respect to certain principal canons. Nonetheless, the amendments to the principal canons that are not in force in Sydney are not capable of having effect on their own without adoption of the principal canons and will therefore not have any substantive operation in the Diocese.
4. The Diocese of Sydney has not adopted the *Safe Ministry to Children Canon 2017* and has passed equivalent legislation in the form of the *Safe Ministry to Children Ordinance 2020 (SMC Ordinance)* instead. The SMC Ordinance should be amended in certain respects to ensure implementation of the recommendations of the Royal Commission addressed by the SMA Canon and to maintain parity with the standards in the SMA Canon. Other aspects of the SMA Canon should not be implemented in the SMC Ordinance because – for example – they relate to laws that are not in force in NSW or are unnecessary due to differences in approach in the SMC Ordinance (for example, auditing). It is anticipated that the proposed amendments to the SMC Ordinance will be printed separately.

Recommendations

5. That Synod receive this report.
6. That Synod pass the Bill as an ordinance of the Synod.

Evidence Given

7. The evidence for this Bill is set out in the explanatory memorandum that was provided to the General Synod. The Explanatory Memorandum is included as an Appendix to this report.

For and on behalf of the Standing Committee

BILL FOR THE SAFE MINISTRY LEGISLATION AMENDMENTS CANON 2022

EXPLANATORY MEMORANDUM

General Background

The Royal Commission into Institutional Responses to Child Sexual Abuse

1. In January 2013, the Royal Commission into Institutional Responses to Child Sexual Abuse was established and its terms of reference included “what institutions ... should do to better protect children against child sexual abuse and related matters in institutional contexts in the future”.
2. In March 2017, the failure to achieve a nationally consistent approach to child protection in this Church was highlighted by the Royal Commission at its public hearing in Case Study 52 inquiring into the current policies and procedures of Anglican Church authorities in Australia in relation to child-protection and child-safety standards, including responding to allegations of child sexual abuse. Leaders of this Church appearing before the Royal Commission in Case Study 52 committed to core national minimum standards for safe ministry to children.
3. In September 2017, the General Synod passed the Safe Ministry to Children Canon 2017, the Episcopal Standards (Child Protection) Canon 2017, and the Disclosure of Information Canon 2017, and amendments to the Offences Canon 1962, the Canon concerning confessions 1989, the Special Tribunal Canon 2007, and the National Register Canon 2007. These measures enhanced the protection of children through national standards in areas of church worker screening, selection and training, the adoption of a consistent code of conduct and risk management strategies for persons of concern as well as the discipline and assessment of suitability for ministry of clergy.
4. In December 2017, the Final Report of the Royal Commission into Institutional Responses to Child Sexual Abuse made the following recommendations to this Church or all religious institutions on the following topics which are relevant to certain amendments in this canon:

(a) Managing actual or perceived conflicts of interest

16.2 – The Anglican Church of Australia should adopt a policy relating to the management of actual or perceived conflicts of interest that may arise in relation to allegations of child sexual abuse, which expressly covers:

- a. members of professional standards bodies*
- b. members of diocesan councils (otherwise known as bishop-in council or standing committee of synod)*
- c. members of the Standing Committee of the General Synod*
- d. chancellors and legal advisers for dioceses*

16.39 – Consistent with Child Safe Standard 1, each religious institution should have a policy relating to the management of actual or perceived conflicts of interest that may arise in relation to allegations of child sexual abuse. The policy should cover all individuals who have a role in responding to complaints of child sexual abuse.

(b) Accountability of religious leaders

16.38 – *Consistent with Child Safe Standard 1, each religious institution should ensure that religious leaders are accountable to an appropriate authority or body, such as a board of management or council, for the decisions they make with respect to child safety.*

(c) Complaint handling policies

16.51 – *All religious institutions' complaint handling policies should require that, upon receiving a complaint of child sexual abuse, an initial risk assessment is conducted to identify and minimise any risks to children.*

16.52 – *All religious institutions' complaint handling policies should require that, if a complaint of child sexual abuse against a person in religious ministry is plausible, and there is a risk that person may come into contact with children in the course of their ministry, the person be stood down from ministry while the complaint is investigated.*

(d) Discipline

16.55 – *Any person in religious ministry who is the subject of a complaint of child sexual abuse which is substantiated on the balance of probabilities, having regard to the principles in *Briginshaw v Briginshaw*, or who is convicted of an offence relating to child sexual abuse, should be permanently removed from ministry. Religious institutions should also take all necessary steps to effectively prohibit the person from in any way holding himself or herself out as being a person with religious authority.*

16.56 – *Any person in religious ministry who is convicted of an offence relating to child sexual abuse should, in the case of Anglican clergy, be deposed from holy orders.*

5. Since 2018, this Church has been publicly accountable on its progress towards implementing the recommendations from the Royal Commission into Institutional Child Sexual Abuse through an annual report to the National Office of Child Safety. By passing this canon this Church will commence the process of implementing these recommendations which will require diocesan adoption to be completed.

Issues arising from social media, cyber abuse and other technology related abuse

6. Recent developments in the area of online safety, including the establishment of the Office of the Safety Commissioner, has highlighted the need to consider issues that may arise in the context of safe ministry.
7. This canon seeks to update existing legislation to address issues arising from social media, cyber abuse and other technology related abuse.

Technical amendments

8. This canon also seeks to improve existing legislation by making various technical amendments.

Object of the canon

9. The object of this canon is to amend the following Canons in order to implement the above recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse, update existing legislation to reflect developments in technology, and make technical amendments:
 - (a) Chancellors Canon 2001;
 - (b) Episcopal Standards (Child Protection) Canon 2017;
 - (c) National Register Canon 2007;
 - (d) Offences Canon 1962;
 - (e) Safe Ministry to Children Canon 2017;
 - (f) Special Tribunal Canon 2007;
 - (g) Episcopal Standards Canon 2007;

Main provisions of the canon

10. Part 1 provides the introductory detail including the title, purpose, adoption mechanisms and a requirement that additional definitions to canons must be in alphabetical order. The adoption mechanism allows dioceses to adopt the Canon in Parts, Divisions or in its entirety.
11. Part 2 contains interpretation provisions and other drafting changes. This includes insertion of or amendments to various definitions as well as the replacement of references to working with children checks or working with vulnerable people checks with the term **statutory clearance**.
12. Part 3 contains provisions relating to the nature and audit of records and processes. In the National Register Canon 2007 the definition of child abuse is expanded to include image-based abuse, and the possession, production, or distribution of child exploitation material which has been found to constitute or may constitute a criminal offence. Further, a person's postal or electronic address may be used where that address is known and reasonably believed to be used by them. In the Safe Ministry to Children Canon 2017 there is an exemption to a diocese from the audit requirements where a two-thirds majority of the Standing Committee is satisfied that an equivalent audit has taken place.
13. Part 4 contains provisions relating to conduct to support processes and protect children. In the Episcopal Standards (Child Protection) Canon 2017 the definition of examinable conduct by Bishops is expanded to include failure without reasonable excuse to exercise a power to initiate, or to investigate whether to initiate, a professional standards process; the failure without reasonable excuse to give effect to a recommendation to the Bishop under a professional standards process; ordaining or authorising to function a member of clergy or permitting to function a church worker without or contrary to the recommendation of a screening authority, or with actual knowledge or reasonable grounds for suspecting that the screening authority may not have properly discharged its functions; ordaining or authorising to function a member of clergy or permitting to function a church worker who poses a serious risk to the safety of children with actual knowledge or reasonable grounds for suspecting that the person poses that risk. In the Offences Canon 1962 there are new offences corresponding to the additional conduct included within examinable conduct. These offences apply only to conduct occurring after this canon has been adopted in the relevant diocese.
14. Part 5 contains provisions relating to responding to complaints and offences. Upon commencing an investigation of information under the Special Tribunal Canon 2007 or the Episcopal Standards (Child Protection) Canon 2017, the Episcopal Standards Commission is required to conduct an initial assessment to identify any risks to children and to take steps which are reasonably available and practicable to minimise the risks identified. Where an Episcopal Standards Board is satisfied that the bishop has been convicted of committing, while a member of the clergy, a sexual offence relating to a child, the Board must determine that the bishop be deposed from the exercise of Holy Orders. Only the Episcopal Standards Commission can bring a charge of sexual offence relating to a child against a Bishop in the Special Tribunal. This corresponds to the proposed amendment to the Constitution relating to tribunals in the Constitution Amendment (Mandatory Deposition) Canon 2021.
15. Part 6 contains provisions relating to conflicts of interest and loyalty. There is a definition of when a person has a conflict of interest. A member of a panel of the Episcopal Standards Board or of a Special Tribunal is required to disclose any conflict of interest that the member has in relation to a matter before the Board or Tribunal. A member of the panel of the Special Tribunal is disqualified where they have disclosed a conflict of interest, or in the opinion of a senior presidential member a conflict of interest exists. The Chancellors Canon 2017 is also amended to remove the ability of a chancellor to be the president of a diocesan tribunal.
16. Schedule 1 contains consequential amendments to the Episcopal Standards (Child Protection) Canon 2017, the Offences Canon 1962, the National Register Canon 2007, and the Safe Ministry to Children Canon 2017.

Coming into force in a diocese

17. Pursuant to section 30(a) when read with the definitions of “ceremonial” and “ritual” in section 74(1) and the definition of “discipline” in section 74(9)(a)(ii) of the Constitution this canon is deemed to affect the order and good government of the Church within a diocese because it affects the “ritual, ceremonial or discipline of this Church”. This means that the canon will not come into force in any diocese unless and until the diocese by ordinance adopts the canon.

18. If a diocesan synod does not assent to the canon in its entirety it may choose to adopt specific Parts or Divisions separately. Clear guidance will be provided to bishops, chancellors and registrars regarding the process of doing so in diocesan synods.

Special bill procedure

19. The special bill procedure set out in section 28 of the Constitution must be followed in relation to this bill, unless the General Synod by votes of at least three-fourths of the members present in each house decides that it need not proceed as a special bill.

Notes on Clauses

- | | |
|-------------|---|
| Clause 1.1 | states the title of the canon. |
| Clause 1.2 | states the purpose of the canon. |
| Clause 1.3 | provides dioceses with an option to adopt this canon in parts or in its entirety. |
| Clause 1.4 | provides that any amendment to or insertion of definitions must continue to be in alphabetical order. |
| Clause 2.1 | inserts the definition of sexual offence relating to a child in the Episcopal Standards (Child Protection) Canon 2017. |
| Clause 2.2 | inserts the definition of child abuse reporting offence in the National Register Canon 2007 and omitting the definition of child offence . |
| Clause 2.3 | inserts the definition of child as having the same meaning in the Offences Canon 1962 as in the National Register Canon 2007. |
| Clause 2.4 | inserts the definition of child abuse as having the same meaning in the Special Tribunal Canon 2007 as in the National Register Canon 2007. |
| Clause 2.5 | inserts the definition of church worker in the Episcopal Standards (Child Protection) Canon 2017. |
| Clause 2.6 | inserts the definition of church worker in the Offences Canon 1962. |
| Clause 2.7 | amends the definition of church worker in the Safe Ministry to Children Canon 2017 by clarifying that a church worker is not a member of clergy and including those who are permitted to function by the Bishop of a diocese, and removing reference to those who are licensed or authorised by the Bishop of a diocese. |
| Clause 2.8 | inserts the definition of member of the clergy in the Offences Canon 1962. |
| Clause 2.9 | inserts the definition of member of the clergy in the Episcopal Standards (Child Protection) Canon 2017. |
| Clause 2.10 | inserts the definition of other clergy in the Safe Ministry to Children Canon 2017. |
| Clause 2.11 | inserts the definition of denomination in the Safe Ministry to Children Canon 2017. |
| Clause 2.12 | amends the definition of examinable conduct in the Episcopal Standards (Child Protection) Canon 2017 by including a failure without reasonable excuse to perform a duty. |
| Clause 2.13 | inserts the definition of authorisation to function in the Episcopal Standards (Child Protection) Canon 2017. |

- Clause 2.14 inserts the definitions of **authorisation to function** and **permission to function** in the Episcopal Standards (Child Protection) Canon 2017.
- Clause 2.15 inserts the definitions of **authorisation to function** and **permission to function** in the Offences Canon 1962.
- Clause 2.16 inserts the definitions of **authorisation to function** and **permission to function**, and repeals the definition of **licence** in the National Register Canon 2007.
- Clause 2.17 inserts the definitions of **authorisation to function** and **permission to function**, and repeals the definition of **licence** in the Safe Ministry to Children Canon 2017.
- Clause 2.18 repeals the definition of **licence** in Schedule 2 of the Safe Ministry to Children Canon 2017.
- Clause 2.19 provides that the consequential amendments set out in Schedule 1 of this Canon applies.
- Clause 2.20 inserts the definition of **standard of screening** in the Episcopal Standards (Child Protection) Canon 2017 as meaning either the standard of screening applying under Part 3 of the Safe Ministry to Children Canon 2017 or for the standard of screening applied within dioceses in which the Safe Ministry to Children Canon 2017 is not in force.
- Clause 2.21 inserts the definition of **standard of screening** in the Offences Canon 1962 as meaning either the standard of screening applying under Part 3 of the Safe Ministry to Children Canon 2017 or for the standard of screening applied within dioceses in which the Safe Ministry to Children Canon 2017 is not in force.
- Clause 2.22 amends the definitions of **standards for safe ministry with Persons of Concern**, **standards of screening**, and **standards of training** in the Safe Ministry to Children Canon 2017, by referring to the Part in which those standards are contained.
- Clause 2.23 inserts the definition of **statutory clearance** in the Safe Ministry to Children Canon 2017 as having the same meaning as in the National Register Canon 2007.
- Clause 2.24 inserts the definition of **statutory clearance** in the National Register Canon 2007.
- Clause 2.25 clarifies section 14 of the Episcopal Standards (Child Protection) Canon 2017 by specifying the power of suspension is under section 13.
- Clause 2.26 expands the power of the Episcopal Standards Board to inform itself from the record of any commission of inquiry.
- Clause 2.27 inserts the definition of **occasional ministry** in the Safe Ministry to Children Canon 2017.
- Clause 2.28 inserts the definitions of **institution**, **institutional assessment**, **institution authority**, and amends the definitions of **information**, **province** and **responsible authority**, in the Safe Ministry to Children Canon 2017.
- Clause 2.29 inserts the definition of **screened** in the Safe Ministry to Children Canon 2017.
- Clause 2.30 amends the definition of **adverse check** to refer to statutory clearance and omits the definitions of **working with children check**, or **working with vulnerable people check** in the National Register Canon 2007.

- Clause 2.31 amends the definition of **ministry to children** by substituting a **statutory clearance** for **working with children check**, or **working with vulnerable people check**, and omits the definitions of **working with children check**, or **working with vulnerable people check** in the Safe Ministry to Children Canon 2017.
- Clause 2.32 amends the definition of **safe ministry role** to correct spelling and grammatical errors.
- Clause 3.1 amends the definition of **child abuse** and **sexually inappropriate behaviour** and inserts the definition of **image-based abuse** in the National Register Canon 2007.
- Clause 3.2 provides that references to the Second Schedule within this Division means the Second Schedule of the Safe Ministry to Children Canon 2017.
- Clause 3.3 amends clause 2 of the Second Schedule of the Safe Ministry to Children Canon 2017 by omitting reference to **working with children check** or a **working with vulnerable people check** and referring to a **statutory clearance**.
- Clause 3.4 amends clause 3 of the Second Schedule of the Safe Ministry to Children Canon 2017 by substituting a **statutory clearance** for **working with children check**, or **working with vulnerable people check**.
- Clause 3.5 amends clause 4 of the Second Schedule of the Safe Ministry to Children Canon 2017 by substituting a **statutory clearance** for **working with children check**, or **working with vulnerable people check**.
- Clause 3.6 amends clause 5 of the Second Schedule of the Safe Ministry to Children Canon 2017 by substituting a **statutory clearance** for **working with children check**, or **working with vulnerable people check**.
- Clause 3.7 amends clause 6 of the Second Schedule of the Safe Ministry to Children Canon 2017 by substituting a **statutory clearance** for **working with children check**, or **working with vulnerable people check**.
- Clause 3.8 inserts section 12A to provide an exemption for dioceses having to undertake a diocesan audit under the Safe Ministry to Children Canon where a two-thirds majority of Standing Committee is satisfied that an equivalent audit has taken place.
- Clause 3.9 amends the National Register Canon 2017 to specify that a person's postal or electronic address may be used where that address is known and reasonably believed to be used by them.
- Clause 3.10 amends the National Register Canon 2017 to specify that a person's postal or electronic address may be used where that address is known and reasonably believed to be used by them.
- Clause 4.1 inserts the definition of **actual knowledge** and amends the definition of **examinable conduct** in the Episcopal Standards (Child Protection) Canon 2017.
- Clause 4.2 inserts an additional offence under the Offences Canon 1962 which correspond with the expansion of the definition of **examinable conduct** in the Episcopal Standards (Child Protection) Canon 2017.
- Clause 4.3 inserts additional offences under the Offences Canon 1962 which correspond with the expansion of the definition of **examinable conduct** in the Episcopal Standards (Child Protection) Canon 2017.
- Clause 4.4 inserts the definition of **actual knowledge** in the Offences Canon 1962.

- Clause 4.5 provides that the operation of the additional offences inserted by this Canon into the Offences Canon 1962 apply only to conduct occurring after Part 4 has been adopted by the relevant diocese.
- Clause 5.1 inserts section 18A to provide that when the Episcopal Standards Commission commences an investigation of information under the Special Tribunal Canon 2007, it must conduct an initial assessment to identify any risks to children and take whatever steps are reasonably available and practicable to minimise the risks identified.
- Clause 5.2 inserts section 18A to provide that when the Episcopal Standards Commission commences an investigation of information under the Episcopal Standards (Child Protection) Canon 2017, it must conduct an initial assessment to identify any risks to children and take whatever steps are reasonably available and practicable to minimise the risks identified.
- Clause 5.3 inserts section 43(1A) to provide that only the Episcopal Standards Commission can bring a charge of a sexual offence relating to a child against a Bishop in the Tribunal under the Special Tribunal Canon 2007.
- Clause 5.4 inserts section 49(2) in the Episcopal Standards (Child Protection) Canon 2017 to provide, if the Episcopal Standards Board finds that a bishop has been convicted by a court exercising criminal jurisdiction of committing, while a member of the clergy, a sexual offence relating to a child, the Board must determine that the bishop be deposed from the exercise of Holy Orders.
- Clause 6.1 inserts section 2(1A) to specify the circumstances in which a person has a conflict of interest for the purposes of the Episcopal Standards (Child Protection) Canon 2017.
- Clause 6.2 inserts section 23(3A) to provide that a member of a panel under the Episcopal Standards (Child Protection) Canon 2017 must disclose to the President, any conflict of interest that they may have in relation to the matter before the Board, and amends section 23(4) and (5).
- Clause 6.3 inserts section 2(2) to specify the circumstances in which a person has a conflict of interest for the purposes of the Special Tribunal Canon 2007.
- Clause 6.4 inserts sections 30A and 30B to provide that a member of a panel under the Special Tribunal Canon 2007 must disclose to the senior presidential member, any conflict of interest that they may have in relation to the matter before the Tribunal, and for the disqualification of a member who has a conflict of interest.
- Clause 6.5 repeals section 2(3) of the Chancellors Canon 2017 which has the effect that a chancellor may not be president of a diocesan tribunal.
- Schedule 1 provides consequential amendments resulting from this Canon to the Episcopal Standards (Child Protection) Canon 2017, Offences Canon 1962, National Register Canon 2007, and Safe Ministry to Children Canon 2017.

General Synod – Safe Ministry Legislation Amendments Canon 2022 Adopting Ordinance 2023

No. _____, 2023

Long Title

An Ordinance to adopt Canon No 11, 2022 of the General Synod of the Anglican Church of Australia.

The Synod of the Diocese of Sydney Ordains as follows.

1. Name

This Ordinance is the General Synod – Safe Ministry Legislation Amendments 2022 Adopting Ordinance 2023.

2. Adoption of Canon No 11, 2022

- 5 The Synod adopts Canon No 11, 2022 of the General Synod of the Anglican Church of Australia, the text of which is set out in the Schedule.

Schedule

The General Synod prescribes as follows:

PART 1 — INTRODUCTORY

Title

- 1.1 This Canon may be cited as the Safe Ministry Legislation Amendments Canon 2022.

Purpose

- 1.2 The purpose of this Canon is to amend the following Canons in order to implement certain recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse and to make some other technical amendments to those Canons:

- (a) Chancellors Canon 2001;
- (b) Episcopal Standards (Child Protection) Canon 2017;
- (c) National Register Canon 2007;
- (d) Offences Canon 1962;
- (e) Safe Ministry to Children Canon 2017;
- (f) Special Tribunal Canon 2007;
- (g) Episcopal Standards Canon 2007.

Adoption

- 1.3 (1) Subject to sub-section (2)—
- (a) each Part in this Canon other than Part 1; and
 - (b) each Division in a Part of this Canon—
- is to be considered and treated as—
- (c) a separate bill for the purposes of section 28 of the Constitution; and
 - (d) a separate canon for the purposes of section 30 of the Constitution.
- (2) If this Canon is a provisional canon and a diocesan synod—
- (a) does not assent to this canon in its entirety; and
 - (b) assents to a Part or Division of this canon under sub-section (1)—

it is to be considered to have validly assented to the canon constituted by that Part or Division only if on the first occasion on which it assents to a Part or Division it also assents to Part 1 of this canon.

- (3) If a diocese—
- (a) does not adopt this canon in its entirety; and
 - (b) adopts a Part or Division of this canon under sub-section (1)—

it is to be considered to have validly adopted the canon constituted by that Part or Division only if on the first occasion on which it adopts that Part or Division it also adopts Part 1 of this canon.

Amendments adding definitions to sections listing definitions

- 1.4 Where a provision of this Canon amends some other Canon by inserting into a section, sub-section, clause, sub-clause, Schedule or other provision of that other Canon the definition of a word or expression, that definition is to be inserted so that all the definitions in that section, sub-section, clause, sub-clause, Schedule or other provision are and continue to be in alphabetical order.

PART 2 — INTERPRETATION PROVISIONS AND OTHER DRAFTING CHANGES

Division 1 — Definitions of children and offences relating to children

Definition of sexual offence relating to a child in Episcopal Standards (Child Protection) Canon

- 2.1 In section 2(1) of the Episcopal Standards (Child Protection) Canon 2017 insert:

"sexual offence relating to a child means —

- (a) sexual activity by a person against, with or in the presence of a child, or
- (b) the possession, production or distribution by a person of any form of child pornography—

in respect of which—

- (c) the person has been convicted, or been found guilty without a conviction being recorded, under the laws of the Commonwealth, State or Territory; or
- (d) a court, commission or tribunal of the Commonwealth, a State or a Territory has made an adverse finding of fact in relation to that person; or
- (e) the person has been convicted, or been found guilty without a conviction being recorded, in some other country under the laws of that country that are equivalent to a law of the Commonwealth or of a State or Territory; or
- (f) the person has not been tried by a court of competent jurisdiction and which if proved—
 - (i) if alleged to have been committed within Australia, would constitute a criminal offence in the State or Territory in which it is alleged to have occurred; and
 - (ii) if alleged to have been committed in a country other than Australia, would if committed in Australia constitute a criminal offence under a law of the Commonwealth or of a State or Territory."

Definitions relating to child abuse in National Register Canon

- 2.2 In the Third Schedule of the National Register Canon 2007—

- (a) in the definition of "child abuse" for "child offence" substitute "child abuse reporting offence";
- (b) following the definition of child abuse, insert:

"child abuse reporting offence means a criminal offence against the law of the Commonwealth, a State or a Territory, or against the law of another country which is equivalent to a criminal offence against the law of the Commonwealth, a State or a Territory, involving the failure by a person to report child abuse;"

- (c) omit the definition of "child offence".

Definition of child in Offences Canon

2.3 In section 2B of the Offences Canon 1962 insert:

"child has the same meaning as in the National Register Canon 2007;".

Consequential changes to definitions in Special Tribunal Canon

2.4 In section 2 of the Special Tribunal Canon 2007

- (a) insert "child abuse has the same meaning as in the National Register Canon 2007;" and
- (b) insert "sexual offence relating to a child has the same meaning as in the Episcopal Standards (Child Protection) Canon 2017;".

Division 2 — Definition of “church worker”

Definition of church worker in Episcopal Standards (Child Protection) Canon

2.5 In section 2(1) of the Episcopal Standards (Child Protection) Canon 2017 insert:

"**church worker** means a person who is not a member of the clergy and who—

- (a) is permitted to function by the Bishop of a diocese;
- (b) is employed by a Church body; or
- (c) whether for payment or not, holds a position or performs a function with the actual or apparent authority of a Church authority or a Church body";

Definition of church worker in Offences Canon

2.6 In section 2B of the Offences Canon 1962 insert:

"**church worker** means a person who is not a member of the clergy and who—

- (a) is permitted to function by the Bishop of a diocese;
- (b) is employed by a Church body; or
- (c) whether for payment or not, holds a position or performs a function with the actual or apparent authority of a Church authority or a Church body"

Definition of church worker in Safe Ministry to Children Canon

2.7 In section 3 of the Safe Ministry to Children Canon 2017 for the definition of "church worker" substitute:

"church worker means a person undertaking any ministry to children who is not a member of clergy and who —

- (a) is permitted to function by the Bishop of a diocese; or
- (b) is employed by a Church body; or
- (c) whether for payment or not, holds a position or performs a function with the actual or apparent authority of a Church authority or a Church body."

Division 3 - Definitions relating to “clergy”

Definition of member of the clergy in Offences Canon

2.8 In section 2B of the Offences Canon 1962 insert “**member of the clergy** means a person who is a bishop, priest or deacon in the Church.”

Definition of member of the clergy in Episcopal Standards (Child Protection) Canon

2.9 In section 2(1) of the Episcopal Standards (Child Protection) Canon 2017 insert “**member of the clergy** means a person who is a bishop, priest or deacon in the Church.”

Definition of “other clergy” in Safe Ministry to Children Canon

2.10 In clause 1 of the Second Schedule of the Safe Ministry to Children Canon 2017 insert:

"other clergy means—

- (a) a bishop, priest or deacon in a Province; and
- (b) an ordained minister of a denomination;".

Division 4 — Definition of “denomination”

Definition of denomination in Safe Ministry to Children Canon

2.11 In Clause 1 of the Second Schedule of the Safe Ministry to Children Canon 2017 insert:

"**denomination** means a religious body or a religious organisation declared to be a recognised denomination for the purposes of the *Marriage Act 1962* (Cth), other than the Anglican Church of Australia, that holds the Christian Faith as set forth in the Nicene Creed and the Apostles' Creed;".

Division 5 — Definition of “examinable conduct”

Refinement to definition of examinable conduct in Episcopal Standards (Child Protection) Canon

2.12 In section 2(1) of the Episcopal Standards (Child Protection) Canon 2017 in the definition of "examinable conduct" in sub-paragraph (iii) after "to perform" insert "a duty or".

Division 6 - Definition of authorisation to function and authorising to function

Definitions in Episcopal Standards Canon 2007

2.13 In section 2 of the Episcopal Standards Canon 2007 insert:

"**authorisation to function** means a licence or any written instrument by which a member of the clergy is appointed, authorised, permitted or sanctioned to exercise ministry as a member of the clergy and **authorising to function** and **authorised to function** have a corresponding meaning;".

Definitions in Episcopal Standards (Child Protection) Canon

2.14 In section 2(1) of the Episcopal Standards (Child Protection) Canon 2017 insert:

- (a) "**authorisation to function** means a licence or any written instrument by which a member of the clergy is appointed, authorised, permitted or sanctioned to exercise ministry as a member of the clergy and **authorising to function** and **authorised to function** have a corresponding meaning;" and
- (b) "**permission to function** means a licence or any written instrument by which a person who is not a member of the clergy is appointed, authorised, permitted or sanctioned to exercise ministry and **permitting to function** and **permitted to function** have a corresponding meaning;".

Definitions in Offences Canon

2.15 In section 2B of the Offences Canon 1962—

- (a) insert:

"**authorisation to function** means a licence or any written instrument by which a member of the clergy is appointed, authorised, permitted or sanctioned to exercise ministry as a member of the clergy and **authorising to function** and **authorised to function** have a corresponding meaning;"; and

- (b) insert:

"**permission to function** means a licence or any written instrument by which a person who is not a member of the clergy is appointed, authorised, permitted or sanctioned to exercise ministry and **permitting to function** and **permitted to function** have a corresponding meaning;".

Definitions in National Register Canon

2.16 In the Dictionary in the Third Schedule to the National Register Canon 2007—

- (a) insert:
 - (i) "**authorisation to function** means a licence or any written instrument by which a member of the clergy is appointed, authorised, permitted or sanctioned to exercise ministry as a member of the clergy and **authorising to function** and **authorised to function** have a corresponding meaning;"; and
 - (ii) "**permission to function** means a licence or any written instrument by which a person who is not a member of the clergy is appointed, authorised, permitted or sanctioned to exercise ministry and **permitting to function** and **permitted to function** have a corresponding meaning;";
- (b) the definition of "licence" is repealed.

Definitions in Safe Ministry to Children Canon

2.17 In section 3 of the Safe Ministry to Children Canon 2017—

- (a) insert:
 - (i) "**authorisation to function** means a licence or any written instrument by which a member of the clergy is appointed, authorised, permitted or sanctioned to exercise ministry as a member of the clergy and **authorising to function** and **authorised to function** have a corresponding meaning;" and
 - (ii) "**permission to function** means a licence or any written instrument by which a person who is not a member of the clergy is appointed, authorised, permitted or sanctioned to exercise ministry and **permitting to function** and **permitted to function** have a corresponding meaning;";
- (b) the definition of "licence" is repealed.

2.18 In clause 1 of Schedule 2 of the Safe Ministry to Children Canon 2017 the definition of "licensed clergy" is repealed.

Consequential amendments to Canons

2.19 Schedule 1 applies.

Division 7 — Definitions relating to prescribed standards

Definition of standard of screening in the Episcopal Standards (Child Protection) Canon

2.20 In section 2(1) of the Episcopal Standards (Child Protection) Canon 2017 insert:

"**standard of screening** means—

- (a) in a diocese in which the Safe Ministry to Children Canon 2017 is in force, a standard of screening applying under Part 3 of that Canon; or
- (b) in a diocese in which the Safe Ministry to Children Canon 2017 is not in force, the standard of screening applying in that diocese;".

Definition of standard of screening in the Offences Canon

2.21 In section 2B of the Offences Canon 1962 insert:

"**standard of screening** means—

- (a) in a diocese in which the Safe Ministry to Children Canon 2017 is in force, a standard of screening applying under Part 3 of that Canon; or
- (b) in a diocese in which the Safe Ministry to Children Canon 2017 is not in force, the standard of screening applying in that diocese."

Definition of expressions relating to standards in the Safe Ministry to Children Canon

2.22 In section 3 of the Safe Ministry to Children Canon 2017 -

- (a) for the definition of “standards for safe ministry with Persons of Concern” substitute “**standards for safe ministry with Persons of Concern** means the standards in Part 4 of the Second Schedule;”;
- (b) for the definition of "standards of screening" substitute "**standards of screening** means the standards in Part 2 of the Second Schedule;”; and
- (c) for the definition of "standards of training" substitute "**standards of training** means the standards in Part 3 of the Second Schedule;”.

Division 8 - Definition of statutory clearance

Definition of statutory clearance in Safe Ministry to Children Canon

2.23 In section 3 of the Safe Ministry to Children Canon 2017 insert "**statutory clearance** has the same meaning as in the National Register Canon 2007;”.

Definition of statutory clearance in the National Register Canon

2.24 In the Third Schedule of the National Register Canon 2007, insert—

"statutory clearance means—

- (a) a working with children check; or
- (b) a working with vulnerable people check by reason that the person has contact with a child as part of engaging in a regulated activity—

under the laws of the Commonwealth or of a State or Territory;”.

Division 9 —Other amendments to the Episcopal Standards (Child Protection) Canon 2017

Section 14 clarification

2.25 In the Episcopal Standards (Child Protection) Canon 2017 Canon, in section 14 following "the duties of office" insert "under section 13".

Use of information from commission of inquiry

2.26 In section 29(5) of the Episcopal Standards (Child Protection) Canon 2017, for "court or tribunal" where twice appearing substitute "court, tribunal or commission of inquiry".

Division 10 — Various amendments to Safe Ministry to Children Canon 2017 and consequential amendments

Definitions of “occasional ministry”

2.27 In section 3 of the Safe Ministry to Children Canon 2017 insert:

“occasional ministry to children means the exercise of a pastoral ministry to children where the ministry is not regular and involves direct contact with children that is not incidental.”

Definitions in Second Schedule of Safe Ministry to Children Canon

2.28 Clause 1 of the Second Schedule of the Safe Ministry to Children Canon 2017 is amended as follows:

- (a) in the definition of "information"—
 - (i) after "or denomination" insert "or institution"; and
 - (ii) after "undertaking ministry" insert "or of persons working for the institution";
- (b) insert:

"institution means an institution that is not an institution of this Church or of a Province or of a denomination;

institutional assessment means a reasonable endeavour made to obtain information about a person from an institution authority and includes consideration of any information so obtained;

institution authority means a person or body of an institution with the power to elect, appoint, suspend or dismiss a person as an officer, employee or volunteer of that institution;

- (c) in the definition of "Province" after "Church" insert "or an extra-provincial church under the direct metro-political jurisdiction of the Archbishop of Canterbury";
- (d) in the definition of "responsible authority" for paragraph (c) substitute:
 - "(c) a denominational authority; or
 - (d) an institution authority;".

Meaning of "screened"

2.29 After clause 1 of the Second Schedule of the Safe Ministry to Children Canon 2017, insert:

"1A. A person is **screened** if the prescribed standards of screening have been applied in respect of that person by the relevant screening authority."

Consequential amendment to National Register Canon 2007

2.30 In the Third Schedule to the National Register Canon 2007—

- (a) in the definition of "adverse check", for "working with children check, or working with vulnerable people check" substitute "statutory clearance";
- (b) omit the definition of "working with children check"; and
- (c) omit the definition of "working with vulnerable people check".

Consequential amendment to Safe Ministry to Children Canon 2017

2.31 In section 3 of the Safe Ministry to Children Canon 2017—

- (a) in paragraph (a) of the definition of "ministry to children", for "working with children check, or working with vulnerable people check" substitute "statutory clearance";
- (b) omit the definition of "working with children check"; and
- (c) omit the definition of "working with vulnerable people check".

Definition of safe ministry role

2.32 In section 3 of the Safe Ministry to Children Canon 2017 for the definition of "safe ministry role" substitute:

"safe ministry role means a role:

- (a) in recommending or determining standards and guidelines for safe ministry to children or with a Person of Concern; or
- (b) in recommending or determining or supervising safe ministry in a parish or congregation with a Person of Concern;

but excludes a role as a member of the synod of the diocese and, if a diocese has established a diocesan safe ministry authority separate from its diocesan council excludes a role as a member of the diocesan council;"

PART 3 — NATURE AND AUDIT OF RECORDS AND PROCESSES

Division 1 — Matters on National Register

Additional matters in National Register Canon

3.1 In the Third Schedule of the National Register Canon 2007—

- (a) in the definition of "child abuse", after paragraph (ix) insert:
 - "or;
 - (x) image-based abuse;";

- (b) for paragraph (b), substitute:

“possessing, producing or distributing child exploitation material in circumstances that have been found to constitute, or may constitute, a criminal offence;”
- (c) after paragraph (b) insert:

“however done, including by or through the use of the internet, electronic means and other like technology.”
- (d) insert:

“**image-based abuse** means taking, distributing or threatening to distribute intimate, nude or sexual images of another person in circumstances that have been found to constitute, or may constitute, a criminal offence;”;
- (e) in the definition of “sexually inappropriate behaviour” for “sexual exploitation or sexual harassment, or grooming” substitute “sexual exploitation, sexual harassment, grooming, or image-based abuse”.

Division 2 — Statutory clearances

Meaning of “Second Schedule”

- 3.2 In this Division, “Second Schedule” means the Second Schedule of the Safe Ministry to Children Canon 2017.

Amendment to clause 2 of Second Schedule

- 3.3 In clause 2(2) of the Second Schedule, for “a working with children check or a working with vulnerable people check by reason that the person has contact with a child as part of engaging in a regulated activity” substitute “a statutory clearance”.

Amendments to clause 3 of Second Schedule

- 3.4 In clause 3 of the Second Schedule—
- (a) in sub-clause (1) for “working with children check, or an unconditional working with vulnerable people check by reason that the person has contact with a child as part of engaging in a regulated activity, where required by the laws of the Commonwealth or a State or Territory” substitute “statutory clearance”;
 - (b) in sub-clause (2)(a) for “where a working with children check, or a working with vulnerable people check by reason that the person has contact with a child as part of engaging in a regulated activity, is not required by the laws of the Commonwealth or a State or Territory, a criminal history assessment or a risk assessment” substitute “where a statutory clearance is not required by or is not able to be sought under the laws of a Commonwealth, State or Territory”.

Amendments to clause 4 of Second Schedule

- 3.5 In clause 4 of the Second Schedule—
- (a) for sub-clause (1) substitute:

“(1) the person holds a statutory clearance; and”;
 - (b) in sub-clause (2)(a), for “where a working with children check, or a working with vulnerable people check by reason that the person has contact with a child as part of engaging in a regulated activity, is not required by the laws of a Commonwealth, State or Territory” substitute “where an unconditional statutory clearance is not required by or is not able to be sought under the laws of a Commonwealth, State or Territory”.

Amendments to clause 5 of Second Schedule

- 3.6 In clause 5 of the Second Schedule—
- (a) for sub-clause (1) substitute:

“(1) the person holds a statutory clearance; and”;
 - (b) in sub-clause (2)(a), for “where a working with children check, or a working with vulnerable people check by reason that the person has contact with a child as part of engaging in a

regulated activity, is not required by the laws of a Commonwealth, State or Territory" substitute "where an unconditional statutory clearance is not required by or is not able to be sought under the laws of a Commonwealth, State or Territory".

Amendments to clause 6 of Second Schedule

3.7 In clause 6 of the Second Schedule—

(a) for sub-clause (1) substitute:

"(1) the person holds an unconditional statutory clearance or a conditional statutory clearance that enable the ministry to be undertaken where required by or is not able to be sought under the law of the Commonwealth or a State or Territory; and";

(b) in sub-clause (2)(a), for "where a working with children check, or a working with vulnerable people check by reason that the person has contact with a child as part of engaging in a regulated activity, is not required by the laws of a Commonwealth, State or Territory the person is not able to obtain either check" substitute "where an unconditional statutory clearance or a conditional statutory clearance that authorises the ministry to be undertaken is not required by or is not able to be sought under the laws of a Commonwealth, State or Territory".

Division 3 — Equivalent Audit

Provision for equivalent audit

3.8 After section 12 of the Safe Ministry to Children Canon 2017 insert:

"12A. (1) Where the Standing Committee is satisfied that—

(a) an audit equivalent to a diocesan audit is required pursuant to the laws of the Commonwealth or of a State or Territory; and

(b) the report of the audit is publicly available—

the Standing Committee may by a two-thirds majority on the application of that diocese exempt the diocese from a diocesan audit.

(2) Where the Standing Committee is satisfied that—

(a) an audit equivalent to part of a diocesan audit is required pursuant to the laws of the Commonwealth or of a State or Territory; and

(b) the report of the audit is publicly available—

the Standing Committee may by a two-thirds majority on the application of that diocese exempt the diocese from that part of a diocesan audit."

Division 4 — Records and notifications

Address for notice

3.9 Sections 8(3)(b) and 10(2)(a) of the National Register Canon 2007 are amended by substituting for the words "his or her last known postal or electronic address" the words "his or her postal or electronic address where that address is known and reasonably believed to be used by the member of clergy or the lay person".

Amendments to Dictionary in National Register Canon

3.10 In the Third Schedule of the National Register Canon 2007—

(a) in the definition of "Information", after the word "Schedule" where twice appearing insert "so far as they are known";

(b) for paragraph (b) of the definition of "notifiable complaint" substitute:

"(b) which the Director of Professional Standards has certified has been sent to the postal or electronic address of the member of clergy or lay person that is known or has not been sent to the member of clergy or lay person because neither their postal nor their electronic address is known; or".

PART 4 — CONDUCT TO SUPPORT PROCESSES AND PROTECT CHILDREN

Additional examinable conduct in relation to bishops

4.1 In section 2(1) of the Episcopal Standards (Child Protection) Canon 2017—

(a) insert—

“**actual knowledge**” includes –

- (a) wilfully shutting one's eyes to the obvious; or
- (b) wilfully and recklessly failing to make such inquiries as an honest and reasonable person would make;

“**recommendation**” includes a recommendation validly varied or modified pursuant to a diocesan ordinance;

(b) in the definition of “examinable conduct”—

(i) after sub-paragraph (a)(iii) insert:

"(iiiia) the failure without reasonable excuse to exercise a power to initiate, or to investigate whether to initiate, a professional standards process;"

(ii) after sub-paragraph (a)(iv) insert:

"(v) subject to section 60(2) of the Constitution, the failure without reasonable excuse to give effect to a recommendation to the Bishop under a professional standards process;

(vi) the Bishop ordaining or authorising to function a member of the clergy or permitting to function a church worker contrary to, or in the absence of, a recommendation of a screening authority, or with actual knowledge or reasonable grounds for suspecting that the screening authority may not have properly discharged its statutory functions in making its relevant recommendation;

(vii) the Bishop ordaining or authorising to function a member of the clergy, or permitting to function a church worker, who poses a serious risk to the safety of children with actual knowledge or reasonable grounds for suspecting that the person poses that risk;" and

(iii) in the definition of "examinable conduct" in paragraph (b) after sub-paragraph (iv) insert:

"(v) subject to section 60(2) of the Constitution, the failure without reasonable excuse to give effect to a recommendation given to the Bishop under a professional standards process;

(vi) ordaining or authorising to function a member of the clergy or permitting to function a church worker contrary to, or in the absence of, a recommendation of a screening authority, or with actual knowledge or reasonable grounds for suspecting that the screening authority may not have properly discharged its statutory functions in making its relevant recommendation;

(vii) the Bishop ordaining or authorising to function a member of the clergy, or permitting to function a church worker, who poses a serious risk to the safety of children with actual knowledge or reasonable grounds for suspecting that the person poses that risk."

Additional offence relating to making appointments

4.2 In section 1 of the Offences Canon 1962, after item 8 insert:

“9. Authorising to function a member of the clergy or permitting to function a church worker contrary to, or in the absence of, a recommendation of a screening authority, or with actual knowledge or reasonable grounds for suspecting that the screening authority may not have properly discharged its statutory functions in making its relevant recommendation.”

Additional offences within the jurisdiction of the Special Tribunal

4.3 (1) After Item 9 of section 2 of the Offences Canon 1962 insert:

- "10. Subject to section 60(2) of the Constitution, failure without reasonable excuse to give effect to a recommendation given to the person under section 53 of the Constitution or by a Board established by or under an ordinance of a provincial synod or diocesan synod for dealing with the fitness of a member of the clergy or church worker to be or to remain in Holy Orders or in other ministry.
11. Ordaining or authorising to function a member of the clergy or permitting to function a church worker contrary to, or in the absence of, a recommendation of a screening authority, or with actual knowledge or reasonable grounds for suspecting that the screening authority may not have properly discharged its statutory functions in making its relevant recommendation.
12. Ordaining or authorising to function a member of the clergy, or permitting to function a church worker, who poses a serious risk to the safety of children with actual knowledge or reasonable grounds for suspecting that the person poses that risk."

(2) After Item 4 of section 2A of the Offences Canon 1962 insert:

- "5. Subject to section 60(2) of the Constitution, failure without reasonable excuse to give effect to a recommendation given to the person under section 53 of the Constitution or by a Board established by or under an ordinance of a provincial synod or diocesan synod for dealing with the fitness of a member of the clergy or church worker to be or to remain in Holy Orders or in other ministry.
6. Ordaining or authorising to function a member of the clergy or permitting to function a church worker contrary to, or in the absence of, a recommendation of a screening authority, or with actual knowledge or reasonable grounds for suspecting that the screening authority may not have properly discharged its statutory functions in making its relevant recommendation.
7. Ordaining or authorising to function a member of the clergy, or permitting to function a church worker, who poses a serious risk to the safety of children with actual knowledge or reasonable grounds for suspecting that the person poses that risk."

Meaning of "actual knowledge"

4.4 In section 2B of the Offences Canon 1962 insert—

"**actual knowledge**" includes-

- (a) wilfully shutting one's eyes to the obvious; or
- (b) wilfully and recklessly failing to make such inquiries as an honest and reasonable person would make;

"**recommendation**" includes a recommendation validly varied or modified pursuant to a diocesan ordinance;'

Date of operation of new offences

4.5 After section 4 of the Offences Canon 1962, insert:

- "5. The offences in Item 9 of section 1, Items 10, 11 and 12 of section 2 and Items 5, 6 and 7 of section 2A apply only to conduct occurring after Part 4 of the Safe Ministry Legislation Amendments Canon 2022 has been adopted in the diocese in which the offences allegedly have occurred."

PART 5 — RESPONDING TO COMPLAINTS AND OFFENCES**Risk assessment during investigation by ESC**

5.1 After section 18 of the Special Tribunal Canon 2007 insert:

"18A. When the ESC has commenced an investigation of information under this Part, it must conduct an initial assessment to identify any risks to children and must take whatever steps are reasonably available and practicable to minimise risks identified."

Initial risks assessment by ESC

5.2 After section 12 of the Episcopal Standards (Child Protection) Canon 2017 insert:

"12A. When the ESC has commenced an investigation of information under this Part, it must conduct an initial assessment to identify any risks to children and must take whatever steps are reasonably available and practicable to minimise risks identified."

Bringing a charge of child abuse

5.3 Section 43 of the Special Tribunal Canon 2007 is amended as follows:

(1) In sub-section (1), for "A charge against a bishop" substitute "Subject to sub-section (1A), a charge against a Bishop";

(2) After sub-section (1) insert:

"(1A) Only the ESC can bring a charge of a sexual offence relating to a child against a Bishop in the Tribunal."

Amendments to section 49

5.4 In section 49 of the Episcopal Standards (Child Protection) Canon 2017—

(a) for "If after investigating" substitute "(1) Subject to sub-section (2), if after investigating";

(b) in paragraph (l), for "Bishop" substitute "bishop"; and

(c) in paragraph (m), for "Bishop" substitute "bishop".

(d) after the current section 49, insert:

"(2) Where the Board is satisfied that the bishop has been convicted by a court exercising criminal jurisdiction of committing while a member of the clergy a sexual offence relating to a child, the Board must determine that the bishop be deposed from the exercise of Holy Orders."

PART 6 — CONFLICTS OF INTEREST AND LOYALTY**Division 1 — Conflict of interest in panel for Episcopal Standards Board****Definition of conflict of interest in Episcopal Standards (Child Protection) Canon**

6.1 In section 2 of the Episcopal Standards (Child Protection) Canon 2017 after sub-section (1) insert:

"(1A) For the purposes of this Canon, a person has a conflict of interest when their responsibilities arising from their role may be influenced or affected, or may be perceived as being influenced or affected, by—

(a) their personal financial interest, or those of their family or friends;

(b) their reputation, or that of their family or friends;

(c) their obligations or loyalty to another person or organisation;

(d) their previous or current relationship (whether personal or professional) with someone who might be affected by how they discharge those responsibilities; or

(e) their previous or current involvement in another capacity in a matter now falling within those responsibilities."

Managing conflicts of interest

6.2 In section 23 of the Episcopal Standards (Child Protection) Canon 2017—

(a) after sub-section (3) insert:

"(3A) A member of the panel must without delay disclose to the President, or if there is a vacancy in the office of President to the Deputy President, any conflict of interest that the member has in relation to a matter before the Board.";

(b) in sub-section (4), for "a personal interest in" substitute "a conflict of interest in relation to";

(c) in sub-section (5), for "a personal interest in " substitute "a conflict of interest in relation to".

Division 2 — Special Tribunal

Definition of conflict of interest for Special Tribunal

6.3 In section 2 of the Special Tribunal Canon—

(a) before the current section, insert "(1)"; and

(b) after the current section insert

"(2) For the purposes of this Canon, a person has a conflict of interest when their responsibilities arising from their role may be influenced or affected, or may be perceived as being influenced or affected, by—

(a) their personal financial interest, or those of their family or friends;

(b) their reputation, or that of their family or friends;

(c) their obligations or loyalty to another person or organisation;

(d) their previous or current relationship (whether personal or professional) with someone who might be affected by how they discharge those responsibilities; or

(e) their previous or current involvement in another capacity in a matter now falling within those responsibilities."

Disqualification where conflict of interest

6.4 In the Special Tribunal Canon 2007 after section 30 insert:

"30A. A member of the panel must without delay disclose to the senior presidential member, or if there is a vacancy in the office of senior presidential member to the other presidential member, any conflict of interest that the member has in relation to a matter before the Tribunal.

30B. Where—

(a) a member of the panel has disclosed a conflict of interest under section 30A; or

(b) in the opinion of the senior presidential member, or if there is a vacancy in the office of senior presidential member in the opinion of the other presidential member, a member of the panel has a conflict of interest in relation to a matter before the Tribunal—

that member is disqualified from participating in the matter."

Division 3 — Chancellors as members of diocesan tribunals

Chancellor not to be president of diocesan tribunal

6.5 Section 2(3) of the Chancellors Canon 2001 is repealed.

Schedule 1

Sch 1.1 Amendments to Episcopal Standards (Child Protection) Canon 2017

In –

- (a) the definition of "relevant diocesan Bishop" in section 2(1); and
- (b) the paragraph (c) of the definition of "relevant Metropolitan" (where twice appearing) – for "licensed" substitute "authorised to function".

Sch 1.2 Amendment to Offences Canon 1962

In section 1 of the Offences Canon 1962, for "licensed" substitute "authorised to function".

Sch 1.3 Amendment to National Register Canon 2007

- (1) In the National Register Canon 2007, in –
 - (a) section 5(1)(e);
 - (b) section 6(1)(d);
 for "issued with a licence" substitute "authorised to function".
- (2) In the National Register Canon 2007, in –
 - (a) item 8 of the First Schedule (where three times appearing);
 - (b) item 21 of the First Schedule –
 for " licence" substitute "licence or authorisation to function".
- (3) In the National Register Canon 2007, in –
 - (a) item 5 of the Second Schedule (where three times appearing);
 - (b) item 16 of the First Schedule—
 for " licence" substitute "licence or permission to function".
- (4) In the Third Schedule of the National Register Canon 2007 –
 - (a) in the definition of "adverse risk assessment" for "a licence" substitute "an authorisation to function";
 - (b) in the definition of "church authority" after "ordain," insert "authorise to function, permit to function,,"; and
 - (c) in the definition of church worker for "licensed or authorised" substitute "permitted to function".

Sch 1.4 Amendments to the Safe Ministry to Children Canon 2017

- (1) In the Safe Ministry to Children Canon 2017, in clause 1 of the Second Schedule in –
 - (a) the definition of "denominational authority";
 - (b) the definition of "diocesan authority"; and
 - (c) the definition of "provincial authority" –
 after "ordain," insert "authorise to function, permit to function,.".
- (2) In the Safe Ministry to Children Canon 2017, in clause 1 of the Second Schedule, in the definition of "screening authority" for "or a member of the clergy to be licensed, or a church worker to be licensed or authorised" substitute "or a member of the clergy to be authorised to function or a church worker permitted to function".
- (3) In the Safe Ministry to Children Canon 2017, in the Second Schedule, in –
 - (a) in clause 2 (where four times appearing);

- (b) in clause 9 (where twice appearing –
for "licensed as clergy, appointed or elected as the bishop of a diocese, or licensed or authorised or appointed as church workers," substitute "authorised to function, appointed or elected as the bishop of a diocese, or permitted to function".
- (4) In the Safe Ministry to Children Canon 2017, in the Second Schedule, in clause 4 –
- (a) for the heading to the clause, substitute "The Bishop of the diocese and clergy authorised to function";
- (b) for "licensed" substitute "authorised to function".
- (5) In the Safe Ministry to Children Canon 2017, in the Second Schedule, in clause 5 –
- (a) for the heading to the clause, substitute "Church workers who are paid or permitted to function"; and
- (b) for "licensed or authorised" substitute "permitted to function".
- (6) In the Safe Ministry to Children Canon 2017, in the Second Schedule –
- (a) in clause 7, for "a licensed member of the clergy, the bishop of the diocese, or a licensed, authorized, paid or voluntary church worker,"; and
- (b) in clause 10(1) for "a licensed member of the clergy, the bishop of the diocese, or a licensed, authorised, paid or voluntary church worker," (where twice appearing) –
substitute "authorised to function, appointed or elected as the bishop of a diocese, or permitted to function as a paid or voluntary church worker".
- (7) In the Safe Ministry to Children Canon 2017, in the Second Schedule, in clause 10(1) for paragraph (b) substitute –
"by deacons, clergy authorised to function, and church workers permitted to function, within three years prior to being ordained, authorised to function, permitted to function or appointed to undertake ministry to children, except where the bishop of the diocese or his or her delegate is satisfied there are exceptional circumstances in which case the training is to be completed as soon as practicable but not later than three months after the person is ordained, authorised to function, permitted to function or appointed to undertake ministry to children; or".

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
2023.

Secretary

I Assent to this Ordinance.

Archbishop of Sydney

/ /2023

Pastoral Supervision Ordinance 2023

Explanatory Report

Purpose of the bill

1. The purpose of this report is to explain the effect of the bill for the Pastoral Supervision Ordinance 2023.

Recommendations

2. Synod receive this report.
3. Synod pass the bill for the Pastoral Supervision Ordinance 2023.

Background

4. By resolution 54/22, the Synod resolved as follows –
 - ‘Synod –
 - (a) notes –
 - (i) recommendations 16.5, 16.44 and 16.45 for national mandatory standards for professional development, professional/pastoral supervision and performance appraisals of bishops, clergy, and lay personnel of the Anglican Church of Australia in any form of ministry of pastoral care or service in the final report of the Royal Commission into Institutional Responses to Child Sexual Abuse,
 - (ii) the resolution of the General Synod on 9 May 2022 encouraging dioceses to fully implement the Ministry Wellbeing and Development policy, guidelines and resources document to enhance the wellbeing and professional development of clergy and some paid church workers,
 - (iii) the [report] ‘Pastoral Consultation (Professional Supervision) Recommendation’ dated 27 July 2022 tabled at this session of the Synod (**the Recommendation**), and
 - (iv) the lifelong ministry resources developed by Ministry Training & Development,
 - (b) affirms the importance of implementing a mandatory system for the professional development, professional/pastoral supervision and performance appraisals of clergy and lay church workers providing pastoral care or service to enhance their ministry wellbeing and development,
 - (c) notes the subcommittees of the Standing Committee referred to in paragraphs 8 and 139 of the Recommendation are developing proposals for a system of mandatory professional/pastoral supervision and performance appraisals for licensed and stipendiary or paid clergy, and stipendiary or paid lay church workers providing pastoral care or service including any proposed legislation and policies, and requests a report be provided to the 1st ordinary session of the 53rd Synod, and
 - (d) requests the Standing Committee to establish a committee with a gender balance and appropriate expertise –
 - (i) to develop proposals for a system of mandatory professional development for licensed and stipendiary or paid clergy, and stipendiary or paid lay church workers providing pastoral care or service including any proposed legislation and policies, and
 - (ii) to report to the 1st ordinary session of the 53rd Synod.’

5. This report provides the proposed legislation regarding Pastoral Supervision contemplated by paragraph (c) of resolution 54/22. It is anticipated that a further report regarding Pastoral Supervision in the Diocese will be printed separately.

Explanation

6. The proposed Pastoral Supervision Ordinance 2023 (the **Bill**) accompanies this report.
7. Relevant provisions of the Bill are explained below. Except where otherwise indicated, clause references are to the clause numbering the Bill.

Requirement for Pastoral Supervision

8. Clause 3 requires church workers within a class of persons declared by the Archbishop-in-Council to undertake Pastoral Supervision with an approved Pastoral Supervisor in accordance with the requirements of the Pastoral Supervision Policy.
9. This approach will enable the implementation of Pastoral Supervision to be in stages (if required), by declaring broader classes of persons over time.
10. For this purpose, 'church worker' means a member of clergy licensed to an office or position in the Diocese or a lay person who holds or is required to hold an authorisation under the *Authorisation of Lay Ministry Ordinance 2015* to exercise the office of lay minister or deaconess. The Archbishop-in-Council will have power to declare a requirement for Pastoral Supervision for any class of church workers.
11. Including the requirement to undertake Pastoral Supervision in an ordinance will provide a legislative basis for requiring compliance, analogous to the screening requirements for a member of the clergy to be licensed outlined in the *Safe Ministry to Children Ordinance 2020*.

Pastoral Supervision Policy

12. Clause 4 authorises the Archbishop-in-Council to approve, amend and publish a Pastoral Supervision Policy (**Policy**). The Bill will give such a Policy a legal basis.
13. The Bill sets out an indicative list of matters that may be covered in the Policy –
 - a list of the classes of church worker in respect of which declarations are in force under clause 3,
 - the process for a person to be approved as a Pastoral Supervisor,
 - the pre-requisites to be met for a person to be approved as a Pastoral Supervisor,
 - the manner in which Pastoral Supervision is to be conducted, and
 - the minimum requirements to be met by those receiving Pastoral Supervision.
14. Such a list is indicative only. It would not be mandatory to cover each of the listed items, and it would also be possible to cover others matters relevant to Pastoral Supervision in the Policy.
15. Having some matters in a Policy rather than an ordinance provides more flexibility for the Policy to state the minimum requirements as well as the aspirational outcomes of pastoral supervision in the Diocese.
16. Given that Pastoral Supervision is proposed to be a condition of licensing and authorisation of church workers, it is appropriate that the Archbishop-in-Council (i.e., the Archbishop acting with the concurrence of the Standing Committee) approve the Policy. Further, granting the Archbishop-in-Council jurisdiction to approve and amend the Policy allows for changes to be made between Synods.

Approval of Pastoral Supervisors

17. Clause 5 provides for the Archbishop to issue an approval for a person to be a Pastoral Supervisor in accordance with the requirement of the Policy. The term “approval” has been used rather than “authorise” to distinguish from authorisations given under the *Authorisation of Lay Ministry Ordinance 2015*.
18. Approvals will be able to be issued:
 - for Pastoral Supervision for certain classes of church worker,
 - on a provisional basis,
 - subject to conditions, and
 - for a fixed period of time.
19. Approvals will be revocable at any time by the Archbishop.
20. A person who does not hold an approval will be prevented from holding themselves out as a Pastoral Supervisor for church workers for the purposes of the Bill.

Other provisions and comments

21. The Bill also sets out a requirement for all Pastoral Supervisors to be covered by forms of insurance specified in the Policy. Strictly speaking this is unnecessary as the insurance requirement could be included as a condition on the approval, and most likely will be in addition to this provision in the Bill. Nonetheless it was considered that the insurance requirement should be highlighted at the ordinance level.
22. The Archbishop will have authority to delegate the performance of any of his functions under the ordinance to one or more Assistant Bishops.

For and on behalf of the Standing Committee

BRIONY BOUNDS
Diocesan Secretary

17 July 2023

Pastoral Supervision Ordinance 2023

No. _____, 2023

Long Title

An Ordinance to provide for Pastoral Supervision in the Diocese and for related matters.

The Synod of the Diocese of Sydney Ordains as follows.

1. Name of ordinance

This Ordinance is the Pastoral Supervision Ordinance 2023.

2. Definitions

In this Ordinance –

5 “church worker” means –

- (a) a member of clergy licensed to an office or position in the Diocese, or
- (b) a lay person who holds or is required to hold an authorisation under the *Authorisation of Lay Ministry Ordinance 2015* to exercise the office of lay minister or deaconess.

10 “Pastoral Supervisor” means a person approved under this Ordinance to provide Pastoral Supervision.

“Pastoral Supervision” means a space in which a practitioner skilled in professional supervision meets with one or more church workers to consider together the practice of ministry with a view to enhancing the ethical practices, personal wellbeing and effectiveness in ministry of the church worker(s) and their ministry relationships.

15 “Pastoral Supervision Policy” means the policy approved under clause 4, as amended from time to time.

3. Requirement for Pastoral Supervision

(1) The Archbishop-in-Council may declare classes of church worker who are required to undertake Pastoral Supervision.

20 (2) A person within a class of church worker in respect of which a declaration is in force must undertake Pastoral Supervision with a Pastoral Supervisor in accordance with the requirements in the Pastoral Supervision Policy unless there are cogent reasons for not doing so.

4. Pastoral Supervision Policy

The Archbishop-in-Council may from time to time approve, amend and publish a policy for Pastoral Supervision, which may include but is not limited to the following –

- 25 (a) a list of the classes of church worker in respect of which declarations are in force under clause 3,
- (b) the process for a person to be approved as a Pastoral Supervisor,
- (c) the pre-requisites to be met for a person to be approved as a Pastoral Supervisor,
- (d) the manner in which Pastoral Supervision is to be conducted, and
- 30 (e) the minimum requirements to be met by those receiving Pastoral Supervision.

5. Approval of Pastoral Supervisors

(1) The Archbishop may issue an approval for a person to be a Pastoral Supervisor, subject to the requirements of the Pastoral Supervision Policy.

(2) An approval may be issued –

- 35 (a) in respect to the provision of Pastoral Supervision for particular classes of church worker,
- (b) on a provisional basis,
- (c) subject to any conditions which are specified in the approval, and
- (d) for a fixed period of time.

(3) An approval issued under this Ordinance may be revoked at any time by the Archbishop, and the Archbishop is not required to give reasons for any such revocation.

(4) A person may only hold themselves out as a Pastoral Supervisor for church workers for the purposes of this Ordinance if an approval in respect to the person is in force under this Ordinance.

5 **6. Insurance**

It is a condition of all approvals that the Pastoral Supervisor is covered by the forms of insurance specified in the Pastoral Supervision Policy.

7. Delegation

10 The Archbishop may delegate the exercise of any of his powers and functions under this Ordinance to one or more Assistant Bishops.

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
2023.

Secretary

I Assent to this Ordinance.

Archbishop of Sydney

/ /2023

Synod Standing Orders Ordinance 2019 Amendment Ordinance 2023

Explanatory Report

Purpose of the bill

1. The Synod Standing Orders Ordinance 2019 Amendment Ordinance 2023 amends the *Synod Standing Orders Ordinance 2019* to –
 - (a) clarify the effect of a procedural motion to end debate on a motion with respect to amendments for which notice has been given but have not been moved, and
 - (b) amend the timeframe for questions to be submitted to the Secretary in order to be tabled on the first day of a session of Synod.

Recommendations

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

Explanation

Procedural motions to end debate

4. Synod Standing Order 4.14A provides for a procedural motion to end debate and vote immediately on a motion.
5. In this event, any amendments to the substantive motion for which notice was given that have not been moved and decided upon prior to the procedural motion would lapse since the vote on the substantive motion is to occur immediately once the procedural motion is passed.
6. The proposed amendment to Synod Standing Order 4.14A will make it expressly clear that if a procedural motion to end debate and vote immediately is carried, then any amendments for which notice was given but that had not been moved will lapse.

Timeframe for submitting questions for tabling on the first day

7. Synod Standing Order 6.3(2)(a) provides that questions to be tabled on the first day of a session of Synod must be submitted “no later than 7 days prior to the first day of the session”.
8. Prior to 2019, questions were asked on Day 1 and answered on the following (or a subsequent) day. In 2019, it was recommended that the *Synod Standing Orders 2019* be amended to “require questions for Day 1 to be submitted to the Secretary of the Synod 7 days prior to Day 1, and tabled on Day 1”. However, this was worded in the Ordinance as “no later than 7 days prior”, which carries a different meaning. This may be because it was considered too restrictive to require questions to be submitted exactly 7 days prior to the first day. Nonetheless, it is necessary to have an outer limit on how early questions can be submitted so as to confine the resources needed to field and answer questions.
9. It is proposed that Synod Standing Order 6.3(2)(a) specify that questions to be tabled on the first day be submitted to the Secretary 7 to 14 days prior to the first day of the session. It is considered that this will give effect to the original intent of the recommendation, which was to ease burdens on those responding to questions, but will also allow sufficient time for members to finalise and submit their questions.

For and on behalf of the Standing Committee

Synod Standing Orders Ordinance 2019 Amendment Ordinance 2023

No _____, 2023

Long Title

An Ordinance to amend the *Synod Standing Orders Ordinance 2019*.

The Synod of the Diocese of Sydney Ordains as follows.

1. Name

This Ordinance is the Synod Standing Orders Ordinance 2019 Amendment Ordinance 2023.

2. Amendment

The *Synod Standing Orders Ordinance 2019* is amended as follows –

- 5
- (a) in Synod Standing Order 4.14A(3)(a), after the text “if the procedural motion is carried,”, insert “any amendments for which notice was given but that have not been moved will lapse, and”, and
 - (b) in Synod Standing Order 6.3(2)(a), substitute the text “no later than 7 days prior” with “7 to 14 days prior”.
- 10

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 _____ 2023.

Secretary

I Assent to this Ordinance.

Archbishop of Sydney

/ /2023

Anglican Church Property Trust Diocese of Sydney (ACPT)

(Report to First Session of the 53rd Synod of the Diocese of Sydney.)

Incorporating the information required by clause 14 of the *Accounts, Audits and Annual Reports Ordinance 1995* for the following trusts held by the Anglican Church Property Trust Diocese of Sydney (**ACPT**) –

- The Archbishop of Sydney’s Discretionary Trust
 - The Anglican Church Property Trust (Sydney) Long Term Pooled Investment Fund
 - The Anglican Church Diocese of Sydney Grants Administration Fund
-

Report from the Chair – Mr Richard Neal

Introduction

1. As the Chair of the ACPT, and on behalf of the Board, I have pleasure in presenting the ACPT’s 2022 annual report to the Synod.
2. Our report to the First Ordinary Session of the 53rd Synod, was prepared against the backdrop of ongoing natural catastrophes that have impacted a number of parishes and the communities they serve and the third year of living with the implications of the COVID-19 pandemic that has affected the lives of everyone across the diocese since early 2020. The Board acknowledges that parishes have always been the “engine room” of the diocesan mission and again express thanks on behalf of my fellow Board members and the SDS team that supports the ACPT and parishes for the resilient manner that, under God, you continue to rise to the challenges that arise as you minister and pastor your local communities. Please be assured of our ongoing collective prayers.

Strategic focus

3. As noted in previous annual reports to Synod, the role of the ACPT as defined by its constituent documents, an Act of the NSW parliament (1917) and an ordinance of the Synod (1965), has necessarily evolved from operating as a relatively passive trustee of church trust property to one that had needed to respond to significantly more complex regulatory, legal, political and social environments. Individual Trustees may also be exposed to potential personal liability under legislation such as that relating to heritage and fire safety and a variety of other risks faced by parishes.
4. As complexity has continued to increase for parishes, so it has for the ACPT through 2022 as members continued to ensure that corporate and individual fiduciary duties were effectively discharged. The examples of where parishes and ACPT have needed to operate in a more highly complex environment are varied –
 - (a) ongoing obligations under frequently changing NSW Department of Health Orders
 - (b) obligations under the *NSW Heritage Act 1977*
 - (c) ongoing compliance with Australian Charities and Not-for-Profit Commission (**ACNC**) legislation
 - (d) ongoing compliance with fire safety aspects of the Environmental Planning and Assessment Regulations (2000)
 - (e) licencing of Anglican cemeteries along with increased obligations under the *NSW Cemeteries & Crematoria Act*
 - (f) operating in an increasingly litigious external environment with associated implications for insurance, reputation/risk and personal liability
 - (g) changes of government at the Federal, State and Local levels
 - (h) changes to NSW planning instruments

- (i) more complex and rigorous administration and oversight of the various Local, NSW and Commonwealth Government grant programs
 - (j) ongoing key obligations arising from the Royal Commission into Institutional Responses to Child Sexual Abuse
 - (k) helping parishes navigate the different pathways to assist parish projects between ACPT and the Anglican Church Growth Corporation (**ACGC**).
5. Because parishes are unincorporated bodies there is a necessary interface with ACPT in parish church trust property matters. In this regard, the ACPT regularly includes the following February 2014 Standing Committee resolution on Board agendas as a salient reminder of the polity of the Diocese:
- Standing Committee declares its view that the polity of this Diocese generally gives precedence to parishes over the affairs of the Diocese, including in relation to the management of property held for a parish and the benefit of income from such property.*
6. This intersection needs to be managed with consistency and regard to the interests of parishes, the increased complexities noted above, the legal and fiduciary obligations of the ACPT and the potential personal liability that may be imposed upon its Board members.

Highlighted activities during 2022

7. The 2021 report was prepared in mid-2022 for consideration by the Standing Committee and tabling at the September 2022 Synod. Since that time, ACPT, as the corporate trustee of the Diocese, has continued to operate across the full spectrum of diocesan activities. Some notable outcomes include:
- (a) On 1 January 2023, after over two decades, and pursuant to the resolution of the Synod in 2022 and subsequent Standing Committee determination, the ACPT's trusteeship of its flagship term investment vehicle for parishes and certain diocesan organisations of the Long Term Pooling Fund (**LTPF**), was moved to the Glebe Administration Board (**GAB**). The transfer of trusteeship was efficient and smooth and ACPT wishes the GAB well as it oversees the investments of the LTPF.
 - (b) Over the past 6 months, as foreshadowed in our prior Annual Report, the ACPT and Standing Committee have worked together to deliver a more equitable funding mechanism for ACPT's support of parishes. As a consequence, from 1 January 2023, ACPT management fees are not applied to parish Client Fund investments, apart from for a few Client Fund investments authorised by ordinance or resolution of the Standing Committee with the ACPT's support for parishes through SDS now almost completely met through the Parish Cost Recoveries (**PCR**) process. This is now a very equitable outcome for all parishes.
 - (c) Assist parishes prepare 83 applications for NSW and Commonwealth Government grant programs, resulting in the receipt and administration of over 2.7 million in successful grant funding. (By comparison, during 2021, ACPT assisted with 67 applications that delivered \$1.5 million in grant funding).
 - (d) Overseeing the investment, on behalf of parishes, of approximately \$59.6 M (31 December 2021: \$61.7 million) in the DCIF and a further \$81.5 million (31 December 2021: \$89.2 million) in the LTPF.
 - (e) Implementing and concluding the 2022/2023 renewal of the Church Insurances Program (**CIP**) for parishes and those Diocesan Organisations participating in the CIP in the midst of an ongoing difficult insurance market to deliver a level of insurance coverage at a cost outcome that was ~ 12% higher than the prior year, at a time when the insurance market that was generally seeing considerably higher year on year increases in cost. The ACPT also implemented the strategic decision to negotiate two key Long-Term Agreements (**LTAs**) - for the Industrial Special Risk (ISR Churches) and General Liability lines, which together comprise almost 66% of the cost of the CIP. Based on early market soundings for the renewal of the CIP on 31 August 2023 provided by the Diocesan Insurance Broker, Marsh Pty Limited, these LTAs are well "in the money" and are expected to deliver economies to parishes that would otherwise not have been available, over the short to medium term.
 - (f) In its capacity as corporate trustee of the Diocese, the ACPT is currently the trustee of several dozen bequests from generous benefactors. Many of these bequests are held on trust for parishes pursuant to the trust instrument (generally the Will) and ACPT administers the Will in accordance with the expressed wishes of the testator or testatrix. Estate funds are predominantly invested in perpetuity by way of acquisition in the Long Term Pooling Fund, which has an inbuilt capital preservation feature through the way distributions are determined. Some bequests are held on behalf of more than a single parish and the ACPT is proud to share examples of how the income from a generous gift bequeathed

by the late Myfanwy Peters is being used to assist the needy in our community. The testatrix left a significant corpus of money on trust with the ACPT with the income able to be applied “for the relief of the needs of Sydney”. The ACPT has offered funds to the Cathedral of St Andrew and all parishes within the city of Sydney LGA. Valuable social projects funded by the bequest include “Swags for the Homeless” and for an Anglicare Chaplain to be engaged specifically for pastoring homeless people in the city of Sydney, *Rough Edges/CAPP café* and *Boronia Women* (social support for homeless people and women who are victims of domestic violence through Darlinghurst parish, *GAPP/Scarred Tree Ministry* including specific outreach to homeless indigenous people through Glebe parish, provision of food and social support for social housing residents through *One4life* ministry at South Sydney parish, long term ministries of *St James King Street, Sydney* to refugees through the *Who is my Neighbour ministry* and ministry to homeless youth through *St Laurance House*, the long established *Bread of Life* ministry offered through Vine Church Surry Hills, the Christ Church St Laurance, Sydney *Cana* ministry aimed at encouraging safe sleeping for homeless people and the St Laurance House ministry to homeless youth people and *City Care Lunch* and *Bible and Breakfast* initiatives offered by Church Hill parish to homeless people.

Synod’s Governance Policy for Diocesan Organisations

8. As detailed in the last two reports to Synod, the ACPT Board welcomed the Governance Policy for Diocesan Organisations that was approved by Synod 2019. The Board has investigated ways to adopt as many of the Governance Standards and Policy Guidelines that are included in the policy as are pragmatically possible for a trustee. Various amendments to the ACPT’s constituent documents were agreed by the Board in May 2022 and a suitable amendment ordinance is now expected to be promoted to the Standing Committee during 2023. As mentioned in our previous Annual Report, perceived structural impediment to full compliance with the Synod’s Governance Policy regarding placing maximum fixed terms for members of diocesan bodies remain. The structural impediment relates to the provisions of the *Anglican Church of Australia Trust Property Act 1917 (the Act)* which provides for 6-year appointment terms and no maximum term, so the Act would need to be amended by the NSW Parliament if such tenure compliance is to be achieved. As also previously mentioned, attempts to amend the Act have historically foundered because the NSW Parliamentary process requires all dioceses within the province of NSW to agree the amendments, and such agreement has been difficult to achieve. Options that the Standing Committee might consider to overcome the need for an amendment to the Act will be incorporated in the ACPT’s amendment ordinance.

Composition of the Board

9. Refer Appendix for details of Board membership.

Acknowledgements

10. I take this opportunity to thank parish councils, the episcopal team and the SDS teams that support the Board, especially recognising the contribution made, often in the face of intensive workloads, to deliver lasting and meaningful ministry outcomes. I also take this opportunity to acknowledge the contribution made to the efficient functioning of the ACPT through the critical skills provided by all members of the Board. The Board is especially appreciative of the Archbishop’s contribution to the governance of the Board and Archdeacon Simon Flinders, who generally attends Board meetings when the Archbishop is unable.
11. On behalf of the Board, I also extend sincere appreciation to the non ACPT members of the various sub-committees, Ms Michelle Lim (Director, KPMG with a banking and strategic advisory background) and Mr Roger Collison, (former member of the ACPT) who are both advisors to the Investment, Insurance and Finance Committee (**IIFC**), and Mr Greg Chambers Director – Building Services, Jones Nicholson), Mr Glynn Evans (architect and former member of the ACPT), Ms Charmian Reid (Development Manager - Office, Charter Hall), Ms Priscilla Tran (Development Manager, City West Housing) and Mr John Ward (Director, Fulton Trotter Architects), advisors to the Major Works Committee (**MWC**) which is very effectively led by the Rev David Ould.

12. Finally, I express my personal thanks to Mrs Melinda West, who very capably supports the Board as Deputy Chair and Chair of the Board's IIFC as well as the staff of SDS who continue to serve the Board faithfully and diligently. I particularly mention Ms Penny Barletta, who, after a decade of service to the Board and parishes as a key executive of the SDS team, departed Sydney and relocated to South Australia earlier in the year. The Board wishes God's richest blessings on Penny and her family in SA.
13. A summary of the operational aspects of the breadth of the ACPT's activities in support of parishes during 2022 is provided below by the ACPT's executive officer and Head of Parish Property Services, Mr Greg Ellem.

I commend this report to the Synod.

MR RICHARD NEAL
Chair, Anglican Church Property Trust Diocese of Sydney

May 2023

Summary by the Head of Parish Property Services, Mr Greg Ellem

1. On behalf of my Parish & Property Services (**PPS**) colleagues, Scott Lincoln, Cindy Wong, Prasanna Shanmugam, Kenneth Ho, Sally Satya and Elle Byrne, I express gratitude for the assistance provided to us by the Board, the senior episcopal team and the many parish volunteers, as we partner parishes in a variety of property and insurance matters as they continue to undertake front line Christian ministry across the Diocese.
2. We serve the Board as its executive management arm and relate to the Board in accordance with a service level agreement that is negotiated annually and is reviewed during the year.

Executive summary

3. During 2022 the SDS management team supported the ACPT in its corporate and trustee capacity as trustee for parishes and some diocesan organisations in the following areas:
 - (a) Exercised oversight and administered 5 separate building projects for amounts in excess of \$1 million with a total value of \$16.9M. A further 11 parish building projects under \$1 million were administered with an aggregate contract value of \$4.0 million. Key property projects that were completed during 2022 include a new foyer and upgrade project at Vine Church, Surry Hills, and restoration of the church building at South Sydney parish. During 2023 construction work was also completed for a new 400 seat auditorium at Narellan parish.
 - (b) 8 new properties with a total value of \$29.9 million were acquired that comprised existing dwellings for occupation as ministry residences for the parishes of Annandale, Darling Street, Ingleburn with Glenquarie, North Sydney, Northmead, Willoughby and Wollongong.
 - (c) Received, reviewed, signed and processed 465 separate documents for parishes (including development applications, building contracts, leases, licence agreements, contracts of sale, applications for grant funding, insurance claims, etc.).
 - (d) Circulated the Summer, Autumn, Winter and Spring editions of the '*Property Matters*' newsletter to parishes, aiming to enhance communication, share subject knowledge, and establish a closer working relationship. The newsletter covered various topics related to property, insurance, grants, heritage, fire safety, cemeteries and crematoria, as well as quality assurance and compliance.

- (e) Administered a record 108 Public Liability insurance claims (excluding ADSM claims) 96 Industrial Special Risk (Property and Contents) insurance claims or notifications on behalf of parishes,
 - (f) Prepared and issued 13 separate circulars to parishes about a range of policy/procedure matters such as the quarterly “About Your Invested Funds” (**AYIF**) circular to parishes and diocesan organisations on whose behalf the ACPT invested funds, advice about applications for grant funding from the NSW, Local and Commonwealth governments, advice in respect to cemeteries and columbaria, advice about using Anglican halls as polling places, as well various insurance related circulars. The final ACPT quarterly AYIF issued in January 2023 for the final quarter of 2022. From 1 January 2023, with the GAB the trustee of all major pools of diocesan investments, communications with beneficiary parishes and diocesan organisations is provided by GAB.
4. The ACPT’s executive team are particularly pleased that the aggregate value of the NSW Government’s Community Building Partnership (**CBP**) program which, alone has delivered financial support to parishes over the period 2010 – 2022 of \$16.7 million. In addition, the two WestInvest grants delivered to Dundas Telopea parish and Canterbury parish for an aggregate of \$1.4 million will assist those parishes turn ministry dreams into reality.
5. The ACPT’s executive team also met with the parliamentary staff and elected members of the NSW Government and local Councils, in relation to several specific parish building, sale and heritage projects. We are particularly pleased that the Council of the City of Sydney has recently accepted the arguments advanced by ACPT and other diocesan parties for all faith organisations with heritage assets in the Sydney LGA to be able to participate in the Council’s Heritage Floorspace Scheme (**HFS**) ACPT has funded the cost of a specialist consultant to provide advice to the Cathedral of St Andrew, St James King Street, Sydney parish, Church Hill parish and Christ Church St Laurance parish who are now eligible to participate in the HFS that is designed to deliver significant financial assistance to the maintenance, restoration and renovation of the key State and locally listed heritage assets, and will therefore, free up offertory and other income from funding these important accountabilities under the Heritage and Local Government Acts. Further meetings have occurred during 2023. Some of the outcomes achieved include supporting local parish successfully argue against several potential listings of parish assets on local heritage registers, with the associated fettering of use of the site as has been available historically, and ongoing financial impost no longer a threat to those parishes.

Constitution and purpose

6. The ACPT is an incorporated body constituted by the *Anglican Church of Australia Trust Property Act 1917*. The *Anglican Church Property Trust Diocese of Sydney Ordinance 1965* regulates the functioning of the ACPT. Pursuant to the 1917 Act, the ACPT is the legal owner and trustee of most church trust parish property within the Diocese. As proprietor, the ACPT is required to be involved in a wide range of parish property transactions, including but not limited to insurance, leases, licences, property sales/purchases, building contracts, purchase and sale contracts, loan agreements, heritage, fire safety and hazardous materials issues, administration of estates and oversight of the Grants process.

Principal ACPT Activities during 2022

7. Partnering parishes with specific significant projects:
- (a) Parish of Parramatta
- Since 2018, the parish and ACPT have been progressing a Planning Proposal through the City of Parramatta Council to give effect to a 2020 Gateway Approval from the NSW Department of Planning & Environment that will transform the parish footprint around the historic St John’s Cathedral by significantly enhancing ministry facility space while providing a robust, recurrent ground lease rental cash flow that will assist the parish and broader diocesan mission into the future. A Planning Proposal that carries the endorsement of Parramatta City Council was referred to the NSW Department of Planning several months prior to the NSW State election in March 2023. When this report was concluded in May 2023, a decision had not been communicated.

(b) Parish of Surry Hills

The project was completed during Q3 2022 with occupation occurring on 8 August 2022 and has resulted in the church building, original rectory and heritage hall all being joined together with an expansive foyer to provide much needed gathering space, improved amenities and connection to the street and green space. The church building itself has also been modernised with the floor levelled, pews removed and a new sound system, but still retains its heritage charm – even more apparent now with custom designed lighting.

(c) Parish of South Sydney

A significant restoration project was completed in Q2 2022 that has ensured the extraordinary barrel ceiling of the church building remains protected from the elements. The project included stone repair and cleaning four storeys off the ground and repair of stained-glass windows and also underground solutions being implemented to resolve rising damp problems. The investment of time and money in this project will ensure the parish is able to continue to serve the local community well into the next century.

(d) Parish of Jervis Bay and St Georges Basin

ACPT, on behalf of the parish of Jervis Bay and St Georges Basin facilitated the sale of the Huskisson church building, cemetery and rectory and the Sanctuary Point church building to realise funds that have been used to purchase a new rectory with remaining funds held to fund the construction of a new parish ministry centre at a more suitably and centrally located site in Vincentia that was acquired from Anglican Schools Corporation in 2020. A development application was approved by Shoalhaven City Council during Q1 2023 and we continue to work with the parish and Diocesan stakeholders as the next stage of the project is advanced.

(e) Parish of Wollongong

The impact of COVID-19 on the residential student population of University of Wollongong (**UoW**), led UoW to take the strategic decision to take steps to dispose of its interest in the MarketView student accommodation that is owned by UoW on parish land and subject to long term ground lease rentals. Along with the parish wardens, ACPT and its SDS executive management team concluded an assignment of the lease to 60 Market Street Holdings Pty Ltd and the property is now managed by Rydges Hotel group as an accommodation hotel.

(f) 1 York, Sydney (Parish of Church Hill and Synod as income beneficiaries)

In early 2021, the Head Lessee of the current ground lease over the building at 1 York Street, Sydney approached the Landlord (ACPT) seeking to negotiate revised terms. Those negotiations were concluded by the parish wardens and regional bishop in Q2 2022 and resulted in the lease being amended to provide the Lessee with greater certainty about its financial obligations into the future of the Ground Lease that matures in 2089, while delivering the Lessor with a significant restructuring fee and uplift in annual rental with certainty of future annual rental adjustments pending the first market rental review in 2037.

(g) Parish of Narellan

In Q1 2022 the parish of Narellan commenced construction of a 400-seat auditorium with associated welcome lounge, parents room, foyer and terrace areas integrated with the former church building converted to use as a church hall. Former demountable offices and children's ministry buildings to be replaced by a new accessible ministry centre comprising children's and youth meeting rooms, office spaces and meeting rooms, verandah, central landscaped area and amenities. Narellan is located at Spring Farm within the South West Growth Area of Sydney with significant population growth forecast to continue over the next decade.

The project was the culmination of over a decade of planning as part of a parish council masterplan for the church lands. It was funded by a residential land subdivision of surplus land at the rear of the church site, fundraising by generous church members and crucial levels of loan assistance from various diocesan stakeholders, including parishioners. The parish has patiently overcome various obstacles along the way including a downturn in the land sale market and significant increases in building prices. The building was completed and opened at Easter 2023.

8. Providing guidance to parishes about valuation of real property through the desktop valuations to over 23 parishes free of charge through ACPT's subscription to *Core Logic* in relation to prospective properties to be acquired or sold.

Titles Project and Security Packet Project

9. One function of ACPT, as Corporate Trustee of the Diocese, is that it is the registered proprietor of almost all parish property across the diocese. Because some land grants to the Diocese date back to the very early days of the Colony when there was no recognised system for recording land transactions. Various attempts were made to improve the accuracy of a register of land conveyances using various systems that included the two best known systems in NSW (Old Systems and Torrens Title. Over time, Old Systems Titles in NSW were progressively transferred to NSW Torrens Title, with the issue of single Certificates of Title that have been common for many decades now. Some Torrens Title Certificates identified the title as imperfect due to question marks on the accuracy of boundaries, etc. Historically, several parish land holdings across the diocese were imperfect or were subject to "Qualified" Title. Because uncertainty can lead to difficulties in the future, especially if a piece of land is to be sold, the ACPT, via the "ACPT Titles Project" (**the Titles Project**) has taken steps to remove the qualifications on title by progressively taking the necessary steps to re-survey some parish land and more generally take other action to rectify the nature of the "Qualification" on Title. The cost has been borne by ACPT. The Titles project is now nearing completion with only a handful of parish properties being subject to ongoing title qualification. Through its executive team in SDS, ACPT continues to work with the relevant wardens and rector of those properties and is confident that all parish properties across the diocese will be subject to unqualified Torrens title by the end of 2023.
10. In October 2021, the *Real Property Amendment (Certificate of Title) Act 2011* was passed by the NSW Government. This amendment to the Act abolished paper Certificates of Title by implementing a process to transition to "100% eConveyancing" process for all land transactions. As a consequence, it is no longer necessary for a physical Certificates of Title Register to be maintained. For ACPT, which over the course of two centuries as the Corporate Trustee of the Diocese, has collected and maintained a multitude of title deeds (both Torrens Title, while generally, also retaining many Old Systems Title deeds), this has meant that a "Safe Full" of deeds is no longer required to be maintained. As a consequence, and because some Old Title Deeds date to the very early days of the Colony, and in order to ensure preservation of historical documents for future generations, the ACPT has determined that all title deeds held on behalf of parishes, be retained and be relocated to the Diocesan Archives. This should ensure that historical records and documents are retained in an appropriate environment to optimise their preservation.

Cemeteries Licencing Scheme Update

11. Cemeteries & Crematoria NSW (**CCNSW**) proposed a licensing scheme in 2019-2020, requiring incorporated organisations to hold licenses as operators of cemeteries. The ACPT, as the corporate trustee of the Diocese, actively participated in meetings to seek to negotiate an equitable outcome for parishes. This involved emphasising the need to consider parish-specific (volunteer) circumstances, highlighting the discrepancy between initial proposals from CCNSW, and arguing for reconsideration about implementation that would adversely impact parish on volunteers due to regulatory obligations and high license costs. At the time this report was compiled, the CCNSW had not made a final determination and ACPT had also sent a further letter to the relevant minister overseeing CCNSW arguing for more equity amongst existing owners of cemeteries and specifically asking the Minister to overrule so that ACPT would be appointed the single license holder of all diocesan cemeteries in order to take the burden of adherence to legislation by alleviating communication, coordination, and cost impositions from parishes and volunteers, to lead to a better outcome for the operation and maintenance of Anglican cemeteries and columbarium.

Insurance

12. Pursuant to the terms of the *Church Insurances Ordinance 1981* the ACPT effects insurance on behalf of parishes and some diocesan organisations under the CIP. The annual renewal date of the diocesan insurance policies is 31 August. There is an annual insurance premium of approximately \$5.0million, to insure some 1,100 parish buildings and property of many diocesan organisations under the Church Insurances Program (**CIP**).
13. The ACPT Manager, Insurance Services, commences the renewal process early each calendar year by collecting key insurance data from parishes and diocesan organisations to facilitate negotiations with various investment grade insurance counterparties for suitable insurance cover. Significant time is

invested in administering the cover for those diocesan organisations that participate in the CIP (including Anglican Aid, Anglican Education Commission, Anglican Media, Arundel House, Anglican Youthworks, Camperdown Cemetery Trust, Endowment of the See Corporation, Evangelism & New Churches, GFS, Glebe Administration Board, Ministry Training & Development, Moore Theological College, Mothers Union, Sydney Anglican Loans, Sydney Anglican Indigenous Peoples Ministry Committee, St Andrew's House Corporation Council St James Hall, Sydney Diocesan Services, St Jude's Music Association, ACGC, Sydney Anglican (National Redress Scheme) Corporation (**SANRSC**), SDS Legal, Office of the Director of Safe Ministry, the Council of Living Faith and Work Outside the Diocese. This is achieved under the oversight of the diocesan insurance broker, Marsh Pty Ltd (**Marsh**). With the assistance of Marsh, insurance policies are established for a suite of insurance products with a spectrum of insurance counterparties, all of whom are ascribed an "investment grade" external counterparty credit rating by the recognised international insurance Credit Rating Agencies.

14. As noted in the report from the Chair at paragraph 6 (d), 2022 again proved to be a challenging year for insurance markets generally. It is anticipated that the year on year volatility in the cost of the CIP for parishes will be softened through the benefits derived from the second year of a two year Long Term Agreement (**LTA**) in respect to the parish Industrial Special Risk (building & contents insurance) component of the CIP (representing ~ 60% of the total cost of the CIP). This structure enabled the year-on-year increase in the cost of the ISR policy between 2020/21 and 2021/22 to be held at 7.5%. As we approach the 2023/24 insurance renewal, the value of the LTAs in respect to the ISR and General Liability lines will be felt by parishes as the year-on-year increase in ISR is restricted to 2.5% through the LTA and 0% through the LTA that is contracted for the General Liability lines.
15. 2022 was 3 years since the previous physical inspection of all real property insured under the ISR (churches) insurance policy was completed. This is a crucial piece of work as the data gathered from the physical inspections informs the declared value for reinstatement purposes of each building. Accordingly, management oversaw the physical inspection of some 1,100 individual properties across the Diocese. The project was completed on time and within budget.
16. During Q4 2022, the ACPT Board initiated tenders for two key support areas for the CIP – under aggregate deductible ISR claims management (Claims Management) and the key insurance brokerage consultancy. The outcome of those tenders was an enhanced scope and reduced cost for both consultancies which resulted in Sedgwick Claims being awarded the Claims Management consultancy and Marsh being appointed for a further 3 years as the Diocesan Insurance Broker after being successful in a competitive tender against AON and Gallaghers.
17. Insurance-related enquiries are dealt with by the Manager, Insurance Services (Cindy Wong) and the Insurance Assistant, Ms Sally Satya. The enquiries handled by Cindy and Sally include day-to-day insurance enquiries and issuance of Certificates of Currency which enable parishes to conduct off-site activities.

Cyber Insurance for parishes

18. Despite the Board's best endeavours, Marsh has been unable to find an insurer willing to provide a cyber insurance policy to cover all the parishes within the Diocese largely because it has been difficult to formulate the prerequisite Cyber Policy for rollout across parishes due to a need for a Cyber Policy "expert" to essentially be resident in each parish or Mission Area to respond to technical questions that will inevitably arise from interpreting such a Cyber Policy. We have asked Marsh to investigate the availability of self-assessment tools for parishes to use in order to provide a level of mitigation to cyber risks and the Board intends developing some Risk Management guidelines in respect to Cyber Security for uploading to the secure SDS Portal since the risk is now regarded as an uninsurable risk.

Audit of ACPT Client Funds

19. The ACPT auditor, PricewaterhouseCoopers, undertook a range of audits and Agreed Upon Procedures (**AuP**) reviews for the 2022 year in respect to ACPT client funds. Those unqualified audits and satisfactory AuP outcomes were presented to the Board in April 2023 when all accounts were adopted.

Archbishop of Sydney's Discretionary Trust (ACPT as trustee for)

20. ACPT is trustee of the Archbishop of Sydney's Discretionary Trust (**ADT**). The fund was established pursuant to the *Archbishop of Sydney's Discretionary Trust Ordinance 2012*. On 18 March 2019 the

ACPT was appointed trustee of the ADT pursuant to the *Archbishop of Sydney's Discretionary Trust Vesting and Amendment Ordinance 2019* and was no longer subject to an external audit as the client fund is just one of some 455 separate ACPT client funds. With net assets of \$1,560,918 as at 31 December 2022 (2021: \$1,616,586), the ADT was solvent.

21. On 12 May 2023, ACPT received and adopted the ADT Financial Report for 2022 and authorised the Trustee's Declaration in the report to be signed. The funds are currently invested in both the ACPT's LTPF and the GAB's DCIF.
22. Further information required by clause 14 of the *Accounts, Audits and Annual Reports Ordinance 1995* is set out in the Appendix.

Long Term Pooling Fund (ACPT as trustee for)

23. As noted in the Chair's report, ACPT's trusteeship of the LTPF ceased on 1 January 2023. For calendar year 2022, the ACPT Board provided key strategic oversight of the LTPF. During the year the Investment/Asset Consultant, Mercer Consulting Pty Ltd, concluded an annual review of the LTPF strategic asset allocation and concluded that the SAA, with a 65% Growth and 35% Defensive stock allocation remained appropriate for the risk profile approved by ACPT for the Fund. An additional Defensive option, Global Absolute Return Bonds, was introduced with an 8% weighting in order to assist diversify the defensive portfolio and to better deal with an increasing interest rate environment that has eventuated over 2023. As at 31 December 2022, the ACPT held 97 separate investments in the LTPF.
24. The Investment Objective for the LTPF over 2022 was to achieve a real rate of return of 3.5% pa over rolling 5-year periods (after external investment management fees and tax effects) subject to:
 - (a) preserving the real value of a unit in the LTPF over a rolling 10-year period (commencing 1/7/2010) with a 60% - 70% probability, and
 - (b) adopting a distribution policy that is consistent with the Investment Objective.
25. As at 31 December 2022, the aggregate value of the LTPF was ~ \$81.53 million. The average real rate of investment return generated by the LTPF over the rolling 10-year period to 31/12/2022 was 5.14% pa, considerably above the real rate of return objective (3.76%). During 2022 distributions aggregating \$2.60 million were made to beneficiary parishes and diocesan organisations (2021: \$2.46million).
26. The investment return over the period of the COVID-19 Pandemic (since March 2020 to 31 December 2022) exceeded the weighted index (weighted by the agreed asset allocation of the LTPF and its corresponding benchmarks). Over the Pandemic period, the LTPF unit price grew in excess of CPI by 0.79% p.a. between March 2020 and 31 December 2022.
27. As at 31 December 2022, the Total Portfolio Return for the prior 3, 10 years and since inception (since June 2010) exceeded the CPI + 3.5%p and weighted index benchmarks. Over the 5 years to 31 December 2023, the Total Portfolio return of 5.72% pa was below the CPI +3.5% pa benchmark (6.83%) and Weighted Index benchmark (5.67%).
28. During 2022, quarterly reports were received from the investment and asset manager, Mercer Pty Limited (**Mercer**) that demonstrated that ACPT's Ethical Investment Policy (**EIP**) was in compliance throughout the review period. ACPT's EIP requires underlying fund managers to positively tilt their portfolios to ethical companies and to maintain carbon intensity exposures below that of equivalent market benchmarks within the actively managed listed asset classes.
29. Overseas Shares are passively managed so there is no difference from the benchmark in terms of carbon intensity. The ACPT is well advanced in taking a similar approach to seeking a reduction in the carbon intensity of other parts of the portfolio in due course. A copy of the ACPT's EIP can be found at www.sds.asn.au.
30. The EIP also retains the "negative screens" (that is, screening out "disapproved businesses") such as businesses deriving income from "Prohibited Businesses" as defined by the Standing Committee.
31. The EIP was initially adopted and implemented by the ACPT with the endorsement of the Standing Committee in 2016. The policy was reviewed by ACPT during 2020 and a subcommittee, comprising members of ACPT, GAB and Anglican Super has been assembled to consider a diocesan wide EIP for

consideration by either Synod or Standing Committee. That subcommittee is expected to report to the Standing committee during 2023.

Oversight and sponsorship of Grants Applications/Implementation

Grants Hub subscription

32. During Q1 2023m the ACPT authorised a subscription to Grants Hub, which is the focal point for government grants to be notified well ahead of application periods commencing. ACPT's executive team issues timely Circulars to all relevant parish wardens and rectors as well as the respective regional Bishops as Grant opportunities become known. In addition to sharing directly with parishes, details of grant opportunities relevant to ACGC's Urban Renewal Parish Projects are shared with the ACGC management team.

Sydney Grants Administration Fund (Client Fund 0785)

33. The Sydney Grants Administration Fund is the Fund held on trust by ACPT to receive grants and payments, including government grants for specific parish projects. Some 63 of grants received by the Fund are derived from the NSW Government's Community Building Partnership Grant program for which grants are generally made annually as well as the NSW Government's Westinvest Grant Program, Stronger Community Programme grants, Volunteer grants, Heritage grants, Regional Areas and Local Areas grants, Solar panel grants, and other miscellaneous grant programmes including CCTV.
34. By far, the largest grants program over the past decade and a half has been the CBP. Since the initial CBP grants were announced in 2009, the ACPT has promoted, facilitated, and administered all CBP Grant Programs. The process includes:
- (a) assisting parishes construct applications and liaising with local MPs
 - (b) reviewing documentation and grant conditions applicable to each successful parish
 - (c) responding to enquiries from parishes about various aspects of the CBP Grant Program
 - (d) responding to enquiries from the NSW CBP Office and NSW Government Members of Parliament about successful parish projects
 - (e) receiving and distributing grant funds to each successful parish
 - (f) progress and acquittal reporting to the NSW State Government in accordance with grant application criteria
 - (g) following up incomplete acquittal information from grantees to satisfy NSW Government CBP Grant Program audit procedures and ensure that parishes are given a fair opportunity to share in future CBP Grant Programs.
 - (h) The data collected over the years of CBP Grant Programs is currently being analysed for information about successful applications and the lessons learnt will be provided to parishes through a new Grants tab on the SDS Parish Property page in due course.
35. A summary of the grants received from CBP Grant Programs since the program commenced in 2009 follows –

Year	No. of successful Parishes	\$ Grant amount (rounded)
CBP 2009 - 2021 CBP (I) – (XII)	739	15,180,036
CBP 2022 (XIII)	55	1,467,201
Total	794	16,647,237

36. In addition to the \$1,363,065 received over 2022 from CBP Grant programs, the Fund received grants totalling more than \$2,923,065 including Stronger Communities Program, CCTV grants, Powering Communities Program, My Community Projects Program, Westinvest Program and others across a number of Federal, other NSW State and Local Government Grant programs. (2021: \$1,313,889).

37. Further information required by clause 14 of the *Accounts, Audits and Annual Reports Ordinance 1995* is set out in the Appendix.

Property and Insurance team

38. The SDS parish and property services team who support the ACPT look forward to continuing to serve parishes and diocesan organisations. Prior to Christmas 2022, Ms Grace Shi, a part time assistant in the team, proceeded on extended parental leave. Earlier this year, Mr Prasanna Shanmugam was appointed as a fulltime manager to the team to provide management relief for Ms Shi's absence and to provide specific focussed oversight of the Grants process, Heritage, Fire Safety and Cemetery legislation requirements for parishes and the ACPT, along with the provision of compliance and support for the ACPT and parishes. Details, including contact details for the Parish Property Services team during 2023 are shown below –

Greg Ellem, Head of Parish Property (Temporarily also Manager, Parish Property, Northern Region)	gxe@sydney.anglican.asn.au	02 9265 1546
Scott Lincoln, Manager Parish Property (Western Sydney, Georges River and Wollongong regions and temporarily South Sydney region)	sxl@sydney.anglican.asn.au	02 9265 1633
Cindy Wong, Manager, Insurance Services	cpw@sydney.anglican.asn.au	02 9265 1679
Prasanna Shanmugam, Manager, Compliance & Support Parish Property	pks@sydney.anglican.asn.au	02 9265 1562
Kenneth Ho, Assistant, Parish Property	Kenneth.Ho@sydney.anglican.asn.au	02 9265 1516
Sally Satya, Insurance Assistant	ssatya@sydney.anglican.asn.au	02 9265 1557
Elle Byrne, Assistant, Parish Property (Monday, Wednesday, Thursday)	elle.byrne@sydney.anglican.asn.au	02 9265 1517

GREGORY ELLEM
Head of Parish Property

May 2023

Additional information required by Accounts, Audits and Annual Reports Ordinance 1995

This appendix sets out additional information required by clause 14 of the *Accounts, Audits and Annual Reports Ordinance 1995* for the following trusts held by the ACPT -

- The Archbishop of Sydney's Discretionary Trust
- The Anglican Church Property Trust (Sydney) Long Term Pooled Investment Fund
- The Anglican Church Diocese of Sydney Grants Administration Fund

Charities group status report (clause 14(c))

Legal name and ABN of entity (and any other entity under its control)	Whether registered with the ACNC as a charity? (√/X)	Whether an AIS and, if applicable, an annual financial report and auditor's or reviewer's report provided to the ACNC for 2021? (√/X)
Archbishop of Sydney's Discretionary Trust ABN 82 339 428 846	√	√
Anglican Church Property Trust (Sydney) Long Term Pooled Investment Fund ABN 40 383 894 774	√	√
Anglican Church Diocese of Sydney Grants Administration Fund ABN 19 344 575 886	√	√

Access information (clause 14(d)(i))

The principal office is
Level 2, St Andrew's House,
Sydney Square

Mail: PO Box Q190
QVB Post Office, NSW 1230

Phone: (02) 9265 1555

Hours of access are between 8.30am and 5.30pm

Members (clause 14(d)(ii))

Throughout 2022 the Board comprised the following members –

Name of member	Method and term of appointment	Attendance at meetings	Membership of significant board committees
The Most Rev Kanishka Raffel	Ex Officio – President. Term expires at conclusion of episcopacy.	7 of 12	Various ex officio committees

Name of member	Method and term of appointment	Attendance at meetings	Membership of significant board committees
The Rev Canon Christopher Allan	Synod – expires Synod 2023	11 of 12	Sub Dean, Cathedral of St Andrew, the Archbishop's Committee for portraits, etc, board of ACGC, and Council of SHORE
Mr Wayne Bramley	Synod – expires Synod 2024	11 of 12	ACPT's IIFC **
Mr Richard Neal (Chair)	Synod – expires Synod 2025	12 of 12	ACPT's IIFC** and MWC **
Mr David Nelson	Synod – expires Synod 2026	12 of 12	Nil
The Rev David Ould	Synod – expires Synod 2027	11 of 12	ACPT's IIFC** and MWC** (Chair), Anglican Super Board, Ethical Investment Working Group.
Mr Ian Pike	Synod – expires Synod 2025	11 of 12	ACPT's IIFC
Mr Peter Rusbourne	Synod – expires Synod 2027	9 of 12	Nil
The Rev Andrew Schmidt	Synod – expires Synod 2023	12 of 12	Nil
Ms Margaret Stuart	Synod – expires Synod 2026	9 of 12	Ethical Investment Working Group
Mrs Melinda West (Deputy Chair)	Synod – expires Synod 2025	11 of 12	ACPT's IIFC ** (Chair) and MWC ** Standing Committee and Synod

** IIFC – Investment, Insurance & Finance subcommittee of the ACPT

** MWC – Major Works Committee subcommittee of the ACPT

Charter and financial results summary (clause 14(d)(iii) and (v))

Name of entity	Charter	Financial Results
Archbishop of Sydney's Discretionary Trust (ADT)	<p><i>In accordance with Clause 5 of the Archbishop's Discretionary Trust Ordinance 2012, the ADT is held on trust for the purposes of the Anglican Church of Australia in the Diocese of Sydney (the Diocese). The capital of the ADT is to be invested and may be applied for such purposes of the Diocese as the Archbishop-in-Council may approve.</i></p> <p><i>30% of the income of the trust fund is to be capitalised and the undistributed income of the trust fund may be applied for such purposes of the Diocese as the Archbishop may approve.</i></p>	<p><i>As at 31 December 2022, the ADT held net assets of \$1,560,918 (31 December 2021: \$1,616,586). The ACPT deemed the ADT solvent as at the 31 December 2022 balance sheet date.</i></p>

Name of entity	Charter	Financial Results
<p>Anglican Church Property Trust (Sydney) Long Term Pooled Investment Fund</p>	<p>In accordance with paragraphs 3 and 4 of the LTPF Ordinance 2012, the LTPF is held by ACPT on trust for the Anglican Church of Australia in the Diocese of Sydney to make distributions of income to invested client funds, and to pay costs and expenses of ACPT in performing its functions and exercising its powers under this ordinance. The ACPT is to invest, manage and administer the LTF and maintain the real value of the LTPF</p>	<p>The average real rate of investment return generated by the LTPF over the rolling 10 year period to 31/12/2021 was 5.14%pa, considerable above the real rate of return objective. As at 31 December 2022, the aggregate value of the LTPF was ~ \$81.53 million and during 2022 distributions aggregating \$2.60 million were made to beneficiary parishes and diocesan organisations.”</p>
<p>Anglican Church Diocese of Sydney Grants Administration Fund</p>	<p>In accordance with paragraphs 4 and 5 of the <i>Sydney Grant's Administration Ordinance 2019</i>, the fund is held on trust for the Anglican Church of Australia in the Diocese of Sydney to receive grants and payments, including government, grants, for purposes including specific projects and also broader purposes that are not specific to any particular type of grant, on behalf of Anglican entities and to receive distribute/apply those grants in accordance with the purposes for which they have been made.</p>	<p><i>Over 2022, NSW Govt. Community Building Partnership grants were received for 55 separate parishes in the aggregate amount of \$1,467,201</i></p> <p>In addition to the CBP Grant programs, the ACPT administered in excess of 1.4m across 22 parishes a number of Federal, State and local Government Grant programs.</p>

Conformity with Synod Governance Policy (clause 14(e))

The Synod Governance Policy applies to ACPT as trustee of the Archbishop’s Discretionary Trust, Long Term Pooled Investment Fund and Sydney Grants Administration Fund.

Refer paragraphs 7 and 8 of this Annual Report.

Work Outside the Diocese

(A report of the Work Outside the Diocese Committee.)

Key Points

- The Work Outside the Diocese Committee (**the Committee**) is funded through an allocation from the funds available to Synod each year. For both 2022 and 2023 Synod was able to maintain the allocation at 5% of total funds available, which amounted to \$349,000 and \$347,000 respectively.
- The Committee continues to use these funds, supplemented by its own limited accumulated reserves, to provide financial support for various strategic gospel initiatives both within Australia and overseas.
- In both 2022 and 2023, Synod has allocated a separate amount of \$250,000 for funding the Diocese of Bathurst, to be administered by the Committee.

Purpose

1. The purpose of this report is to provide Synod with information in relation to the activities and expenditure of the Work Outside the Diocese Committee in 2022, and its plans for 2023.

Recommendation

2. Synod receive this report.

Background

3. The Work Outside the Diocese Committee (**the Committee**) is responsible for –
 - (a) making recommendations to the Diocesan Resources Committee about triennial Synod funding for the purpose of supporting work outside the Diocese, and
 - (b) authorising the expenditure of Synod funds allocated for this purpose under delegation from the Standing Committee and in accordance with any policy or direction given by the Standing Committee or Synod from time to time.
4. The Committee is required to report to the Standing Committee in March of each year a summary of its activities and expenditure in the previous financial year, together with a plan for the current year.
5. The *Synod Appropriation and Allocations Ordinance 2022* passed by Synod last year continued the commitment to allocate 5% of the funds available to Synod each year to support Gospel work beyond the Diocese. As a result, the allocation to Gospel work outside the Diocese was \$349,000 in 2022 and then \$347,000 in 2023.

During 2022

6. During 2022 the Committee provided the following financial support to other dioceses within Australia –
 - (a) Armidale – \$5,000 in general support plus \$20,000 special support of ministry expenses and \$10,000 support for the Coledale Frontyard church,
 - (b) North West Australia – \$60,000 in general support,
 - (c) Northern Territory – \$54,000 to support the Ministry Development Officer and \$12,000 for the Missionaries Travel and Safety Fund, and
 - (d) Tasmania – \$5,000 in general support.
7. Last year the Committee also provided \$1,000 to support the National Aboriginal & Torres Strait Islander Anglican Council.

8. Again in 2022 the Committee's work overseas was severely limited as a result of travel restrictions resulting from the COVID-19 pandemic. The Bishop for International Relations was able to make a couple of trips to Africa and South East Asia, and Bishop Davies attended the Primate's Council meeting in Kigali on behalf of the Archbishop, but there were no sponsored visitors to Sydney. Nevertheless, the Committee was able to –
 - (a) pay a total of \$20,601 in airfares, accommodation and related costs for the Archbishop, Bishop Davies and the Bishop for International Relations to travel overseas to maintain and develop strategic relationships with other evangelical leaders, \$12,621 of which was specifically GAFCON related travel,
 - (b) provide \$8,000 in bursaries for students at St Patrick's Bible School in Toliara, Madagascar,
 - (c) provide another \$5,000 of support for an evangelical church planting initiative in Dublin,
 - (d) make a \$6,000 contribution to the course fees, etc for the Rev Wilston Trin, from the Diocese of Kuching in East Malaysia, studying at Moore Theological College,
 - (e) provide a further \$80,000 contribution to the administration costs of Fellowship of Confessing Anglicans Aotearoa New Zealand (FCAANZ), and
 - (f) continue its \$10,000 pa contribution to the costs of the GAFCON Secretariat.
9. As a result of the restrictions on overseas travel the Committee's allocation of funds in 2022 was approximately 56% within Australia and 44% overseas.
10. The Committee also acted as the conduit to provide \$250,000 of Synod funds to the Diocese of Bathurst.

Budget for 2023

11. The largest single component of the Committee's budget for 2023 (excluding the funding for Bathurst) is an amount of \$150,000 which has been set aside to provide bursaries for delegates to Gafcon IV, to be held in Kigali, Rwanda 17-21 April 2023. Most of the bursaries the Committee will provide will be for delegates from Tanzania, Democratic Republic of the Congo and the Indian Ocean plus some from South East Asia. For each of the last 4 years the Committee has been adding to a provision established for this purpose, and because of the importance of this initiative, in 2023 the Committee will supplement that provision by drawing on its reserves to make up the total of \$150,000, resulting in a deficit budget for 2023.
12. In addition to providing some of the funds needed for the Gafcon bursaries, the Committee will use the Synod funds provided in 2023 to maintain the support it gives to other dioceses in Australia and again offer a significant level of support to FCAANZ. General provisions have been made to cover strategic travel initiatives, Moore College related training and bursaries, and other emerging strategic initiatives.
13. As a result of the large amount set aside to provide Gafcon bursaries, the Committee is budgeting to allocate 72% of its funds to work outside Australia in 2023.
14. For what will be the fifth year of a six year commitment, the additional specific allocation of \$250,000 provided by Synod for the financial support of the Diocese of Bathurst will again be applied in full for that purpose, via monthly payments.
15. Details of the Committee's Funding Principles and Guidelines can be found in *Attachment 2*. Details of the actual allocation of funds in 2022 and the budget for 2023 are shown in *Attachment 3*.
16. The Committee has formed a sub-committee to investigate and report on the best ways to continue to strengthen its compliance with the Australian Charities and Not-for-profits Commission's External Conduct Standards.

For and on behalf of the Committee

Resolutions of the 2022 Synod

16/22 Fund 127 Work Outside the Diocese

Synod requests that a report be provided to each ordinary session of the Synod in relation to Fund 127 (“Work Outside the Diocese”), advising which projects or organisations were funded, how much each received, and for what specific purpose(s).

53/22 Obedience to Jesus’ Great Commission

The Synod of the Diocese of Sydney notes the broken state of our national church and, humbly acknowledging and repenting of our own sins, resolves 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.

WORK OUTSIDE THE DIOCESE COMMITTEE (WOD)

Funding Principles and Guidelines

The WOD Committee exists to assist the Diocese of Sydney to pursue its global vision through the distribution of resources provided by the Synod for this purpose. The Committee acknowledges Synod resolution 53/22 and targets its grants to the promotion and support of gospel ministry outside of the Diocese that seeks to raise up Christian leaders and establish and support churches (primarily, but not exclusively, in the Anglican Communion). Given limited resources, priority needs to be given to applications that are aligned with the current strategic goals of the Diocese, including the strengthening of gospel proclamation and supporting our partners in the Gafcon movement.

In budgeting the allocation of funds, the following guidelines are employed:

1. Allocate a portion of the funds available to each major category of expenditure, reserving flexibility to vary these where needed.
2. Apply approximately 45% to work outside the diocese, but within Australia including, but not limited to:
 - (a) Support for the Dioceses of Armidale, North West Australia, Tasmania and Northern Territory (the latter intended primarily for indigenous pastors, congregations and Bible translation);
 - (b) Minimal support for the National Aboriginal and Torres Strait Islander Anglican Council; and
 - (c) Other specific short term projects.
3. Apply approximately 55% to work outside Australia including, but not limited to:
 - (a) Travel (usually economy class) and related costs in establishing and maintaining gospel-driven strategic links with overseas leaders as a key expression of the Diocese's fellowship –
 - (i) for the Archbishop to attend (overseas) conferences and speaking engagements;
 - (ii) for other senior clergy from Sydney travelling overseas; and
 - (iii) for visiting clergy coming to Sydney;
 - (b) Support for Gafcon and Gafcon aligned dioceses;
 - (c) Support for overseas projects delivering Bible-based theological education for undergraduate, postgraduate and lay students –
 - (i) training leaders, heads of Bible schools, visits of MTC lecturers, etc.; and
 - (ii) providing bursaries and other support to students;
 - (d) Translation, distribution and running of Moore Theological College's PTC courses; and
 - (e) Other specific short term projects.
4. Unspent funds will occasionally be held, but only to allow for prudent cash management and reasonably anticipated future needs.
5. Apply special funding as directed by Synod (e.g., Bathurst).

In assessing applications, the following guidelines are employed:

1. The following factors are considered in relation to each application for funding received:
 - (a) Alignment with the strategic priorities of the Diocese (to multiply believers, churches and leaders);
 - (b) Alignment with the reformed evangelical character of the Anglican Communion;
 - (c) Alignment of the recipient with the request in paragraph (i) of Synod resolution 43/19 (ie, not acting contrary to the Church's doctrine of marriage);
 - (d) Strategic impact of the project;
 - (e) Appropriateness of the project being funded, or partially funded, by others (e.g. where the interests of others are promoted, for larger projects or where the applicant receives separate Synod funding); and
 - (f) Support of a significant local sponsor.
2. Other factors being equal, the committee has a preference for:
 - (a) Funding a range of projects;

- (b) Assisting those with limited access to alternative funding sources;
- (c) Seed funding with a plan for ongoing viability (although some long term reliance is expected);
and
- (d) Significant notice (12 months is preferred, although this is not always possible).

These guidelines should be reviewed on an annual basis at the time of setting the budget.

Reviewed February 2023

Work Outside the Diocese – Budget 2023

	2022 Budget	2022 Actual	2023 Budget
WITHIN AUSTRALIA			
Other Dioceses -			
Armidale	5,000	5,000	5,000
Armidale - special support of ministry expenses	-	20,000	-
North West Australia	60,000	60,000	60,000
Tasmania	5,000	5,000	5,000
Northern Territory	66,000	66,000	70,000
Indigenous ministries -			
National Aboriginal and Torres Strait Islander Anglican Council (NATSIAC)	1,000	1,000	1,000
Armidale Diocese - Coledale Frontyard church	10,000	10,000	10,000
WITHIN AUSTRALIA SUBTOTAL	147,000	167,000	151,000
Funding the Diocese of Bathurst	250,000	250,000	250,000
WITHIN AUSTRALIA TOTAL	397,000	417,000	401,000
OUTSIDE AUSTRALIA			
Strategic EOS travel and visitors -			
Archbishop's overseas visits	-	1,078	-
Bishop Malcolm Richards overseas visits	-	6,902	-
Sponsored visitors to Sydney	-	-	-
<i>General provision</i>	35,000	-	45,000
SUBTOTAL	35,000	7,980	45,000
Training leaders and providing bursaries -			
Madagascar - contribution to Bible School bursaries	8,000	8,000	8,000
Malaysia - contribution to fees, etc for the Rev Wilston Trin at MTC	6,000	6,000	6,000
<i>General provision</i>	6,000	-	11,000
SUBTOTAL	20,000	14,000	25,000
Moore College PTC related -			
Clergy training in PNG	3,000	-	3,000
Northern Ireland ministry apprentice training - bursaries at MTC	12,500	-	12,500
Training ministry candidates in New Caledonia	3,000	-	3,000
<i>General provision</i>	12,000	-	12,000
SUBTOTAL	30,500	-	30,500
GAFCON -			
Subsidies for delegates	-	-	150,000
Travel by Archbishop, Malcolm Richards and others	20,000	12,621	20,000
Support for central Administration	10,000	10,000	10,000
Peter Jensen's mobile phone	1,000	873	1,000
SUBTOTAL	31,000	23,494	181,000

Continued...

Continued...

Other

Travel insurance
 Support for FCAANZ
 Support for the Dublin Silicon Docks Project
General provision for emerging strategic initiatives

184	184	354
80,000	80,000	80,000
5,000	5,000	-
10,000	-	20,000
95,184	85,184	100,354
211,684	130,658	381,854
608,684	547,658	782,854

OUTSIDE AUSTRALIA SUBTOTAL

WOD TOTAL

Movements in WOD Fund 127 during the year
<u>add</u> new Synod allocation - Gospel ministry
<u>add</u> new Synod allocation - funding for Bathurst
<u>add</u> interest earned
<u>less</u> SDS fee
<u>less</u> Anglican Aid fee for overseas payments and ECS compliance
<u>less</u> grants and other funds expended (WOD TOTAL above)
= Cash surplus/(deficit) for the year
<u>less</u> amount set aside as reserve towards the costs of Gafcon in 2023
= Net result for the year

349,000	349,000	347,000
250,000	250,000	250,000
100	1,797	2,000
(14,385)	(8,388)	-
-	-	?
(608,684)	(547,658)	(782,854)
(23,969)	44,751	(183,854)
(20,000)	(20,000)	(20,000)
(43,969)	24,751	(203,854)

Net Assets/Equity at year end
Funds brought forward from previous year
Cash surplus/(deficit) for the year
= Funds available at year end
Comprising -
Reserve for Gafcon in 2023 (\$20k provision each year from 2019) & 2028
General funds
Funds available at year end

210,660	210,660	255,411
(23,969)	44,751	(183,854)
186,691	255,411	71,557
80,000	80,000	20,000
106,691	175,411	51,557
186,691	255,411	71,557

**First Session of
53rd Synod**

(to be held on 11 – 13 and 18 – 19 September 2023)

Book 2

(Pages 222 to 395)

**Supplementary
Reports and Papers**

Standing Committee of the Synod
Anglican Church Diocese of Sydney

Supplementary Reports and Papers for 2023

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Discontinuation of the Affiliated Churches Program 46/19 Fellowship with Anglicans outside the Diocese

(A report of the Standing Committee.)

Key Points

- The Affiliated Churches Program (the **Program**) was established by ordinance in 2005, to provide a mechanism whereby the Diocese could provide some basic services and support to independent churches outside the Diocese who sought affiliation. This has been a means of supporting gospel ministry around Australia. The Diocese is currently affiliated with 13 such independent churches.
- Since the commencement of the Program in 2005, the Fellowship of Independent Evangelical Churches (**FIEC**) has grown in strength and number. The FIEC, by its very nature, is well suited to provide much of the support and services to its members and has grown in recognition, which has removed much of the need for the Affiliate Program.
- A recent review undertaken by the Standing Committee found that many of the intended benefits of the Program are not actually taken up by the Affiliates, and the few services which are utilised by the Affiliates could be provided by virtue of a services arrangement directly with Sydney Diocesan Services (**SDS**).
- The Standing Committee has written directly to each Affiliate to foreshadow the possibility of discontinuing the Program and seeking comment. Feedback provided by the Affiliates indicated agreement and acceptance that the time had come to discontinue the program, and generally expressed their appreciation for the Program in its time and the desire to continue in fellowship with the Diocese.
- Standing Committee intends to discontinue the Program in 2024, while providing continued access for those independent churches who wish to access advice from SDS and the Office of the Director of Safe Ministry.

Purpose

1. The purpose of this report is to advise the Synod of the Standing Committee's intention to discontinue the operation of the *Affiliated Churches Ordinance 2005* (**the Ordinance**).

Recommendations

2. Synod receive this report.
3. Synod, noting the report 'Discontinuation of the Affiliated Churches Program', note that following discussion with and support from current Affiliated Churches, the Standing Committee intends to discontinue the Affiliated Churches Program in 2024.

Background

4. By Resolution 46/19, the Synod, among other things, requested the Standing Committee to review the operation of the *Affiliated Churches Ordinance 2005* and bring a report to the next session of Synod with any recommendations for amendment.
5. The Affiliated Churches Program (the **Program**) was established in 2005 by the *Affiliated Churches Ordinance 2005* to enable non-Anglican churches outside the Diocese to become affiliated with the Diocese and as a consequence to access benefits of affiliation, principally in the form of services not otherwise readily available to independent churches in Australia.

6. The Program has been a means for the Diocese to support gospel ministry around Australia. The Diocese is currently affiliated with 13 independent churches (**Affiliates**), and at its peak the Diocese was affiliated with 14 independent churches (one church closed and the affiliation agreement ended).

Discussion

Benefits of the Program

7. The Ordinance lists ten benefits available to churches that affiliate with the Diocese under the Ordinance. Briefly, these are –
- (i) membership of the Superannuation fund,
 - (ii) Long Service Leave continuity of service,
 - (iii) insurance cover as part of insurance cover obtained by the ACPT,
 - (iv) access to administrative, secretarial and accountancy services,
 - (v) participation in the sickness and accident fund,
 - (vi) participation in Sydney's Stipend continuance insurance,
 - (vii) participation in the Clergy Removals fund,
 - (viii) ability to take out loans from Sydney Anglican Loans,
 - (ix) expressing publicly their affiliation with the Diocese,
 - (x) access to advice from the Office of the Director of Safe Ministry (**ODSM**), and some element of participation on ODSM processes if required.
8. In practice, the thirteen Affiliates have only taken up benefits related to membership of the superannuation fund (i), accountancy advice (iv) and access to advice from the ODSM (x); as well as informal legal advice (not specifically provided for) and the benefit of credibility gained through a public expression of their affiliation (ix). Each of these benefits are able to be provided to independent churches without the formal Affiliation Program.

Fellowship of Independent Evangelical Churches

9. While the scope of benefits taken up by Affiliates has been limited, it has also become apparent that the need for benefits under the Program have reduced over time. A key consideration is the increasing capability and recognition of the Fellowship of Independent Evangelical Churches (**FIEC**). FIEC has grown significantly since the commencement of the Program in 2005, and is well-suited to provide support and services to its members. Most notably, the FIEC is now sufficiently well-known and regarded that Affiliates generally rely upon membership of FIEC, rather than Affiliation with Sydney, to establish 'credibility' as a Bible-based ministry. These factors have removed much of the need for the Affiliate Program.

Continued partnership in the Gospel

10. Affiliates frequently specify partnership, expressed by prayer and encouragement, as one of the more important benefits of Affiliation. This partnership is valued by the Diocese and intended to continue; but is not reliant upon the Ordinance and formal Affiliation under the Program.

Obligations resulting from the Program

11. The Program brings with it an obligation upon each Affiliate to provide annual returns, containing financial and ministry information, analysis and comment. These ongoing requirements are necessary as long as a formal affiliation continues; but are an unnecessary distraction for the Affiliates and the Diocese, given the benefits used and valued by Affiliates may be provided without formal Affiliation.

Consultation with Affiliates

12. The Standing Committee wrote directly to each Affiliate in June 2023, foreshadowing the possibility of discontinuing the Program and inviting comment. Feedback provided by the Affiliates indicated agreement and acceptance that the time had come to discontinue the program, and generally expressed their appreciation for the Program in its time and the desire to continue in fellowship with the Diocese. We received responses from 11 of the 13 Affiliates. Following are three comments typical of those received –

“Thank you so much for your past affiliation with [our church]. Thanks for the helpful information and fellowship. We agree to thankfully, wind up our affiliation with you, given where the FIEC is now and greatly appreciate our past affiliation.”

“We want to first acknowledge our gratitude to the Sydney Diocese for their support of independent churches like ours when FIEC was smaller. As FIEC has grown, so has their ability to provide advice and resources. Although we have rarely sought advice from Sydney Diocesan Services, their advice has been invaluable, and knowing we can access this advice/help has been a great comfort to us, so having access to these services would be beneficial into the future.”

“I concur with your sentiments. Over the years we had need to seek help from the Sydney Diocese and each time we have received that help. I suspect being an affiliated member did not matter. Your Gospel generosity is obvious. Into the future, informal Gospel partnership rather than formal affiliation makes sense. Please pass on our gratitude. Sydney Anglicans continue to be a great example of Gospel generosity.”

Discontinuation of the Program

13. Standing Committee intends to discontinue the Program in 2024, while providing continued access for those independent churches who wish to access advice from Sydney Diocesan Services and the Office of the Director of Safe Ministry.

For and on behalf of the Standing Committee.

BRIONY BOUNDS
Diocesan Secretary

14 August 2023

7/22 Implementation of the Recommendations of the Royal Commission into Institutional Child Sexual Abuse

(A report from the Standing Committee.)

Key Points

- The Synod has requested the Standing Committee to provide a status report in relation to the actions being undertaken to implement the recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse.
- This report provides an update on the actions that have been taken to the recommendations of the Royal Commission that apply to the Anglican Church Diocese of Sydney.

Purpose

1. The purpose of this report is to respond to Synod Resolution 7/22 by providing a further update on the implementation of the recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse (the **Royal Commission**) that are applicable to the Anglican Church Diocese of Sydney.

Recommendations

2. Synod receive this report.
3. Synod request the Standing Committee to provide a further update to the next session of the Synod in relation to implementation of the actions set out in the table to the report.

Background

4. Synod resolved as follows at its 2022 session concerning implementation of the recommendations of the Royal Commission -

Synod, noting the report 3/19 Implementation of the Recommendations of the Royal Commission into Institutional Child Sexual Abuse, requests the Standing Committee to provide a further update to the next session of the Synod in relation to implementation of the actions set out in the table to the report.

5. The Royal Commission made 58 recommendations to 'religious institutions' and 'religious organisations'. Of these, 28 relate to institutions and organisations generally and 5 recommendations relate directly to the Anglican Church of Australia. The remainder relate to other specific religious institutions and organisations.
6. For the purposes of the Royal Commission's recommendations, the Diocese of Sydney is an 'institution', an 'organisation' and an 'affiliated institution' as defined by the Royal Commission. This is because:
 - (a) The Royal Commission defines a 'religious institution' as "an entity that operates under the auspices of a particular religious denomination and provides activities, facilities, programs or services of any kind that provide the means through which adults have contact with children". It lists 'dioceses' as an example of a religious institution.
 - (b) The Royal Commission defines a 'religious organisation' as "a group of religious institutions from a particular religious denomination or faith that coordinate and/or organise together". The Anglican Church of Australia is a 'religious organisation' for this purpose.
 - (c) The Diocese of Sydney is an 'affiliated institution' for the purposes of some recommendations because of its relationship to the General Synod.

7. This report considers those recommendations of the Royal Commission that apply to the Anglican Church Diocese of Sydney in these various capacities.

Discussion

8. The table in the Appendix –
 - (a) lists each of the 33 recommendations of the Royal Commission that apply to the Diocese of Sydney (in columns 1 and 2);
 - (b) indicates whether or not the recommendation has been implemented (in column 3); and
 - (c) sets out the actions that have been undertaken in relation to the recommendations (in column 4), including which items have been updated since the 2022 report to Synod.

For and on behalf of the Standing Committee.

BRIONY BOUNDS
Diocesan Secretary

14 August 2023

Implementation of the recommendations of the Royal Commission addressed to the Anglican Church Diocese of Sydney

Key



= full or substantial implementation.




= no or partial implementation.




Note: This report is based on the 2022 report to the Synod. Where the Action Taken column has been updated since 2022, this is noted with “#”. All other actions are unchanged from 2022. Terminology has also been updated, where appropriate, to reflect the revised terms adopted at Synod in 2022 (such as ‘Office of the Director of Safe Ministry’ in place of ‘Professional Standards Unit’).

1 Framework Recommendations concerning the Child Safe Standards

No.	Recommendation	Compliance	Action Taken
16.31	All institutions that provide activities or services of any kind, under the auspices of a particular religious denomination or faith, through which adults have contact with children, should implement the 10 Child Safe Standards identified by the Royal Commission.		<p>By resolution 3/19, Synod endorsed implementation of the Royal Commission's Child Safe Standards by institutions within the Diocese of Sydney.</p> <p>The Child Safe Scheme in the <i>Children's Guardian Act 2019</i> (NSW) requires religious bodies in NSW to implement the Child Safe Standards through systems, policies and processes.</p> <p>The Standards are implemented through many of the actions indicated below.</p>
16.32	Religious organisations should adopt the Royal Commission's 10 Child Safe Standards as nationally mandated standards for each of their affiliated institutions.		The recommendation for adoption is superseded by the Child Safe Scheme under the <i>Children's Guardian Act 2019</i> (NSW), which is mandatory for religious bodies.
16.33	Religious organisations should drive a consistent approach to the implementation of the Royal Commission's 10 Child Safe Standards in each of their affiliated institutions.		<p>#</p> <p>The <i>Safe Ministry Board Ordinance 2001 Amendment Ordinance 2022</i> made it a function of the Safe Ministry Board to “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” (cl. 6(c)).</p>
16.34	Religious organisations should work closely with relevant state and territory oversight bodies to support the implementation of and compliance with the Royal Commission's 10 Child Safe Standards in each of their affiliated institutions.		<p>#</p> <p>The <i>Safe Ministry Board Ordinance 2001 Amendment Ordinance 2022</i> has provided for the Safe Ministry Board to have a consultation role with government and non-government bodies, including the Office of the Children's Guardian.</p>

No.	Recommendation	Compliance	Action Taken
16.35	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.		# The <i>Ministry Standards and Safe Ministry Amendment Ordinance 2022</i> amended the <i>Accounts, Audits and Annual Reports Ordinance 1995</i> to require organisations to provide reports to the Safe Ministry Board if it is required to report to a regulator regarding the Child Safe Standards or is the subject of a report concerning them.

2 Child Safe Standard 1: Child safety is embedded in institutional leadership, governance and culture


No.	Recommendation	Compliance	Action Taken
16.36	Consistent with Child Safe Standard 1, each religious institution in Australia should ensure that its religious leaders are provided with leadership training both pre- and post- appointment, including in relation to the promotion of child safety.		# At the Safe Ministry Board's request, the safe ministry modules are being reviewed over the next 3 months to ensure that they are meeting the requirements of Royal Commission Recommendation 16.36. As part of this review the Office of the Director of Safe Ministry (ODSM) will also be considering whether any additional leadership training module focused on addressing this Royal Commission recommendation should be developed to be taught an additional topic for the safe ministry modules or an additional online course.
16.37	Consistent with Child Safe Standard 1, leaders of religious institutions should ensure that there are mechanisms through which they receive advice from individuals with relevant professional expertise on all matters relating to child sexual abuse and child safety. This should include in relation to prevention, policies and procedures and complaint handling. These mechanisms should facilitate advice from people with a variety of professional backgrounds and include lay men and women.		# The <i>Safe Ministry Board Ordinance 2001 Amendment Ordinance 2022</i> has made it a function of the Safe Ministry Board to "provide assistance, advice and education to Church bodies in relation to the prevention of and response to abuse of children and vulnerable persons" (cl. 7(a)). Clause 10(2) also addressed the requirement for variety of in the composition of those providing advice.
16.38	Consistent with Child Safe Standard 1, each religious institution should ensure that religious leaders are accountable to an appropriate authority or body, such as a board of management or council, for the decisions they make with respect to child safety.		# Accountability is provided through the regimes in the <i>Safe Ministry to Children Ordinance 2020</i> and <i>Ministry Standards Ordinance 2017</i> . For example, the MSO includes as grounds of misconduct, process failures with respect to the investigation or reporting of abuse and also failures with respect to undertaking safe ministry training.

No.	Recommendation	Compliance	Action Taken
16.1	The Anglican Church of Australia should adopt a uniform episcopal standards framework that ensures that bishops and former bishops are accountable to an appropriate authority or body in relation to their response to complaints of child sexual abuse.	✓	# The <i>Episcopal Standards (Child Protection) Canon 2017</i> was adopted in 2017 and has force in the Diocese of Sydney. The <i>Episcopal Standards (Child Protection) (Amendment) Canon 2022</i> was also adopted at the 2022 session of Synod.
16.39	Consistent with Child Safe Standard 1, each religious institution should have a policy relating to the management of actual or perceived conflicts of interest that may arise in relation to allegations of child sexual abuse. The policy should cover all individuals who have a role in responding to complaints of child sexual abuse.	✓	# Conflicts of interest that may arise in relation to the role of Director of Safe Ministry, members of the Ministry Standards Committee and Ministry Standards Board and Adjudicators were addressed by the Synod in 2019 via amendments to the <i>Ministry Standards Ordinance 2017</i> . The <i>Safe Ministry Board Ordinance 2001 Amendment Ordinance 2022</i> has also addressed conflicts of interest in relation to the work of the Safe Ministry Board.
16.2	The Anglican Church of Australia should adopt a policy relating to the management of actual or perceived conflicts of interest that may arise in relation to allegations of child sexual abuse, which expressly covers: a. members of professional standards bodies; b. members of diocesan councils (otherwise known as bishop-in-council or standing committee of synod); c. members of the Standing Committee of the General Synod; and d. chancellors and legal advisers for dioceses.	✓	Part a. of the recommendation overlaps with recommendation 16.39 and has been addressed through the measures outlined above. The Standing Committee has a 'Disclosure of Conflicts of Interest' regulation, which it made on 26 May 2014 under cl 6(5) of the <i>Standing Committee Ordinance 1897</i> . The Senior Legal Counsel has developed a statement of principles concerning the management of actual or perceived conflicts of interest in relation to the engagement of lawyers and any advice from the staff of SDS, the Chancellor or a Deputy Chancellor in respect of child sexual abuse matters.
16.49	Codes of conduct in religious institutions should explicitly and equally apply to people in religious ministry and to lay people.	✓	The <i>Faithfulness in Service</i> code of conduct applies to church workers who are both clergy and lay people. Compliance with the 'children's standards' under the Code is required by the <i>Safe Ministry to Children Ordinance 2020</i> .
16.3	The Anglican Church of Australia should amend <i>Being together</i> and any other statement of expectations or code of conduct for lay members of the Anglican Church to expressly refer to the importance of child safety.	✓	# See comment above regarding <i>Faithfulness in Service</i> , which applies to lay members who are church workers. The <i>Being Together</i> statement is not in use in the Diocese of Sydney. The <i>Safe Ministry Check</i> that is required of those who undertake ministry to children includes a pledge concerning conduct relating to children.

3 Child Safe Standard 2: Children participate in decisions affecting them and are taken seriously





No.	Recommendation	Compliance	Action Taken
16.40	Consistent with Child Safe Standard 2, wherever a religious institution has children in its care, those children should be provided with age-appropriate prevention education that aims to increase their knowledge of child sexual abuse and build practical skills to assist in strengthening self-protective skills and strategies. Prevention education in religious institutions should specifically address the power and status of people in religious ministry and educate children that no one has a right to invade their privacy and make them feel unsafe.		# ODSM has included a range of suitable resources from the Office of the Children's Guardian and other reputable providers on the safe ministry website for parishes, parents and children regarding prevention education under the resources tab. Preventative education was also a major topic covered at the Faithfulness in Ministry conference for clergy and church workers in 2023.

4 Child Safe Standard 3: Families and communities are informed and involved

No.	Recommendation	Compliance	Action
16.41	Consistent with Child Safe Standard 3, each religious institution should make provision for family and community involvement by publishing all policies relevant to child safety on its website, providing opportunities for comment on its approach to child safety, and seeking periodic feedback about the effectiveness of its approach to child safety.		Safe ministry policies and procedures are published at safeministry.org.au. The website also includes the following statement: FEEDBACK Our aim is to support parishes and church workers to provide care and protection for everyone by building a culture of safe ministry. Any feedback to help us review and improve is welcome. Please email your feedback to the address below feedback@safeministry.org.au Feedback is also invited in published documents and in the course of Safe Ministry Training.

5 Child Safe Standard 5: People working with children are suitable and supported

No.	Recommendation	Compliance	Action
16.42	Consistent with Child Safe Standard 5, each religious institution should require that candidates for religious ministry undergo external psychological testing, including psychosexual assessment, for the purposes of determining their suitability to be a person in religious ministry and to undertake work involving children.	✓	The <i>Safe Ministry to Children Ordinance 2020</i> requires an assessment of the "personal, social and sexual maturity of a candidate". This is a broader definition that widens the scope of the inquiry beyond an exclusively psychosexual focus. In 2021 Ministry Training & Development (MT&D), in consultation with the ODSM and the consultant screening psychologists, piloted a semi-structured interview process for selected candidates, tailored to address the broader definition.
16.43	<p>Each religious institution should ensure that candidates for religious ministry undertake minimum training on child safety and related matters, including training that:</p> <ol style="list-style-type: none"> a. equips candidates with an understanding of the Royal Commission's 10 Child Safe Standards b. educates candidates on: <ol style="list-style-type: none"> i. professional responsibility and boundaries, ethics in ministry and child safety; ii. policies regarding appropriate responses to allegations or complaints of child sexual abuse, and how to implement these policies; iii. how to work with children, including childhood development; iv. identifying and understanding the nature, indicators and impacts of child sexual abuse. 	✓	<p>All students at Moore College must complete safe ministry training which is offered at the College, and participate in four modules of ODSM training which addresses much of the subject-matter listed in the recommendation. The Child Safe Standards and preventative strategies for adherence are the subject of two 4th year lectures.</p> <p>Youthworks College teaches a "Foundations of children's and youth ministry" unit (DE037-512) and TOUR unit (PC076-512i) which covers this subject matter in components on "how to work with children" and "childhood development".</p> <p>All participants in the Ministry Development Program run by MT&D, which consists primarily of newly ordained ministers, complete three units on Safe Ministry conducted by the ODSM.</p>
16.4	The Anglican Church of Australia should develop a national approach to the selection, screening and training of candidates for ordination in the Anglican Church.	✓	<p>#</p> <p>This is met by the <i>Safe Ministry to Children Ordinance 2020</i> (and nationally through the <i>Safe Ministry to Children Canon 2017</i>) in relation to screening and training.</p> <p>The selection aspect of this recommendation is also under consideration by the General Synod Ministry and Mission Commission.</p>

No.	Recommendation	Compliance	Action
16.44	Consistent with Child Safe Standard 5, each religious institution should ensure that all people in religious or pastoral ministry, including religious leaders, are subject to effective management and oversight and undertake annual performance appraisals.		# The Standing Committee appointed a subcommittee in June 2022 to 'bring a proposed course of action in relation to Recommendation 16.5(c) ...for all people in religious or pastoral ministry to "undergo regular performance appraisals"'. The Committee has provided an initial report and is still considering: (i) the timing of the implementation, (ii) whether the implementation should be staged, (iii) communication and education that will be required, and (iv) whether and how the conduct of performance appraisals should be legislated in the Diocese.
16.45	Consistent with Child Safe Standard 5, each religious institution should ensure that all people in religious or pastoral ministry, including religious leaders, have professional supervision with a trained professional or pastoral supervisor who has a degree of independence from the institution within which the person is in ministry.		# A bill for the <i>Pastoral Supervision Ordinance 2023</i> to provide for pastoral supervision for certain classes of church worker in the Diocese is before the Synod for consideration at this session. If the Ordinance is passed and the associated Pastoral Supervision Policy is subsequently approved, the main framework for implementation of this recommendation will be in place. It is expected that the classes of church worker to whom the Ordinance applies will expand as the availability of pastoral supervisors increases.
16.5	The Anglican Church of Australia should develop and each diocese should implement mandatory national standards to ensure that all people in religious or pastoral ministry (bishops, clergy, religious and lay personnel): a. undertake mandatory, regular professional development, compulsory components being professional responsibility and boundaries, ethics in ministry and child safety b. undertake mandatory professional/pastoral supervision c. undergo regular performance appraisals.		# The Archbishop's Faithfulness in Ministry (FiM) conference is run triennially. Its frequency, content and format are regularly reviewed by the Safe Ministry Board. The FiM conference in 2023 included components on part a. of the of the recommendation with a particular focus on protective behaviours training. Other child safety topics will be covered in future years. Parts b. and c. of the recommendation are addressed under 16.44 and 16.45.
16.46	Religious institutions which receive people from overseas to work in religious or pastoral ministry, or otherwise within their institution, should have targeted programs for the screening, initial training and professional supervision and development of those people. These programs should include material covering professional responsibility and boundaries, ethics in ministry and child safety.		A person from overseas – whether clergy or a lay person undertaking ministry to children - is subject to the requirements in the <i>Safe Ministry to Children Ordinance 2020</i> . This includes the same requirements applying to all such clergy and lay workers in relation to screening and training, but also includes additional requirements if the person is from another Province of the Anglican Church – most particularly a 'church ministry assessment', which involves obtaining information about the person



No.	Recommendation	Compliance	Action
			from an authority in the other Province. People from overseas will also be included in the pilot program of pastoral consultation if they meet the applicable criteria.

6 Child Safe Standard 6: Processes to respond to complaints of child sexual abuse are child focused


No.	Recommendation	Compliance	Actions
16.51	All religious institutions' complaint handling policies should require that, upon receiving a complaint of child sexual abuse, an initial risk assessment is conducted to identify and minimise any risks to children.	✓	This was addressed by the Synod in 2019 via amendments to the <i>Ministry Standards Ordinance 2017</i> to require a risk assessment if a complaint relates to children.
16.52	All religious institutions' complaint handling policies should require that, if a complaint of child sexual abuse against a person in religious ministry is plausible, and there is a risk that person may come into contact with children in the course of their ministry, the person be stood down from ministry while the complaint is investigated.	✓	This was addressed by the Synod in 2019 via amendments to the <i>Ministry Standards Ordinance 2017</i> to require suspension if the Director is satisfied that – (a) the complaint or the substance of the complaint involves allegations of serious child-related conduct, (b) the complaint is not false, vexatious or misconceived, and (c) there is a risk that the respondent may come into contact with children in the course of their functions as a church worker.
16.53	The standard of proof that a religious institution should apply when deciding whether a complaint of child sexual abuse has been substantiated is the balance of probabilities, having regard to the principles in <i>Briginshaw v Briginshaw</i> .	✓	This was addressed by the Synod in 2019 via amendments to the <i>Ministry Standards Ordinance 2017</i> (see cl 29(4) and associated footnote).
16.54	Religious institutions should apply the same standards for investigating complaints of child sexual abuse whether or not the subject of the complaint is a person in religious ministry.	✓	This was addressed by the Synod in 2019 via amendments to the <i>Ministry Standards Ordinance 2017</i> concerning the investigation of complaints referred to Adjudicators.
16.55	Any person in religious ministry who is the subject of a complaint of child sexual abuse which is substantiated on the balance of probabilities, having regard to the principles in <i>Briginshaw v Briginshaw</i> , or who is convicted of an offence relating to child sexual abuse, should be permanently removed from ministry. Religious institutions should also take all necessary steps to effectively prohibit the person from	✓	# The General Synod has passed the <i>Constitution Amendment (Mandatory Suspension) Canon 2022</i> , the <i>Constitution Amendment (Mandatory Disposition) Canon 2022</i> and the <i>Safe Ministry Legislation Amendments Canon 2022</i> to provide for mandatory suspension and deposition. The Canon are before the Synod for assent or adoption (as the case may be) in 2023.

No.	Recommendation	Compliance	Actions
	in any way holding himself or herself out as being a person with religious authority.		There is also a bill before the Synod to amend the <i>Ministry Standards Ordinance 2017</i> to provide for mandatory suspension and deposition and suspension under the professional standards regime.
16.56	<p>Any person in religious ministry who is convicted of an offence relating to child sexual abuse should:</p> <ol style="list-style-type: none"> a. in the case of Catholic priests and religious, be dismissed from the priesthood and/or dispensed from his or her vows as a religious b. in the case of Anglican clergy, be deposed from holy orders c. in the case of Uniting Church ministers, have his or her recognition as a minister withdrawn d. in the case of an ordained person in any other religious denomination that has a concept of ordination, holy orders and/or vows, be dismissed, deposed or otherwise effectively have their religious status removed. 	✓	See comment immediately above.
16.57	<p>Where a religious institution becomes aware that any person attending any of its religious services or activities is the subject of a substantiated complaint of child sexual abuse, or has been convicted of an offence relating to child sexual abuse, the religious institution should:</p> <ol style="list-style-type: none"> a. assess the level of risk posed to children by that perpetrator's ongoing involvement in the religious community b. take appropriate steps to manage that risk. 	✓	The <i>Safe Ministry to Children Ordinance 2020</i> requires compliance with a <i>Person of Concern Policy</i> in these instances, which includes a risk assessment.
16.58	Each religious organisation should consider establishing a national register which records limited but sufficient information to assist affiliated institutions identify and respond to any risks to children that may be posed by people in religious or pastoral ministry.	✓	A national register has been in force in the Anglican Church of Australia since 2007.

7 Child Safe Standard 7: Staff are equipped with the knowledge, skills and awareness to keep children safe through continual education and training

No.	Recommendation	Compliance	Action
16.47	Consistent with Child Safe Standard 7, each religious institution should require that all people in religious or pastoral ministry, including religious leaders, undertake regular training on the institution's child safe policies and procedures. They should also be provided with opportunities for external training on best practice approaches to child safety		The <i>Safe Ministry to Children Ordinance 2020</i> requires all people undertaking ministry to children to undertake Safe Ministry Training on commencing to undertake than ministry and thereafter at 3 yearly intervals. This requirement has been in force for many years and was previously contained in the <i>Parish Administration Ordinance 2008</i> .
16.50	Consistent with Child Safe Standard 7, each religious institution should require all people in religious ministry, leaders, members of boards, councils and other governing bodies, employees, relevant contractors and volunteers to undergo initial and periodic training on its code of conduct. This training should include: <ul style="list-style-type: none"> a. what kinds of allegations or complaints relating to child sexual abuse should be reported and to whom; b. identifying inappropriate behaviour which may be a precursor to abuse, including grooming; c. recognising physical and behavioural indicators of child sexual abuse; d. that all complaints relating to child sexual abuse must be taken seriously, regardless of the perceived severity of the behaviour. 		# Licensed clergy, authorised lay workers, other lay persons who undertake ministry to children, professional standards personnel and safe ministry personnel are required to undertake safe ministry training (which includes those parts of the FiS code of conduct relating to safe ministry to children). The description "members of boards, councils and other governing bodies, employees, relevant contractors and volunteers" covers a very large group of people given most church members volunteer in some capacity. This recommendation needs further consideration by the Standing Committee to determine if the scope of those required to undertake Safe Ministry Training should be expanded.

8 Child Safe Standard 8: Physical and online environments minimise the opportunity for abuse to occur

No.	Recommendation	Compliance	Action
16.48	Religious institutions which have a rite of religious confession for children should implement a policy that requires the rite only be conducted in an open space within the clear line of sight of another adult. The policy should specify that, if another adult is not available, the rite of religious confession for the child should not be performed.		There is no rite of confession for children in the Diocese of Sydney.

Pastoral Supervision in the Diocese of Sydney

54/22 Ministry Wellbeing and Development

(A report of the Standing Committee.)

Key Points

- Pastoral Supervision is designed to benefit and support church workers and the people they minister to. It is also a requirement arising from the Royal Commission into Institutional Responses to Child Sexual Abuse.
- The framework for Pastoral Supervision in the Diocese is proposed to include a Pastoral Supervision Ordinance, Policy and Guidebook.
- A Pilot Program for Pastoral Supervision is nearing completion and preliminary results from participants are positive.

A previous report which included the fundamentals of Pastoral Supervision was received at the Third Session of the 52nd Synod (2022).

Purpose

1. To report to the Synod regarding progress of the Pastoral Supervision program.

Recommendations

2. Synod note this report.
3. Synod, noting the report “Pastoral Supervision in the Diocese of Sydney” –
 - (a) affirm the importance of Pastoral Supervision, both as a measure to enhance the ministry wellbeing and development of church workers in the Diocese, and to implement recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse, and
 - (b) request that the Standing Committee approve a Pastoral Supervision Policy as provided for by the Pastoral Supervision Ordinance 2023.

Background

4. In 2021, the Standing Committee appointed the Pastoral Supervision Committee (**the Committee**) comprising Bishop Peter Lin (Chair), Archdeacon Kara Hartley, the Rev Gary O'Brien, the Rev Archie Poulos, and the Rev Roger Cunningham, to develop a proposal for mandatory professional supervision in the Diocese. The Committee receives advice from Ms Sarah Balogh, Psychologist and Ministry Supervisor.
5. In 2022, the Synod received the report “Pastoral Consultation (Professional Supervision) Recommendation” (the **2022 Report**) from the Committee. Among other things, the 2022 Report set out –
 - (a) what pastoral supervision is,
 - (b) the merits of pastoral supervision, including with reference to the Royal Commission,
 - (c) who should receive pastoral supervision,
 - (d) common concerns regarding pastoral supervision,
 - (e) how pastoral supervision should be administered,
 - (f) a proposed phased implementation process,

- (g) two models of pastoral supervision,
 - (h) who can deliver pastoral supervision,
 - (i) measuring effectiveness/outcomes,
 - (j) costs of the program, and
 - (k) ministry reviews.
6. By Resolution 54/22 (Ministry Wellbeing and Development), the Synod, among other things –
- (a) noted –
 - (i) recommendations 16.5, 16.44 and 16.45 for national mandatory standards for professional development, professional/pastoral supervision and performance appraisals of bishops, clergy, and lay personnel of the Anglican Church of Australia in any form of ministry of pastoral care or service in the final report of the Royal Commission into Institutional Responses to Child Sexual Abuse,
 - (ii) the resolution of the General Synod on 9 May 2022 encouraging dioceses to fully implement the Ministry Wellbeing and Development policy, guidelines and resources document to enhance the wellbeing and professional development of clergy and some paid church workers,
 - (iii) the report titled ‘Pastoral Consultation (Professional Supervision) Recommendation’ dated 27 July 2022 tabled at that session of the Synod, and
 - (iv) the lifelong ministry resources developed by Ministry Training & Development,
 - (b) affirmed the importance of implementing a mandatory system for the professional development, professional/pastoral supervision and performance appraisals of clergy and lay church workers providing pastoral care or service to enhance their ministry wellbeing and development,
 - (c) noted the [Pastoral Supervision Committee] was developing proposals for a system of mandatory professional/pastoral supervision ... for licensed and stipendiary or paid clergy, and stipendiary or paid lay church workers providing pastoral care or service including any proposed legislation and policies, and requested a report be provided to the 1st ordinary session of the 53rd Synod.
7. This report provides an update on the work of the Committee since the 2022 Report as requested by Resolution 54/22.

Discussion

Why do we need Pastoral Supervision?

8. The Final Report of the Royal Commission into Institutional Responses to Child Sexual Abuse (**Royal Commission**) was released on 15 December 2017. Volume 16 of the Final Report contains specific recommendations for the Anglican Church.
9. Recommendation 16.45 of the Final Report states –
- “Consistent with Child Safe Standard 5, each religious institution should ensure that all people in religious or pastoral ministry, including religious leaders, have professional supervision with a trained professional or pastoral supervisor who has a degree of independence from the institution within which the person is in ministry.”
10. Additionally, Recommendation 16.5 (c) of the Final Report states –
- “The Anglican Church of Australia should develop, and each diocese should implement mandatory national standards to ensure that all people in religious or pastoral ministry (bishops, clergy, religious and lay personnel) ...undertake mandatory professional/pastoral supervision.”
11. While the Royal Commission recommendations are not legally binding, the Diocese has an ethical and reputational imperative to implement them. This matter is explored further in the 2022 Report.
12. Accordingly, Pastoral Supervision has become a fundamental requirement and not an optional extra or luxury. As of July 2023, other major religious denominations and organisations in Australia have

already taken the step of establishing Pastoral Supervision programs, policies and frameworks. This includes the Australian Baptists (formerly the Baptist Union of Australia), the Uniting Church of Australia, as well as non-Protestant denominations and organisations.

Supporting Churches and Church Workers

13. Pastoral Supervision has merits for the Pastoral Supervisee, the persons they minister to, other church workers, and the Diocese as a whole. A recent survey at the Faithfulness in Ministry Conference found that 30% of respondents already had Pastoral Supervision, and of those who did not 67% were either likely or very likely to want to engage in Pastoral Supervision in the future.¹
14. First and foremost, Pastoral Supervision provides opportunity for personal and ministry development of the supervisee as a church worker. Through Pastoral Supervision, the individual fosters their emotional wellbeing, accountability and professional development.
15. Significantly, it contributes to a suite of preventative measures against harmful behaviour, including abuse, by growing the Pastoral Supervisee's reflective practice, self-awareness, modified thinking and behaviour, and their resilience.
16. These qualities and skills both moderate against poor resilience declining into inappropriate habits and behaviours, as well as develop and grow alignment of the inner-self with external expectations for the individual.
17. Pastoral Supervision involves conversations between a Pastoral Supervisor and Pastoral Supervisee, leading to more constructive discussions and relationships between ministry workers and parishioners.
18. Armenakis et al. observe that changes in belief and practice are facilitated by people feeling there will be support from their peers and leaders. The provision of Pastoral Supervision, and the improvements in efficacy that may flow from this, benefit not only the Pastoral Supervisee but other ministry workers and the broader team.²
19. The benefits for clergy and churches constitute an immense return on investment. The Dean of Students at Moore College, the Rev Paul Grimmond has said –

“I spent much of my early ministry life avoiding reflection because I was ‘too busy’. In reality, my lack of reflection was a symptom of living in reactivity and not taking responsibility for proactively managing my life. Taking time out in supervision and stepping back to see the big picture has helped me to say no more often and to live a more thoughtful and healthily balanced ministry life”.³
20. Similar supervision and professional development frameworks have long-existed for other professions, such as legal⁴ and healthcare practitioners⁵.

Pastoral Supervision Framework

21. It is proposed that the Pastoral Supervision Framework for the Diocese be comprised of an Ordinance, Policy, and Guidebook, which are each described further below.

The Ordinance

22. The proposed Pastoral Supervision Ordinance 2023 (**the Ordinance**) encompasses –

¹ Anglican Church of Australia Diocese of Sydney, Faithfulness in Ministry, Trends from 1 minute Survey (2023)

² A. Armenakis, J.B. Bernerth, J.P. Pitts, and H.J. Walker 'Organisational Change Recipients' Beliefs Scale: Development of an Assessment Instrument'. *Journal of Applied Behavioural Science* (2007) 43(4) 481, 505.

³ S. Balogh, 'Five misconceptions about pastoral consultation', Moore Matters, Moore Theological College (3 March 2023).

⁴ *Legal Profession Uniform Law (NSW) 2014*

⁵ Medical Board of Australia, Registration Standard – Continuing Professional Development (2023)

- (a) provision for the Archbishop-in-Council to declare classes of persons who are required to undertake Pastoral Supervision,
 - (b) provision for a Pastoral Supervision Policy to be approved by the Archbishop-in-Council,
 - (c) a requirement for Pastoral Supervisors to hold an approval from the Archbishop, and
 - (d) insurance requirements for Pastoral Supervisors.
23. The Ordinance will give the Pastoral Supervision Policy a legal basis. A similar legislative approach was taken for the Property Use Policy, which is approved pursuant to the *Sydney Anglican Use of Church Property Ordinance 2018*.
24. A bill and an accompanying explanatory report for the Ordinance are printed separately.

The Policy

25. The Ordinance provides that there is to be a Pastoral Supervision Policy (**the Policy**). Having some matters in the Policy rather than the Ordinance provides more flexibility for the Policy to state the minimum requirements and also the aspirational outcomes of Pastoral Supervision in the Diocese.
26. The Ordinance sets out an indicative list of matters that may be covered in the Policy. These are explored below in further detail for the benefit of Synod members.

Classes of church workers that must undertake Pastoral Supervision

27. As outlined in the Explanatory Report for the Ordinance (printed separately), it is proposed that the Policy include a list of the classes of persons who are required to undertake Pastoral Supervision. This will enable the implementation of Pastoral Supervision to be staged (if required), by declaring broader classes of persons over time.
28. In May 2022, the Standing Committee recommended to the Archbishop that the following classes of persons should be required to undertake Pastoral Supervision –
- (a) first-time rectors from mid-2023,
 - (b) new full-time assistant ministers from the beginning of 2024, and
 - (c) all full-time parish ministry workers thereafter in a staged process based on years of service.
29. These classes will be reviewed and formalised as part of the Archbishop-in-Council making a declaration for the purposes of the Ordinance.

Pre-requisites and process for a person to be approved as a Pastoral Supervisor

30. There are two categories of Pastoral Supervisor envisaged, which have been refined since the 2022 Report –
- (a) Approved Pastoral Supervisors, who have completed a recognised qualification in pastoral supervision and who have met the requirements of the Policy, and
 - (b) Provisionally Approved Pastoral Supervisors, who have not completed a recognised qualification in pastoral supervision, but instead have relevant vocational training or ministry experience, and meet the requirements of the Policy. Supervisors in this category will be required to progress to the 'Approved' category within three years.
31. Having two categories accounts for the diversity of skills and backgrounds amongst Pastoral Supervisors, while also having regard to the supply of Pastoral Supervisors, and the requirements of the Royal Commission.
32. The Policy will provide for the Diocese to create a 'live' and accessible list of Pastoral Supervisors, making it as easy as possible for those undertaking supervision to select the supervisor they want based on factors such as area of practice, experience, cost and geographical location.
33. Insurance arrangements for Pastoral Supervisors will also be covered by the Policy, including coverage amounts in line with benchmarked norms.

How Pastoral Supervision is to be conducted

34. The Policy will outline the 'degree of separation' required between Pastoral Supervisors and Pastoral Supervisees, for example one should not undertake Pastoral Supervision with a Pastoral Supervisor who is related or a friend.
35. Detail around stipendiary ministry, charging for Pastoral Supervision services and a range of paid work arrangements will also be covered in the Policy in a manner consistent with existing Codes of Conduct, such as *Faithfulness in Service* Standard 8 'Financial Integrity'.

Minimum requirements to be met by those receiving Pastoral Supervision

36. The Policy will establish minimum standards for Pastoral Supervision that are not onerous. It is expected to include a minimum of six one-hour supervision sessions per annum. This can be pro-rated for part-time ministry workers.
37. The Diocesan Registrar and SDS Privacy Officer will continue to be involved in the development of the Policy to ensure that the Pastoral Supervision framework and program are both as user friendly as possible and meet current information security standards and protections.

Matters under review

38. Further matters relating to provision of Pastoral Supervision, such as delivery by stipendiary church workers, and costs of the program, remain under active consideration.
39. If an individual is engaged in stipendiary ministry, it is expected that the remuneration will be directed to the relevant parish (see *Faithfulness in Service*, Standard 8 'Financial Integrity'). Nonetheless, further consideration will be given to the appropriateness of this arrangement and any additional approvals required.
40. The costs of administering the Pastoral Supervision Framework are proposed to be borne by the Diocese. This includes resourcing to coordinate supervisors and supervisees, provide information, recruit and approve Pastoral Supervisors, and monitor compliance. It does not include the costs of the sessions.
41. Consideration will be given to alternate model(s) involving Pastoral Supervision being offered on a voluntary basis. To that end, it is noted that various supervision providers, such as Chaplaincy Australia, already list intern supervisors who are able to provide pastoral supervision free of charge or at reduced rates as part of their ongoing professional training and practical experience requirements.

The Guidebook

42. As an added support tool for ministry workers and churches, a Pastoral Supervision Guidebook will be developed and will include topics and answers to questions such as –
 - (a) Who is required to receive Pastoral Supervision?
 - (b) Who will be qualified to be a Pastoral Supervisor?
 - (c) How often is supervision required?
 - (d) Who will pay for supervision, and how?
 - (e) What should I expect in a supervision session?
 - (f) Where will or can supervision take place?
 - (g) Can I be supervised by someone I already know?
 - (h) Is supervision 'really' confidential? What records will be kept?
43. The Guidebook is intended to be a helpful resource for supervisors and supervisees focusing on various supervision functions: formative (educational), normative (maintaining standards of practice) and restorative (supporting the individual).

Pilot Program

44. In May 2022, the Standing Committee directed the Committee undertake a Pastoral Supervision Pilot Program (**Pilot Program**) and requested the Pilot Program be reviewed once complete by Ministry Training & Development (**MTD**).
45. As at the date of writing, the Pilot Program is nearing completion. Approximately 30 participants have been involved in the Pilot Program.
46. An exit survey is being conducted as participants finish their initial 12 months of Pastoral Supervision. The survey seeks participants' views on any previous pastoral supervision, approaches to costs of supervision, previous experiences and supervision styles (if applicable), how helpful supervision was to ministry and individual, and a focus on critical supervision elements including:
 - (a) sharing experiences
 - (b) reflection and self-awareness
 - (c) approach to ministry and
 - (d) resilience.
47. At a high-level, the results of the Survey of the Pilot Program already show –
 - (a) Participants were likely to pursue supervision in the future,
 - (b) Individual supervision was the preferred option,
 - (c) There is a diversity in what individuals were prepared to pay for supervision, and
 - (d) There is a range of views about who should be paying for supervision (e.g., church, individuals themselves, a combination etc.)
48. The feedback obtained from the Pilot Program and other sources will be incorporated into the draft Pastoral Supervision Policy.
49. Accordingly, the Pilot Program appears to indicate that the benefits of Pastoral Supervision are perceived in a generally positive light – it is not merely a requirement but something that participants view as being beneficial to their ministry and to themselves as individuals.
50. Surveys of participants in Pastoral Supervision programs in countries and jurisdictions outside of Australia have similarly found beneficial results, with one study finding that 94% of respondents found Pastoral Supervision to be beneficial, worth continuing, and worth being funded by their denomination.⁶
51. In Q4 2023, MTD will conduct a review of the Pilot Program and provide any recommendations to the Standing Committee.

For and on behalf of the Standing Committee.

BRIONY BOUNDS
Diocesan Secretary

14 August 2023

⁶ P.M. Gubi, 'A pilot evaluation study of pastoral supervision in the Moravian Church' (April 2022) Volume 25 *Journal of Mental Health, Religion and Culture*, Taylor & Francis 197, 206.

Performance appraisals of ministry workers

54/22 Ministry Wellbeing and Development

(A report of the Standing Committee.)

Key Points

- Introducing regular performance appraisals for ministry workers in the Diocese will fulfil a recommendation of the Royal Commission. More than that, this is an opportunity to implement a practice that is also widely considered to be beneficial.
- Regular performance appraisals will assist ministry workers by providing appropriate encouragement and feedback as pertains to their ministry role. The impact of this feedback is to contribute to the self-awareness and appropriate grounding of a ministry worker.
- Given the polity of the Diocese, different performance appraisal tools will be needed to cater for ministry workers who have a ministry team leader, and those who do not. Feedback is sought on the proposed arrangements.

Purpose

1. The purpose of this report is to propose a course of action in relation to Recommendation 16.5(c) of the Royal Commission for all people in religious or pastoral ministry to “undergo regular performance appraisals”.

Recommendations

2. Synod receive this report.
3. Synod, noting the report ‘Performance appraisals of ministry workers’ –
 - (a) invite members of the Synod to provide feedback to the Diocesan Secretary by 31 December 2023 on the proposed arrangements for all ministry workers in the Diocese to undergo regular performance appraisals as contemplated in the report, and
 - (b) request the Standing Committee to implement arrangements for regular performance appraisals for all ministry workers in light of feedback received.

Background

4. Recommendation 16.5 of the Final Report of the Royal Commission into Institutional Responses to Child Sexual Abuse (**Recommendation 16.5**) is as follows –

‘The Anglican Church of Australia should develop and each diocese should implement mandatory national standards to ensure that all people in religious or pastoral ministry (bishops, clergy, religious and lay personnel):

 - (a) undertake mandatory, regular professional development, compulsory components being professional responsibility and boundaries, ethics in ministry and child safety
 - (b) undertake mandatory professional/pastoral supervision
 - (c) undergo regular performance appraisals.’
5. At its meeting on 27 June 2022, the Standing Committee resolved to form the Performance Appraisal Committee as follows –

'Standing Committee appoints a sub-committee consisting of the Rev Mark Charleston, the Rev Dr Raj Gupta, the Rev Dr Andrew Katay, the Rev Caroline Litchfield and the Rev Craig Schafer (Committee to elect a chair from amongst its members) to propose a course of action in relation to Recommendation 16.5(c) of the Final Report of the Royal Commission into Institutional Responses to Child Sexual Abuse for all people in religious or pastoral ministry to "undergo regular performance appraisals".'

6. The Rev Dr Raj Gupta was elected as chair of the sub-committee at its first meeting on 28 September 2022. The Committee has met five times in total.
7. Resolution 54/22 of the 2022 Synod included, among other things, the following matters relevant to implementing this recommendation of the Royal Commission –
 - 'Synod –
 - (a) notes –
 - (i) recommendations 16.5, 16.44 and 16.45 for national mandatory standards for professional development, professional/pastoral supervision and performance appraisals of bishops, clergy, and lay personnel of the Anglican Church of Australia in any form of ministry of pastoral care or service in the final report of the Royal Commission into Institutional Responses to Child Sexual Abuse,
 - (ii) the resolution of the General Synod on 9 May 2022 encouraging dioceses to fully implement the Ministry Wellbeing and Development policy, guidelines and resources document to enhance the wellbeing and professional development of clergy and some paid church workers,
 - (iii) the [report entitled] 'Pastoral Consultation (Professional Supervision) Recommendation' dated 27 July 2022 tabled at this session of the Synod (the Recommendation), and
 - (iv) the lifelong ministry resources developed by Ministry Training & Development,
 - (b) affirms the importance of implementing a mandatory system for the professional development, professional/pastoral supervision and performance appraisals of clergy and lay church workers providing pastoral care or service to enhance their ministry wellbeing and development,
 - (c) notes the subcommittees of the Standing Committee referred to in paragraphs 8 and 139 of the Recommendation are developing proposals for a system of mandatory professional/pastoral supervision and performance appraisals for licensed and stipendiary or paid clergy, and stipendiary or paid lay church workers providing pastoral care or service including any proposed legislation and policies, and requests a report be provided to the 1st ordinary session of the 53rd Synod...'

Discussion

Royal Commission Recommendation 16.5

8. Child Safe Standard 5 states that 'People working with children are suitable and supported'. Recommendation 16.5 (included at paragraph 4 above), considered as a whole, proposes a suite of tools and approaches towards this goal.
9. Performance appraisals were recommended by the Royal Commission as one mechanism to ensure people who work with children were supported (the other mechanisms being professional development (16.5(a)) and professional supervision (16.5(b))).
10. Notwithstanding some ambiguity in relation to the presence of the word 'mandatory' in Recommendation 16.5 (i.e., present in the preamble, (a), and (b), but not (c)), the Diocese has an ethical and reputational imperative to implement regular performance appraisals as recommended by the Royal Commission.

11. Further, it is considered best practice for all ministry workers to have regular performance appraisals. This is a tool that assists a ministry worker by providing appropriate encouragement and feedback as pertains to their ministry role. The impact of this feedback is to contribute to the self-awareness and appropriate grounding of a ministry worker.
12. A “ministry worker”, for the purposes of this report and its recommendations, includes both employees and officeholders.

The desired outcome

13. The Royal Commission has recommended regular performance appraisals as a means of providing support for all ministry workers, and those working with children in particular.
14. Whilst it is necessary to formally introduce regular performance appraisals because of the Royal Commission recommendations, this catalyst provides an opportunity to implement this practice that is also widely considered to be beneficial.

Performance appraisals

15. A variety of possibilities of what might be considered a performance appraisal have been considered, including how these may be connected with the underlying concerns of the Royal Commission. Both Mr Lachlan Bryant (Director of Safe Ministry) and Ms Vikki Napier (Parish HR Partner) have provided input.
16. The nature of ministry work is usually quite different to that of workers in secular organisations. This is reflected in the remuneration of those in ministry work, which is a stipend to ‘free up’ someone for vocational ministry. Accordingly, the assessment, or appraisal, of those in ministry work carries its challenges. We must remember that God is sovereign, and outcomes will always be subject to God’s blessing. It is commendable for a church, for example, to desire and pray for a goal of 20 conversions in a year. It is another thing to hold someone accountable to such a goal in the same way that a salesperson might be held accountable and assessed for achieving (or missing) sales targets.
17. Any performance appraisal tool(s) must take into account the significant theological differences between secular work and ministry work.
18. The foundational nature and priority of character in ministry is noted. This is part of the rationale for the Confidential Lifestyle Questionnaire (**CLQ**), which is completed upon the appointment to a new ministry, or at least every 10 years. So important and foundational is character that consideration was given to fulfilling this Royal Commission recommendation by limiting regular appraisals to character. This could have been accomplished by, for example, increasing the frequency of the existing CLQ process.
19. However, ultimately, it is felt that the Royal Commission intended more by the term “performance appraisal” than merely a character appraisal. Noting that the ultimate aim of the recommendation was to assist ministry workers to be realistically and objectively grounded, a broader form of performance appraisal is merited. A more holistic performance appraisal process provides some external feedback for a ministry worker that can assist with their confidence, security and raise a wider range of issues that may fester if unchecked. Furthermore, any process that seeks to only review character will be fraught with its own inherent challenges and limitations.
20. A more well-rounded understanding of the term “performance appraisal” would certainly include observations about character. All ministry workers should aspire to one’s progress being evident to all (cf 1 Tim 4:15). However, it would also include feedback on how they are going in their role and given their particular role description. Such appraisals should also be an opportunity for the ministry worker to provide ongoing feedback to their “ministry team leader”, both about issues the ministry worker is facing within their ministry setting, and any issues that may be percolating with regard to their ministry team leader. Building such feedback loops into ministry settings helps the ministry worker to be better grounded, fosters good communication within a staff team, and also helps the ministry team leader to continue to develop.
21. The Anglican Church of Australia’s “Ministry Wellbeing and Development” report, which was noted by our Synod in Resolution 54/22, succinctly articulates the benefits of performance appraisals: “to

ensure support for ministry wellbeing, for achievement in the ministry to which they have been called, and for accountability.” The same report notes that a performance appraisal provides the opportunity:

- (a) to encourage and appreciate current strengths and ministry progress,
- (b) to affirm the alignment with the mission of the church,
- (c) to identify areas that need attention or improvement and outline pathways to address such areas,
- (d) for accountability within the context of the leadership of the parish or organisation, and
- (e) for identifying areas requiring improvement in their ministry support and the means to achieve those improvements.

22. These are all commendable opportunities that assist a ministry worker and the ministry. All concerned would benefit from these opportunities being provided routinely, and there is much overlap with the implied behavioural ends of the Royal Commission.

23. While the merit of providing performance appraisals stands on its own, there is also a reputational risk if the Diocese does not implement “performance appraisals”, in the common sense of the term, having been recommended by the Royal Commission.

Terminology

24. It is possible to use alternative terms to that of “performance appraisal”. The term “Ministry Review” has much to commend it. It captures something of the unique nature of ministry work, as distinct from secular work that we have already noted.

25. However, “performance appraisal” is preferred, given that it is such a widely used and understood term. The term “performance” is also already embedded in Ordinances such as the *Ministry Standards Ordinance 2017*. This term also connects the implementation with what is regarded as best practice more broadly.

Methodology

26. Given Anglican Church polity, there are some challenges in implementing performance appraisals in the Diocese of Sydney, particularly for ministry workers who do not have a ministry team leader.

27. Rectors are a clear example of not having a ministry team leader per se. In Anglican Church polity, rectors are responsible for the ministry of the parish, and parish councils and wardens are responsible for the property and finances of a parish. This is somewhat different to a typical corporate structure, where a CEO is accountable to a Board. Whilst a healthy parish would be expected to have a healthy interplay between the two, the parish council is not the ministry team leader for a rector. Similarly, whilst bishops offer support, they are not ministry team leaders.

28. An Assistant Minister in a parish, on the other hand, is an example of a ministry worker who has a ministry team leader (their rector).

29. Accordingly, different performance appraisal tools will be needed to cater for ministry workers who do (formally or otherwise) have ministry team leaders, and those who do not.

Ministry workers with a direct ministry team leader

30. A proposed template has been developed in conjunction with the Centre for Ministry Development and the Parish HR Partner (Attachment A) which a ministry team leader may use to conduct a performance appraisal with a ministry worker.

31. The following approaches have been considered regarding changes to, or deviation from, the proposed template:

- (a) In the interests of transparency and rigour, alternative forms should be approved by the local bishop, the parish HR partner, OR parish council,
- (b) No approval is needed should a ministry team leader wish to use an alternative form, or
- (c) Alternative forms are permitted, without approval, provided that they cover the following areas in appropriately robust ways:

- (i) Ensuring that there is an up-to-date role description.
 - (ii) A two-way evaluation in relation to each area covered in the role description.
 - (iii) A mutual agreement on Gospel based outcomes for the next 6-12 months, depending on the appraisal cycle.
 - (iv) A two-way dialogue in areas of character and leadership development opportunities. It is envisaged this would include items such as spiritual life, leadership, empowering and developing and people, teamwork within the staff team, mission, and pastoral care.
 - (v) A celebration of achievements, and recognition of challenges, and discussion of future ministry.
 - (vi) An opportunity for feedback to the ministry team leader.
32. On balance, considering the principles both of flexibility but also accountability, option (c) is preferred. That is, variations to the template are permitted provided they cover the abovementioned areas of (i) to (vi) in appropriately robust ways.
33. Where a ministry worker has a ministry team leader, the performance appraisal should be conducted every 12 months. Ideally, the annual appraisal should contain 'no surprises', and be a culmination of regular meetings of a ministry team leader with ministry staff and continuous conversations.
34. The attached proposed performance appraisal template may be reviewed from time to time by the Parish HR partner, in the case of minor updates. More major updates should be approved by the Standing Committee.

Ministry workers without a direct ministry team leader

35. We have noted the uniqueness of Sydney Anglican Polity. Accordingly, a different approach will be required for ministry workers without a ministry team leader.
36. The preferred option is an externally administered "360-degree review". This is a tool to assist ministry workers to receive external feedback and be appropriately grounded. A trained facilitator can help a ministry worker (without a ministry team leader) process and constructively engage with the feedback. It is acknowledged that this tool involves an element of self-selection in that the officeholder must ultimately be the one to select those who participate. However, this is also necessary for the issues arising from the process to be constructively taken on board.
37. Noting the cost of such reviews (currently estimated to be approximately \$500, including debrief) and the higher commitment of time, it is recommended that these be done at least every 3 years. The parish (or equivalent 'employer') should cover this cost.
38. By mutual agreement, a "360-degree review" may replace any single 12-month review for a ministry worker with a ministry team leader.
39. The "360-degree review" should be done by a reputable organisation who has developed expertise in conducting 360-degree reviews. A list of recommended providers should be made available by the Diocese and maintained by the Parish HR partner. The initial list of recommended providers is proposed to be the Centre for Ministry Development, City to City, and REACH Australia. Noting that parishes often have internal contacts of others with such expertise, parishes are free to use providers from outside of this recommended list on "arm's length" terms, and ways that avoid actual or perceived conflicts of interest.

Frequency of appraisals

40. Further consideration is required regarding the frequency of performance appraisals, particularly for ministry workers without a direct ministry team leader if "360-degree reviews" are favoured.
41. Given the more involved nature of a "360-degree review", including the cost, and noting that many of the desired outcomes of a regular performance appraisal will be achieved by other measures being contemplated by the staff development recommendation of the Royal Commission, the three yearly frequency may be an appropriate minimum for those with no ministry team leader. It is yet to be determined whether some other form of review may be required in the intervening years.

42. The Anglican Church of Australia report “Ministry Wellbeing and Development” recommended a 3 yearly cycle of reviews:
- (a) Year 1: A self-review
 - (b) Year 2: A joint review between clergy and their ministry team leader / bishop
 - (c) Year 3: A facilitated review.
43. However, this approach is not considered appropriate for several reasons:
- (a) the polity of the Anglican Diocese of Sydney,
 - (b) the tendency to operate in staff teams of varying sizes,
 - (c) the improved starting place of many of our rectors in relation to church staffing practices,
 - (d) the desire to build regular two way feedback into our culture, and
 - (e) the reality of Pastoral Supervision and Professional Development working in conjunction with performance appraisals.

Recording the Performance Appraisal

44. In the interests of mutual accountability and transparency, it is proposed that the Diocesan Registry keep a record of the date of the ministry worker’s last performance appraisal, and its type (eg 360-degree review provided by xxx; internal review). This is proposed to occur through an annual online declaration from the ministry worker.
45. Ministry workers are encouraged to share the insights they have gleaned from their review with their ministry coach or pastoral supervisor.

Next steps

46. Feedback is sought by 31 December 2023 on these proposed arrangements. Additional work will be required to determine the implementation of performance appraisals in the Diocese, particularly –
- (a) the timing of the implementation,
 - (b) whether the implementation should be staged,
 - (c) communication and education that will be required, and
 - (d) whether and how the conduct of performance appraisals should be legislated in the Diocese.

For and on behalf of the Standing Committee.

BRIONY BOUNDS
Diocesan Secretary

14 August 2023

PROPOSED TEMPLATE

Performance Review & Development Form

Name:		Position:	
Manager's Name:		Position:	
Date of Review Meeting:			

Role Description	
Is the role description up to date?	Yes / No (NB: If no, please update before proceeding with the review).

SECTION 1 – REVIEW OF PERFORMANCE AGAINST POSITION DESCRIPTION

Key Performance Areas	Performance Rating	Staff member comments	Manager's Comments
<i>A brief description of the main tasks that the employee is responsible for. This should reflect the Role Description.</i>	5 – Exceptional 4 - Exceeds Expectations 3 - Meets Expectations 2 - Improvement Needed 1 – Unsatisfactory	<i>For the staff member comments or examples/evidence of work in this area.</i> <i>Staff member may wish to give examples of good work, or challenges in achieving requirements.</i>	<i>For the manager's comments or examples/evidence of work in this area.</i> <i>Comments should provide evidence reflecting the performance rating.</i>
Responsibility 1			
Responsibility 2			
Responsibility 3			
Responsibility 4			
Responsibility 5			
Responsibility 6			

WORK OBJECTIVES FOR THE NEXT 6/12 MONTHS	
Gospel Outcome(s)	Goals (should be - Specific, Measurable, Realistic, with a timeframe)

SECTION 2 - CHARACTER AND LEADERSHIP DEVELOPMENT

Character and Leadership Development	Performance Rating	Staff member comments	Manager's Comments
<p><i>A brief description of the main tasks that the employee is responsible for. This should reflect the Role Description.</i></p>	<p>5 – Exceptional 4 - Exceeds Expectations 3 - Meets Expectations 2 - Improvement Needed 1 - Unsatisfactory</p>	<p><i>For the staff member comments or examples/evidence of work in this area.</i></p> <p><i>Staff member may wish to give examples of good work, or challenges in achieving requirements.</i></p>	<p><i>For the manager's comments or examples/evidence of work in this area.</i></p> <p><i>Comments should provide evidence reflecting the performance rating.</i></p>
<p>1. Spiritual Life</p> <ul style="list-style-type: none"> • You live for God, and this is demonstrated in word & prayer. • Your life is devoted to serving him and growing in his likeness. • The fruit of this is seen consistency in love, joy, patience, self-control, and a faithful prayer life. • You are walking closely with God. 			
<p>2. Leadership</p> <ul style="list-style-type: none"> • You create and communicate a compelling vision for your ministry that motivates others. • You convey the purpose and importance of the church's vision and strategy and how your ministry links in with it. • You collaboratively pursue the vision, generate enthusiasm, and take responsibility to map out steps to achieve it. 			

Character and Leadership Development	Performance Rating	Staff member comments	Manager's Comments
<p>3. Empowering and Developing People</p> <ul style="list-style-type: none"> You are committed to recruiting, training and empowering people in life and ministry. You are actively calling out church members to lead and take initiative and responsibility. 			
<p>4. Teamwork</p> <ul style="list-style-type: none"> As staff team member you actively seek to build other staff members up. You value them for the contribution they bring to the team and seek to quickly and graciously resolve any conflict that may arise. You always seek to assume the best of fellow team members and don't judge their motives. You positively uphold staff members externally with the church body. 			
<p>5. Mission</p> <ul style="list-style-type: none"> You seek to faithfully share the gospel with people you meet. You welcome new people into church life. 			

Character and Leadership Development	Performance Rating	Staff member comments	Manager's Comments
<p>6. Pastoral Care</p> <ul style="list-style-type: none"> You genuinely care for people and seek pastorally to ensure the people you are responsible for are looked after. You care for people in a holistic way, seeking to make sure their body, mind and soul are well with the Lord. You appropriately delegate care involving others when you are unable, or it would be inappropriate for you to be the direct pastoral carer. 			

SECTION 3 – SIGNIFICANT ACHIEVEMENTS, CHALLENGES, & MINISTRY DISCUSSION

How have you contributed to {xxx}'s organisational culture?

What went well this year?

What would you have liked to have done differently?

How do your “significant others” feel about your Ministry?

Ministry Futures Discussion: *This is an opportunity for the staff member to discuss their future ministry desires and / or opportunities.*

SECTION 4 –DEVELOPMENT PLAN

Ministry Focus Areas <i>(i.e., what are the most important ministry aims or issues going forward.)</i>	Development Goals <i>(i.e., what key skill or area do you need to develop to be more effective in this Ministry Focus Area.)</i>	Actions – How will objective me achieved, and by when? <i>(e.g., training, experience with new tasks, mentoring etc.)</i>

SECTION 5 – TWO WAY FEEDBACK

How can your manager better support you in your role?

What would you differently if you were the Senior Minister?

Would you like to provide any constructive feedback that might enhance the operations or professional working relationships in our church?

SECTION 6 – SIGNATURES

Both staff member and manager agree that this Performance Review & Development document reflects the discussions held.

This document will be filed securely and treated with confidentiality (as appropriate)

Staff Member’s Signature: _____ Date: _____

Manager’s Signature: _____ Date: _____

Property priorities to progress Indigenous ministry 22/22 Indigenous Ministry in the Diocese of Sydney

(A report of the Standing Committee.)

Key Points

- By Resolution 22/22, the Synod requested a report back in 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.
- The Anglican Church Growth Corporation (**ACGC**) continues to consult with the Sydney Anglican Indigenous Peoples' Ministry Committee (**SAIPMC**) to finalise characteristics and sizes of land needed.
- Additionally, ACGC is working with SAIPMC on a solution to enable ministry to continue on the existing Tregear site, potentially freeing up funds to be diverted to the Huskisson area for Indigenous ministry.
- \$2 Million in funds has been set aside for the purchase and development of property for use in Indigenous ministry.

Purpose

1. The purpose of this report is to report progress on Synod resolution 22/22.

Recommendations

2. Synod receive this report.

Background

3. By Resolution 22/22, the Synod, among other things –
 - (a) 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, requested the Standing Committee to –
 - (i) consider and prioritise the needs of the Sydney Anglican Indigenous Peoples' Ministry Committee (**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.
4. This request was referred to the Anglican Church Growth Corporation (**ACGC**) in consultation with the SAIPMC.
5. Accordingly, the following actions were included in ACGC's 2023-2025 Strategic Plan –
 - (a) undertake a needs analysis with SAIPMC to better understand the characteristics and size of land needed and the building requirements,
 - (b) purchase land in the vicinity of Huskisson for Indigenous ministry purposes, and
 - (c) undertake a feasibility study for provision of land and built form in the Mount Druitt/Tregear area suitable for Indigenous ministries.
6. Progress against these actions is reported on a monthly basis to the ACGC Board.

7. In November 2022, the Standing Committee passed an ordinance promoted by the Parish of Church Hill that transferred \$2,000,000 from its additional distributions from the 1 York Street lease to the ACGC, “towards the purchase and development of property for use in Indigenous ministry with not more than \$1,000,000 to be spent on any given property”. We are grateful for the generosity of the parish for this support for indigenous ministry.
8. A workshop was facilitated by the ACGC CEO with SAIPMC members in April 2023 to commence the needs analysis and to develop ideas and priorities to assist in targeting land purchases in the vicinity of Huskisson and Tregear.
9. The workshop did not result in any definitive criteria with respect to characteristics and size of land. It was determined that further consideration was required by SAIPMC members.
10. The workshop did establish that if security and safety issues associated with an adjacent laneway to the Tregear property were able to be solved, retaining and refurbishing the Tregear site would be preferred to relocating somewhere else.
11. As a result, ACGC has undertaken investigations to prepare a proposal to take to Council to close the laneway based on security and safety issues. Further details of the frequency and severity of the security/safety issues are required from the SAIPMC before the proposal can be presented to Council.
12. The above has implications for the purchase of land in the vicinity of Huskisson. If funds are not required to purchase land in the vicinity of Tregear, then with the endorsement of the Standing Committee these funds could be used partially to refurbish the Tregear church and rectory to acceptable levels with the remaining funds diverted to land purchase in the Huskisson area.

For and on behalf of the Standing Committee.

BRIONY BOUNDS
Diocesan Secretary

14 August 2023

Recommendations from the Education Committee

28/22 Diocesan support for the development of missional leaders and excellent educators in Anglican Schools

29/22 Request to appoint a diocesan educational advisor

30/22 Establishment of an Education Committee

(A report of the Standing Committee.)

Key Points

- This report recognises that communication within the Diocese, especially between the Synod and our network of Anglican Schools, can be improved.
- Anglican Schools represent one of our largest mission fields. Synod works in fellowship with 40 schools in the Diocese of Sydney that collectively educate over 43,000 students, and employ over 5,900 Full-Time Equivalent staff.
- Suggested changes will provide opportunities for the Synod to demonstrate its fellowship with schools in concrete and effective ways.
- There are immediate practical steps that can be taken at no cost, as well as some more challenging opportunities that will require further thought and funding.

Purpose

1. The purpose of this report is to –
 - (a) provide responses to a number of Synod resolutions made in relation to Anglican Schools, and Anglican education, and
 - (b) to expose some of the current issues of concern in Anglican education in the Diocese.

Recommendation

2. Synod receive this report.
3. Synod, noting the report 'Recommendations from the Education Committee' –
 - (a) acknowledge and thank Anglican Schools for their work as partners in the mission and ministry of the Diocese,
 - (b) request the draft statement on Reformed Anglican Education be presented to School Principals for their consideration and comment, including at the next Ascension Day meeting of Principals, with a view to adoption as a policy of the Synod in 2024, and
 - (c) encourage participation in mentoring, professional development and networking through diocesan associations and professional bodies.
4. Synod request –
 - (a) the Archbishop to consider appointing a suitably qualified education advisor to support his advocacy on behalf of Anglican Schools and to assist the Synod and schools to form an effective partnership towards their shared ministry goals, and
 - (b) the Standing Committee to consider ways to fund such a role.
5. Synod recommend that the Standing Committee –
 - (a) request SDS to include instructional training that provides contextual information about the Diocese and its structures in conjunction with SDS-supported AICD governance courses, and also requests including the offering of this training or an alternative version to diocesan school staff (possibly using a similar online platform as is currently operating for safe ministry training),

- (b) request the education advisor to report to the Standing Committee on the creation of tertiary training programs for school chaplains, assistant chaplains, and Christian Studies teachers, including the development of a sample K-12 Christian Studies curriculum,
- (c) request Youthworks to develop training units to support the teaching of the Bible in primary schools, and distinctive Christian teaching, and
- (d) consider ways to fund such requests.

Background

- 6. On 17 October 2022 the Standing Committee, having noted Synod resolutions 28/22, 29/22, and 30/22, appointed an Education Committee to address the requests of these resolutions, comprising Bishop Chris Edwards, Dr Jean Ashton, Mrs Jude Douglas, Dr Rahmi Jackson, the Rev Dr Michael Jensen, Dr Kaye Chalwell, Dr Wendy Moran, the Rev Dr Gavin Perkins, Canon Craig Roberts, and the Rev Peter Tong, to elect a Chair from amongst its members and with the power to co-opt.
- 7. The Education Committee met on the following occasions: 20 December 2022, 18 January 2023, 8 March 2023, 4 April 2023, and 8 May 2023. The Education Committee elected Bishop Chris Edwards as Chair, and the Rev Dr Michael Jensen as Deputy Chair.
- 8. Given the number of Anglican Schools, the number of staff schools employ, and the fact that they have enrolled over forty three thousand students - each with approximately 1,400 hours of face-to-face instruction each year – it is vital that Synod gives attention to this significant part of the Diocese’s mission. The Synod plays a significant role in the election of governors in most of the Anglican Schools in the Diocese of Sydney.
- 9. These schools work in partnership, together with the Diocese, towards “the great biblical goal of presenting people mature in Christ” by engaging each generation with the gospel and encompassing the “development of personal knowledge, and understanding, skills, character and virtues” (Diocesan Policy Statement on Education) and to present “the whole curriculum within a Christian worldview founded on the gospel of the Lord Jesus Christ” with a distinctive Christian Studies curriculum (*Anglican Schools Ministry Ordinance 2016*).
- 10. In current times, these schools operate in complex, ever changing social and political landscapes, where what was once clear and uncontroversial is now unclear and controversial. Schools are also facing unprecedented difficulties in recruiting and retaining quality teachers and leaders who are Christians. As long ago as 2009, Archbishop Peter Jensen stated that “our Diocese is guilty of neglect when it comes to its schools and indeed to the issues involved with education generally.”
- 11. Urgent tangible action from Synod is needed to support the mission and ministry of Anglican Schools in the Diocese.

Discussion

30/22 Establishment of an Education Committee

- 12. The text of resolution 30/22 is as follows –

“In light of the termination of EdComm and in the absence of any diocesan body to undertake the important work of resourcing and advocacy for and oversight of education in the Diocese, this Synod requests the Standing Committee to establish a suitably qualified committee to bring to the next Synod –

- (a) a clear diocesan statement on what Reformed Anglican Education is,
- (b) a report on what initial and ongoing training in the fundamentals of Anglican Education is currently available for school governors,
- (c) recommendations for a specific program for school chaplains and Religious Education teachers, and

- (d) recommendations for ongoing in-service programs on the application of Christian principles to education as a requisite for practising teachers (which may form part of teacher registration).”

13. The Education Committee devoted a significant portion of its time developing a draft statement on Reformed Anglican Education. This was in response to the Synod request, and an acknowledgement that deep theological reflection is required. The draft statement is found in Appendix 1 to this report, and is the foundation upon which the Committee considered the other components of the Synod resolution, as found below.

30/22(a) a clear diocesan statement on what Reformed Anglican Education is

14. The answer to this question is already formed within Sydney Anglican documents such as: The Diocesan Policy Statement on Education, and the *Anglican Schools Ministry Ordinance 2016*, and publications such as *New Perspectives on Anglican Education* (2011). The attached statement (Appendix 1) seeks to summarise these and define a Reformed Anglican Education by its theology and practices.

30/22(b) a report on what initial and ongoing training in the fundamentals of Anglican Education is currently available for school governors

15. All ‘responsible persons’ in a school are required by NSW Educational Standards Authority (**NESA**) to undertake initial and ongoing governance training; however, the training that is currently offered focuses (appropriately) on such areas as compliance and risk, child protection, strategic thinking and board effectiveness, to name a few. There simply is no systemic initial or ongoing training in the fundamentals of Anglican Education available for school governors.

16. Developing a NESA-Approved course in the fundamentals of Reformed Anglican Education, that would contribute towards requisite hours of governance training, would be a valuable outcome. It would further incentivise participation for existing governors and contribute to their triennial training obligations.

17. While a significant amount of training is provided for school governors, very little, if any, of it is focused on Reformed Anglican Education. It needs to be understood that policies, ordinances and guidelines are currently the principal means by which the Diocese communicates with schools. There is an expectation of compliance, but little or no assistance to school leaders in understanding their obligations.

18. A survey of school governors, conducted by the Anglican Schools Corporation, reinforced that a significant proportion of our schools are not doing what would be the minimum required to ensure school governors, especially alumni/community representatives, are trained adequately in the Christian ministry, character and purposes of their school.

19. There is an urgent need to provide more, and strengthen what is already provided, with Synod providing some (tailored) training modules for each diocesan school as part of an induction of new school governors. This could also expand beyond provision to new school governors on appointment, to include Principals and members of school executive teams.

Suggestions for induction and ongoing training

20. Induction programs and training for governors should identify and highlight the basis for the Christian character of each school found in the relevant constituting ordinance. For instance, one school’s ordinance stipulates that it is to be a school “in which the teaching shall be throughout in accordance with the principles of the Church of England” and similar phrases occur in other relevant ordinances.

21. The goal should be to ensure that each school governor has a deep understanding of what it means for them to support and strengthen the Christian ethos of the school, and the governance structures of the Diocese. Ongoing programs and training should specifically equip the governing body of each school to better deal with issues around the key Christian/societal pressure points in sensitive and thoughtful ways.

30/22(c) recommendations for a specific program for school chaplains and 'Christian Studies' teachers

Current situation

22. As is the case with school governors, no specific training program currently exists for school chaplains or Christian Studies teachers.
23. There is no specific pathway into School Chaplaincy and 'Christian Studies' in Anglican Schools in the Diocese. Moore College, Youthworks, and other institutes provide appropriate theological training but no specific chaplaincy or Christian Studies teaching training. The formation of the Youthworks Centre for Christian Education is a welcome development, but for now this means that the level of theological training, teacher qualification, ministry or pastoral experience varies widely across Diocesan Schools. Specific programs to support, train and develop those engaged in School ministry need to take into account the variable starting points of those engaged in these ministries.

Youthworks Centre for Christian Education

24. Youthworks College has launched the Centre for Christian Education with the aim of "deepening the gospel expertise of Christians in the teaching profession", as well as creating a "pathway for schools and churches to raise up more Christians for the teaching profession." The Diploma of Theology incorporating work placement in a school presents a useful model.
25. The Diploma of Theology for Christian teachers includes Christian Doctrine as well as Christian Ethics, Sexuality & Identity, and Formative Christian Teaching, and is designed for teachers to complete either before, during or after their formal teaching qualifications. The flexible format of the course allows for existing teachers to complete the 8 units through 3x 2-day blocks on a Friday and Saturday each semester.
26. This course would provide a thorough theological foundation and reflection to inform both practice and cultural engagement within Anglican Schools.

Recommendations

27. The Anglican School context is unique. While there are parallels to parish ministry, university ministry, cross-cultural mission, or other forms of chaplaincy, the context of ministry in Anglican Schools in 2023 is unique. Several factors about these Schools highlight the need for specific training for those who work and minister in them –
 - (a) An exemplary standard of teaching and godly conduct is required of Christian teachers and Chaplains because of the vulnerable age of children at school.
 - (b) The intersection of Christian principles and secular thinking creates tension which needs to be navigated faithfully, wisely and sensitively.
 - (c) Each school carries cultural norms and expectations that need to be understood for effective ministry to take place. The dynamic between compulsory and voluntary ministry settings within a school impacts what biblical messages can be emphasised.
 - (d) The practical limitations of timetables and term dates impact the format of ongoing professional development. Every school is different and has a different rhythm and cadence. Hence it is very difficult, for example, to find a consistent time for training across multiple institutions.
28. Identifying, recruiting and developing future Chaplains is also a challenge.
29. In light of the large responsibility that the Bible gives to teachers of the Bible (James 3:1, 1 Timothy 3, 2 Timothy 2:15) and the integral importance of these roles to a school's ministry and *raison d'être*, it is suggested that schools recognise the importance of these roles by prioritising the appointment of staff to these roles with significant training for the role, and facilitate on-going professional development and networking for staff in these roles.

30. The following two strategies are recommended as specific programs for school chaplains and Christian Studies teachers. A third strategy, for an Anglican Schools Executive Leadership program, is outlined in our response to Synod resolution 28/22, below.

Strategy 1: Ensuring appropriate qualifications are available and delivered for roles with responsibility for teaching the Bible to the school community

31. It is noted that the *Anglican Schools Ministry Ordinance 2016* already requires someone appointed to a Chaplain role to have a qualification in theology “commensurate with the position to which they are appointed that is acceptable to the Archbishop” and that this requirement is largely equivalent to the current requirements for practising teachers (generally four years of tertiary training). It is recommended that these requirements are extended to the role of Christian Studies teacher (or equivalent title). The Table in Appendix 2 sets out the recommended qualifications necessary to equip staff for the common variations of these roles, in addition to appropriate educational qualifications.
32. In making this recommendation it is recognised that –
- (a) a great variety of staff are already appointed to these roles without this level of training,
 - (b) the recommended elective units do not currently exist, and
 - (c) the current staffing, administrative and financial barriers and other burdens on schools and teachers makes widescale adoption of this recommendation very difficult.
33. Nonetheless, it is strongly suggested that the Synod works in partnership with schools to remove and reduce these barriers and increase the training supports and requirements of these roles. Specifically, it is recommended that –
- (a) schools preferentially appoint staff with this training to these positions,
 - (b) when staffing pressures result in the appointment of a person without these qualifications (including currently appointed staff), that the school facilitates and supports the staff member to complete this training within a reasonable timeframe to ensure they are effectively supported in their important role,
 - (c) these elective units be developed urgently by tertiary providers, particularly the Centre for Christian Education, and
 - (d) every step possible is taken to make the delivery of the one-year and three-year theology degrees appropriately flexible and financially feasible to be completed by staff working in full-time roles.
34. A shared curriculum for Christian Studies K-12 does not exist and this forms a significant barrier for collaboration and cross-school support. It is therefore recommended that a sample K-12 Christian Studies curriculum be developed by a collaboration between Youthworks Centre for Christian Education and experienced teachers of Christian Studies. It is recommended that the sample curriculum then be integrated into the Christian Studies method elective unit(s). It is noted that the needs of a K-12 Christian Studies curriculum to be delivered within Reformed Anglican Schools will have different requirements and standards to the SRE program delivered within public schools.

Strategy 2: Mentoring, professional development and networking programs for the teaching of the Bible in an Anglican School setting

35. It is recommended that a program of partnership be provided between the school, its local parishes and ministers and other chaplains and teachers across local schools. This strategy is modelled on the Ministry Training and Development (**MTD**) program which exists to provide ministry training and support for those in the first three years of ministry after ordination.¹ The MTD program works in partnership with rectors to “further integrate the participants’ theological understanding with their personal life and ministry practice.” There is a focus on personal formation and the competencies required in pastoral ministry during the early formative years. The use of ministry professionals and mentors are key facets of the program and the formation of diocesan fellowship across parishes is a highly positive outcome.

¹ [MD Program – Ministry Training & Development \(mtd.org.au\)](http://mtd.org.au)

36. A program either following the MTD model or being a sub-set of MTD could be ideal for the school setting, especially with the focus on skill based development, personal reflection and practical and spiritual mentoring. For those who work in small Chaplaincy teams, the fellowship developed across Schools could provide life-long ministry partnerships. The Sydney Anglican Schools Ministry Association (**SASMA**²) is a logical point for networking in this context.
37. In addition to the question of a specific program for school chaplains, a broader range of issues related to current school chaplaincy require further consideration (such as by the proposed education advisor) –
- (a) more detailed guidelines regarding what chaplains are actually required to do,
 - (b) the extent to which schools understand the place of the chaplain as a church worker,
 - (c) issues related to conforming to *Faithfulness in Service*,
 - (d) having an Archbishop's licence,
 - (e) the greatly varying status of the Chaplain in different schools,
 - (f) the role of the local Rector as Chaplain in schools that are not extra-parochial,
 - (g) specific requirements of educational and theological training,
 - (h) what is meant by pastoral responsibility to the school community,
 - (i) the Synod relationship being framed as *offering assistance* as opposed to *imposing requirements*, and
 - (j) the way in which the chaplain 'represents' the Diocese in their school community.

30/22(d) recommendations for ongoing in-service programs on the application of Christian principles to education as a requisite for practising teachers (which may form part of teacher registration).

38. The important role that all Christian teachers play in contributing to the ministry of the school is recognised, as they role-model Christian character, explore a Biblical world view of their academic subject areas, deliver classroom devotions, engage with a variety of non-Christian world views embedded in educational resources and syllabi, engage with supporting families with complex social issues, care of vulnerable people, apologetics as related to their subject areas, i.e., they seek to deliver an education transformed by Biblical truths.
39. With the closure of the Anglican Education Commission, the Synod does not currently provide any training or support for the application of Christian principles for practising teachers. Therefore there exists a great need for such training to exist and be available in flexible and financially viable formats. The work of the Christian teacher, to provide an education transformed by the Christian world view, requires academic training as well as professional development, mentoring, and networking. It is suggested therefore that the following strategies be adopted –
- (a) in recognition that diploma-level courses are not feasible for all Christian teachers to be able to complete, it is recommended that the preferred academic training to support all Christian teachers be formed as a Preliminary Theological Certificate (**PTC**) elective course on Christian teaching, to be written and delivered within the existing PTC course structure,
 - (b) that schools provide support for teachers to complete training units (including theology units and Christian teaching units),
 - (c) that schools are encouraged to appoint positions of leadership to develop and champion distinctive Christian teaching, mentoring teachers within the school and contributing to inter-school networks to develop and promote initiatives for improving Christian teaching,
 - (d) that such leaders be encouraged and supported to undertake training or research to deepen their understanding of Christian teaching, such as the diploma offered by the Centre for Christian Education or the Master of Education from the National Institute for Christian Education, and
 - (e) the formation of a network or association for Christian teachers linked to the Centre for Christian Education to facilitate professional development, conferences, research and mentoring partnerships.

² <https://www.sasma.asn.au/>

40. Notwithstanding the suggested training strategies above, it is recognised that the current chronic teacher shortage is creating difficulties when it comes to recruiting qualified teachers, especially in specific subject areas. In regional schools, recruiting in almost all subject areas is very difficult. Caution should therefore be given to placing any additional requirements on suitably qualified teachers. Such a step may well result in continued unfilled vacancies in Anglican Schools as potential applicants seek less restrictive opportunities in other Christian, independent, or government schools.
41. In response to the wording of Resolution 30/22, it is noted that teacher registration is not required in NSW, rather, teachers are accredited by the NESA according to their pre-service teacher qualifications. Accordingly, the word “registration” has been interpreted as if “accreditation” was meant. Nonetheless, extra requirements as part of accreditation cannot be added by employers.
42. There was a strong feeling among some members of the Education Committee that it is unreasonable to expect in-service Christian education programs to be mandatory for teachers in Anglican Schools. Other members believe that, if people are going to work in our schools, then their induction could involve in-service and professional development focus areas such as, Reformed Anglican Education. The Education Committee agreed caution should be given against issuing “decrees” which cannot be enforced or monitored.
43. The resolution requested a focus on in-service programs. An agreed understanding of what is meant by the “application of Christian principles” to education is an essential starting point for considering ongoing in-service programs. The draft statement on Reformed Anglican Education (Appendix 1) seeks to address this foundational issue.
44. It should also be noted that, in line with respected contemporary professional learning practices, the use of in-service programs (only) for effective professional development is no longer considered to be the best approach. While programs and more formalised learning were the primary focus of present consideration, other forms of learning were also considered that could be more effective. Furthermore, if a 10-hour module could be developed (at a price teachers could afford), then an understanding of “Christian Principles” may contribute towards a Proficient Teacher’s Elective Professional Development requirements.
45. There are a range of Anglican Schools where factors such as school councils, prevailing cultures and Principal perspectives influence the success of any professional development opportunity for staff. It can never be a one-size-fits-all. Therefore, a range of strategies and offerings facilitating involvement at a collective and individual level is necessary. To assist teachers in Anglican Schools to develop skills in applying evangelical Christian principles to education, a ‘scattergun’ approach (i.e. by considering many different possibilities) is proposed to, through God’s providence, meet teachers where they are at.
46. The difference between **offering** ongoing in-service programs to Anglican School staff focusing on the application of Christian principles and **encouraging** school staff to engage with these programs was considered. Specifically, consideration was given to the supportive and hindering factors to both offering and encouraging school staff to engage with ongoing in-service programs or professional learning of some nature.
47. Ultimately, a higher education institution may need to be established to provide a range of courses for all school leaders (including chaplains and school governors) and teachers providing clear direction in, and definition to, Reformed Anglican Education. Avenues for higher degree research would need to be developed to enable exploration of Christian pedagogy within a Reformed Anglican perspective.
48. This is a solution that is bold and courageous and would provide the very opportunities we seek to formalise Reformed Anglican pedagogy and provide the resources and training needed. This higher education institution, whether established *de novo* or growing out of existing institutions, could start by offering formal and informal courses for preservice teachers, established teachers, aspiring school leaders, chaplains and school governors. It could be an advocate for Reformed Anglican Education and could expand over time to encompass a range of disciplines.
49. An informal group should be established under the guidance of the suitably qualified education advisor to continue the conversation about a potential Anglican tertiary institution, noting that it is a long-term, aspirational goal, and may grow organically out of an existing institution such as the Centre

for Christian Education, Moore College, or an existing school, perhaps through the formation of a University College.

50. The education advisor should identify and promote courses that support Christian pedagogy. For example, the Youthworks in-service one year Diploma of Theology, which is referenced above as a recommendation for Chaplains and Christian Studies teachers. The Diploma would also be suitable for any teacher interested in developing their Christian pedagogy. Studying with staff from a variety of Anglican Schools would also foster a culture of collaboration.
51. It is important to foster a culture of collaboration between Anglican Schools to share exemplars of Christian pedagogy. Courses may also be identified from higher education institutions that have been 'vetted' for alignment with Reformed Anglican perspectives, and a suitably qualified education advisor may investigate partnership with an established university willing to offer a subject in Christian teaching, or willing to do cross-institutional credit. Options to reduce participation costs could also be investigated, such as Commonwealth Supported Places.
52. Five key approaches and sample strategies have been identified that would assist in supporting school staff to teach using a Reformed Anglican pedagogy, regardless of context. The appointment of a suitably qualified education advisor would facilitate the promotion of these strategies to Anglican Schools.
 - (a) Define Reformed Anglican pedagogy and articulate high-level practices –
 - (i) Survey educators in Anglican Schools about: what they think teaching Christianly is; their views on the distinction between Christian education and Reformed Anglican education; to what extent they feel they are teaching Christianly; the support or resources they need to improve.
 - (ii) Survey students about the degree to which they think that they have experienced a distinctive teaching style that is Christian.
 - (iii) Fund a scholarship (or find organisations who will) for researchers to undertake higher degree research in this area.
 - (iv) Write a statement (no more than a page, or two at most) defining what it is to teach using a Reformed Anglican pedagogy to assist teachers to understand the ethos of the school and what is required of them. This would be based on the draft statement of Reformed Anglican education, once it is finalised, and adopted by the Synod.
 - (b) Offer formal and informal development opportunities –
 - (i) Promote courses like the Youthworks in-service one year Diploma of Theology (part time mode needs to be readily available and delivered asynchronously).
 - (ii) Develop a menu of courses available from higher education institutions that have been 'vetted' for alignment with Reformed Anglican perspectives. Where possible, show how combinations of subjects might lead to micro-credentialing or full diplomas, and master degrees.
 - (iii) Partner with an established university willing to offer a subject in Christian teaching or cross-institutional credit. University courses in education are usually viewed in a favourable light with regards to NESA accreditation.
 - (iv) Establish a platform to act as a broker for sourcing providers of Christian education training, without necessarily trying to be a provider.
 - (c) Model exemplars in a variety of contexts for celebration and inspiration –
 - (i) Foster a culture of collaboration through inter school conferences where schools share their successes in developing a strong Christian pedagogy. It might need incentives via awards and conference dinner highlights with special guest speakers.
 - (ii) Make available twilight sessions where Anglican teachers, emerging leaders and leaders can share ideas and listen to key speakers. These can be recorded and offered to those not able to physically attend.
 - (d) Provide opportunities for teachers and school leaders to explore and unpack according to their own context –
 - (i) Consider offering an online introductory course (maybe ½ day's worth) for teachers who are not Christian / Anglican to assist them in understanding what Reformed Anglican Education is about, based on the draft statement of Reformed Anglican education. It could even be a *Christianity Explored* kind of course.

- (ii) Develop a model of mentorship that schools can adopt which facilitates expert Christian pedagogists who can work with teachers who are unsure / unclear how to teach Christianly in their subject area / stage.
- (e) Stimulate dialogue via a forum/platform which houses quality research and links to useful resources and courses –
 - (i) Establish a platform that presents a range of resources e.g. books, articles, podcasts, videos that teachers and leaders can access in their own time.

28/22 Diocesan support for the development of missional leaders and excellent educators in Anglican Schools

53. The text of resolution 28/22 is as follows –

“Acknowledging the enormous missional task before us, the increasing population of our Diocese, and the need for even more schools in the coming generations, Synod requests the Standing Committee to prepare a report for the next Synod, outlining the ways the Diocese can support the recruitment and development of outstanding Christian missional leaders who are excellent educators.”

54. Diocesan programs to support the recruitment and development of outstanding Christian missional leaders who are excellent educators do not currently exist.

Anglican Schools Executive Leadership program

55. The skills required for executive leadership in the Anglican School setting build upon the formation described above for all teachers, yet require a greater degree of expertise and specific training. The fact that the Association of Independent Schools (**AIS**) NSW³ runs several executive leadership courses highlights the acknowledged need for specific training in executive school leadership. The strength of AIS courses for Anglican Schools is their real-world rigour, though the drawback is that they do not grapple with the specifics of the Anglican context nor navigating theological and spiritual leadership in this setting.
56. The mentoring and networking strategies outlined in paragraphs 35-37 (above, specifically for Chaplains and Christian Studies teachers) seek to meet the need for preparing men and women to lead Christian ministries and other aspects of School life within the context of Sydney Anglican Schools. Just as the Presbyterian program sits within MTD, a similar model could be offered where candidates indicate they are ready to prepare for leadership roles within Schools. The use of mentors, intensives, psychometric testing and partnership with School Principals could be adapted for the school context.
57. The Committee notes that as effective training, mentoring and networks for the development of executive leaders in schools is the responsibility of the Principals, and executive leadership program such as that outlined above could come under the oversight of an organisation such as Sydney Anglican Schools Heads Association (**SASHA**).

29/22 Request to appoint a diocesan educational advisor

58. The text of resolution 29/22 is as follows –

“This Synod requests the Standing Committee to take whatever steps may be necessary to ensure the appointment of a suitable person who is qualified in –

- (a) educational philosophy,
- (b) educational practice, and
- (c) educational leadership,

to advise and represent the Diocese in matters relating to education and to provide annual reports to the Synod on the status of Anglican Education in the Diocese.”

³ [AISNSW](#)

59. Given the importance of this role, the Standing Committee should consider ways to fund a diocesan education advisor. The Standing Committee should also consider ways to fund the development of the recommended courses and elective units, and other initiatives recommended in this report.
60. The education advisor will need to have credibility as an education researcher and school advocate, understand the school environment, work collaboratively with schools, and be funded in a way different to the EdComm model. The brief will be to support the Diocese and its schools to work collaboratively to deliver an effective Reformed Anglican Education.
61. The education advisor should work collaboratively with existing diocesan associations to focus on assisting schools to deliver Reformed Anglican Education, at least partly in response to areas of need identified by the schools themselves.
62. Consultation with established organisations (such as SASMA, or SASHA) will assist in testing the willingness of schools to partner in specific initiatives and assist the diocesan educational advisor and association where best to direct their relational energy. Communication with schools and related organisations will be crucial.
63. Synod would continue to be the body with the authority to set requirements (e.g. by altering ordinances) and the advisor report to Synod, with no delegated authority.

For and on behalf of the Standing Committee.

BRIONY BOUNDS
Diocesan Secretary

14 August 2023

Draft statement on Reformed Anglican Education

1. **In theology**, a Reformed Anglican Education adheres to the evangelical mission and doctrines of the Anglican Diocese of Sydney. The mission of Reformed Anglican Education is synonymous with all Christian mission, the great commission in Matthew 28:19-20. The proclamation of the gospel therefore remains of pre-eminent importance. A Reformed Anglican Education provides the opportunity to engage each generation in the gospel, enabling young people to make an informed choice at the time when they make the majority of their most significant decisions about their lives.
2. For those who through the gracious activity of the Holy Spirit respond in repentance to the gospel, a Reformed Anglican Education must help connect them to their local Anglican church and in partnership support the development of mature disciples of Christ. This is described in the Diocesan Policy Statement on Education: *“The great biblical goal of presenting people mature in Christ (Col 1:28) encompasses the whole of life in every facet. The Christian life is the life of discipleship lived under the lordship of Christ through the authority of God’s word, which informs and moulds our thinking and directs our approach to God, others and the world that God has made. It encompasses the development of personal knowledge and understanding, skills, character and virtues.”*
3. The provision of Reformed Anglican Education in a post-Christian society is also a means to positively impact the lives and culture of non-Christians in the local community. We are in effect “exiles scattered” (1 Peter 1:1) amongst a non-Christian culture. Reformed Anglican Education therefore has a role in our community to be the ‘salt’ and the ‘light’ (Matthew 5:13-16). With wisdom and discernment, Reformed Anglican Education leads and shares eagerly in endeavours to serve others and to do good in society (Galatians 6:9-10; Titus 2:7-8) so that others may see and glorify God (Matthew 5:16), which cannot be achieved in abstraction from the gospel.
4. **In practice**, Reformed Anglican Education should have the following distinctive elements –
 - (a) A holistic approach to providing excellent education that is Christ-centred, student-focused and biblically founded, promoting the gospel of Christ and its importance for everyone.
 - (i) Providing a holistic and excellent education is a good goal that all schools share. However, the terms holistic and excellent will be redefined for Reformed Anglican Education.
 - (ii) Excellence is redefined away from an elitist perspective, where only high achievement is celebrated and valued. Rather in Reformed Anglican Education every student’s learning is valuable. There is therefore a specific focus on excelling at teaching students from diverse backgrounds and cultures and meeting additional needs of students, ensuring that for each student their learning pathway is achievable, appropriately challenging, and meaningful.
 - (iii) Holistic is also redefined as more than just a balanced development of academics, wellbeing, creative arts, performing arts, sport, service and character. Re-shaping this instead to have the goal of developing students in a manner to present them as mature disciples of Christ.
 - (b) The delivery of education transformed by a Christian worldview.
 - (i) “Christian Education” is defined as “the presentation of the whole curriculum within a Christian worldview founded on the Gospel of the Lord Jesus Christ” by the *Anglican Schools Ministry Ordinance 2016*. Thus, teachers of Reformed Anglican Education take opportunities to present how the Christian worldview transforms their understanding. In this manner, students are provided with a cohesive education where the importance of biblical understanding is made clear in all areas so that God’s true and good design may be known and of benefit to all.
 - (ii) Increasingly sophisticated competing paradigms are pervasive and are being overtly and subliminally driven into the minds of people through every media possible. Christian

education therefore seeks to equip and guide students to see God's wisdom in His design for the world, that they may benefit from the blessing of following His design. Further, that through an understanding of the Gospel and the Bible, that they may find the courage to take hold of the gospel and live life through Christ. The emphasis is explicitly not indoctrination¹, which demands students accept and do not think; rather a central goal is enabling students' informed critical thinking by comparing Biblical perspectives and the Gospel message to other perspectives and messages. In this manner students learn that God's design is distinct from, and better than, other competing beliefs and worldviews.

- (c) The delivery of an academic Christian Studies course across all years.
 - (i) The Holy Spirit uses the word of God as the "sword of the Spirit" (Ephesians 6:17) and it is only through His work that some may be saved. The teaching of the Bible is able to bring wisdom, salvation, maturity, sanctification and equip God's elect for their good work (2 Timothy, 3:15-17). Therefore, the teaching of the Bible is of central importance to the mission of Reformed Anglican Education.
 - (ii) The direct teaching of the Bible includes the entire Biblical text with a focus on its connection together as one big story. In Christian Studies, students will learn how to read the text and interpret the author's intended meaning based on context, determine applications and implications from the text, and understand the history, geography, genre, Biblical context, and connections to archaeological findings from the text. It is important to maintain the teaching of the Bible to a similar depth and quality of other academic studies so that students may not dismiss the study of the Bible, or the Christian faith, as lacking credibility, academic merit, or value.
- (d) Providing effective pastoral care for staff and students.
 - (i) Reformed Anglican Education is not a volume of knowledge dictated to pupils, indeed, "knowledge puffs up while love builds up" (1 Corinthians 8:1). It is instead an approach to education that responds to the inherent value of people (Lamentations 4:2) and the destructive impact of false teaching (2 Peter 2:1). While providing quality Christian and Biblical education is a necessary component to this, it is important not to make the mistake of the priest and Levite from the parable of the Good Samaritan (Luke 10:25-37). If we are to teach students the truth of their inherent value and dignity as co-image bearers, we must demonstrate this in how we love and care for them and their families (e.g., James 2:14-17).
- (e) Upholding the diaconal ministry of Anglican Schools through appropriate appointment and professional development of school governors, leaders, teachers and other employees.
 - (i) The work of Reformed Anglican Schools, founded by the Anglican Church, is a targeted mission to reach and educate a large population that may otherwise not be engaged in the Anglican Church. Teachers and leaders in these schools therefore have a responsibility to teach the Bible to this population and provide effective pastoral care for them. The Bible warns us of the greater responsibility of Biblical teachers and leaders (James 3:1, 1 Timothy 3) and the importance of being trained in the Scriptures (2 Timothy 2:15). Therefore, it is reasonable to adopt these Biblical principles when appointing people to leadership and Christian teaching positions.
 - (ii) As not all staff in Anglican Schools come with sufficient knowledge of the Bible (or Christian faith), there is an urgent need for ongoing teaching of the Bible to staff as well as to students. It is therefore the responsibility of Synod to work in partnership with schools to support and equip staff with theological advice and training sufficient to carry out their roles and contribute to the school's ministry.
 - (iii) The Scriptures remain the ultimate source of authority for decisions that the school must make. Therefore, the Bible should be well understood by leadership staff, ensuring all

¹ Collier, J. (2013) Models of Christian education. *TEACH Journal of Christian Education*, 7(1), 4-7.

decisions and actions of the school are Biblically sound. There is also significant benefit for the schools as they are informed and supported by the combined and collaborative wisdom of the Church leadership, including the Synod.

- (f) Appointing Chaplains to minister to the school community in partnership with local churches.
 - (i) Reformed Anglican Schools commonly appoint suitably trained Chaplains to minister in the school community. The specific roles of the chaplain are guided by the needs of each school's community and their own set of strengths and abilities. Some common aspects of their roles include: the exhortation of the Gospel of Christ through chapels and devotions, ministry of Christian groups, nurturing individual's faith, pastoral care, teaching of Christian Studies, theological advice, recruitment into ministry and mission, school service programs, and theological development for staff.
 - (ii) The chaplain's role has a focus of seeking to encourage students, staff and families to active discipleship through membership in their local church, rather than to see the school or chapel as an alternative to church. See also the treatment of section (c) of the Synod resolution, below, on the role of Chaplains.
- (g) Working in partnership between Anglican and other organisations to develop, promote, research, and advocate for the advancement of Christian educational practices.
 - (i) Reformed Anglican Schools carry the name and reputation of Christ, not just of Anglicanism or a particular school. Therefore, there is a responsibility for all in governance and leadership to be faithful stewards of the resources God has given and utilise these for the furtherance of the ministry and mission of Christ in schools. This includes the collaborative development, research and sharing of educational practices, the promotion and advocacy of these and support for training in them.

Table – Recommended training requirements for certain roles

Role	Load	Training recommended	Elective units recommended
Any leadership or executive chaplaincy role	Full-time	Three-year theology degree (e.g. B. Th.)	chaplaincy in schools
Chaplain	Full-time	Three-year theology degree (e.g. B. Th.)	chaplaincy in schools
Chaplain	Part-Time	One-year theology degree (e.g. Dip Th. or Dip B Th.)	chaplaincy in schools
Assistant Chaplain	Full-Time or Part-time	One-year theology degree (e.g. Dip Th. or Dip B Th.)	chaplaincy in schools
Any leadership of Christian Studies or equivalent role (e.g. Head of Christian Studies, Coordinator of Christian Studies)	Full-time	Three-year theology degree (e.g. B. Th.)	Christian Studies Teaching method
Christian studies teacher (or equivalent, e.g., Biblical Studies)	Full-time	Three-year theology degree (e.g. B. Th.)	Christian Studies Teaching method
Christian Studies teacher (or equivalent, e.g., Biblical Studies)	Part-time (whether by appointment or regular timetabling practice)	One-year theology degree (e.g. Dip Th. or Dip B Th.)	Christian Studies Teaching method
Primary school teacher who delivers Christian Studies (or equivalent) to their class	Any	Completion of PTC	Teaching the Bible to children (Primary)

6/22 Review of the Governance Policy for Diocesan Organisations

(A report from the Governance Policy Review Committee.)

Key Points

- In August 2021 the Standing Committee appointed a Governance Policy Review Committee (**GPRC**) to undertake a thorough review of the Synod's *Governance Policy for Diocesan Organisations* (**Governance Policy**).
- Since the last report to the Synod in 2022, the GPRC has met on ten occasions, undertaken extensive research on a wide variety of matters, and engaged with a significant number of diocesan organisations.
- An Exposure Draft of a revised Governance Policy for Diocesan Organisations (**Exposure Draft**), together with a brief covering note (**Explanatory Memorandum**) is attached. Feedback is sought by 31 December 2023.
- Both documents have been shared with schools and organisations, are being shared with churches at Synod (via this report), and will be shared with other entities to which the policy is proposed to apply, for comment and feedback.

Purpose

1. The purpose of this report is to provide an Exposure Draft of a revised Governance Policy for Diocesan Organisations (**Exposure Draft**) to the Synod for comment and feedback.

Recommendations

2. Synod receive this report.
3. Synod, noting the report 'Review of the Governance Policy for Diocesan Organisations' –
 - (a) affirm that churches, schools and organisations to which the policy is proposed to apply, in pursuing their individual charitable purpose(s), are partners in our shared ministry, and part of a network collectively seeking to advance the broader charitable purposes of the Diocese while maintaining high standards of governance,
 - (b) confirm the importance of churches, schools and organisations to which the policy is proposed to apply pursuing their individual charitable purpose(s) in a manner which is consistent with the doctrines, tenets and beliefs of the Anglican Church in the Diocese of Sydney,
 - (c) request Synod members, churches, schools and organisations to which the policy is proposed to apply, to review the Exposure Draft and provide feedback to the Governance Policy Review Committee by 31 December 2023, and
 - (d) request that a further revised form of the Governance Policy be brought back to the Synod in 2024 incorporating, as appropriate, comments and feedback from Synod members, and churches, schools and organisations to which the policy is proposed to apply.

Background

4. At its meeting on 9 August 2021, the Standing Committee agreed to appoint the Governance Policy Review Committee (**GPRC**) to review the Synod's Governance Policy, including –
 - (a) the relationship of that policy with other relevant Diocesan Policies and policy guidelines,
 - (b) the conclusions of the Conformity Report,
 - (c) changes in charity law and regulation since 2014 (including changes to the Australian Charities and Not-for-profits Commission (**ACNC**) Governance Standards and the introduction of the ACNC External Conduct Standards), and
 - (d) any relevant issues arising from the current debate on religious freedom.

5. Members of the GPRC were appointed by the Standing Committee on 6 September 2021: Bishop Chris Edwards (Chair), Mr Greg Hammond OAM (Deputy Chair), Mrs Stacey Chapman, the Rev Matt Heazlewood, Ms Anne Robinson AM, Dr Laurie Scandrett, Ms Nicola Warwick-Mayo, and Mr Robert Wicks.
6. Since the last report to the Synod, the GPRC has met on the following occasions: 24 August 2022, 19 October 2022, 2 November 2022, 7 December 2022, 15 February 2023, 8 March 2023, 5 April 2023, 25 May 2023, 14 June 2023 and 26 July 2023.
7. The Archbishop, in consultation with the GPRC, convened meetings of School Heads and Chairs on 12 October 2022 and 19 July 2023. The GPRC issued a communique on 30 November 2022 summarising the discussion at the first meeting. After the second meeting, the Archbishop provided a copy of the Exposure Draft and the Explanatory Memorandum to School Heads and Chairs on 20 July 2023.
8. From the last report to the Synod in 2022 until the release of the Exposure Draft in July 2023, the GPRC has received informal feedback and formal submissions from, among others, the Dean of Sydney, The King's School, Tara Anglican School for Girls, Abbotsleigh, Abbotsleigh Old Girls' Union, Sydney Church of England Grammar School (SHORE), The Illawarra Grammar School, and Trinity Grammar School. The GPRC has also extensively considered feedback from diocesan organisations provided through the mechanism of governance gap analysis. In May 2023, the GPRC also received a formal submission from the Sydney Anglican Schools Heads Association (**SASHA**).

Discussion

9. Attached is an Explanatory Memorandum (Attachment 1) and the Exposure Draft (Attachment 2). The Exposure Draft considers and implements a range of enhancements to the existing policy, including simplifications, and a broadening of applicability reflected in a tiered approach to governance. The Exposure Draft also highlights a number of areas (including where a departure from the requirements of the current Policy and/or there has been a divergence in the submissions received by the GPRC) about which the GPRC is specifically requesting feedback and comment.
10. The GPRC has undertaken a great deal of research, and consulted widely with diocesan organisations, and the Exposure Draft reflects multiple revisions in Committee as we have reflected on the impact and effectiveness of the existing policy, and how a revised policy might better achieve high standards of governance, ensure governors and leaders are of Christian faith and character and maintain organisational faithfulness. The GPRC is strongly committed to a form of policy that will both ensure governors and leaders will be of Christian faith and character, and be genuinely effective in maintaining organisational faithfulness. This will be achieved through –
 - (a) an improved nomination and selection process (and the GPRC is requesting feedback on how this can be best ensured), and
 - (b) a commitment to pursuing an organisation's charitable purposes in a manner consistent with the doctrines, tenets and beliefs of the Anglican Diocese of Sydney.
11. It should not be assumed that the GPRC is recommending the changes set out in the Exposure Draft at this stage, rather the GPRC believes it is appropriate for there to be wide ranging consultation on the issues raised by the changes proposed in the Exposure Draft. Likewise, the Standing Committee has not debated or expressed a view on the matters in the Exposure Draft.
12. The GPRC intends to move separate motions to test the mind of Synod regarding the approach of the Exposure Draft in creating a tiered model of governance, requiring governors and leaders to be of Christian faith and character, and requiring a commitment to maintaining organisational faithfulness.
13. The GPRC anticipates, following feedback from Synod members, churches, schools and organisations to which the policy applies, that it will finalise its recommendations to the Standing Committee in early 2024. It is anticipated that a final form of a new Governance Policy will be brought to Synod in 2024.

For and on behalf of the Committee.

BISHOP CHRIS EDWARDS
Chair, Governance Policy Review Committee

14 August 2023

Revised Diocesan Governance Policy

Explanatory Memorandum

Background

1. The Governance Policy Review Committee (**the Committee**) was established by the Standing Committee of the Synod to review the Synod's *Governance Policy for Diocesan Organisations* ([link](#)). The Synod received an update on the work of the Committee in 2022. The Committee was asked to consider a number of issues, including the relationship of the policy to other diocesan policies and guidelines, changes in law and regulation since 2014, and any relevant issues arising from the current debate on religious freedom.
2. The Committee has received informal feedback and formal submissions relating to the operation of the current policy. While much of the feedback has focused specifically on the Statement of Personal Faith, the Committee's terms of reference from Standing Committee requested a broader approach be taken, and the Committee is proposing a wide range of changes that will result in a *Diocesan Governance Policy* with significant new features.
3. The Exposure Draft has not been endorsed by the Synod or the Standing Committee. It is being circulated by the Committee for the purpose of seeking further feedback and submissions.

Responding

4. Whilst feedback and submissions on all aspects of the Exposure Draft is sought from Synod members, churches, schools and organisations to which the policy applies, the draft also poses questions and invites feedback on particular issues.
5. Feedback and submissions are requested by **31 December 2023**, and the Committee anticipates finalising its recommendations to the Standing Committee early in 2024. It is proposed that a final form of a new *Diocesan Governance Policy* will be brought to Synod in 2024.
6. Feedback and submissions are requested by 31 December 2023 and should be sent to –
diocesansecretary@sydney.anglican.asn.au
7. While feedback and submissions may be lodged electronically or by post, electronic lodgment is preferred. For accessibility reasons, please submit responses sent via email in Word format. An additional PDF version may also be submitted.
8. All information (including name and address details) contained in feedback and submissions may be made available to the Synod or Standing Committee unless the respondent indicates that all or part of the feedback or submission is to remain confidential. Respondents who would like all or part of their feedback or submission to remain confidential should clearly set this out at the beginning of their feedback or submission.

Key highlights of the proposed policy as found in the exposure draft

9. The 'Introduction' section in the Exposure Draft defines the Diocese as a network of churches, schools and multiple other incorporated and unincorporated organisations, with a common purpose. It also outlines the legislative framework through which Synod governs the various organisations.

10. The 'Purpose of the Policy' is explained in the Exposure Draft as being to encourage all churches, schools and organisations to which the policy is proposed to apply to seek high standards of governance appropriate to their context and their individual charitable purposes, whilst advancing our shared ministry, and the disciple-making purposes of the Diocese. It recognises that, while our churches, schools and organisations are responsible for ensuring their own responsible and effective governance, the Synod also has a responsibility to facilitate responsible and effective governance, in partnership with our churches, schools and organisations to which the policy applies.
11. The Exposure Draft of the policy includes a section reflecting on 'The nature of Christian governance and leadership' in which Synod acknowledges and gives thanks for the members of the governing bodies of our churches, schools and organisations who give generously of their time, energy and skills to exercise the responsibilities with which they have been entrusted.
12. A key new feature outlined in the Exposure Draft of the policy is the 'tiered approach' which acknowledges that the current policy only applies to a limited number of organisations, and the Exposure Draft seeks to significantly expand its scope. At the same time, in recognition of the diversity of organisations, a framework of tiers is created, with entities allocated to tiers on the basis of such factors as their size, status of incorporation, and the complexity of the regulatory environment in which they operate.
13. Appendix 1 allocates churches, schools and organisations to which the policy is proposed to apply to one of four tiers, and Appendix 2 sets out a range of governance standards, and clearly indicates which standards apply to which tiers. All entities must pursue their individual charitable purposes in a manner consistent with the doctrines, tenets and beliefs of the Diocese. In the revised policy there is a more confident setting of our own governance framework, rather than relying on the approach of the Australian Charities and Not-for-profits Commission (**ACNC**) Governance Standards, whilst still acknowledging the requirements of the ACNC Governance Standards.
14. Members of all entities elected or appointed by the Synod, the Archbishop, or a Diocesan organisation must be of Christian faith and character, attend regularly and be actively involved in a Bible-based Christian church. "Christian faith and character" is defined in terms drawn from the accepted definition of doctrine in the Diocese (i.e., the *Interpretation Ordinance 1985*) and the existing Statement of Personal Faith in Appendix 3 to the *Governance Policy for Diocesan Organisations*, with a personal commitment to seeking to live in obedience to the commands, doctrine, sacraments and discipline of Christ. The Exposure Draft seeks feedback on how this can be best ensured, including whether a declaration or statement of faith would continue to be an appropriate method of doing so.
15. The Exposure Draft also seeks to improve the nomination process for persons to be elected or appointed by the Synod, the Archbishop, or a Diocesan organisation, in the case of Tier 3 and Tier 4 entities, with a focus on demonstrating their Christian faith and character and involvement in a Bible-based Christian church, as well as relevant qualifications, skills and experience.
16. Such nominees must also be willing to sign a Personal Commitment to Organisational Faithfulness in which they commit to pursuing the purposes of the organisation in a manner which is consistent with the doctrines, tenets and beliefs of the Diocese.¹ The proposed Personal Commitment to Organisational Faithfulness is not intended as a replacement for a Statement of Personal Faith as it obliges governors and leaders to act govern and lead in a particular way (i.e., the purposes of the organisation are to be pursued in a manner which is consistent with the doctrines, tenets and beliefs of the Anglican Church of Australia in the Diocese of Sydney).
17. The Exposure Draft defines "doctrine, tenets and beliefs" as a phrase referring to the teaching of the Anglican Church of Australia in the Diocese of Sydney on any question of faith, and draws on the *Interpretation Ordinance 1985* in noting that the "sources of doctrine" include the Canonical Scriptures, the ancient Creeds, and the historic formularies of Anglicanism including the Book of Common Prayer, the Ordinal, and the Thirty-nine Articles.² These are as found in the Constitution

¹ The Committee acknowledges the influence of Judd et al. *Keeping Faith: How Christian organisations can stay true to the way of Jesus* (Acorn Press:2023) for its thoughtful and up-to-date approach to this issue.

² The doctrines, tenets and beliefs of the Diocese can also be found in other documents, such as the *Property Use Policy* ([link](#)), which outlines doctrines of salvation, the human person, marriage and human sexuality, and Christian freedom, and Synod's *Doctrine Statement on Gender Identity* ([link](#)). The *Property Use Policy* affirms that church property must not be used for purposes which contravene the doctrines, tenets and beliefs of the Diocese.

of the Anglican Church of Australia, itself embedded in the law of New South Wales. Governors and leaders of Anglican schools and organisations to which this policy applies should be required to personally commit to ensuring their schools and organisations pursue their purposes in a manner consistent with doctrine found in documents that have been foundational to Anglicanism for centuries.

18. Where possible it is provided that the Archbishop not be a member of diocesan organisations, but a consistent set of Archiepiscopal rights and responsibilities are outlined, depending on the tier to which the organisation is allocated.

Themes drawn from the feedback and how they have been addressed

19. A number of common themes run through the feedback received by the Committee. The key themes are detailed below, with commentary on how they are addressed in the Exposure Draft. During the consultation process on the Exposure Draft feedback is particularly requested on these issues.
 - 1) The nature and applicability of the policy
20. The existing policy is perceived as a prescriptive document that assumes one size fits all, and some of the feedback has noted that the policy is selectively applied, for example applying to a limited range of organisations.
21. The Exposure Draft seeks to address these concerns in two broad ways. There is a reframing of language, highlighting the gospel-shaped partnership that exists between all churches, schools and organisations to proclaim the lordship of Jesus Christ and progress our disciple-making purposes, while working to advance the broader charitable purposes of the Diocese. Additionally, the new framework of a tiered approach to governance both recognises that different expectations are appropriate for the variety of our churches, schools and organisations to which the policy applies, and seeks to significantly expand the applicability of the *Diocesan Governance Policy* to a broader range of entities.
 - 2) The Statement of Personal Faith
22. The greatest volume of feedback received has related to the existing Statement of Personal Faith in Appendix 3 to the *Governance Policy for Diocesan Organisations*, especially the *content* of paragraph 2(d), and the *process* by which it was added to the statement at Synod in 2019. The way in which paragraph 2(d) was added is widely perceived as having precluded adequate consultation with schools and organisations and, as such, has become something of a lightning rod for concerns related to consultation more generally.
23. It is worth noting that since a “declaration” for Council members was introduced in Moore College in 1984, multiple different versions of a declaration or statement of faith have been used in the Diocese. Today, in the ordinances governing organisations to which the current Policy applies, at least eight different versions of a declaration or statement of faith can be found and, in the governing ordinances for six organisations (all schools), there is no requirement for a statement of faith.
24. Feedback with regards to the content of paragraph 2(d) has focused on the relational difficulties it has created in school contexts, which in many cases have considerable interface with communities (including alumni) who are deeply influenced by a modern culture hostile to traditional Christian beliefs and practices. These relational difficulties can include personal and familial ramifications that hinder gospel conversations. It is also the case that this cultural hostility may create a barrier for the recruitment of governors and leaders who, while personally agreeing with the statement, may face sanctions from their employer or be prevented from taking up these voluntary roles if they are perceived to be not aligned with the values of their employer.
25. The Committee wishes to emphasise its firm commitment to a form of policy which both ensures governors and leaders of schools and organisations are persons of Christian faith and character, and which is genuinely effective in maintaining organisational faithfulness.

26. The Exposure Draft seeks to address this difficult issue by seeking commitment to historic formularies or documents of national status and applicability. For example, the definition of “Christian faith and character” draws on the sources of doctrine outlined above.
27. Related to this is the approach outlined above which seeks to create a framework where governors elected or appointed by the Synod, the Archbishop, or a Diocesan organisation, in the case of Tier 3 and Tier 4 entities and leaders make a personal commitment to maintaining organisational faithfulness, in addition to being persons of Christian faith and character.

3) The role and responsibilities of the Archbishop

28. It is recognised that the role of the Archbishop varies across churches, schools and organisations to which this policy applies. In some cases, the Archbishop is a member of the organisation, and as such is a Responsible Person for the purposes of *the Australian Charities and Not-for-profits Commission Act 2012* (Cth). In other cases, the Archbishop’s rights and responsibilities are quite limited. The feedback has drawn attention to inconsistencies and uncertainty in this regard.
29. The Exposure Draft seeks to create a greater level of consistency and certainty with regards to the role of the Archbishop in churches, schools and organisations to which this policy applies. It does this in part through a revival of the concept of the Archbishop as “visitor”, and includes some description of the responsibilities, rights and duties of a visitor, based on the long-standing traditions relating to the value of this role (especially in educational contexts such as universities and colleges). The Exposure Draft sets out consistent expectations for the roles and responsibilities of the Archbishop (according to the applicable tier of governance) that should be incorporated into a school or organisation’s ordinance or governing document.

4) The process of change

30. Concerns have been expressed by some schools and organisations to which this policy applies regarding the ability of Synod or Standing Committee to amend ordinances unilaterally. The exposure draft proposes that a policy be adopted with regards to Tier 3 and Tier 4 organisations that are bodies corporate, that commits Synod and Standing Committee to a process of consultation with the governing body of such entities before amendments relating to conformity with the policy guidelines are made.

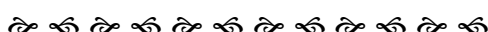
Governance Policy Review Committee

20 July 2023

Diocesan Governance Policy

Exposure Draft – 20 July 2023

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Introduction

1. The Diocese of Sydney (**Diocese**) is a fellowship of churches, schools and organisations. The Diocese proclaims Jesus Christ as Lord (2 Cor 4:5).

Our fellowship is shaped by the gospel and collectively shares our disciple-making purpose. We seek God's work amongst us to multiply Christians, multiply churches, and multiply leaders. To these ends, we long to see our fellowship marked by healthy communication, collaboration, and coordination.

Our churches, schools and organisations are places of gospel hospitality, irrespective of their function or role and, in light of God's grace and mercy, offer an appropriate welcome to all people. This is a guiding principle for this Policy. Commitment to the teaching of Jesus does not preclude service to all, but rather intensifies it. All who wish to serve Jesus as their Lord must also be committed to serving people from all backgrounds, circumstances and world views.

The Diocese is synodically governed, episcopally led and structured as an unincorporated voluntary religious association comprising a network of churches, schools and multiple other incorporated and unincorporated organisations (including trustees of trusts) which together operate under a consensual compact.

The Diocese is also one of 23 dioceses that are part of the separate national voluntary religious association known as the Anglican Church of Australia (**ACA**).

2. Our continuing purpose as Sydney Anglicans is given to us by God in the Scriptures. This purpose is to make disciples by –
 - (a) proclaiming and commending Christ,
 - (b) establishing them in the life of the church,
 - (c) equipping them for compassionate service in the world,
 - (d) sending some to serve beyond our Diocese, and
 - (e) prayerfully seeking God's work in all things.

In doing so, the Diocese advances religion and, through its churches, schools and organisations, pursues other charitable purposes in the Diocese and beyond. In doing so, the Diocese makes a rich contribution to the social capital of communities through education, youth work, social welfare, health, seniors living and aged care, and overseas aid.

3. Responsible and effective governance of our churches, schools and organisations –
 - (a) is essential to the furtherance of the disciple-making purposes of the Diocese, through the pursuit of the individual purpose(s) of each entity within the Diocese, and
 - (b) requires healthy communication, collaboration, and coordination between the parts (i.e., churches, schools and organisations in the Diocese) as partners in our shared ministry.

¹ The previous Policy Guidelines are now to be contained in a separate document.

4. Representative members of the Diocese meet in a synod (**Synod**) to attend to the governance of the Diocese (and other matters arising from membership of the ACA).

The New South Wales Parliament has provided a legislative framework for the Synod to carry out responsible and effective governance. The *Anglican Church of Australia Constitutions Act 1902* empowers the Synod to make ordinances for the order and good government of the ACA within the Diocese. The *Anglican Church of Australia Trust Property Act 1917* gives the Synod the power –

- (a) to vary the trusts on which church trust property is held for one or more purposes of the Diocese,²
- (b) to appoint and remove trustees of such property, and
- (c) to constitute councils and committees to govern and control the management and use of such property.

In addition, the *Anglican Church of Australia (Bodies Corporate) Act 1938* gives power to the Synod to constitute such councils and committees as bodies corporate for the management and governance of an entity within the Diocese or for holding, managing or dealing with church trust property held for one or more purposes of the Diocese.

5. In the Diocese there are more than [XX] churches, about 60 schools and organisations established by the Synod and multiple other organisations (including trustees of trusts) in respect of whose organisation or property the Synod is empowered to make ordinances, or the Archbishop-in-Council may impose legally binding conditions. About 20 schools and organisations are incorporated by or under legislation including the *Anglican Church of Australia Trust Property Act*, the *Anglican Church of Australia (Bodies Corporate) Act* or the *Corporations Act 2001* (C'ith).

Purpose of this Policy

6. The Synod acknowledges that our churches, schools and organisations have taken steps on their own councils, committees and boards (collectively, **governing bodies**) to ensure responsible and effective governance, and to promote communication, collaboration, and coordination amongst themselves.

Nevertheless, the Synod as the 'parliament of the diocese' also has a responsibility to the wider community to facilitate both responsible and effective governance of, and communication, collaboration, and coordination amongst, all churches, schools and organisations in the Diocese.

7. The adoption of a revised Synod approved Diocesan Governance Policy will enable the Synod to exercise this responsibility, and set out its expectations, as it partners with churches, schools and organisations in the Diocese in our shared ministry.
8. In exercising this responsibility Synod expects that those responsible for governing a church, school or organisation in the Diocese will seek the highest standards of governance appropriate to their context.
9. When a church, school or organisation seeks the highest standards of governance appropriate to their context, this will enhance the extent to which it is able to pursue the purpose(s) for which it is established and, in doing so, advances our shared ministry, and the disciple-making purposes of the Diocese.
10. The churches, schools and organisations of the Diocese are instruments of Christian ministry and so play a role in furthering the mission of Christ. Christian faith and discipleship are not, therefore peripheral concerns for the effective governance of our churches, schools and organisations. An expectation of good governance is something we share with people and institutions more widely in our community, but this commitment to furthering the mission of Christ, the crucified Saviour and risen Lord, is a distinctive of the churches, schools and organisations within our Diocese.

The nature of Christian governance and leadership

11. The Scriptures identify the church of God in a number of ways including the body of Christ, the bride of Christ, God's building, God's temple, and God's household (1 Cor 12:1-2, Eph 5:32-33, 1 Peter 2:4-5 and Eph 2:19-22). Understanding the identity of the church of God helps set the direction and scope of the ministries undertaken by our churches, schools and organisations. Recognising what the church of God is, as identified in the Scriptures, has led the Diocese to seek

² Section 4 of the *Anglican Church of Australia Trust Property Act 1917* defines purposes to include religious, educational, cemetery, and all other purposes of the Anglican Church of Australia, whether such purposes are within or beyond the diocese or the State.

to walk in humble obedience to God, faithfully participating in his reconciling of the world to himself through Christ (2 Cor 5:11, 18-21 and Col 2:6-7).

12. The Scriptures calls on us to manage, care, and be good stewards of all God has given (Gen 1:26-28), to recognise the legitimate, God-given authority of the State as both dutiful citizens and God's loyal servants (Matt 22:15-22, Rom 13:2 and 1 Peter 2:13-17) and to do so with generous spirits because "much will be expected of those to whom much has been given." (Luke 12:48)
13. Understanding the Diocese as a fellowship of churches, schools and organisations, all of which are shaped by the gospel and share our disciple-making purpose, requires governance that acknowledges the different parts of the household, with different gifts and opportunities, and different blessings and resources in order that they might work together in our shared ministry of exalting Christ and growing disciples in various contexts and in light of our ever-changing times. Responsible and effective governance must reflect these aspects of the identity of the Diocese so we might live to testify to the reign of God.
14. Leadership is a gift of God for the purposes of order and good government. Among the people of God, church leaders are gifted by God for the teaching, discipline and modelling of godliness to those under their care. Secular leaders are likewise accountable to God for their governance, which is for the good of the community they serve, since they also act as "God's servants" (Rom 13:4). Governing bodies of churches, schools and organisations in the Diocese should therefore have similar standards of integrity, truth and commitment with respect to their governance responsibilities. In particular, Jesus' use of the imagery of both shepherd and servant for his own ministry, as well as that of his apostles, ought to characterise those who would govern our churches, schools and organisations.
15. Scripture states: "We aim at what is honourable not only in the Lord's sight but also in the sight of others" (2 Cor. 8:21). In light of this, it is appropriate that churches, schools and organisations in the Diocese take pains to ensure not only the substance, but also the appearance of propriety and accountability. This includes abiding by the highest governance standards, which as a minimum include those applying to secular organisations where they are applicable or otherwise appropriate.
16. The Synod acknowledges and gives thanks for the members of the governing bodies of our churches, schools and organisations who give generously of their time, energy and skills to exercise the responsibilities with which they have been entrusted.
17. The Synod encourages the members of the governing bodies of all churches, schools and organisations in the Diocese to work in partnership with the Synod in seeking appropriate standards of governance in their context. Such standards are to be underpinned by prayer, sacrificial service, a dependence upon God for wisdom and a proper regard to best practice so that decisions made will enhance the effectiveness of each church, school or organisation in proclaiming Jesus Christ as Lord and making disciples.

Application of this Policy

18. This Policy sets out the expectations of the Synod which apply to churches, schools and organisations in the Diocese (and the members of their governing bodies) and represents an expansion of the scope of the Policy which previously only applied to a limited number of organisations. This Policy classifies churches, schools and organisations in four tiers, broadly as follows –
 - (a) churches, councils and committees, and unincorporated organisations,
 - (b) entities which operate within the Diocese and are authorised to use the word "Anglican" (or another "Church name") under the Use of Church Names Canon 1989,³

³ Section 6 of the *Anglican Church of Australia Act 1976* (NSW) provides that a person shall not, for the purposes of, or in connection with, any business, trade or profession use, or cause or permit to be used, names and descriptions relating to the Anglican Church of Australia unless the person is authorised to do so pursuant to a canon of the General Synod. "Church name" is defined in the Canon to mean –

- (a) each of the names or descriptions "Church of England", "Church of England in Australia", "Anglican Church of Australia" or "Anglican", and
- (b) any name, initials, word, title, addition, symbol or description which, either alone or in conjunction with other matter (i) refers to this Church or an instrumentality of this Church, or (ii) implies, or tends to the belief, or indicates, or is capable of being understood to indicate, or is calculated to lead persons to infer, that it is a reference to this Church or an instrumentality of this Church.

The Canon authorises the Archbishop-in-Council to issue and withdraw a certificate authorising the use of a "Church name" and impose conditions on the issue of such a certificate.

- (c) incorporated organisations which conduct an enterprise in their own right, and
- (d) larger incorporated organisations which conduct a complex enterprise, or an extensive external regulatory regime is applicable to the organisation.

Each tier is more fully described in Appendix 1.

Foundational standards of governance apply to the first tier (and the members of their governing bodies), whereas increasingly comprehensive standards of governance apply to the second, third and fourth tiers (and the members of their governing bodies).

During the consultation period for this Exposure Draft, comments are particularly invited on -

- *the desirability or otherwise of expanding the scope of the Policy to all the churches, schools, organisations and other bodies described in Appendix 1, only some of them or retaining the scope of the Policy to only those organisations set out in Tiers 3 and 4,*
- *the number of tiers and the placement of churches, schools, organisations and other bodies within the tiers is appropriate, and*
- *whether it would be preferable to use another word (e.g., category) rather than “tier” in this Policy.*

19. The expansion of the scope of the Policy recognises changing public expectations of transparency, accountability and good governance within the not-for-profit sector (including charities). The concept of governance encompasses the rules, relationships, policies, systems and processes to ensure that authority within a church, school or organisation is exercised and maintained.

An effective governance framework should have regard to –

- (a) the effectiveness of the governing body,
- (b) the contribution of members of the governing body,
- (c) the way in which governance is applied throughout a church, school or organisation, and
- (d) the strength of the relationships a church, school or organisation fosters with its members and other stakeholders, and other entities as partners in our shared ministry, and the disciple-making purposes, of the Diocese.

Good governance of churches, schools and organisations to which this Policy applies is a critical element in protecting and enhancing public trust and confidence in the structures of the Diocese.⁴

20. This Policy does not apply to the Synod as a whole since when in session the primary responsibility of members of Synod is legislative, although it does apply to the Standing Committee. The responsibilities and duties of members of Synod are different to the responsibilities and duties of the members of a governing body of a church, school or organisation.

Nevertheless, Synod commits to having due regard to the principles set out in this Policy in formulating rules and policies for the conduct of its own affairs and business.

During the consultation period for this Exposure Draft, comments are particularly invited on whether the application of the Policy to Standing Committee, and the commitment of Synod to have due regard to the principles set out in this Policy in the conduct of its own affairs and business, are appropriate.

21. This Policy –
- (a) sets out the expectations of Synod in relation to the governance of churches, schools and organisations to which this Policy applies,
 - (b) does not create legally binding obligations on any church, school or organisation, except to the extent the provisions of this policy are included in an ordinance, constitution or other instrument which applies to that entity,
 - (c) does not prevent an act or practice that is necessary for a church, school, organisation or person to comply with the law, and
 - (d) is not intended to prevent discussion and debate about contentious issues nor require a withdrawal from, or the exclusion from properties, services or activities of, those who do not share the doctrines, tenets and beliefs of the Diocese.⁵

⁴ The fact that the ACNC cannot take enforcement action against churches and organisations which are ‘basic religious charities’ following a breach of the ACNC Governance Standards (which to a large extent reflect basic principles of good governance) reinforces the importance of the Synod exercising its responsibility to facilitate both responsible and effective governance of, and communication, collaboration, and coordination amongst, all entities in the Diocese.

⁵ Paragraphs (a) and (b) are intended to clarify the operation of the Policy, especially in relation to entities which operate within the Diocese and are authorised to use the word “Anglican” (or another “Church name”) under the *Use of Church Names Canon*. Paragraph (c) reflects a provision found in other Synod policies (e.g., para. 10(d) of the Property Use Policy).

22. In this Policy –

ACA has the meaning set out in paragraph 1.

ACNC means the Australian Charities and Not-for-profits Commission.

basic religious charity has the meaning set out in section 205-15 of the *Australian Charities and Not-for-profits Commission Act 2012*.

broader charitable purposes means the purposes set out in paragraph 2 as amended, updated or prioritised by the Archbishop, or the Synod for the purposes of this Policy, from time to time.

chief executive officer means the person who is responsible to the governing body for the leadership and management of an organisation in the Diocese, including the head of a school.⁶

⁷ **Christian faith and character** includes -

- (a) belief that God's word written, the Scriptures of the Old and New Testaments, is the supreme authority in all matters of faith and conduct,
- (b) belief in the Christian faith as professed by the church of Christ from primitive times, and in particular as set forth in the creeds known as the Nicene Creed and the Apostles' Creed,
- (c) belief that there is only one way to be reconciled to God which is through his Son, Jesus Christ, who died for our sins and was raised for our justification, and that we are justified before God by faith only, and
- (d) a personal commitment to seeking to live in obedience to the commands, doctrine, sacraments and discipline of Christ.

During the consultation period for this Exposure Draft, comments are particularly invited on -

- *the provisions of Appendix 2 which refer to "Christian faith and character" and their application to the proposed four tiers, including whether a different approach is warranted for some organisations (e.g., all or some schools), but not other organisations,*
- *whether all or some of the standards of personal behaviour and, where applicable, the practice of pastoral ministry set out in the ACA's national code of conduct, Faithfulness in Service (FIS), as adopted in the Diocese from time to time, are an appropriate reference point for living in obedience to the commands, doctrine, sacraments and discipline of Christ which could be specifically mentioned in paragraph (d),*
- *if they are an appropriate reference point for obedient living, should the commitments to "maintain chastity in singleness and faithfulness in marriage" (FIS 7.2) and "not engage in disgraceful conduct of a sexual nature" (FIS 7.4) be specifically mentioned. Alternatively, should other commitments in FIS also be specifically mentioned? Listing only one element of faithful living (i.e., chastity in singleness and faithfulness in marriage), or some elements only, highlights that particular issue(s), and may have the (unintended) effect of weakening others which could then be perceived as unimportant, and*
- *whether there are other appropriate reference points for living in obedience to the commands, doctrine, sacraments and discipline of Christ which could be specifically mentioned in paragraph (d).*
- *the removal of an express statement equivalent to paragraph 2(d) of the Statement of Personal Faith in the current Policy (i.e., that [Christian] 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), and*
- *whether the use of a declaration or statement of faith (whether in the form of the Statement of Personal Faith in Appendix 3 of the current Governance Policy for Diocesan Organisations, or another form) is an appropriate way of determining or assessing whether a person is of Christian faith and character.*

doctrine, tenets and beliefs is a phrase which refers to the teaching of the ACA in the Diocese on any question of faith.⁸

Paragraph (d) is based on paragraphs 10(a) and (b) of the *Property Use Policy* but may not be necessary for the Governance Policy.

⁶ For the purposes of this Policy, a parish does not have a chief executive officer.

⁷ Paragraphs (a), (b) and (c) of the definition of Christian faith and character draws on the sources of doctrine set out in the *Interpretation Ordinance 1985* and statements of doctrine made the Synod or the Archbishop-in-Council, as well as the Statement of Personal Faith in Appendix 3 of the current Governance Policy for Diocesan Organisations. Paragraph (d) introduces a new requirement relating to a person's behaviour.

During the consultation period for this Exposure Draft, comments are particularly invited on the use of the words “tenets and beliefs”, and the necessity or desirability of the doctrines, tenets and beliefs of the Diocese being collated in a single place as a reference for churches, schools and organisations to which this Policy applies.

Diocese has the meaning set out in paragraph 1.

entity means a parish or organisation⁹ as classified in one of the four tiers set out in Appendix 1.

Governance Standards means the standards in Appendix 2.

governing body means the body of persons responsible for governing an entity. A governing body includes a body known as a board, council or committee.

meeting means a meeting of a governing body.

member means a member of a governing body.

organisation means a school or another incorporated or unincorporated body (including trustees of a trust) –

- (a) which is constituted by ordinance or resolution of the Synod, or
- (b) in respect of which, or whose property, the Synod may make ordinances, or the Archbishop-in-Council may impose legally binding conditions.¹⁰

¹¹ **parish** means a parish or provisional parish constituted under or recognised as such for the purposes of the *Parishes Ordinance 1979* or a recognised church or provisional recognised church recognised under the *Recognised Churches Ordinance 2000* and, for the purposes of this Policy, includes a cathedral.

Parish Council means the council, chapter or similar body of a parish as constituted under an ordinance.

Policy Guidelines means the policy guidelines adopted by the Standing Committee in accordance with paragraph 24.

Regional Council means the council of a Region constituted under the *Regions Ordinance 1995*.

Standing Committee means the Committee appointed pursuant to the *Standing Committee Ordinance 1897*. **Synod** means the Synod of the Diocese and includes, when the Synod is not in session, the Standing Committee of the Synod.

23. In support of our shared ministry, and the disciple-making purposes of the Diocese, this Policy sets out the Governance Standards that the Synod considers should apply to the churches, schools and organisations to which this Policy applies (and the members of their governing bodies) in the manner indicated in Appendices 1, 2 and 3.
24. The Standing Committee may set policy guidelines for the constituting ordinances of Tier 3 and 4 entities which are bodies corporate (including guidelines in relation to governing body composition, the term of office of members and casual vacancies, quorum for meetings, and the passing of resolutions). Such policy guidelines may go beyond the Governance Standards but must be consistent with the Governance Standards and applied in a flexible manner reflecting Synod's partnership with Tier 3 and 4 entities in our shared ministry, and the disciple-making purposes of the Diocese.

⁸ The Schedule to the *Interpretation Ordinance 1985* defines “doctrine” in these terms, and for the purposes of this Policy the addition of the words “tenets and beliefs” reflects terminology used in other contexts but is not intended to add to the word “doctrine”.

The sources of doctrine include (a) the Scriptures of the Old and New Testaments, (b) the Christian faith as professed by the Church of Christ from primitive times, and in particular as set forth in the creeds known as the Nicene Creed and the Apostles' Creed, (c) the commands, doctrine, sacraments and discipline of Christ, and (d) the book of Common Prayer, the Ordinal and the Thirty-Nine Articles.

Doctrine may also be declared in statements made by (i) the Synod of the Diocese with the concurrence of the Archbishop, or (ii) the Archbishop-in-Council, provided that such statements are consistent with the sources of doctrine in paragraphs (a), (b) and (c) above. Such statements include Synod's *Property Use Policy*, which outlines doctrines of salvation, the human person, marriage and human sexuality, and Christian freedom, and Synod's *Doctrine Statement on Gender Identity*.

⁹ This Policy uses the expression “churches, schools and organisations”. However, Appendix 1 and the Governance Standards in Appendix 2 use the expressions “entities”, “parish” and “organisations” as defined in this paragraph 22 for simplicity.

¹⁰ This includes entities which operate within the Diocese and are authorised to use the word “Anglican” (or another “Church name”) under the Use of Church Names Canon – see footnote 3.

¹¹ Are there other parochial or ecclesiastical units which should be listed in this definition and the definition of “Parish Council”?

Where it is proposed to amend the constituting ordinance of a Tier 3 or 4 entity which is a body corporate in order to conform with the Policy Guidelines, a consultation process must be undertaken with the governing body of the entity before any such amendments are made. Where a governing body believes that a particular Policy Guideline should not apply, it would usually be appropriate for the governing body to provide a brief explanation of its position as part of the consultation process.

25. The Synod anticipates that it will amend this Policy from time to time in order to better align the Governance Standards with our shared ministry, and the disciple-making purposes of the Diocese, and to reflect any changes to regulatory requirements and governance standards observed by secular organisations. For this purpose, the Synod encourages on-going input from the members of governing bodies.

exposure draft

Appendix 1: Application to Churches, Schools¹² and Organisations

	Types of Churches, Schools and Organisations	Specified Entities ¹³	Applicable paragraphs of Appendices 2 and 3 [To be completed]
Tier 1 Entities	<p>The wardens of a parish (as trustees of church trust property)</p> <p>A Parish Council</p> <p>Any unincorporated or incorporated entity controlled by a Parish.¹⁴</p> <p>A Regional Council</p> <p>The Standing Committee</p> <p>Any other unincorporated organisation¹⁵ (other than an unincorporated organisation declared by the Standing Committee to be a Tier 3 or 4 entity).¹⁶</p> <p>(including in each case, any of their committees or subcommittees)</p>	<p>Anglican Media Council</p> <p>Arundel House Council</p> <p>Living Faith Council</p> <p>Ministry Training and Development Council</p> <p>Sydney Church of England Finance and Loans Board (Sydney Anglican Loans)</p> <p>[others to be included as identified]</p>	
Tier 2 Entities	<p>An entity which operates within the Diocese and is authorised to use the word "Anglican" (or another "Church name") under the <i>Use of Church Names Canon 1989</i>¹⁷.</p> <p>An entity associated with an entity referred to in the preceding paragraph which also uses a "Church name" (as defined in the Canon).¹⁸</p>	<p>Entities registered on the Use of Church Names Register maintained by the General Secretary of the ACA under the <i>Use of Church Names Canon</i> including –¹⁹</p> <p>Anglican Deaconess Ministries</p> <p>[Anglican Insurance Agencies Pty Ltd]</p> <p>Anglican Mothers' Union [Australia, Diocese of Sydney]</p> <p>[Church of England Historical Society]</p> <p>Anglican Youth Department Diocese of Sydney</p> <p>Ski Lodge Limited (t/as Southern Cross Alpine Lodge)</p> <p>International Chinese School</p> <p style="text-align: right;"><i>Continued on next page</i></p>	

¹² For the avoidance of doubt, in the Appendices to this Policy, the word "school" is not intended to include a pre-school or any other entity which is not registered and accredited for the purposes of the Education Act 1990 (NSW).

¹³ The column headed "Specified Entities" contains a non-exhaustive list of organisations which are included in the relevant tier. An entity which meets the description in the column headed "Types of Churches, Schools and Organisations" is required to comply with the applicable paragraphs of Appendices 2 and 3 even if it is not listed in the column headed "Specified Entities". The Diocesan Secretary may update the column headed "Specified Entities" as required from time to time.

¹⁴ For example, a pre-school where a parish is entitled to appoint a majority of the members of a management committee or other governing body.

¹⁵ For the avoidance of doubt this includes any fund or trust controlled by another Tier 1 entity.

¹⁶ In making such a declaration, the Standing Committee is to have regard to the similarity of the activities of the unincorporated organisation to the activities of incorporated organisations classified in Tiers 3 or 4. A power to classify such an unincorporated organisation as a Tier 3 or 4 entity includes a power to re-classify the organisation as a Tier 1 entity.

¹⁷ The following entities listed in the Schedule to the *General Synod – Use of Church Names Canon 1989 Amendment Canon 2014* appear to no longer exist - Anglican Boys' Society, Anglican Girls' Friendly Society, Anglican Men's Society and Anglican Women of Australia – as their registration with the ACNC has been revoked.

¹⁸ There appear to be a number of foundations and associations linked to some of the entities in the list which also use uses a "Church name" (as so defined in the Canon). See footnote 3 for the definition of "Church name".

¹⁹ The list excludes organisations which appear to operate only outside the Diocese.

	Types of Churches, Schools and Organisations	Specified Entities¹³	Applicable paragraphs of Appendices 2 and 3 [To be completed]
		Kambala Meriden School Mosman Church of England Preparatory School Limited SCEGGS Darlinghurst SCEGGS Redlands <i>[list to be confirmed]</i>	
Tier 3 Entities	<p>An incorporated organisation which conducts an enterprise in its own right (rather than an administrative function under an ordinance), has an Australian Business Number and is not a Tier 4 entity.</p> <p>Any unincorporated or incorporated entity controlled by such an incorporated entity.</p>	<p>Diocesan schools</p> <p>Abbotsleigh (The Council of) Arden Anglican School Council (The) Barker College (The Council of) Campbelltown Anglican Schools Council Illawarra Grammar School (The Council of The) King's School (The Council of The) Macarthur Anglican School Council St Andrew's Cathedral School (The Council of) St Catherine's School, Waverley (The Council of) Sydney Church of England Grammar School Council (SHORE) Tara Anglican School for Girls (The Council of) Trinity Grammar School (The Council of) William Branwhite Clarke College Council</p> <p>Other organisations</p> <p>Anglican Church Growth Corporation Anglican Church Property Trust Diocese of Sydney Anglican National Superannuation Board Anglican Youth and Education Diocese of Sydney (Anglican Youthworks) Archbishop of Sydney's Anglican Aid (The) Endowment of the See Corporation. Evangelism and New Churches Glebe Administration Board St Andrew's House Corporation Sydney Anglican (National Redress Scheme) Corporation Sydney Diocesan Services</p>	

During the consultation period for this Exposure Draft, comments are particularly invited on whether it would be appropriate to split Tier 3 into two tiers (i.e., five tiers in total)– Diocesan schools in one tier, and other organisations in another tier – and, if so, the extent to which the Governance Standards in Appendix 2 would apply to differently to the two tiers.

	Types of Churches, Schools and Organisations	Specified Entities	Applicable paragraphs of Appendices 2 and 3 [To be completed]
Tier 4 Entities	<p>An incorporated organisation declared by the Standing Committee to be a Tier 4 entity for the purposes of this Policy.²⁰</p> <p>Any unincorporated or incorporated entity controlled by such an incorporated entity.</p>	<p>Anglican Community Services (Anglicare)</p> <p>Anglican Schools Corporation</p> <p>Moore Theological College Council</p>	

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²⁰ In making such a declaration, the Standing Committee is to have regard to the complexity of the enterprise(s) conducted by the organisation and the regulatory regime(s) applicable to the organisation. Relevant factors to be considered by the Standing Committee would include (a) the annual revenue (including the extent of direct or indirect government funding) and net assets of the organisation, (b) external accreditation by one or more Federal or New South Wales regulatory authorities, and (c) the extent of the duties and compliance obligations imposed on the organisation and/or the members of its governing body by legislation and regulatory authorities. A power to classify an incorporated organisation as a Tier 4 entity includes a power to re-classify the organisation as a Tier 3 entity.

Appendix 2: Governance Standards

The Synod regards the following Governance Standards as applicable to all entities (and the members of their governing bodies) in the manner indicated in Appendix 1 and this Appendix and expects all entities to implement each of the Governance Standards applicable to them in an appropriate and demonstrable way.

Part 1 Purpose and organisational faithfulness

		Tier			
		1	2	3	4
A. Mission clarity	(a) The charitable purpose(s) of the entity must be clearly expressed in an ordinance and must align with the broader charitable purposes, of the Diocese.	Y			
	(b) The charitable purpose(s) of the entity –				
	(i) must be clearly expressed in its constituting ordinance or other instrument, and				
	(ii) in the case of a Tier 3 or 4 entity, must align with the broader charitable purposes, of the Diocese, and information about them should be made available to the public, including donors, employees and volunteers, as well as those that benefit from its activities.		Y	Y	Y
	(c) All entities registered with the ACNC should be registered with “advancing religion” as their charitable subtype, or one of multiple charitable subtypes.	Y	Y	Y	Y
	(d) The entity must pursue the charitable purpose(s) for which it is established in a manner which is consistent with the doctrines, tenets and beliefs of the Diocese.	Y	Y	Y	Y
(e) To the extent permitted by law and in recognition that each entity is part of a network of entities within the Diocese, each entity should pursue its charitable purpose(s) in a manner which advances the broader charitable purposes, of the Diocese.	Y		Y	Y	
		Tier			
B. Not-for-profit character		1	2	3	4
	(a) The funds and other property of the entity must not be distributed for the private benefit of individuals or any other entity -				
	(i) during the operation of the entity, other than in the pursuit or furtherance of the entity’s charitable purpose(s), or	Y	Y	Y	Y
(ii) on its winding-up or dissolution, other than in the pursuit or furtherance of similar charitable purpose(s).					
(b) The entity must comply with its not-for-profit character.					

Part 2 Leadership and membership of governing bodies

C. Christian leadership shaped by the Bible

- (a) The wardens of a parish, members of a Parish Council and members of a Regional Council or the Standing Committee must be an active member of a parish in the Diocese and otherwise satisfy the requirements of the ordinance or other instrument governing their election or appointment.

Members of other tier 1 entities must satisfy the requirements of paragraphs C.(b) and (c).

- (b) Members elected or appointed by the Synod, the Archbishop or another (Diocesan) organisation must -

- (i) be of Christian faith and character, attend regularly and be actively involved in a Bible-based Christian church, and
- (ii) otherwise satisfy the requirements of the ordinance or other instrument governing their election or appointment.

During the consultation period for this Exposure Draft, comments are particularly invited on:

- the definition of “Christian faith and character” and the specific questions set out under the definition in paragraph 22 of this Exposure Draft, and*
- whether a definition of “Bible-based Christian church” (e.g., a church where the Bible is honoured and taught as the written word of God, to be believed and obeyed by all Christ’s disciples) should be included in the Policy.*

- (c) Other members must satisfy the requirements of the ordinance or other instrument governing their election or appointment.²¹

Paragraph C.(c) is a significant change from the current Policy which currently requires such members to sign a Statement of Personal Faith. During the consultation period for this Exposure Draft, comments are particularly invited on this proposed change. See also paragraph C.(g).

- (d) Any person who nominated for election or appointment by the Synod, the Archbishop or another (Diocesan) organisation must -

- (i) provide evidence of their Christian faith and character and involvement in a Bible-based Christian church,
- (ii) consent to the nomination and the collection of personal information,
- (iii) be willing to sign the Personal Commitment to Organisational Faithfulness (see paragraph D),

Tier			
1	2	3	4
Y			
In part – see C.(a)	Y	Y	Y
	Y	Y	Y
		Y	Y

²¹ Although other members (e.g., members of the governing body of a school) need not be of Christian faith and character, attend regularly and be actively involved in a Bible-based Christian church, in the case of Tier 3 and Tier 4 entities, such members are required to sign a Personal Commitment to Organisational Faithfulness (see paragraph D) which is a much stronger commitment than the previous Statement of Support for Christian Ethos which was included as a transitional measure in the current Policy when it was first adopted by the Synod.

(iv) have the relevant qualifications, skills, experience and Christian ministry involvement required under any applicable law or ordinance or any other instrument governing their election or appointment, as stipulated by the chair,				
in the manner required by the ordinance or other instrument governing their election or appointment.				
<i>During the consultation period for this Exposure Draft, comments are particularly invited on -</i>				
<ul style="list-style-type: none"> • <i>the move away from a nominee being willing to sign a Statement of Personal Faith to a broader means of assessing a nominee's Christian faith and character,</i> • <i>how a nominee's Christian faith and character can be best ensured,</i> • <i>the effectiveness of statements of personal faith,</i> • <i>the use of a new a Personal Commitment to Organisational Faithfulness, and</i> • <i>the nomination process and how it might be improved to ensure that a nominee has the qualifications, skills, experience and Christian ministry involvement which are required by the governing body at that time to enable it to effectively pursue its charitable purpose(s) (i.e., not just those qualifications, skills, experience and Christian ministry involvement required under any applicable law, ordinance or other instrument).</i> 				
(e) The chair must satisfy the requirements of paragraph C.(b).			Y	Y
(f) The total number of members should be no less than 9 and no more than 14.				
<i>This requirement is unchanged from the current Policy. During the consultation period for this Exposure Draft, comments are particularly invited on whether the current minimum (9) and maximum (14) numbers remain appropriate</i>			Y	Y
(g) A two-thirds majority of the members must be elected or appointed by the Synod, the Archbishop or another (Diocesan) organisation.				
<i>This provision allows, among other options, for a governing body to appoint additional members or the governing body of a school to include alumni representatives. During the consultation period for this Exposure Draft, comments are particularly invited on whether a higher proportion (e.g., three-quarters) would be appropriate.</i>			Y	Y
(h) Members must include at least –				
(i) two clergy licensed in the Diocese, and				
(ii) two members with (at minimum) a three-year theological degree from Moore Theological College or another college that is endorsed by the Archbishop for the purpose of this paragraph,			Y	Y
noting that the requirements of paragraphs C.(h)(i) and (ii) may be met by the same two people.				

- (i) Except as otherwise set out in the ordinance or other instrument governing their election or appointment, a retiring member should only be eligible for re-election or re-appointment where such re-election or re-appointment would not in the normal course result in that person being a member for more than 14 consecutive years.²²
- (j) The chair and any other officer of the governing body should be elected by members for a term not exceeding 3 years. Such persons are eligible to stand for re-election but should not serve in the same office for more than 9 consecutive years.
- (k) ²³ The chief executive officer must –
 - (i) be of Christian faith and character,²⁰ attend regularly and be actively involved in a Bible-based Christian church,
 - (ii) be willing to sign the Personal Commitment to Organisational Faithfulness (see paragraph D), and
 - (iii) otherwise satisfy the requirements of applicable law or ordinance or any other instrument governing their election or appointment.

In addition, prior to their appointment, the Archbishop (or his delegate) must be satisfied that the Christian faith and character of the chief executive officer will enable the purpose(s) of the organisation to be pursued in a manner which is consistent with the doctrines, tenets and beliefs of the Diocese.

		Y	Y
		Y	Y
		Y	Y
Tier			
1	2	3	4
		Y	Y

D. Personal Commitment to Organisational faithfulness

The election or appointment of a person as a member or chief executive officer is subject to the person signing a Personal Commitment to Organisational Faithfulness and delivering it to the Chair of the governing body prior to the person taking up the role of member or chief executive officer.

The form of the Personal Commitment to Organisational Faithfulness is set out in Appendix 3.²⁴

During the consultation period for this Exposure Draft, comments are particularly invited on the form and content of the Personal Commitment to Organisational Faithfulness. See also paragraph C.(d).

²² For this purpose, years are consecutive unless they are broken by a period of at least 12 months.

²³ This paragraph is to be reviewed following the release of the Federal Government’s response of any recommendations of the Australian law Reform Commission’s inquiry into Religious Educational Institutions and Anti-Discrimination Laws.

²⁴ The Personal Commitment to Organisational Faithfulness is a new concept and is not proposed as a replacement for the Personal Statement of Faith. It is a new, and different, concept.

Whether the use of a declaration or statement of faith (whether in the form of the Statement of Personal Faith in Appendix 3 of the current *Governance Policy for Diocesan Organisations*, or another form) is an appropriate way of determining or assessing whether a person is of Christian faith and character is a separate question and one of the matters on which comments are particularly invited during the consultation period for this Exposure Draft.

E. Role of the Archbishop

- (a) Except where required by an Act of Parliament, the Archbishop should not be a member and, accordingly, the relevant ordinance or other instrument constituting the entity must clearly set out –
- (i) whether the Archbishop is, or is not, a member, and
 - (ii) if a member, whether or not he has a deliberative and/or a casting vote.
- (b) If the Archbishop is a member, he should be entitled to chair meetings when present.
- (c) The Archbishop (or his nominee) should be able to address the governing body on any pastoral or policy issue concerning the ACA as it applies to the entity, including the appointment of a chief executive officer for the entity.
- (d) If the Archbishop is not a member, the relevant ordinance or other instrument constituting the entity may designate the Archbishop as President of the entity.
- During the consultation period for this Exposure Draft, comments are particularly invited on the role of the Archbishop in the governance of entities including when it is appropriate for the Archbishop to be a member of a governing body, and whether, as a general rule, the term Visitor should be used rather than President (with consequential drafting changes to paragraphs E.(e) and (f)).*
- (e) If the Archbishop is not a member (whether or not the Archbishop is President of the entity), he (or his nominee) should be entitled to receive meeting papers at his request and attend meetings.
- (f) If the Archbishop is President of the entity the relevant ordinance or other instrument constituting the entity should clearly provide that the Archbishop is entitled to exercise the responsibilities, rights and duties of a visitor.²⁵
- The responsibilities, rights and duties of a visitor include -
- (i) the power to settle disputes between members of the entity,
 - (ii) making determinations on the interpretations of the [internal rules] of the entity, and
 - (iii) visiting and inspecting the premises and/or ministries of the entity to ensure that its charitable purpose(s) are being pursued in a manner which is consistent with the doctrine s, tenets and beliefs of the Diocese.

Tier			
1	2	3	4
Y	Y	Y	Y
Y		Y	Y
		Y	Y
		Y	Y
		Y	Y

²⁵ Nothing in this policy prevents an ordinance or other instrument providing that the Archbishop (even if not President) is entitled to exercise the responsibilities, rights and duties of a visitor, nor does it prevent the Archbishop exercising responsibilities, rights and duties otherwise afforded by law.

F. Governing body member responsibilities

Members must –

- (a) ensure that the entity’s charitable purpose(s) are pursued in a manner which is consistent with the doctrines, tenets and beliefs of the Diocese,
- (b) act in good faith,
- (c) act honestly and fairly in the best interests of the entity and to further the charitable purpose(s) of the entity,
- (d) exercise the powers and discharge the duties of the entity with the degree of care and diligence that a reasonable individual would exercise as a member,
- (e) not use their position as a member for an improper purpose or in a manner which is inconsistent with the entity’s charitable purpose(s),
- (f) maintain any confidentiality of information obtained in the performance of their duties as a member, and not use such information for an improper purpose or in a manner which is inconsistent with the entity’s charitable purpose(s),
- (g) ensure that the financial affairs of the entity are managed in a responsible manner, and
- (h) ensure any actual, potential or perceived conflict between their material personal interests (including as a member of the governing body of another entity), and their responsibilities set out in the preceding paragraphs, are disclosed and managed in a proper manner.

Tier			
1	2	3	4
Y	Y	Y	Y

G. Additional suitability requirements

- (a) Members who are clergy or church workers²⁶ must comply with the standards of personal behaviour and the practice of pastoral ministry set out in the ACA’s national code of conduct, *Faithfulness in Service (FIS)*, as adopted in the Diocese from time to time.
- (b) Other members elected or appointed by the Synod, the Archbishop or another (Diocesan) organisation should observe standards of personal behaviour consistent with:
 - (i) seeking to live in obedience to the commands, doctrine, sacraments and discipline of Christ,²⁷ and
 - (ii) their obligations as a member of the governing body of a Diocesan organisation.

Tier			
1	2	3	4
Y	Y	Y	Y
Y		Y	Y

During the consultation period for this Exposure Draft, comments are particularly invited as to whether paragraphs G.(b)(ii) and (c) should also refer to standards of personal behaviour which do not bring the Diocesan organisation or the Diocese into disrepute and, if so, how such a standard could be worded.

²⁶ References to clergy and church workers are to such persons within the meaning of FIS.

²⁷ This paragraph to be reviewed and updated for any changes to the definition of “Christian faith and character” in paragraph 22.

(c)	Other members should observe standards of personal behaviour which are consistent with their obligations as a member of the governing body of a Diocesan organisation.	Y		Y	Y
(d)	The chief executive officer must comply with the standards of personal behaviour and the practice of pastoral ministry set out in FIS.	Y		Y	Y
(e)	Members and the chief executive officer must comply with applicable legislative requirements for working with children and/or vulnerable people.	Y	Y	Y	Y
(f)	A member must not have been disqualified by the ACNC Commissioner, at any time during the preceding 12 months, from being a responsible entity of a registered entity under the ACNC Act.	Y	Y	Y	Y
<i>During the consultation period for this Exposure Draft, comments are particularly invited as to whether paragraphs G.(f) and (g) should also apply to the chief executive officer.</i>					
(g)	A member must not be a person who is disqualified from managing a corporation within the meaning of the Corporations Act 2001.		Y	Y	Y

Part 3 Organisational accountability

H. Responsibility and transparency

		Tier			
		1	2	3	3
(a)	The entity must ensure its on-going operations, the safety of people in its care and the safety of its assets through compliance with applicable laws and ordinances and policies of the Synod.	Y	Y	Y	Y
(b)	The governing body should have the power to delegate the performance of any of its functions to one or more committees provided any such committee is chaired by a member and reports the exercise of its delegated functions to the next meeting.	Y	Y	Y	Y
(c)	All entities registered with the ACNC must comply with the ACNC External Conduct Standards (if applicable).	Y	Y	Y	Y
(d)	The entity must not, and its governing body must not allow entity to, operate while insolvent.	Y	Y	Y	Y
(e)	An entity registered with the ACNC as a basic religious charity should comply with the ACNC Governance Standards.	Y			
(f)	An entity registered with the ACNC (and which is not a basic religious charity), must comply with the ACNC Governance Standards.		Y	Y	Y
(g)	The governing body should develop policies –				
(i)	to ensure members have undertaken safe ministry training in accordance, and otherwise comply, with the <i>Safe Ministry to Children Ordinance 2020</i> and other applicable ordinances relating to ministry to children and youth,	Y		Y	Y

<ul style="list-style-type: none"> (ii) to ensure appropriate identification and management of related party transactions, (iii) for the management of risks to the entity, (iv) for the professional development and training of members in matters relevant to the entity's operations including governance practices, and (v) [other]. 				
<ul style="list-style-type: none"> (h) The entity must maintain an adequate level of accountability and transparency to – <ul style="list-style-type: none"> (i) the Synod in accordance with applicable ordinances, and (ii) parishioners, members, donors, employees and volunteers, as well as those that benefit from its activities. 	Y		Y	Y
<ul style="list-style-type: none"> (i) A Tier 3 entity should, and a Tier 4 must, have a charter which sets out the responsibilities of the governing body including - <ul style="list-style-type: none"> (i) the role of the chief executive officer and senior management of the entity, (ii) matters specifically reserved for governing body decision-making, and (iii) the governing body's operating protocols. 			Y	Y
<ul style="list-style-type: none"> (j) The entity must - <ul style="list-style-type: none"> (i) ensure that personal information (as defined in the <i>Privacy Act 1988</i> (C'ith)) is managed in accordance with applicable law or ordinance, (ii) [other] 			Y	Y
<ul style="list-style-type: none"> (l) ²⁸ The governing body of a Tier 3 entity should, and of a Tier 4 entity must, develop effective processes to ensure – <ul style="list-style-type: none"> (i) the collective qualifications, skills, experience and gender balance of its members are adequate having regard to its charitable purpose(s) and the activities the entity it undertakes in pursuit of its charitable purpose(s), (ii) the induction of new members and the ongoing training and development of existing members, (iii) the regular review of the performance of the governing body, and (iv) member succession planning and governing body renewal under the direction of the chair. 			Y	Y
<ul style="list-style-type: none"> (m) ²⁵ An entity should maintain as a reference for members a record, preferably in the form of a handbook, of the ordinances by which it is constituted or regulated and any other documents or policies by which it is governed. 			Y	Y

²⁸ Should this requirement also apply to tier 1 entities?

- (n) Members should not be remunerated for their service as members except by way of reimbursement for reasonable out-of-pocket expenses.
- (o) To the extent permitted by law, the governing body may develop a policy for the remuneration of the members of its governing body for their service as members (including by way of reimbursement for reasonable out-of-pocket expenses), subject to the maximum annual remuneration amount being approved by the Standing Committee.

Paragraph H.(o) is a change from the current Policy (i.e., paragraph H.(n)) and has been suggested having regard to the complexity of the enterprise(s) conducted by a Tier 4 entity and the regulatory regime(s) applicable to them. During the consultation period for this Exposure Draft, comments are particularly invited on whether this change is appropriate.

Y		Y	
			Y
Tier			
1	2	3	3
Y		Y	Y
Y		Y	Y
		Y	Y
		Y	Y
			Y

I. Reporting to Synod and/or Standing Committee

- (a) The entity must provide annual and other reports in accordance with applicable ordinances.
- (b) In an annual report provided by an entity in accordance with an applicable ordinance, the governing body must disclose any failure by the governing body to comply with the Governance Standards and set out the steps taken, or being taken, to remedy non-compliance.
- (c) An entity which manages church trust property must submit to the Synod for tabling an annual report or such other reports as Synod are required in accordance with applicable ordinances and must take reasonable steps to ensure such reports are accurate, complete and provided on a timely basis.
- (d) Members of the Synod must have reasonable access to the annual reports of the entity tabled at the Synod and must have an adequate opportunity to ask and have answered questions about the governance of the entity.
- (e) In addition, an entity must promptly advise the Standing Committee of –
 - (i) any failure to comply with –
 - (A) applicable governance standard or requirement, or any financial or prudential reporting requirement, of any government authority (other than the ACNC) likely to lead to loss of any licence or approval required to conduct current activities, or
 - (B) the financial or other covenants under any agreement with a bank or other financial institution for the provision of financial accommodation in excess of \$10,000,000 likely to lead to the early termination of such financial accommodation,

- (ii) [event or circumstance which may result in the entity (or any member of the governing body) being indicted in relation to the alleged commission of an offence under any law punishable on conviction by a penalty that may include imprisonment for a maximum period -
 - (A) if the offence involves fraud or dishonesty - 3 months or more, or
 - (B) in any other case--12 months or more, and
- (iii) [*describe any additional reporting requirements*].

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Appendix 3: Personal Commitment to Organisational Faithfulness

Personal Commitment to Organisational Faithfulness

1. I acknowledge that the purpose(s) of [*insert name of entity*] (the “**diocesan organisation**”) as set out in [*insert name of constituting ordinance / describe the diocesan organisation’s constitution*] * (“**constitution**”) are to be pursued in a manner which is consistent with the doctrines, tenets and beliefs of the Anglican Church of Australia in the Diocese of Sydney. **
2. As [a member / a member of [*insert name of the governing body*] / the chief executive officer] * of the diocesan organisation I shall endeavour to –
 - (a) fulfill my duties in accordance with the constitution and applicable laws and ordinances,
 - (b) wherever practicable, ensure other provisions of the Diocesan Governance Policy are adopted by the diocesan organisation, and
 - (c) ensure that the diocesan organisation’s purpose(s) are pursued in a manner which is consistent with the doctrines, tenets and beliefs of the Diocese.
3. I agree that my continuance as a [member / a member of [*insert name of the governing body*] / the chief executive officer] * is dependent upon my continuing agreement with this commitment and I undertake to resign if this ceases to be the case.

Signature

Full name (in block letters)

Date:

* Delete whichever is not applicable.

** In this statement the phrase “doctrine, tenets and beliefs” has the meaning set out in the Diocesan Governance Policy.

South Western Region buildings and property strategy

15/22 Toward the development of a Diocesan Property Strategy

(A report of the Standing Committee.)

Key Points

- By Resolution 15/22, the Synod asked the Standing Committee to prepare a Diocesan-wide, Ministry-led, Buildings and Property Strategy.
- One Regional Ministry-led, Buildings and Property Strategy has been prepared for consideration by Synod before embarking on preparing the remaining four Regional strategies and an over-arching Diocesan-wide strategy. The South Western Region was chosen as the subject of the first draft Regional Strategy, which will be a template for the remaining four Diocesan Regions.
- The Draft South Western Region Buildings and Property Strategy has been prepared for review by, and consultation with, Synod members, in consultation with Rectors and Wardens of the South Western Region and working in close cooperation with the Regional Bishop.
- The Draft Strategy is available at www.sds.asn.au/synod-2023-draft-south-western-region-building-and-property-strategy. Comments on the draft may be made up to 15th November 2023. Comments/submissions will be reviewed, and any necessary amendments made to the Draft Strategy, prior to approval by the Standing Committee.

Purpose

1. The purpose of this report is to report back on progress against Synod resolution 15/22.

Recommendations

2. Synod receive this report.
3. Synod, noting the report 'South Western Region buildings and property strategy' –
 - (a) note that the members of Synod have been invited to provide feedback on the draft South Western Region Buildings and Property Strategy, and that they can send their feedback on the Strategy to the Diocesan Secretary (DiocesanSecretary@sydney.anglican.asn.au) by 15 November 2023,
 - (b) request the Standing Committee to consider approving the South Western Region Buildings and Property Strategy, having taken into account the feedback from Synod members, and
 - (c) request the Standing Committee to prepare the remaining four Regional strategies and an over-arching Diocesan-wide ministry-directed property strategy and report back to the next session of the Synod.

Background

4. By Resolution 15/22, the Synod, among other things, asked the Standing Committee to prepare a diocesan-wide ministry-directed property strategy for the next session of the Synod, taking into account the feedback from Synod members.
5. Standing Committee delegated the coordination of the diocesan-wide ministry-directed property strategy to the Anglican Church Growth Corporation (**ACGC**).
6. Only one response was received to the 2022 Synod discussion paper.

Discussion

7. In Q1 2023, the ACGC Chair and CEO agreed, in consultation with the Archbishop, to focus reporting back to Synod in 2023 on one Regional strategy as a prototype for review by Synod before developing strategies for the remaining four regions. The South Western Region was chosen as the focus for 2023.
8. The Draft South Western Buildings and Property Strategy (**Draft Strategy**) is presented to Synod as draft for comment. It is available on the SDS website at www.sds.asn.au/synod-2023-draft-south-western-region-building-and-property-strategy. Because it is proposed that this be the template for the other four regions, it is appropriate to provide the opportunity for all Synod members to comment.

Development of the Draft Strategy

9. ACGC collaborated with Bishop Peter Lin to firstly release a detailed discussion paper to Rectors and Wardens of all South Western Region parishes. 25 detailed submissions were received from South Western Region parishes (there are 45 active parishes in the South Western Region).
10. The Draft Strategy was prepared using the most up-to-date, post-COVID population data available from PlanningNSW and SGS Economics. The Diocesan Registrar has provided updated attendance statistics for the year prior to COVID-19 and for 2020 and 2021 (both impacted by COVID). The analysis has been from a perspective of objectively optimising the building/property and ministry (staff) resources in the South Western Region for effective ministry and evangelism over the next 30 years.
11. The South Western Region includes the fastest growing greenfields areas, and some of the fastest growing urban infill areas in the Diocese. The key outcomes of the Draft Strategy identify:
 - (a) greenfield and urban infill parishes requiring parish multiplications due to the expected population growth,
 - (b) urban infill areas requiring upgrades to existing infrastructure,
 - (c) potential parish partnerships where current and future parish populations are significantly smaller than the parish population catchment sizes set in the draft strategy, and
 - (d) under-utilised properties that could be re-purposed or redeveloped as part of the Diocesan Urban Renewal Pilot Program (URPP) or sold, with the proceeds going to church upgrades or the parish multiplications required to meet population demand.
12. Of note is –
 - (a) The analysis shows that the region currently has 45 parishes. Based on 30,000 person parish population catchments, in 2026 the Region would need 44 parishes. However, in 2056, this would increase to 64 parishes.
 - (b) However, the above analysis is a starting point that requires greater nuance. When looking at the number of new parishes that need to be created with parish population catchments between 30,000-40,000, the analysis undertaken indicates a need for 18 new parishes (especially in the South Western growth corridor), while there is the opportunity for closer parish partnerships for at least nine parishes.
 - (c) There are also opportunities to reallocate parish boundaries where more recent transport infrastructure has resulted in travel pattern blockages within parishes.
13. The Draft Strategy provides data-driven suggested strategies and actions for consideration and implementation; these are not legislated by ordinance. The actions will be predominantly coordinated through the South Western Region Mission Areas but with ultimate accountability by the Regional Bishop.
14. This approach will invariably result in the need for more nuanced assessments of the recommendations. The Regional Bishop, via the Mission Areas of South Western Region, will be responsible for these assessments which will influence timing and need to implement the recommendations.

Next steps

15. Comments and submissions can be provided to the Diocesan Secretary until 15th November 2023.
16. ACGC will then review the comments and make any necessary amendments to the draft strategy and submit to Standing Committee for final approval. Using the lessons learned, ACGC will then commence preparation of the strategies for the remaining four regions. These will be submitted to Synod progressively as they are completed.

For and on behalf of the Standing Committee.

BRIONY BOUNDS
Diocesan Secretary

14 August 2023

2/05 Stipends, Allowances and Benefits for 2024

(A report from the Standing Committee.)

Key Points

- In August 2023, the Standing Committee agreed to apply a methodology for determining the recommended minimum stipend, targeting a projected value of 75% of Average Weekly Earnings (**AWE**).
- As a result, we approved a recommended minimum stipend for a minister at \$76,170 from 1 January 2024, \$79,293 from 1 January 2025 and \$82,465 from 1 January 2026.
- The structure of remuneration package remains unchanged.

Introduction

1. By resolution 2/05, the Synod requested that the Standing Committee report its findings about stipends and allowances to the Synod each year.
2. It is expected that the advice to ministers and wardens entitled “Guidelines for the Remuneration of Parish Ministry Staff for 2024” (the **Guidelines**) will be published in late October this year and will provide details of the recommended stipends, travel and other benefits for ministers, assistant ministers and lay ministers for 2024.
3. A circular, summarising the recommended minimum stipends for 2024, was provided to parishes in August 2023.

Recommended Minimum Stipends

4. In August 2023, the Standing Committee endorsed a series of Stipend Determination Imperatives and agreed to apply the proposed methodology for determining the recommended minimum stipend, being stipend increases targeting 75% of the projected November 2025 Average Weekly Earnings (**AWE**).
5. In accordance with the above, Standing Committee resolved to set the recommended minimum stipend at –
 - (a) \$76,170 from 1 January 2024 (being an increase of 4.50% from the recommended minimum stipend applying from 1 July 2023),
 - (b) \$79,293 from 1 January 2025 (being an increase of 4.10% from the recommended minimum stipend applying from 1 January 2024), and
 - (c) \$82,465 from 1 January 2026 (being an increase of 4.00% from the recommended minimum stipend applying from 1 January 2025).
6. Accordingly, for 2024 the recommended minimum stipend will be –

	% of Minister's Recommended Minimum Stipend	Jan – Dec'24 Recommended Minimum Stipend \$ pa
Minister	100	76,170
Assistant Ministers, Lay Ministers & Youth and Children's Ministers (Theological degree or Advanced Diploma) –		
5 th and subsequent years	95	72,362
3 rd and 4 th year	90	68,553
1 st and 2 nd year	85	64,745

	% of Minister's Recommended Minimum Stipend	Jan – Dec'24 Recommended Minimum Stipend \$ pa
Youth and Children's Ministers (Diploma) – 7 th and subsequent years	85	64,745
4 th to 6 th year	75	57,128
1 st to 3 rd year	65	49,511

Remuneration Packaging

7. The maximum level of stipend that may be sacrificed to a Minister's Discretionary Benefits Account (**MDBA**) remains set at 40%, with the member of the ministry staff able to set a lower percentage. Ministry staff may sacrifice an additional amount of stipend (over and above the 40%) to increase superannuation savings. There are now no limitations on the types of benefit that may be provided from the MDBA. Benefits, whether related to the minister's pastoral duties or of a private nature, received in this way are exempt from fringe benefits tax and income tax.

Superannuation Contributions

8. Contributions on account of superannuation for ministers and assistant ministers are part of the parish ministry costs and will be funded through the *Parochial Cost Recoveries Ordinance 2023*. Superannuation for lay ministers is paid separately. As in previous years, the amount of the superannuation contribution is generally set at approximately 17% of the applicable minimum stipend, accordingly the annual contributions proposed for 2024 are –

	2024
Minister	12,949
Assistant Ministers, Lay Ministers & Youth and Children's Ministers (Theological degree or Advanced Diploma)– 7 th and subsequent years	12,949
1 st to 6 th year	11,654
Youth and Children's Ministers (Diploma) – 7 th and subsequent years	11,007
1 st to 6 th year	9,712

Remuneration for Occasional Services

9. The recommended rates for clergy who take occasional services are –

	2024 \$
For 1 service	90
For 2 or more services in a half day	120
For a whole day	180

10. The following guidelines also apply in relation to remuneration for occasional services –
- Meals should be provided where necessary.
 - As pension benefits may be reduced according to other income received, the recommended rates are open to negotiation.

- (c) Where a minister is invited to take, or assist in, services in a church outside their parochial unit, any payment for services should be made to the parochial unit to which the minister is licensed, rather than to the minister.

Acting Ministers, Locum Tenens and part time pastoral workers

11. Acting Ministers, Locum Tenens and part time pastoral workers should be remunerated with reference to the relevant full time stipend and benefits on a pro-rata basis (based on a 6 day working week).
12. Provision for ministry related expenses, superannuation, sick, annual and long service leave (on a pro-rata basis) should be provided where appropriate and agreed upon by the worker and parish council.
13. Part time pastoral workers must be included under the parish's workers compensation insurance policy.

Student Ministers

14. The recommended assistance for student ministers working one full day per week for 2024 is –

	% of Minister's Minimum Stipend	Jan – Dec'24 \$ pa
Studying for a degree	15.0	11,426
Studying for a diploma	12.5	9,521

If a student minister works more than one full day then the rate payable is a pro-rata amount of the full day rate.

15. The following guidelines also apply in relation to the remuneration of student ministers –
- (a) Transport costs (whether private vehicle or public) should be paid by the parochial unit. Where extensive travel is involved consideration should be given to paying for the travel time.
 - (b) Where a student minister serves for a half day in addition to a full day, account should be taken of the additional time and cost in travelling and care taken to ensure that the student minister is not disadvantaged by the additional expense.
 - (c) Under the *Fair Work Act 2009*, since 1 July 2023 the national minimum wage for adults has been \$23.23 per hour. This means that the recommended stipend allows for no more than 9.4 hours work per week if studying for a degree, and 7.8 hours if studying for a diploma. The national minimum wage will be reviewed next on 1 July 2024.
 - (d) Arrangements should be made to ensure student ministers are provided with appropriate hospitality. For example, appropriate breaks should be provided especially in a long working day.
 - (e) Preparation time adds to the total time incurred in service for the parochial unit and should be allowed for when the amount of payment is considered.
 - (f) Superannuation contributions (at a minimum of 11% from 1 July 2023) are payable on the stipends and salaries of all employees.
 - (g) Worker's compensation insurance cover must be arranged by the parish.
 - (h) By arrangement with the student minister the parish may agree to pay college fees (tuition, boarding, etc) on behalf of the student minister in lieu of part of the normal remuneration. If such fees are paid they should be considered an exempt fringe benefit provided –
 - (i) the student is a ministry candidate, and/or holds the Archbishop's licence, or is an independent candidate undertaking the same course of study as required for a ministry candidate, and
 - (ii) the benefit is only applied to paying fees and the provision of accommodation/board.

For and on behalf of the Standing Committee.

Ministry Standards Ordinance 2017 Amendment Ordinance 2023

Explanatory Report

Key Points

- The Ministry Standards Ordinance 2017 Amendment Ordinance 2023 will amend the *Ministry Standards Ordinance 2017* to –
 - delete the definition of “doctrine” so that the definition in the *Interpretation Ordinance 1985* applies instead of ‘doctrine’ taking its meaning from the 1961 Constitution,
 - update the recommendations that can be made by the Ministry Standards Committee in respect to the relinquishment of and deposition from holy orders to make them consistent with the *Holy Orders (Removal from Exercise of Ministry) Canon 2017*,
 - make it mandatory to suspend a person from ministry if they have been convicted of offences related to child sexual abuse, or are the subject of allegations of child sexual abuse and at risk of having contact with children in the exercise of functions, and
 - make it mandatory for a member of clergy to be deposed from holy orders if they have convictions related to child sexual abuse that were committed while an adult.

Purpose of the bill

1. The purpose of the Ministry Standards Ordinance 2017 Amendment Ordinance 2023 (**Bill**) is to amend the *Ministry Standards Ordinance 2017* (**MSO**) in the manner described in the Key Points.

Recommendations

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

Explanation

Definition of ‘doctrine’ (clause 2(a))

4. The MSO defined ‘doctrine’ as having the same meaning as in the Constitution of the Anglican Church of Australia (in the Schedule to the *Anglican Church of Australia Constitution Act 1961* (NSW)) (**Constitution**).
5. The majority opinions of the Appellate Tribunal on the Primate’s References regarding the Wangaratta Blessing Services and the Newcastle Discipline Ordinance (11 November 2020) held that the meaning of ‘doctrine’ in the Constitution is limited to those matters which are required of necessity to be believed for salvation.
6. The Standing Committee resolved in March 2021 its view that the Majority Opinion is wrong in both law and theology. Notwithstanding this and that the interpretation given to ‘doctrine’ in the Majority Opinion arises on in relation to its meaning in the Constitution, it was considered necessary to expressly define its meaning for the purposes of the ordinances of the Diocese of Sydney and to expressly exclude the narrow definition espoused by the Appellate Tribunal.

7. The following definition of ‘doctrine’ has been inserted into the *Interpretation Ordinance 1985*, which now applies to all ordinances of the Diocese unless the contrary intention appears within the relevant ordinance –

The teaching of the Anglican Church of Australia in the Diocese of Sydney on any question of faith. The sources of Doctrine include –

- (a) canonical scriptures of the Old and New Testaments,
- (b) the Christian faith as professed by the Church of Christ from primitive times, and in particular as set forth in the creeds known as the Nicene Creed and the Apostles’ Creed,
- (c) the commands, doctrine, sacraments and discipline of Christ,
- (d) the book of Common Prayer, the Ordinal and the Thirty-Nine Articles.

For the avoidance of doubt, “Doctrine” includes both faith and practice and is not limited to its meaning in the majority opinions of the Appellate Tribunal on the Primate’s References re Wangaratta Blessing Services and the Newcastle Discipline Ordinance (11 November 2020).

Doctrine may be declared in statements made by –

- (i) the Synod of the Diocese with the concurrence of the Archbishop, or
- (ii) the Archbishop-in-Council,

provided that such statements are consistent with the sources of Doctrine in paragraphs (a), (b) and (c) above.

8. The word ‘doctrine’ appears in only one place in the MSO, in subclause 6(1)(f). This provides that misconduct does not include “public statements, acts or practices made or done in good faith for a proper purpose that are within the standards and doctrines of the Church in the Diocese”.
9. The current definition of ‘doctrine’ in the MSO expressly references the definition in the Constitution. Deleting the definition of ‘doctrine’ in clause 4(1) of the MSO will mean that the definition in the *Interpretation Ordinance 1985* applies instead since there would be no contrary intention for another meaning to apply in the MSO.

Changes consequent to adoption of the *Holy Orders (Removal from Exercise of Ministry) Canon 2017* (clause 2(e)-(f))

10. Subclause 41(1) of the MSO sets out the recommendations that can be made by the Ministry Standards Committee (**MSC**) in respect to a complaint.
11. Presently these include –
- (f) that the respondent resign from office or employment, request relinquishment of holy orders or request voluntary deposition from holy orders, with such admissions and other conditions as the MSC considers appropriate in all the circumstances;
12. The *Relinquishment of Holy Orders Ordinance 1994* provided for voluntary deposition from Holy Orders. However, this Ordinance was repealed when the *Holy Orders (Removal from Exercise of Ministry) Canon 2017 (2017 Canon)* was adopted by the Synod in 2017.
13. A member of clergy can now relinquish their orders by resigning all clerical licences and appointments in the relevant order and executing an instrument of relinquishment in or to the effect of the form set out in the 2017 Canon.
14. Deposition occurs pursuant to the sentence of a tribunal or following the recommendation or determination of a professional standards body and is put into effect by the execution by the Archbishop of an instrument of deposition in or to the effect of the form set out in the 2017 Canon.
15. The 2017 Canon raises some difficulties in relation to the concept of ‘voluntary deposition’. Deposition is provided for in clause 6 of the 2017 Canon as follows –
- 6. The deposition of a person by a bishop pursuant to the sentence of a tribunal or following the recommendation or determination of a professional standards body

shall be effected by the execution by the relevant bishop of an instrument of deposition in or to the effect of the form in Schedule 3.

16. To be a 'professional standards body' for this purpose, the body must have the power to recommend or determine that a person in Holy Orders be deposed. The 2017 Canon does not engage with the concept of 'voluntary deposition' and assumes it is imposed on the member of clergy.
17. It is desirable that deposition can occur following a recommendation of the MSC in a circumstance where the respondent accepts that recommendation. The alternative would be to require a deposition to go through the Ministry Standards Board (**MSB**) even though the respondent does not contest the recommendation.
18. The Bill will amend subclause 41(1)(f) to make it consistent with the 2017 Canon with respect to relinquishment and to also provide for the MSC to recommend that a respondent consent to deposition from holy orders. To ensure the recommendation of the MSC has effect for the purposes of clause 6 of the 2017 Canon, the Bill will also insert a new subclause 41(3) to provide that if a person does consent to deposition, that the MSC's recommendation is a recommendation for the purposes of this clause and that the MSC has power to make that recommendation.

Mandatory suspension for allegations related to child sexual abuse (clause 2(b)-(d))

19. Recommendation 16.52 of the Royal Commission into Institutional Responses to Child Sexual Abuse is as follows –

16.52 – All religious institutions' complaint handling policies should require that, if a complaint of child sexual abuse against a person in religious ministry is plausible, and there is a risk that person may come into contact with children in the course of their ministry, the person be stood down from ministry while the complaint is investigated.
20. In effect this is a recommendation that suspension from ministry be mandatory if there is an allegation of child sexual abuse.
21. Action to implement this recommendation was not taken prior to this point because the Professional Standards Commission of the General Synod was working on a proposal for mandatory suspension. However, subclause 19(2) of the MSO already makes it mandatory for the Director of Safe Ministry (**the Director**) to recommend a suspension order if a complaint involves allegations of 'serious child-related conduct', is not false, vexatious or misconceived and there is a risk that the respondent may come into contact with children in the course of their functions.
22. The Professional Standards Commission's consideration resulted in the *Constitution Amendment (Mandatory Suspension) Canon 2022 (MS Canon)* which will, if it receives the requisite assents from diocesan synods, amend the Constitution to make it mandatory to suspend a bishop if there is a charge before the Special Tribunal involves a 'sexual offence relating to a child'. There is a Bill before the Synod to assent to the MS Canon (the General Synod – Constitution Amendment (Mandatory Suspension) Canon 2022 Assenting Ordinance 2023).
23. The MS Canon does not provide for mandatory suspension in the case of charges before a diocesan tribunal or a complaint under the MSO.
24. It is not clear why the MS Canon does not also include amendments to section 61 of the Constitution to provide for mandatory suspension where there are charges before a diocesan tribunal that involve a 'sexual offence relating to a child'. It is doubtful that mandatory suspension in respect to such proceedings before the Diocesan Tribunal can be required by amending the *Diocesan Tribunal Ordinance 2017* because section 61(2) the Constitution confers a discretion on the bishop of the relevant diocese with respect to suspension. Removing this discretion would require an amendment to the Constitution.
25. Typically, matters proceed under the administrative process in the MSO rather than under the disciplinary process of the Diocesan Tribunal. The Synod can provide for mandatory suspension in respect to complaints involving a 'sexual offence relating to a child' under the MSO.
26. The Bill will expand clause 19(2) of the MSO to also make it mandatory for the Director to recommend a suspension order if a respondent has been convicted of a 'sexual offence relating to a child' regardless of whether the respondent has contact with children.

27. The Bill will also change the existing requirement in clause 19(2) in relation to allegations of serious child-related conduct that the complaint not be “not false, vexatious or misconceived” to a requirement that “the Director considers the complaint is plausible”. This will better align with recommendation 16.52 of the Royal Commission. If there is reason to believe that a complaint is false, vexatious or misconceived, the proper way to address that is through a referral to the MSC under clause 16(1) that the Director decline to deal with the complaint.
28. A definition of ‘sexual offence relating to a child’ will also be inserted in clause 4 of the MSO. This definition replicates the definition used in the MS Canon.
29. The amendment to subclause 20(a) will make it mandatory for the relevant Church authority to suspend the respondent if a recommendation by the Director is mandatory under subclause 19(2).

Mandatory deposition for convictions related to child sexual abuse (clauses 2(g)-(h))

30. Recommendation 16.56(b) of the Royal Commission into Institutional Responses to Child Sexual Abuse is as follows:
 - 16.56 – Any person in religious ministry who is convicted of an offence relating to child sexual abuse should:
 - b. in the case of Anglican clergy, be deposed from holy orders.
31. Action to implement this recommendation was also not taken prior to this point because the Professional Standards Commission of the General Synod was working on a proposal for mandatory deposition.
32. The *Constitution Amendment (Mandatory Deposition) Canon 2022 (MD Canon)* is before the Synod for assent (the General Synod – Constitution Amendment (Mandatory Deposition) Canon 2022 Assenting Ordinance 2023). If the MD Canon receives the requisite assents from diocesan synods, it will amend the Constitution to make deposition mandatory if a diocesan tribunal is satisfied that a person has been convicted of a ‘sexual offence relating to a child’.
33. As noted above, typically matters proceed under the MSO rather than through the Diocesan Tribunal. It is therefore necessary to amend the MSO to provide for mandatory deposition.
34. The Bill will amend the MSO to make it mandatory for both the MSC and the MSB to recommend deposition from Holy Orders if satisfied that the respondent has been convicted of a ‘sexual offence relating to a child’.
35. The MD Canon limits mandatory deposition in the context of the Diocesan Tribunal to convictions for a sexual offence relating to a child committed while a member of the clergy. Recommendation 16.56 of the Royal Commission is not limited to offences committed while a member of clergy (or limited at all). There is no explanation for the limitation to the MD Canon in the explanatory report.
36. The Bill takes a different approach by limiting mandatory deposition to offences committed while an adult. There is no apparent reason from a safe ministry perspective why an offence committed as an adult following ordination should be treated differently to an offence committed as an adult prior to ordination. However, there may be additional factors to consider in relation to conduct committed as a child which mean that deposition in such instance should be discretionary rather than mandatory.

For and on behalf of the Standing Committee.

BRIONY BOUNDS
Diocesan Secretary

14 August 2023

Ministry Standards Ordinance 2017 Amendment Ordinance 2023

No. _____, 2023

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 2023.

2. Amendment

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

- 5 (a) delete the definition of “doctrine” in subclause 4(1),
- (b) insert the following new definition in subclause 4(1) –
- “**sexual offence relating to a child**” means —
- (i) sexual activity by a person against, with or in the presence of a child, or
- 10 (ii) the possession, production or distribution of any form of child pornography.’,
- (c) in clause 19 –
- (i) number the text of the clause as subclause (1),
- (ii) delete subclause 19(c), and
- (iii) insert a new subclause 19(2) as follows –
- 15 (2) The Director must recommend that the respondent is suspended if, after giving the respondent the opportunity to be heard under subclause 19(1)(a), the Director is satisfied that –
- (a) the respondent has been convicted under the laws of the Commonwealth, State or Territory or under the laws of some other
- 20 country that are equivalent to a law of the Commonwealth or of a State or Territory of a sexual offence relating to a child, or
- (b) the complaint involves allegations of serious child-related conduct, and –
- (i) the Director considers the complaint is plausible, and
- 25 (ii) there is a risk that the respondent may come into contact with children in the course of their functions as a church worker.’,
- (d) insert the following words at the end of subclause 20(a) before the semi-colon –
- ‘and must give effect to the recommendation if the recommendation was mandatory under subclause 19(2)’,
- 30 (e) in subclause 41(1)(f) substitute the words “request relinquishment of holy orders or request voluntary deposition from holy orders” with the following –
- ‘resign clerical licences and appointments, execute an instrument of relinquishment in accordance with the *Holy Orders (Removal from Exercise of Ministry) Canon 2017* or consent to deposition from holy orders’,
- 35 (f) insert a new subclause 41(3) as follows –
- ‘(3) If a recommendation is made under subclause 41(1)(f) and the respondent consents to deposition from Holy Orders, the MSC’s recommendation is a recommendation of deposition of a person by a bishop for the purposes of clause 6 of the *Holy Orders (Removal from Exercise of Ministry) Canon 2017* and the MSC has power to make that recommendation.’,
- 40

(g) insert a new clause 41A as follows –

‘41A. Mandatory deposition – MSC

5 Where the MSC is satisfied that a church worker who is a member of clergy has been convicted under the laws of the Commonwealth, State or Territory or under the laws of some other country that are equivalent to a law of the Commonwealth or of a State or Territory of a sexual offence relating to a child committed while an adult, the MSC must make a recommendation under subclause 41(1)(f) that the church worker consent to deposition from Holy Orders.’, and

(h) insert a new clause 49A as follows –

‘49A. Mandatory deposition – Board

10 Where the Board is satisfied that a church worker who is a member of clergy has been convicted under the laws of the Commonwealth, State or Territory or under the laws of some other country that are equivalent to a law of the Commonwealth or of a State or Territory of a sexual offence relating to a child committed while
15 an adult, the Board must make a recommendation under subclause 49(1)(m) that the church worker be deposed from Holy Orders.’.

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
2023.

Secretary

I Assent to this Ordinance.

Archbishop of Sydney

/ /2023

Domestic Violence Response Monitoring Committee: Progress Report

23/18 Responding to Domestic Abuse: Policy and Good Practice Guidelines

13/22 National Anglican Family Violence Research project

(A report from the Domestic Violence Response Monitoring Committee.)

Purpose

1. To provide a progress report to the Synod from the Domestic Violence Response Monitoring Committee, on behalf of the Standing Committee.
2. To recommend revisions to the Anglican Diocese of Sydney's policy document: *Responding to Domestic Abuse: Policy and Good Practice Guidelines*.

Recommendations

3. Synod notes this report.
4. Synod, noting the report 'Domestic Violence Response Monitoring Committee Progress Report, adopt the updated *Responding to Domestic Abuse: Policy and Good Practice Guidelines* as a policy of the Synod.

Background

5. When the diocesan Policy and Guidelines were adopted in 2018, Synod authorised the Standing Committee to make amendments to the Policy provided any amendment made by the Standing Committee is made in consultation with the Professional Standards Unit and the Anglicare Domestic Violence Advisor (unless such proposal to amend is referred to Synod by any 3 members of the Standing Committee).
6. At that time, the Synod (by Resolution 23/18) asked Standing Committee to review the Domestic Abuse Policy and Good Practice Guidelines after four years' operation and provide a report on the outcome of the review to the first ordinary session of the 53rd Synod in 2023.
7. In June 2021 Standing Committee also asked the Monitoring Committee to review the Policy in light of the initial *National Anglican Family Violence Project Research Reports* and to report on any gaps in current policy and practice and to make recommendations.
8. Later that year, the full and final National Anglican Family Violence Project (**NAFVP**) research was released. It comprised 4 reports. All can easily be accessed on the General Synod website.
9. Our Monitoring Committee report to Synod in 2022 interacted at some length with this research and its conclusions, indicating both some limitations and also some further areas of consideration in light of it.
10. In 2021 we also commenced our policy review, utilising the assistance of the Diocesan Researcher at the time. Specifically, our approach was to:
 - Invite a panel of relevant stakeholders to assist in the review,
 - Request written feedback on our Policy and Guidelines document from a panel of relevant stakeholders, in light of the NAFVP research and "Ten Commitments", and
 - Review feedback themes via a roundtable discussion with stakeholders.

11. The review stakeholders included the following persons:
 - Anglicare’s Family and Domestic Violence Advisor,
 - The PSU’s Chaplain,
 - A person representing victims and survivors (located via the PSU Chaplain),
 - A parish clergyperson,
 - A ministry wife,
 - A Christian of another Bible-believing denomination with relevant experience,
 - A Christian medical practitioner with relevant experience,
 - The CEO of ADM (whose Project Officer also joined us),
 - The Principal of Youthworks College,
 - A representative of SDS Legal,
 - (Moore College was unable to nominate a representative at the time).
12. Extensive written feedback on the existing Policy and Guidelines was received from all stakeholders and was collated by the Diocesan Researcher. We then reviewed feedback and discussed key themes emerging via roundtable video conference in November 2021, with most stakeholders in attendance.
13. The impact of COVID and a new appointment for one of the members of the Monitoring Committee delayed work on the updating policy in light of the review feedback.
14. Nevertheless, at Synod in 2022, we reported, without pre-empting final recommendations, that a number of wider key themes were identified, though not all would fit neatly into a policy document.
15. Resolutions passed at Synod in September 2022 also:
 - Welcomed the "Before it Starts" program produced jointly by Youthworks and Anglicare with its goal of preventing domestic abuse and promoting safe and respectful relationships in our churches, as a free, four-week, biblically-engaged, primary prevention program for youth groups (9/22),
 - Noted limited uptake of the *Know Domestic Abuse* online training course, prepared by Anglicare and offered by what is now called the Office of the Director of Safe Ministry and urged all Rectors to encourage all pastoral staff and lay leaders in their churches to complete the course if they have not already done so (10/22), and
 - Again noted the reports of the National Anglican Family Violence Research Project and the Ten Commitments for Prevention and Response to Domestic and Family Violence, and asked the Monitoring Committee to respond to these documents, as part of the wider review of our Synod’s existing policy in time for Synod in 2023 (13/22).

Recommendations for Policy Revisions

16. The Monitoring Committee has now considered both the detailed feedback of suggestions for amending of the existing policy documents and the wider themes identified by the policy review.
17. Our approach has been wherever possible to accept suggestions for amendment to the Policy and Guidelines from the review panel members, either in full, or by appropriate modification suitable to our context.
18. We have also interacted with the NAFVP research and the “Ten Commitments” and found many useful suggestions arising from this review, which have shaped further changes we recommend to the Policy. For example, this has led to –
 - an increased emphasis on primary prevention (Commitment 1.3), on training being repeated and renewed (Commitment 8.3), along with stronger recommendations to parishes for local action (e.g., Commitments 6.2 & 6.3),

- additional specific materials that reflect on the impact of trauma, on power and control dynamics (Commitments 4.2 & 4.3), and on ways domestic abuse can impact groups such as the culturally and linguistically diverse (Commitment 2.3), and people with disabilities.
19. However due to the extensive policy and resourcing work already done, our view continues to be that there is no need for our Synod to adopt the “Ten Commitments” as an additional policy or position statement. Although the “Ten Commitments” were not insensitive to the varied theological approaches that exist in the Anglican Church of Australia, their expression, at some points, does not necessarily comprise an easy fit with the evangelical theological and ministry approach generally prevailing within our Diocese.
20. Prompted in part by the Ten Commitments (e.g. commitment 5.2), the Monitoring Committee has also benefitted from consultation, with members of the Sydney Anglican Indigenous Peoples’ Ministry Committee (**SAIPMC**). There was further useful consultation with two female ministry leaders from local Indigenous communities.
21. Key draft changes have also been further checked with Lynda Dunstan, Anglicare’s Family and Domestic Violence Advisor and with Belinda Burn, the Chaplain of the Office of the Director of Safe Ministry. Their assistance has been invaluable in ensuring our Policy, Guidelines and Resources are more up to date on the latest research and are also even more sensitive to victims and survivors and any children they have.
22. The key changes are as follows:
- An updated preface from our new Archbishop.
 - Clarification as to why we have chosen to retain the term “victim” as our most common way of referring to those who have experienced domestic abuse, although sometimes we will refer to “survivor”.
 - An updated definition of domestic abuse, emphasising aspects of control and fear, and including a wider variety of categories of such abuse.
 - Emphasis on the need to ensure provision of training for ministry workers and others in the areas both of prevention and response by appropriately qualified professionals or programs, and with appropriate ongoing ‘refresher’ training.
 - Clergy and parish councils are asked to take further steps both in primary prevention of and response to those affected by domestic abuse, including the possibility of contact with local agencies and services.
 - Our flow chart has been tweaked and given even greater, hence earlier, prominence in our policy documents.
 - Guidelines include several helpful informed opinions from Anglicare’s Domestic Violence Advisor.
 - Guidelines recognise better the very non-linear, “long road out”, not only for victims, where patience to go at the victim’s pace is even more emphasised, but also often for carers who walk with them. In small ways this reflects greater awareness of the impact of trauma.
 - Guidelines are more careful about the impact of domestic abuse on children, and also clarify that referral in such cases does not mean automatic removal.
 - Guidelines are more explicit about complicating factors for those with culturally and linguistically diverse backgrounds, those from our Aboriginal and Torres Strait Islander communities, and for people living with disability, mental illness or other health issues.
 - Guidelines are more careful about managing information around and care of victims and alleged perpetrators, especially where they remain in the same parish community (including awareness of online connections).
 - Guidelines encourage more vigilance in terms of responding to alleged perpetrators including attention to possible grooming behaviour.
 - Guidelines provide updated information about the Bishop Protocol and the Ministry Spouse Support Fund for ministry families affected by domestic abuse.
 - The need to seek advice from the ODSM or the Anglicare Domestic Violence Advisor or other professionals is underlined even more often.
 - The number of appendices has been reduced, by removing the appendices including “A Letter that Made me Think”, “Public Statements by diocesan leaders on the topic of Domestic Abuse,

which is now becoming out of date, and a digest of Synod resolutions related to Domestic Abuse. Nonetheless, an updated digest of such resolutions is attached as Attachment 1 to this report, so that it remains clearly in our historical record.

- We have updated the Appendix giving more expansive description of domestic abuse in light of our updated definition.
- We have reordered the Appendices to give greater prominence to the Doctrine Commission's report on "The Use and Misuse of Scripture with Regard to Domestic Abuse".
- We have added a Cycle of Abuse diagram as a second visual aid for understanding the patterns of domestic abuse.
- We have updated our Appendix 4 on Domestic Abuse Facts, in ways that have simplified some material, but expanded on how abuse may impact minority groups such as culturally or religiously diverse communities, Indigenous communities and men as victims. It also supplies information on social factors that contribute, the way perpetrators may invite collusion (sometimes called grooming) and on the impact of trauma.
- We have updated the Appendix on Divorce and Remarriage, referring to the Doctrine Commission's more recent report, as well as the statement about how such matters are handled by the Archbishop when that report was handed down. This is still current today.
- With the assistance of SDS Legal we have updated the Appendix touching on legal situations regarding domestic violence in NSW.
- Changes to *Faithfulness in Service* have been noted.
- The model parish policy has been updated to reflect the new policy wording being recommended at the front of the document.
- Changes have been made throughout to update the terminology from 'Professional Standards Unit / PSU' to 'Office of the Director of Safe Ministry / ODSM'.

Other Matters

23. The Monitoring Committee is also able to report the following about engagement with diocesan resources, from the time each has been available, as at May 2023:
 - Payments from the Ministry Spouse Support Fund, since its inception, total \$131,460.97.
 - 147 people have completed our online training Know Domestic Abuse, with another 70 in progress. It should be noted there has been no publicity for the course for some time, except via a Synod resolution, and it is also overdue for an update.
 - The services of Anglicare's Family and Domestic Violence Advisor been accessed for advice approximately 200 times by parish ministers or other persons.
 - The Family and Domestic Violence Advisor has run training seminars regarding domestic violence for over 30 churches and ministry teams, as well as Moore College, Youthworks College and Anglican Deaconess Ministries.
24. The Monitoring Committee is especially mindful of monitoring closely the 'take-up' level of these voluntary training opportunities, and prays for further progress in this area.
25. A separate motion will be moved encouraging parish councils to adopt the revised model parish domestic abuse policy and utilise available resources.

ARCHDEACON KARA HARTLEY

DEAN SANDY GRANT

14 August 2023

Synod Resolutions related to Domestic Abuse

For the historical record, please note the following relevant resolutions of the Synod of the Anglican Diocese of Sydney, current to the end of 2022.

Any resolutions of Synod, although not carrying the force of denominational law, express our peak representative 'position statements' on particular issues at particular points of time.

37/07 Biblical pattern of marriage

Synod –

- (a) affirms that the relationship of loving, sacrificial leadership of a husband and the intelligent, voluntary submission of a wife is the Biblical pattern of marriage, and
- (b) totally rejects the use of this Biblical pattern to justify any form of domestic abuse, and
- (c) totally rejects all forms of domestic abuse, and
- (d) expresses its concern for those children, women and men, who are victims of domestic abuse, and
- (e) calls on Christian husbands and wives to use their God-given responsibilities for the good of their families, and
- (f) calls on ministers to teach congregations the Biblical model for marriage and also to teach against domestic abuse.

(Mrs Lesley Ramsay 25/09/07)

33/13 Domestic violence and educating clergy

Synod requests Moore College and Ministry Training and Development, in consultation with the Safe Ministry Board and appropriate experts as required, having reviewed the input they already provide, to investigate and, if needed, develop an effective approach to educating ordinands and clergy in regards to domestic violence and how to respond when it comes up as an issue in marriage (and other relationships).

In such training, consideration ought to be given to ensuring that upholding the Bible's good teaching on submission and sacrificial love – both in preaching and teaching, and in marriage education and counselling – is not easily twisted as a cover for abuse.

Synod requests that Moore College and Ministry Training and Development report back with a progress report by the next session of Synod.

(Canon Sandy Grant 16/10/2013)

24/16 Domestic Violence

Synod –

- (a) acknowledges that domestic abuse continues to be a significant social problem both inside and outside the church;
- (b) gives thanks for the work of the Domestic Violence Response Task Force and calls on them to continue their work – in particular that of developing policy and pastoral guidelines to recommend to Standing Committee and make recommendations about education – as expeditiously as possible;
- (c) calls on Standing Committee to consider providing funding for the Task Force sufficient to expedite its work and particularly the work of interviewing and caring for victims;
- (d) calls upon all clergy, church workers and parish councils to read the Task Force's 2016 progress report to Synod and to familiarise themselves with the headline definition and expansive description of domestic violence adopted by the Task Force;
- (e) notes that clergy and church workers who are domestic abusers are in breach of standards expressed in Faithfulness in Service;
- (f) encourages victims of domestic abuse by clergy or church workers to speak to the Professional Standards Unit;

- (g) asks the Task Force, and the Discipline Ordinance 2006 Review Committee, to consider changes to the necessary ordinances which would allow victims of domestic abuse, who have brought the abuse to the attention of church-workers who have their pastoral oversight and who feel that they have received negligent, callous or otherwise improper advice or treatment by those with pastoral oversight, to have complaints referred to the Professional Standards Unit;
- (h) looks forward to the inclusion of education in the area of domestic violence in 2017 via the PSU's compulsory Faithfulness in Service training sessions for clergy and paid church workers, and while the Task Force's pastoral guidelines are being developed encourages ministers, whenever they receive an allegation of domestic abuse, to consider contacting the PSU for advice on the best practices for pastoral care;
- (i) encourages clergy and church workers to preach and speak against domestic violence, again rejecting the twisting of Scripture to justify abuse of any kind, and to make pastoral enquiries when meeting with married people;
- (j) requests the Task Force to report again, no later than next Synod; and
- (k) expects that the diocesan response to domestic violence will go beyond the ambit and life of the Task Force,

and prays for the protection, healing and support of victims and survivors of domestic violence within our churches; for wisdom and insight, courage and compassion for clergy and church workers in providing pastoral responses to people in such situations; and for the continued work of the Task Force.

(Canon Sandy Grant 12/10/2016)

17/17 Grief and apology in regards to domestic abuse

That this Synod grieves with victims and survivors of domestic abuse, and prays for their healing and recovery. We give thanks to God for those women and men, clergy and lay people, who have faithfully supported, cared for and protected such victims in our churches and communities.

We grieve that God's good gift of marriage can be distorted and dishonoured through the sin of perpetrators. We pray for their repentance and restoration to faithful living under Christ.

We also deeply regret that domestic abuse has occurred among those who attend our churches, and even among some in leadership. We apologise for those times our teaching and pastoral care have failed adequately to support victims and call perpetrators to account.

(Canon Sandy Grant 10/10/2017)

32/17 Assistance for spouses and families of clergy and lay stipendiary workers where separation has occurred due to domestic violence

In light of its wholehearted acceptance of the Provisional Sydney Anglican Policy on Responding to Domestic Abuse, and its deeply sincere expression on 10 October 2017 of grief, regret and sorrow to victims and survivors of domestic abuse, Synod –

- (i) acknowledges the responsibility of the Anglican Church of Australia to examine its ordination candidates to ensure that they are fit to enter Holy Orders,
- (ii) acknowledges the responsibility of the Anglican Church of Australia to ensure that its clergy are fit to remain in Holy Orders,
- (iii) acknowledges the responsibility of the Anglican Church of Australia to ensure that its lay stipendiary workers are fit to be licenced to work in churches and to remain in this work,
- (iv) accepts the theological statements in the Provisional Sydney Anglican Policy on Responding to Domestic Abuse that speak of the circumstances when it is right for the victims of domestic abuse to separate from their spouses and not be reconciled,
- (v) acknowledges that a key reason why domestic abuse victims might find it difficult to separate from their spouses is because of potential financial hardship (especially where children are involved),
- (vi) acknowledges that the family of clergy and lay stipendiary workers live in locations where the relevant ministry worker is licenced to minister, rather than around their natural support networks (e.g. family and close friends), and that this can make it even more difficult for victims of domestic abuse to separate from their spouses,

and therefore requests –

- (a) that Standing Committee, as a matter of urgency and in consultation with the Professional Standards Unit, create a generously provisioned long-term operating fund which has the purpose of assisting spouses of clergy and lay stipendiary workers who have been or will be left in financial hardship as a result of their need to separate from their spouse due to domestic abuse,
- (b) that the policy which is created to administer the fund proposed in paragraph (a) provide a way for funds to be distributed quickly to those who are in need,
- (c) that Anglican Schools Corporation schools have short to medium term bursaries available to assist the families of clergy and lay stipendiary workers where separation has occurred due to domestic abuse, and
- (d) that Anglicare give priority for emergency assistance to the families of clergy and lay stipendiary workers where separation has occurred due to domestic abuse.

(The Rev Mark Tough 16/10/2017)

6/18 Appreciation for the Anglicare Family and Domestic Violence Advisor

Synod acknowledges the work being done by Ms Lynda Dunstan, the Anglicare Family and Domestic Violence Advisor, and –

- (a) gives thanks to God for –
 - (i) the 13 training programs that Ms Dunstan has delivered to churches,
 - (ii) the support that Ms Dunstan has provided, in conjunction with the Rev Cath Wynn Jones of the PSU, to ministry wives who have been victims of domestic abuse,
 - (iii) Ms Dunstan's exploration of the possibility of establishing a support group for ministry wives addressing areas specifically associated with spiritual abuse,
 - (iv) the training Ms Dunstan has provided for those involved in ESL ministry, and
- (b) encourages churches to make contact with Ms Dunstan as part of their ongoing training and development in understanding of Domestic Abuse and implementation of the Domestic Abuse policy in their churches.

(The Rev Mark Tough 15/10/2018)

18/18 The nature of marriage

Synod, noting that it has been sadly aware for some years of the misuse by some husbands of the biblical teaching on marriage to justify abuse of their wives, requests the Diocesan Doctrine Commission –

- (a) to acknowledge the extreme urgency of addressing prevention of domestic abuse of women within our Diocesan churches; and therefore
- (b) to bring to Synod in 2019, and no later, its conclusions on the referral to it, by Standing Committee, concerning how “the Biblical material on..... the nature of marriage, including the relevance of submission and headship, intersects with domestic abuse, its prevention, and the care of victims in our minds”.

(Mrs Susan Hooke 17/10/2018)

23/18 Responding to Domestic Abuse: Policy and Good Practice Guidelines

Synod, having passed the Sydney Anglican Policy on Responding to Domestic Abuse as a policy of the Synod –

- (a) requests Standing Committee to ensure that the “Responding to Domestic Abuse: Policy and Good Practice Guidelines” be professionally laid out and prepared for publication and distribution to all ministers and parish councils for their attention, along with assistant ministers and lay ministers, with a request that parishioners be made aware of the policy,
- (b) requests that all parishes be encouraged to consider adopting the suggested parish policy statement (from the Resource section) as their own parish policy on domestic abuse, or to revise their existing policy in light of revisions to the Synod’s “Responding to Domestic Abuse: Policy and Good Practice Guidelines”,

- (c) authorises the Standing Committee to make amendments to the Policy unless before such amendment is made, any 3 members of the Standing Committee request in writing that the amendment be referred to the Synod and provided any amendment made by the Standing Committee is –
 - (i) made in consultation with the Professional Standards Unit and the Anglicare Domestic Violence Adviser, and
 - (ii) reported to the next ordinary session of the Synod, and
- (d) requests the Standing Committee to review the “Responding to Domestic Abuse: Policy and Good Practice Guidelines” after four years’ operation following the passing of the Policy by the Synod and provide a report on the outcome of the review to the 1st ordinary session of the 53rd Synod in 2023.

(Canon Sandy Grant 17/10/2018)

50/18 Remarriage of divorced persons

Synod, noting that it is the prerogative of the Archbishop or a Regional Bishop, in accordance with the laws of this Church, whether or not to approve the remarriage of a divorced person, requests the Archbishop and Regional Bishops to consider approving the remarriage of a divorced person, where that person has been abused physically or emotionally by their former spouse.

(Ms Lyn Bannerman 23/10/2018)

35/19 Archbishop's Letter regarding Domestic Abuse and Remarriage

This Synod notes and gives thanks to the Archbishop for his letter regarding Domestic Abuse and Remarriage, dated 29 July 2019, which is his response to Resolution 50/18 on this matter.

(Ms Lyn Bannerman 16/10/2019)

3/21 Domestic Abuse Leave for Clergy

Synod, noting the report “Domestic abuse leave for clergy” –

- (a) agrees in principle that provision be made by parishes to provide leave to members of clergy who are unable to perform their duties because they are experiencing domestic abuse or dealing with the impact of experiencing domestic abuse; and
- (b) requests the Standing Committee to amend its annual Guidelines for the Remuneration of Parish Ministry Staff to provide for domestic abuse leave for clergy on this basis, with the changes effective 1 July 2021.

(Archdeacon Kara Hartley 3/05/2021)

9/22 Addressing domestic violence “Before it Starts”

Synod welcomes the “Before it Starts” program with its goal of preventing domestic abuse and promoting safe and respectful relationships in our churches. Synod thanks Anglicare and Youthworks for their partnership in developing this free, four-week, biblically-engaged, primary prevention program for youth groups. Synod commends it to parishes and encourages ministers and synod representatives to draw it to the attention of their youth leaders so they might consider using in their youth group programming. Synod also notes the willingness of Anglicare and Youthworks to receive feedback, which could help shape future amendments to the program.

(Dean Sandy Grant 12/09/2022)

10/22 Know Domestic Abuse online training

Synod, noting the provision to parishes of the *Know Domestic Abuse* online training course, and further noting that there had only been 161 enrolments in the course during the reporting period covered by the Safe Ministry Board’s report to this session of Synod –

acknowledges the need for all church leaders to understand and regularly reconsider –

- (i) the needs of domestic abuse victims in our churches,

- (ii) the responsibilities leaders have to pastor them (and their abusers), and
- (iii) the resources available to help,

commends the *Know Domestic Abuse* course to the parishes of the Diocese, and urges all Rectors to encourage all pastoral staff and lay leaders in their churches to complete the course if they have not already done so.

(Archdeacon Simon Flinders 12/09/2022)

13/22 National Anglican Family Violence Research project

Synod, noting the reports of the National Anglican Family Violence Research Project (**NAFVP**) tabled at the recent General Synod –

- (i) National Anglican Family Violence Research Report,
 - (ii) NAFVP Prevalence Study Report,
 - (iii) NAFVP Clergy and Lay Leaders Study Report, and
 - (iv) NAFVP Experience Study Report,
- (a) notes the 28 findings of the Research Project,
 - (b) continues to lament the violence which has been suffered by some of our members and continues to repent of the part we have played in allowing an environment where violence went unaddressed,
 - (c) notes the adoption the Ten Commitments for Prevention and Response to Domestic and Family Violence, and the creation of the Families and Cultures Commission by the General Synod as a means to help drive change in the national church, and

refers the material to the Domestic Violence Monitoring Committee, and requests that the Committee bring a report to the first session of the 53rd Synod responding to the matters raised in the Reports and recommendations on strategies proposed by the Ten Commitments, as part of the wider review of our Synod's existing "Responding to Domestic Abuse: Policy and Good Practice Guidelines".

(Dr Karin Sowada 12/09/2022)

Anglican Diocese of Sydney

Responding to Domestic Abuse: Policy and Good Practice Guidelines

A Word from the Archbishop

God is love. The Bible reveals that God exists as a fellowship of love among the Father, the Son and the Holy Spirit, and that he is a God who shares his love with all people. As the recipients of his love, he has called us to love him in return, with all our heart, soul and mind, and to love our neighbour as ourselves. God has also designed marriage as an expression of the covenant love between one man and one woman, and the proper sphere for the expression of love in sexual intimacy, and so that children might be born and brought up in the fear and knowledge of the Lord. Moreover, as the Scriptures remind us, marriage signifies and represents the union of Christ and his Church.

Such a holy union is worthy of great honour and respect, especially by the husband and the wife, but also by society as a whole. As the love of God has joined us to himself, so the Bible instructs husbands to love their wives and wives to love their husbands. God's word condemns unloving behaviour, and especially the misuse of power to control or exploit others. Abuse in all its forms is explicitly forbidden, as it is contrary to the nature of God and the love that he demands of us all. Yet sadly, not all husbands love their wives as Christ loved the Church, nor do all wives love their husbands as they should.

For these reasons, we are concerned for relationships where domestic abuse or family violence is present. As Sydney Anglican Churches, we wish to address this issue honestly and transparently and we wish to extend our compassion, care and assistance to those whose safety is at risk because of domestic abuse. This document provides a framework and practical encouragement in primary prevention of such abuse. I am especially grateful to the many women and men, especially survivors, who have generously assisted in the formulation of these guidelines. Their contribution has been invaluable. We are committed to continuing to listen and learn from their experience.

The recommendations made in this document include a framework for providing specialist support services which can be points of referral to ensure safety and protection for all. It also suggests how we might be better equipped and resourced in identifying and supporting victims of abuse in order to provide the pastoral care that is both appropriate and necessary.

This is a personally and spiritually demanding area with which to engage. Nevertheless, we are committed to doing so, so that we are equipped to respond to people in need of informed care and assistance, and so that we might live as children of light, seeking to honour Christ as Lord and Saviour in every community, especially the family.

KANISHKA RAFFEL
Archbishop of Sydney

Aim

This document sets out the Domestic Abuse Policy and Good Practice Guidelines of the Anglican Diocese of Sydney, as evidence and expression of the Church's commitment to address and respond effectively to domestic abuse both within its own community and in the wider society.

The aim of this policy and these guidelines is to inform, direct and equip people working at a local level so that they can offer the most appropriate care in circumstances of domestic abuse.

This includes not only those who are called upon by victims or alleged or known perpetrators to hear their story, but also those in pastoral ministries who have a responsibility (alongside all church members) to build communities that prevent domestic abuse and actively seek to respond when they identify concerns.

Scope

This policy applies to all parishes of the Diocese of Sydney, their clergy and church workers. It is also commended to all Anglican organisations associated with the Diocese of Sydney for their adoption as far as is applicable in their contexts.

It should be read in conjunction with Faithfulness in Service, our national Anglican code of conduct for clergy and church workers, as adopted by the Diocese of Sydney.

Outline

- Section 1 outlines the Policy on Responding to Domestic Abuse (the policy).
- Section 2 outlines the Good Practice Guidelines (guidelines) for responding to domestic abuse.

This is supported by 11 Appendices that provide reference material and templates on Good Practice. It is intended that links to additional resources that cover this subject from other perspectives will be published at a later date.

Where to find the Policy and Guidelines (with Appendices)

The Policy and Guidelines (with appendices) will be distributed via email:

- to all parish councils and organisations in the Diocese of Sydney, and
- to all licensed clergy and authorised lay ministers licensed in the Diocese of Sydney.

The most up-to-date version of the Policy and Guidelines will be available on the Safe Ministry website of the Office of the Director of Safe Ministry (**ODSM**). Hard copies of the policy and associated documents can be supplied via the ODSM, on request.

On Terminology

We have chosen to use the expression **domestic abuse** rather than domestic violence in order to avoid the common misapprehension that only physical violence counts as domestic abuse. We make exceptions when quoting other literature, and when referring to official titles and terminology in common use in other professional circles, e.g., we sometimes refer to "domestic violence services".

We have also chosen to refer to **victims** of domestic abuse, especially in the immediate context of responding to concerns, and the ongoing impact of pain and trauma. But we acknowledge that 'survivor' is also common terminology, preferred by many, since those experiencing domestic abuse show great resilience even just to stay alive in seeking to protect themselves and their loved ones. Therefore, where appropriate to the context, we will sometimes also refer to survivors.

POLICY DATE

This policy was passed by the Synod of the Anglican Diocese of Sydney in October 2018, and was last revised **[TBC: by the Synod in September 2023]**.

Section 1

Sydney Anglican Policy on Responding to Domestic Abuse

Domestic Abuse Flowchart

At any time in this process you can seek advice from a domestic violence professional. Within 48 hours of a disclosure you should debrief with such a professional.

A person discloses domestic abuse:

RESPECT & LISTEN

- Listen with acceptance
- Don't ask for proof
- Assure the victim it's not their fault
- Be honest about your ability to help
- Reassure normal confidentiality will be maintained, but explain its limits

Is there an immediate risk of harm?

Yes

SAFETY FIRST

- Discuss with the victim, but call the Police **000**
- Seek advice from the NSW Domestic Violence Line **1800 656 463**

No

Are there children involved?

Yes

CHILD PROTECTION PROCEDURES

- Call the Child Protection Helpline **132 111**
- Remember that witnessing domestic abuse harms children & may be reportable

No

Is the victim or accused in a ministry family?

Yes

KEEP THE SAFE MINISTRY OFFICE INFORMED

Call the Office of the Director of Safe Ministry 9265 1604

No

Has further help been requested?

Yes

No

ACTION

- Advise that any intervention needs care and can heighten risk.
- Be guided by what the victim wants
- Outline realistic options: Police, AVDOs, DV services, safety planning, GP, counsellor, refuge; explore other supports like friends.
- Supply appropriate information, phone numbers, websites, Daisy app (be careful of storage).
- Encourage the victim to consult a service, or make a referral on their behalf.
- Don't contact perpetrator without proper advice
- Record what was disclosed and safety concerns, note your actions, and from whom you received advice. Date the record and keep it confidential.

NO FORMAL ACTION

- Your time was well spent. A victim knows they have been believed, is not in the wrong, and can return to you for further help.
- You can't make a victim of domestic abuse take any action. The most you may be able to do is listen and provide information (note earlier obligations regarding immediate danger or if children are involved).
- You may be able to offer other chances to meet and talk.
- You may be able to suggest referring more generally to a GP, psychologist or counsellor.
- You could supply appropriate information, phone numbers such as 1800 RESPECT, websites, Daisy app (be careful of storage).
- Record what was disclosed and your safety concerns, note your actions and/or advice. Date the record and keep it confidential.

Domestic Abuse – key telephone numbers and websites for help

AGENCY	CONTACT DETAILS
<p>1800 Respect national helpline 24 hour national number for sexual assault, family and domestic violence counselling and advice.</p>	<p>1800 737 732 1800respect.org.au</p>
<p>Anglicare Domestic Violence Adviser Advice to clergy and lay ministers in the Anglican Diocese of Sydney especially for domestic abuse in a church-related setting.</p>	<p>0438 826 556 (business hours)</p>
<p>Daisy App The Daisy App connects people who may experience violence or abuse to support services in their local area. It was developed by 1800RESPECT and is free to use and download. It includes some safety features to help protect the privacy of people using it.</p>	<p>Free to download from iPhone App Store & Android Google Play</p>
<p>Child Protection Helpline Contact this helpline if you think a child or young person is at risk of harm from abuse.</p>	<p>132 111 reporter.childstory.nsw.gov.au/s/mrg</p>
<p>Lifeline 24 hour telephone crisis line.</p>	<p>131 114 www.lifeline.org.au/get-help</p>
<p>NSW Domestic Violence Line 24 hour number for comprehensive information and referrals to nearby support services, for all categories of domestic violence.</p>	<p>1800 65 64 63 domesticviolence.nsw.gov.au/get-help</p>
<p>NSW Rape Crisis Centre Counselling service for anyone in NSW – men and women – who has experienced or is at risk of sexual assault.</p>	<p>1800 424 017 www.nswrapecrisis.com.au</p>
<p>Law Access NSW Free government telephone service that provides legal information, referral and advice for people who have a legal problem in NSW.</p>	<p>1300 888 529 lawaccess.nsw.gov.au</p>
<p>Legal Aid NSW Legal Aid's Domestic Violence Unit provides legal advice, referral and representation, as well as social support, to eligible persons,</p>	<p>02 9219 5000 legalaid.nsw.gov.au</p>
<p>No To Violence: Men's Referral Service Telephone counselling, information and referral service for men using violence in families, male victims, and for their friends or relatives.</p>	<p>1300 766 491 ntv.org.au</p>
<p>Office of the Director of Safe Ministry (ODSM) Advice about abuse involving clergy or church workers in the Anglican Diocese of Sydney.</p>	<p>9265 1604 safeministry.org.au</p>

SECTION 1:

Sydney Anglican Policy on Responding to Domestic Abuse

1.1 We acknowledge domestic abuse exists and is wrong

- 1.1.1 We acknowledge, with grief, that domestic abuse is a significant problem, not only within the community, but also inside the Church.
- 1.1.2 All forms of domestic abuse cause damage to the victim and are wrong. Perpetrators must stop.
- 1.1.3 **Domestic abuse** involves a pattern of behaviour that seeks to coerce, control, intimidate, hurt or frighten a person in an intimate or family relationship. Domestic abuse may include, but is not limited to emotional, verbal, financial, psychological, spiritual, cultural, physical and sexual abuse. It can also include social isolation, stalking, image-based or technology facilitated abuse, and threats to harm other people including children, property or pets.
- 1.1.4 The primary focus of this Policy is abusive or intimidating behaviour inflicted by an adult against a current or former spouse or partner. However, domestic abuse can occur between siblings, towards older people, and between other people sharing a home.
- 1.1.5 Domestic abuse has many negative impacts on any children in the family – whether or not a child sees or hears the abuse. Such impacts may include physical and emotional harm, ongoing trauma, educational and social disruption, and compromised relationships with both parents. As such it should be seen as a parenting choice by the perpetrator. Responding to any abuse involving children should follow child protection procedures.
- 1.1.6 Sometimes both spouses can be victims of abuse and perpetrate abuse. Typically one spouse is the primary perpetrator of a pattern of abusive behaviour and it is likely that abuse perpetrated by the other spouse is violent resistance in order to protect oneself or others.

1.2 We are committed to safe places

The Anglican Diocese of Sydney is committed to promoting and supporting safer environments that:

- 1.2.1 Recognise equality between all people, including husbands and wives.
- 1.2.2 Promote a culture of healthy relationships of mutual responsibility and respect in marriages, families and congregations.
- 1.2.3 Ensure that all people feel welcomed, respected and safe from abuse.
- 1.2.4 Strive to follow good practice in protecting those experiencing domestic abuse.
- 1.2.5 Refuse to condone any form of abuse.
- 1.2.6 Enable concerns to be raised and responded to appropriately and consistently.

1.3 We uphold Faithfulness in Service

We uphold *Faithfulness in Service* as our diocesan code of conduct for clergy and church workers, specifically its affirmations in section 6:

- 1.3.1 Abuse of power is at the heart of many relationship problems in the Church and in the community. In essence, abuse is one person's misuse of power over another. Sometimes abuse will be a one-off event and at other times it will be a pattern of behaviour (6.2).
- 1.3.2 It is important for clergy and church workers to be good citizens and to obey the laws of the community, except where those laws conflict with Christian convictions (6.4).
- 1.3.3 You are not to abuse your spouse, children or other members of your family (6.6).

1.4 Domestic abuse requires a serious and realistic response

- 1.4.1 Working in partnership with vulnerable adults and children, statutory authorities and specialist agencies is essential in promoting the welfare of any child or adult suffering abuse.
- 1.4.2 Clergy and lay ministers do not typically have professional expertise in the area of domestic abuse. They need to obtain advice from those with professional expertise when faced with situations of domestic abuse, as advised by *Faithfulness in Service* (4.12).
- 1.4.3 Clergy should ensure the provision of training about domestic abuse, by appropriately qualified professionals or programs, for those in leadership positions, safe ministry roles and other pastoral roles. This should include periodic 'refresher' training.
- 1.4.4 Our response should include attention to primary prevention. This may address a range of factors, such as rigid gender stereotypes, attitudes of male entitlement, general disrespect for women, and other social or cultural factors, which may allow individual misconduct to flourish.
- 1.4.5 Where mistakes in caring for people in difficult situations are made, an apology should be offered and advice sought on how to address any harm caused.

1.5 We respect people who come to us for help

Our churches are to be places of safety. We shall respond to domestic abuse by:

- 1.5.1 Valuing, respecting and listening to victims of domestic abuse.
- 1.5.2 Valuing, respecting and listening to alleged or known perpetrators of domestic abuse.
- 1.5.3 Appreciating the need to ensure a distance is kept between the two.
- 1.5.4 Refusing to condone the perpetration or continuation of any form of abuse.

1.6 We uphold Scripture and its abhorrence of abuse in our words and public statements

In our words and public statements, we ought to:

- 1.6.1 **Clearly teach that domestic abuse is wrong** and that the Bible should never be interpreted to justify or excuse any form of abuse. Rather a relationship between a husband and wife is to be characterised by love, care and kindness.
- 1.6.2 Clearly teach that the Bible does not condone abuse and should not be interpreted to demand a spouse tolerate or submit to domestic abuse.
- 1.6.3 Clearly teach that the Bible encourages victims to seek safety, that separation for such reason is an appropriate step to take, that divorce may properly be a way of protecting victims

in such tragic situations.

- 1.6.4 Oppose false teaching about these matters.
- 1.6.5 Raise awareness of domestic violence agencies, support services, crisis accommodation, resources and expertise.

1.7 We ensure safety first

- 1.7.1 **Safety First** – Ensure that those who are experiencing domestic abuse can find safety and informed help as a first priority and can continue to stay safe.
- 1.7.2 **Take it Seriously** – Ensure that any disclosures of abuse are taken seriously and not dismissed; also noting that a perpetrator may deliberately undermine a victim about to disclose abuse, by making their own allegation first.
- 1.7.3 **Get help from outside authorities** – Work with the appropriate statutory authorities during an investigation into domestic abuse, including when allegations are made against a member of the church community.
- 1.7.4 **Keep it confidential** – Respect the need for confidentiality within the bounds of good Safe Ministry practice, noting that reporting requirements exist where there is an immediate danger, where a child is at risk of serious harm or where the matter involves a clergy person or church worker as an alleged offender. Where a report is required, this should first be discussed with the victim wherever possible.
- 1.7.5 **Challenge with Care** – Carefully challenge inappropriate behaviour, but only after receiving professional advice, and only in a way that does not place any individual, especially a victim, at increased risk.

1.8 We offer pastoral support to those in our care

- 1.8.1 **Offer informed care** – Ensure that informed and appropriate pastoral care and professional help is offered to any adult, child or young person who has suffered domestic abuse.
- 1.8.2 **Be guided by the victim** – It is never appropriate to pressure any victim of domestic abuse to forgive, submit to, or restore a relationship with an offender. Allow victims to set the pace.
- 1.8.3 **Understand that reconciliation comes with conditions** – Any possibility of reconciliation between victim and offender is dependent principally upon the genuine repentance and reformation of the offender. A victim may choose not to reconcile where they do not feel safe.
- 1.8.4 **Coordinate the care** – Be familiar with appropriate pastoral care relationships for both victims and alleged or known perpetrators of domestic abuse; identify the need for any specialist support and help coordinate its provision; any children involved should be offered separate and independent support.
- 1.8.5 **Recognise cultural differences** – Respond in a culturally sensitive way and understand how cultural norms and values may affect victims or can contribute to abuse being perpetuated.
- 1.8.6 **Ensure equal access to care** – Work to ensure that clergy, clergy spouses, lay ministers and their spouses all have the same access to support and resources as others who experience domestic abuse.

1.9 Thinking Theologically – 10 Statements about Domestic Abuse

- 1.9.1 All human beings, both male and female, are created equal in the image of God, and are precious to him. As such their value and dignity rightly commands our respect and protection and should be upheld by all (Genesis 1:27; Psalm 82:3-4; Matthew 22:37-40).
- 1.9.2 Marriage is given by God as a good part of his creation for human wellbeing and should be honoured by all. It is intended as a lifelong union of a man and a woman. Healthy Christian relationships are characterised by servanthood and sacrifice, supremely modeled by Jesus Christ. Within a marriage relationship both husband and wife are to respond to one another by building each other up, which includes mutual love, nurture and respect. Any attempt to justify abusive behaviour by the use of passages in the Bible which speak of headship and submission is intolerable (Mark 10:42-45; Ephesians 5:21-33; Hebrews 13:4).
- 1.9.3 The Bible rejects all abuse, whether physical, verbal, or otherwise expressed from one person towards another and always condemns the misuse of power to control or exploit others. Therefore domestic abuse is evil. Such sin is deceptive in its power and damaging in its effects (Psalm 7; Galatians 5:19-26; 2 Timothy 3:2-3).
- 1.9.4 When domestic abuse in marriage is reported, then separation of the spouses for the sake of the safety of a victim and any children is an appropriate step to be taken and should never be discouraged (Proverbs 27:12; 1 Corinthians 7:10-11).
- 1.9.5 Victims of domestic abuse should be encouraged to seek help from the Police, from child protection authorities and other relevant domestic violence services. Church leaders who become aware of situations of domestic abuse should always ensure they meet their mandatory reporting obligations, and obtain professional advice (Romans 13:1-5).
- 1.9.6 When a wife or husband separates for the sake of their safety (or that of their children), such action should not mean the person is deemed to have deserted the marriage or have abandoned their responsibilities as a parent even though they may have physically left the common home. Church leaders should welcome and offer ongoing support to those who have separated for such reasons (Psalm 82:3-4).
- 1.9.7 The gospel of the Lord Jesus Christ flows from both justice and love. It calls for repentance and offers forgiveness. When domestic abuse has been indicated as a factor in separation, the perpetrator must be called upon to repent and take full responsibility for their actions. Genuine repentance is demonstrated over time and includes the person gaining an understanding of what led them to behave in an abusive manner, what was wrong with their behaviour, and how it has impacted the victim. (Luke 3:8-14; Romans 12:9; 2 Corinthians 7:8-11). True reformation in such cases takes considerable effort on the part of the perpetrator, may take many years, and, for some, may never be achieved.
- 1.9.8 Forgiveness is often an important part of a victim's healing journey. However any attempts made at reconciliation should only proceed slowly and cautiously, and after consultation with experienced domestic violence services. Care should be taken to manage the risks of further traumatising the victim. The caution of a victim in regard to being reconciled to an offender is appropriate and should not be mistaken for 'unwillingness' to forgive or be reconciled.
- 1.9.9 The grace of the gospel extends to all sinners. Church leaders have an obligation to provide support, pastoral accountability and supervision to any person who remains within their church communities known to have been a perpetrator of domestic abuse. However such support should only be given in a manner that does not condone the abuse nor compromise the safety or pastoral care of victims of domestic abuse.
- 1.9.10 Christians with a genuine desire to be faithful to Scripture hold different views on the question of when divorce is appropriate or remarriage may be possible. However such differences should not impact a Christian's support for a victim of domestic abuse separating from their spouse for the sake of safety. For a discussion of when divorce, and remarriage, might be appropriate actions in the circumstances of domestic abuse please see Appendix 10, which references the 2019 Doctrine Commission report entitled, "The Implications of Domestic

Abuse for Marriage, Divorce and Remarriage 18/18 The nature of marriage” and a “Letter to Members of Synod Regarding Domestic Abuse and Remarriage” from the Archbishop at the time, the Most Reverend Glenn Davies.

1.10 What do you need to do in your church?

When a case of domestic abuse is reported in a parish or organisation of the Diocese of Sydney, it is right to act in accordance with the following priorities:

Safety first – for the victim(s)

Support and Empowerment – for the victim(s)

Healing – for the victim(s)

Accountability – for the abuser

Repentance, reformation and healing – for the abuser

Define and clarify the state of the relationship

- 1.10.1 A victim’s physical, emotional and spiritual safety must be our primary and ongoing concern. Other matters above may be considered according to the priorities suggested, although inevitably some stages may overlap or need to be revisited.
- 1.10.2 Further advice is available in our detailed **Good Practice Guidelines**, along with extensive information in the series of attached **Appendices**. All clergy and church workers should familiarise themselves with these guidelines.
- 1.10.3 We have also prepared a **Domestic Abuse Response Flow Chart** with the appropriate processes to follow when you become aware of an incident of domestic abuse. On the page following the flow chart we also list a number of key telephone numbers and websites, along with an app for smart phones and tablets.

1.11 Key steps for prevention and care

- 1.11.1 Clergy and church workers should cooperate with statutory authorities such as the Police, child protection services and domestic violence services.
- 1.11.2 Parish Councils should consider adopting and publishing a local domestic abuse policy (see Appendix 7 for the recommended parish version of the above policy).
- 1.11.3 Consider displaying the church’s domestic abuse policy statement in an appropriate place alongside information about how to access advice and support from the Police, domestic violence helplines and diocesan services.
- 1.11.4 Clergy and Parish Councils should consider appointing specified domestic abuse contact person(s) within the local church, especially where the church only has male clergy or church workers.
- 1.11.5 Parish Councils should consider developing their own support towards local services for victims, such as budgeting funds for victims fleeing abuse or towards support of a local women’s refuge (keeping the location secret), or by facilitating a local victims/survivors’ support group.
- 1.11.6 Clergy and church workers should follow diocesan procedures for responding to concerns about domestic abuse (see Flowchart and Good Practice Guidelines – if there is any doubt as to what action to take, refer to the Office of the Director of Safe Ministry or the Anglicare Domestic Violence Adviser (see ‘Domestic Abuse – key telephone numbers and websites for help’).

- 1.11.7 Clergy should ensure the training, by appropriately qualified professionals or programs, of those in leadership positions, safe ministry roles and other pastoral roles about domestic abuse; such training should address primary prevention as well as pastoral responses.
- 1.11.8 Clergy should ensure domestic abuse is addressed in appropriate contexts such as preaching, Bible studies, prayers and church publications, as well as in marriage preparation, youth groups and ministry training activities.
- 1.11.9 In such teaching, clergy should consider how to prevent convictions regarding biblical teachings, on matters like the marriage covenant, gender relationships, forgiveness and sacrificial love, being distorted or used to justify domestic abuse.

Section 2:
Addressing Domestic Abuse:
Good Practice Guidelines

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Preamble

For the purposes of these Guidelines, **domestic abuse** is defined as a pattern of behaviour that seeks to coerce, control, intimidate, hurt or frighten a person in an intimate or family relationship. Domestic abuse may include, but is not limited to emotional, verbal, financial, psychological, spiritual, cultural, physical and sexual abuse. It can also include social isolation, stalking, image-based or technology facilitated abuse, and threats to harm other people including children, property or pets.

A more extensive definition of the various forms which abuse can take is found in Appendix 1.

Anglicare's Family and Domestic Violence Advisor for Sydney Anglicans comments:

The primary focus in responding to those experiencing domestic abuse typically involves care, crisis intervention, safety planning for the victim, and empowering a survivor to make the best choices for ongoing personal safety and for any children. In addition, ongoing support and pastoral care is likely to be needed over an extended period to support healing and recovery.

At all times our responses should clearly state that victims and survivors are not the cause of the abuse they are suffering, that they are not to blame for a perpetrator's behaviour, that God sees them and knows their suffering, and wants them to find safety and healing.

In such cases, teaching and pastoral care should recognise that separation from the spouse may well be the survivor's best choice and will be supported.

Ministry staff need to be equipped to provide this ongoing support. They should be aware when teaching on topics such as marriage, forgiveness, suffering or reconciliation, that the needs of domestic abuse survivors and their trauma should be addressed.

2.1 How to respond to victims

When you haven't personally experienced abuse, it's easy to listen with an attitude of assessing whether what is being reported is really abuse. 'Would I find that abusive? Doesn't everyone argue sometimes?' However, when a person has repeatedly been victimised and feels powerless, our response always needs to be to offer support, to listen and give those people the respect of being believed.

- Clinical psychologist and clergy wife

The guidance below aims to assist you in responding to people who disclose domestic abuse.

2.1.1 Acknowledge your limitations – Those who respond to news of domestic abuse often feel ill-equipped. Sometimes it is difficult to distinguish between other types of marital dysfunction and domestic abuse, or it may be that concerns about abuse only emerge gradually. Added complicating factors may include health issues or cultural and social background. Clergy and church workers should acknowledge their professional limitations, and should consult the ODSM, the Anglicare Domestic Violence Adviser or experienced domestic violence services for advice.

2.1.2 Safety first – The safety of victims and any children is paramount. All actions should carefully consider the risk to their, and your, safety. Making telephone calls, possessing information about support services for domestic abuse, the use of texts and emails, and accessing relevant websites all create potential risks for those experiencing abuse.

- 2.1.3 **Be informed** – For information on domestic abuse, its prevalence and effects, and how to recognise both victims and alleged perpetrators, please see Appendix 3. This also briefly notes other particular categories of domestic abuse.

2.2 Initial Disclosure

If a victim discloses or otherwise hints at abuse, the following factors are important.

- 2.2.1 **Ask after them** – If a victim hints at abuse, they may want you to ask how they are doing. Your offer of help could be the first step in enabling them to seek help, e.g. 'How are things at home?' and if it becomes appropriate, 'Is anyone hurting you?' or 'Do you ever feel afraid?'.
2.2.2 **Take time to listen** – Take plenty of time to listen with acceptance to what they say. Proof of abuse is not required in an initial disclosure and the matter does not need to be clarified completely in one sitting. If they sense disbelief, they may be discouraged from speaking again.
2.2.3 **Choose the place wisely** – If it is at all possible, speak with the victim in a safe, private place where you will not be interrupted, or arrange to talk again, keeping in mind that someone in distress may start talking anywhere. As is the case in other ministry situations, when speaking with a woman, male clergy should consider inviting her to bring a support person, or should conduct the discussion where there are others in the general vicinity.
2.2.4 **The limits of confidentiality** – Make it clear that complete confidentiality cannot be guaranteed, depending on the nature of what is disclosed. For example, further disclosure may be needed when someone is being hurt or in serious danger, a serious criminal offence has been committed, or when children are involved (see below).

2.3 Immediate action

- 2.3.1 **Dial 000** if you are witnessing a violent incident or if the person needs medical care.
2.3.2 **Call the Police** if the victim is in immediate danger. Also seek advice from the NSW Domestic Violence Line **1800 656 463**. Be aware that intervention may heighten risk, but it is important to explore how to ensure that people are safe. The Police and staff of the NSW Domestic Violence Line are trained to be careful and sensitive in such situations.
2.3.3 **Are children involved?** If children are involved and there is a risk of significant harm, a referral to the child protection authorities needs to be made, in addition to calling the Police, and if possible, encourage the victim to make the referral themselves, perhaps supporting them through the process. The victim can be reassured that a referral does not automatically mean that children will be removed from the situation.
2.3.4 **Is a clergy person or church worker involved?** If the matter involves a clergy person or church worker as an alleged offender, the ODSM will also need to be informed.
2.3.5 **Is there a threat of self harm?** Any threat to self-harm must be taken seriously as threats of self-harm made by a perpetrator of domestic abuse to their victim are usually part of their controlling and manipulative behaviour. If the victim reports this to you, and you believe there is a risk of serious harm, you should attempt, if possible, to get medical help for the alleged perpetrator or contact the police to request a welfare check for the person.
2.3.6 **Keep their confidence** – Remember that the confidentiality of the victim must be maintained. Do not contact the alleged perpetrator at this stage without seeking professional advice.

2.4 Your response to the disclosure

- 2.4.1 **You are brave** – Acknowledge the victim’s strength, and the courage it takes both to have endured abuse and now to talk about it.
- 2.4.2 **Here are some options** – Ensure the victim is aware of the choices available to them and support them in deciding on the next steps, unless there is imminent risk of physical harm or mandatory reporting obligations.
- 2.4.3 **Here is where to find help** – Encourage them to seek professional help from a local domestic violence service who will be able to offer practical safety planning advice, even if they do not want to leave their home. In addition, give information about specialist helplines and websites, as required. (See Flow Chart and the page that follows it.)
- 2.4.4 **Are you in danger?** – Express concern for their safety and immediate welfare. Do they have somewhere to stay?
- 2.4.5 **Are children in danger?** – Ask about the children and their safety and welfare. You may need to persuade them to report any concerns to the child protection authorities. You have no option but to do so if you have received information that a child is at serious risk of harm.
- 2.4.6 **Do you have support?** – Be sensitive to people’s backgrounds and cultures (including Indigeneity). Ask how social and cultural issues may affect them. Be aware that disability, mental illness, or other health conditions can create extra vulnerability. Ask them about what support is safely available to them from friends and family. Be ready to point to external sources of assistance. For example, where a victim has English as a Second Language, generally use trained interpreters, rather than relatives.
- 2.4.7 **Take care of yourself** – Encourage them to focus on their own needs, something they may not have been able to do since the abuse began but which is critical in helping them to change their situation.
- 2.4.8 **It’s not your fault** – Reassure them that whatever the circumstances, abuse is not justified and not their fault.
- 2.4.9 **How can our church best help you?** – Ask them what they want from you and the parish. Offer help which is in response to their needs and preferences and which lets them keep in control, as much as possible. This is important for those experiencing trauma.
- 2.4.10 **Let’s talk again** – There is a lot to take in an initial conversation, so encourage them that they can come back and ask more questions and can take time to consider the offers of help that have been made. Reassure them that the help will be provided with their permission and at their preferred speed.

2.5 Record keeping and follow up re. victims

Please also see the guidance from *Faithfulness in Service* paragraphs 4.36 and 4.37 (noted in Appendix 6) which address the need to keep notes of individual pastoral activity, and also to be aware of relevant privacy legislation.

- 2.5.1 **What’s the best way to contact you?** – Check if it is all right to contact the victim at home before doing so. Establish their preferred means of contact, and make sure that this is safe.
- 2.5.2 **Keep it confidential** – Keep information confidential and, as a general rule, only share it where appropriate and with informed consent of the victim.
- 2.5.3 **Tell authorities when appropriate and keep a record** – In some circumstances you will be required to share information with statutory authorities, for example, where the victim or

others may be at risk. Always keep a record of your decision and the reasons why you decided to share (or not). If in doubt, contact the ODSM, the Police or the child protection authorities.

- 2.5.4 **Take notes** – It is recommended that you make a brief objective note of dates, facts and context of what you have been told, but keep your opinions separate. This should be kept in strict confidence but could be useful in any future prosecution.
- 2.5.5 **First 48 hours – Within 48 hours of the disclosure you ought to share the incident with someone who is qualified** in the area of domestic abuse, who can support you and help you to think through the issues. This may be a Police Domestic Violence Liaison Officer, the Anglicare Domestic Violence Adviser or via the 1800 RESPECT national domestic violence helpline.
- 2.5.6 **Review church safety** – If the alleged perpetrator is in the same church as the victim, you will need to review the safety issues. There may need to be a risk assessment and memorandum of understanding (MOU) put in place. For example, either an ADVO or a pastoral assessment may require that an alleged perpetrator should neither physically attend the same congregation nor digitally belong to the same church Facebook group as the victim. Clergy and church workers should take the initiative in monitoring any MOU and/or ADVO that they are aware of and not leave reports about possible breaches solely for the victim. You are advised to consult with the ODSM.
- 2.5.7 **Safety plan with a professional** – Victim safety planning should be conducted by a professional, ideally from a domestic violence service or the Police. But there may be an occasion when a victim wishes to discuss their safety with you. You should seek advice before entering into detailed safety planning discussions with the victim. However, Appendix 7 gives an example of a safety planning format that normally guides such planning. Careful consideration should be given to where and how such information is provided and kept by the victim, to avoid the alleged perpetrator learning the details of the plan.
- 2.5.8 **When to go to the ODSM** – If the alleged perpetrator is a clergy person or church worker you must report this to the ODSM. There are a range of options available to people who contact the ODSM - not only pursuing a formal complaint about misconduct. Victims experiencing abuse can be afraid to approach the ODSM because they are frightened of having matters taken out of their hands. This is rarely the case, and the ODSM places a high priority on victim safety and choice, and collaborates with victims to work out what is the best way forward for them (and any children).
- 2.5.9 **Extreme discretion needed – Do not give information about the victim’s whereabouts, contact details or personal circumstances to the alleged perpetrator or to others who might pass information on to the alleged perpetrator.** Do not discuss with the parish council or any other members of a congregation or anyone who might inadvertently pass information on to the perpetrator. However, in a larger church setting with a larger pastoral staff team, some discussion and documentation may be required about whom else is brought into the confidentiality circle of the victim and their disclosure. It may be necessary to inform other staff in the safety planning around church practices if the perpetrator is also part of the church but sensitivity and great care needs to be had in this area. Advice from the ODSM will be beneficial in this context.
- 2.5.10 **Offer practical help** – When victims are leaving a controlling perpetrator, they often have to leave with nothing and have access to very limited financial support. Consider how your church can provide practical support for victims. Provide information about the assistance that agencies like Anglicare can supply.

2.6 Responding to alleged or known perpetrators

Every church has an important role to play in challenging inappropriate behaviour among its members. This can, however, lead to increased risks for both the victim and the person who

challenges an alleged or known perpetrator. This needs to be done in an extremely careful way that does not place a victim at increased risk.

Anglicare's Family and Domestic Violence Advisor for Sydney Anglicans comments:

It is crucial to understand that a perpetrator's abusive behaviour is sinful, and that true repentance and behaviour change will likely involve long-term and challenging work. Clergy, church workers and church members ought not be persuaded by a perpetrator that 'everything is OK' because there is an apology or expression of regret. Being alert to perpetrators' attempts to persuade others, particularly those in ministry or positions of influence, to collude with their perspective is a vital part of keeping survivors safe. Even the most experienced Men's Behaviour Change Program workers find managing the issue of collusion to be a challenge.

Consider the following factors when responding to perpetrators.

- 2.6.1 **The victim comes first** – Ensure that the victim is at the highest priority in terms of safety and wellbeing, and that any action is centred on the victim. Action here includes giving the victim choice in what the next steps are and the timing of those steps unless there is imminent risk of physical harm or mandatory reporting obligations.
- 2.6.2 **Be alert** – Understand the possibility that you are being or may have been groomed or enlisted by a perpetrator towards their point of view.
- 2.6.3 **Strength in numbers** – If meeting an alleged perpetrator, ensure that it is in a public place, and that there are others in the meeting.
- 2.6.4 **Be safe** – Maintain an awareness of the danger that the alleged perpetrator may pose to you, and ensuring that you and others are safe.
- 2.6.5 **First 48 hours – Within 48 hours of the disclosure you ought to share the incident with someone who is qualified** in the area of domestic abuse, who can support you and help you to think through the issues. This may be a Police Domestic Violence Liaison Officer, the Anglicare Domestic Violence Adviser or via the 1800 RESPECT national domestic violence helpline.
- 2.6.6 **Get help** – If the alleged perpetrator threatens self-harm while talking with you, then they may require urgent support. Dial 000 if you are witnessing a violent incident or if the person needs urgent medical care. Otherwise you could refer them to their GP, or Mental Health Community Access Team.
- 2.6.7 If the alleged perpetrator is in the same church as the victim, you will need to review the safety issues. There may need to be a risk assessment and 'memorandum of understanding' (MOU) put in place. You are advised to consult the ODSM.
- 2.6.8 **When to contact the ODSM** – If the **alleged perpetrator is a clergy person or church worker** you must report this to the ODSM.
- 2.6.9 **Extreme discretion needed** – Ensure that information concerning the victim is only given to statutory authorities and not to the alleged perpetrator. This includes keeping all contact details and personal circumstances confidential.
- 2.6.10 **Where to get help** – Share information about helplines and accountability programs.

2.7 Record keeping and follow up re. perpetrators

Please see the previous section on 'record keeping and follow up' in regard to a victim. What follows is additional guidance in relation to responding to alleged or known perpetrators. Any conversation or intervention with a perpetrator of abuse will impact the safety of the victim. It is advisable to always ask the victim first whether or not it is safe to speak with the perpetrator and to plan for and check on

their safety after any interventions. Also recall that it is generally inadvisable for the same person to provide support or pastoral care to both a victim and alleged perpetrator.

- 2.7.1 **You can't promise confidentiality** – While you might respect an individual's right to confidentiality, this cannot be guaranteed. In some circumstances you will be required to share information with statutory authorities, for example, when someone is being hurt, a serious criminal offence has been committed, or a child or adult is at risk.
- 2.7.2 **Keep a record** – Always keep a record of your decision and the reasons why you decided to share or withhold information. If in doubt, contact the ODSM, the Police or the child protection authorities.
- 2.7.3 In following up alleged or known perpetrators:
- Do not collude with, excuse or minimise their behaviour;
 - Do not meet with them alone and in private. Meet in a public place or in the church with several other people around; and
 - Do not try to offer/provide treatment. Only those with professional training should discuss such issues formally with them.
- 2.7.4 In relation to any investigations or legal proceedings for domestic violence:
- Cooperate fully with requests from the police;
 - In the event that the alleged perpetrator requests you to produce documents or give oral evidence in any proceedings, insist that a subpoena is issued;
 - A church leader should exercise extreme caution and seek advice before acting as a character witness or advocating for an alleged perpetrator; and
 - A church leader may arrange for the alleged perpetrator to be provided with pastoral care throughout the investigation or proceedings, but should contact the ODSM for further advice and not provide this care themselves.

2.8 Additional guidance for clergy and licensed lay ministers – responding to victims

- 2.8.1 **Help** – Help the victim with any spiritual concerns.
- 2.8.2 **Be patient** – Accept that victims may choose to stay in their situation for a variety of reasons.
- 2.8.3 **Abuse is always wrong** – Emphasise that violence or other domestic abuse is always unacceptable in a marriage, whether Christian or otherwise.
- 2.8.4 **Remember the Lord** – Assure them of God's love and presence and pray with them.
- 2.8.5 **Don't rush to reconcile** – Do not encourage them to forgive the alleged perpetrator or take them back in the absence of persistent evidence of repentant attitudes and behaviour, especially without obtaining professional advice.
- 2.8.6 **Do not pursue couples' counseling/mediation with them and their partner if you are aware that there is abuse in the relationship.**
- 2.8.7 **Seek advice** – Where couples' counseling has been commenced for general marital difficulties and concern about abuse emerges, seek advice about whether it should be discontinued.

2.9 Responding spiritually to perpetrators

- 2.9.1 **Be clear** – Address any spiritual rationalisations they may offer or questions they may have.
- 2.9.2 **No excuse** – Do not allow them to use theological excuses for their behaviour.
- 2.9.3 **Name the sin** – Name the abuse as *their* sin, not the victim's sin. Tell them that only they can stop it and that they need to seek help. Advise that true repentance and behaviour change will likely involve long-term and challenging work.
- 2.9.4 **Parenting Choice** – For perpetrators who are parents, it is also considered helpful to remind them that domestic abuse is also a choice about parenting. This may provide an additional perspective for understanding the impact of their behaviour.
- 2.9.5 **Do not be easily swayed** – Do not be taken in by the perpetrator's remorse or "conversion" experience. If it is genuine, it will be a tremendous resource as they proceed with accountability. If it is not genuine, it is only another way to groom or manipulate you, so as to maintain control of the process and to avoid accountability.
- 2.9.6 **Pray** – Pray with them.
- 2.9.7 **Remorse** – Be aware that remorse expressed may or may not be genuine. Expressions of regret are often part of the cycle of domestic abuse. Be particularly careful of an alleged perpetrator expressing remorse without any accompanying signs of real and visible repentance.
- 2.9.8 **Repentance must be real, visible and enduring** – A perpetrator may ask for forgiveness from God and seek to live a repentant life. Look for actions of repentance, not just words of repentance. What has the perpetrator done, for how long, with what kinds of accountability, to show evidence of change, such as engaging in a long-term behaviour change program?
- 2.9.9 **Care** – Assure them of your pastoral care in this endeavour.
- 2.9.10 **Do not pursue couples' counselling/mediation with them and their partner if you are aware that there is abuse in the relationship.**

2.10 Perpetrator programs

The attitudes that underpin domestic abuse often have deep roots and are difficult to change. Some success has been achieved through Men's Behaviour Change programs for alleged or known perpetrators. These programs are conducted over an extended period of time and include one-on-one support as well as a group work program. Participation in such programs should not be linked to suggestions of reconciliation or discussions of postponing separation or divorce.

NSW has minimum standards for accredited Men's Behaviour Change Programs. Information on who is accredited and where programs are conducted can be found at the Men's Behaviour Change Network website: [Men's Behaviour Change Programs \(nsw.gov.au\)](http://men'sbehaviourchange.org.au). Accredited programs in NSW are strongly underpinned by victim support.

Anglicare is accredited to run Men's Behaviour Change Programs in Nowra and Parramatta. Contact the Anglicare Domestic Violence Adviser for further information.

Participation in a Men's Behaviour Change Program may be mandated by a court but self-referral to community-run programs is possible. Contact the Men's Referral Service (MRS) on 1800 065 973.

Also note that Behaviour Change Programs are more appropriate than the 'anger management' courses sometimes suggested for domestic abusers. A perpetrator may become more dangerous

after completing an anger management course, if he is better able to control and therefore hide his anger, potentially placing his spouse and any children in greater danger.

There is currently not a female equivalent to accredited Men's Behaviour Change Programs. If a female perpetrator was willing to seek assistance, a referral to a specific domestic violence service would be an appropriate option. Be aware that female perpetration often occurs in the context of self-protection, and needs to be thoroughly assessed.

2.11 Pastoral issues

- 2.11.1 **Consult the ODSM** – There are complex issues for parishes where both parties continue to attend church. Parishes need to be aware of any legal restrictions (such as an ADVO) around those accused of perpetrating abuse and ensure that these are not undermined. As stated earlier (2.5.6), a risk assessment and MOU may also need to be put in place. You are advised to consult with the ODSM regarding any instance of a victim and a perpetrator (known or alleged) remaining in the same church (including the church's digital environment). If a MOU cannot be agreed, the ODSM can provide further advice about options.
- 2.11.2 **Perpetrators moving church** – If an alleged perpetrator moves to another church, the ODSM should again be consulted regarding any communication between churches. Recall that abusers are often adept at manipulation and at providing a convincing but false narrative to others. Remember that safety for the victim (and others at risk) is paramount.
- 2.11.3 **Is a clergy person involved?** If the victim or alleged perpetrator is a member of the clergy, please talk urgently to the ODSM to review the action required to ensure the victim's safety and the appropriate response (see section 2.12 and section 2.13 below).
- 2.11.4 **Division of care** – Congregational leaders will need to consider how to provide pastoral care to both parties safely, noting that a clergy person or church worker cannot do this for both individuals. Primary attention must always remain on the safety and support of the victim. If they need further advice in relation to providing support they should contact the ODSM or the Anglicare Domestic Violence Adviser.
- 2.11.5 **Long-term care for victims** – Churches and carers need to be prepared for the length and complexity of the road ahead. Few are ready for the fact that long term victims of abuse rarely walk out of an abusive situation in a linear fashion. Long-term pastoral support for victims of domestic abuse may also include support to couples when one or both parties have experienced abuse in a previous relationship.
- 2.11.6 **Caring for carers** – Long term abuse also produces secondary victims among the carers, who may not only carry some of the grief and pain of the victim but may also receive abuse themselves. Therefore, those responsible for caring for victims, or for perpetrators, also need emotional and pastoral support, along with others indirectly impacted, for example, friends or family within the parish.
- 2.11.7 **Dissatisfaction with care is possible** – There may be times that either victim or perpetrator, or both, may be dissatisfied with pastoral care provided in such difficult situations, even with significant efforts by congregational leaders to follow good practice guidelines.

2.12 Domestic Abuse involving Clergy or Lay Ministers – Victims

- 2.12.1 **Care for victims** – If a clergy person or lay minister, or the spouse of such ministry leaders, discloses abuse, they must be treated like any other victim. Clergy and lay ministers, and their spouses, must have the same access to support and resources as others who are experiencing domestic abuse. In addition, they may speak to the ODSM.

- 2.12.2 **Bishops' protocol** – Our bishops agree that the priority of safety is paramount for victims of abuse within ministry families. Clergy and lay ministers, or their spouses, should expect a bishop to listen with acceptance when disclosing abuse. Working with the ODSM, and in particular, the ODSM Chaplain, these protocols provide guidance for the support of such ministry spouses, especially should they wish to separate. Attention is also expected to be given to matters of housing, schooling, and counselling for the spouse and any children affected.
- 2.12.3 **Heightened vulnerabilities** – In addition to the seriousness of marriage vows, the significance of ordination promises, and/or issues regarding housing security may make clergy and lay ministers or their spouses particularly vulnerable to staying in abusive relationships. In such situations, our diocese should not put fear of scandal above the safety of vulnerable people.
- 2.12.4 **Ministry Support Fund** – Acknowledging that clergy and other ministry couples and families are in a unique situation (often with housing and other family arrangements attached to a parish), a Ministry Spouse Support Fund has been established to assist the spouse and family (if any) re-establish their lives when there has been domestic abuse (or other serious misconduct) by the church worker, which will leave the spouse (and family) in financial hardship. For example, this may include support for school fees, counselling or housing.

2.13 Domestic Abuse involving Clergy and Lay Ministers – Alleged perpetrator

- 2.13.1 Clergy and lay ministers who are suspected of perpetrating domestic abuse must be treated like any other alleged perpetrator (see section 2.6).
- 2.13.2 Any allegations of domestic abuse committed against a lay minister or member of the clergy should also be referred to the ODSM (see section 2.12).
- 2.13.3 Bishops may consider appointing someone to offer pastoral support to an alleged perpetrator who is a lay minister or member of the clergy. If the alleged perpetrator is a bishop, then the ODSM must be consulted about the provision of such support.
- 2.13.4 Domestic abuse may result in proceedings under our ministry standards and disciplinary ordinances (which can be found under the Ordinances on the SDS website – www.sds.asn.au) if:
- it involves sexual abuse of an adult, or
 - conviction for an offence punishable by imprisonment for 12 months or more, or
 - may otherwise call into question the fitness of the person to hold a role or position or to remain in holy orders.

2.14 Mediation

- 2.14.1 **Get professional help** – Mediation is a specialist activity that in the context of domestic abuse must be undertaken by trained professionals. In order for mediation to be effective any imbalances in power in the relationship need to be addressed.
- 2.14.2 **Safety first** – In the context of family and domestic abuse, mediation (or 'family dispute resolution' as it is known when parenting arrangements are being discussed) can be an empowering process for a victim. However, this can only occur if safety needs are managed and both parties are well-prepared for the mediation process.
- 2.14.3 **Legal advice** – Where children or property matters are concerned, it is also important that both parties have received legal advice. Government-funded Family Relationship Centres (FRCs) are a good referral option for family dispute resolution and have designated processes to ensure the safety of all concerned. Anglicare currently operates FRCs at Nowra and Parramatta.

A Case Study: Andrew and Jody

Andrew is separated from his wife, Jody. She had called the Police and Andrew was arrested after an incident of domestic abuse. Charges were pressed and he was found guilty. An Apprehended Domestic Violence Order (ADVO) has been issued, with Jody and the children listed as protected parties.

Andrew is living apart from Jody. The couple have two children aged 6 and 8, both of whom live with Jody. Andrew wants to be reconciled with his wife and with the church of which they are both long-standing members. He has come to the rector's home in order to discuss with the rector how he can achieve reconciliation with Jody. He is currently not attending church. But Andrew appears to be remorseful and says how sorry he is and how desperate he is to be back in church fellowship and back with his family.

Considerations in responding

The rector needs to seek advice and support from the ODSM or Anglicare Domestic Violence Adviser in how best to respond. He must also recall that pastoral support cannot normally be provided by one person (such as the rector) both to victim and perpetrator.

The conditions in the ADVO need to be understood to ensure that any contact Andrew has with Jody and the children does not breach the conditions of the ADVO.

The rector needs to be aware and cautious of Andrew's motives. The rector should ensure he is acquainted with the cycle of domestic abuse. In approaching the rector, who knows them both, Andrew might be seen as manipulating or grooming the rector to support him, with the prime motive of reconciliation with his wife. What evidence is there of his repentance, and the steps he has taken to change his behaviour? How are his spiritual needs currently being met?

Consideration of Andrew's desire for reconciliation with Jody must be made in the context of assessing risk to her and risk to their children, and can only be considered if Jody is also willing to consider a conciliation process, and the conditions of the ADVO allow for contact. Extreme caution should be taken by the rector before raising the possibility of conciliation with her, given the perceived implications of his position of authority, and the difficulties in her freedom to choose not to engage in such a process if initiated by the rector.

However, the rector should not get involved in any conciliation between them as this is specialist work and needs to be undertaken by an independent agency equipped for the purpose. The rector can signpost Andrew to such agencies.

The rector can discuss with Andrew the marks of true repentance and forgiveness by God, and arrange for him to receive pastoral care. This would be most appropriately offered by someone not known to either of them.

The rector needs to be aware of boundaries of confidentiality and should not be passing information from Andrew to Jody or vice versa. If he were to do so not only may he lose the trust of one or the other, but he may be putting Jody and her children at further risk.

In conclusion, the rector should be careful to give priority to the safety of the victim and her children who are the vulnerable people in this circumstance.

Section 3: Appendices

Please note that these appendices do **not** form part of the Policy or Guidelines, but are provided as additional resources.

1. An expansive description of Domestic Abuse
2. Doctrine Commission on The Use and Misuse of Scripture with Regard to Domestic Abuse
3. Visual Representations of Domestic Abuse
4. Domestic Abuse Facts
 - 1) Who experiences domestic abuse?
 - 2) Domestic Abuse Statistics for Australia
 - 3) Challenging misconceptions about domestic abuse
 - 4) Recognising domestic abuse in adult victims
 - 5) Recognising domestic abuse in children
 - 6) Who are the perpetrators of domestic abuse?
 - 7) Social factors that contribute to domestic abuse
 - 8) Recognising perpetrators of domestic abuse
 - 9) How a perpetrator of abuse might invite you to collude with them
 - 10) Particular Types of Domestic abuse
 - 11) Trauma-Informed Care
5. Legal Framework
6. Domestic Abuse: Policy Guidance from *Faithfulness in Service*
7. Suggested Parish Policy on Domestic Abuse
8. Draft Safety and Exit plan
9. Marriage Preparation: Recommended good practice
10. Doctrine Commission on Divorce and Remarriage
11. "Walking Through It: A Family Violence Survivor's Reflection"

An expansive description of Domestic Abuse

It is critical to understand that domestic abuse includes far more than just physical violence. The National Council to Reduce Violence against Women and Children (NCRVWC) found that –

... a central element of domestic violence is that of an ongoing pattern of behaviour aimed at controlling one's partner through fear (for example, by using violent or threatening behaviour)

... the violent behaviour is part of a range of tactics used by the perpetrator to exercise power and control ... and can be both criminal and non-criminal in nature.¹

Following wide consultation², this Policy has adopted the following definition:

***Domestic abuse** involves a pattern of behaviour that seeks to coerce, control, intimidate, hurt or frighten a person in an intimate or family relationship. Domestic abuse may include, but is not limited to emotional, verbal, financial, psychological, spiritual, cultural, physical and sexual abuse. It can also include social isolation, stalking, image-based or technology facilitated abuse, and threats to harm other people including children, property or pets.*

Domestic violence includes:

- **Emotional Abuse** – blaming the victim for all problems in the relationship, undermining the victim's self-esteem and self-worth through comparisons with others, withdrawing interest and engagement and emotional blackmail;
- **Verbal Abuse** – and humiliation in private and public by swearing, yelling, insults or name-calling, focusing on intelligence, sexuality, body image or the victim's capacity as a parent or spouse;
- **Financial Abuse** – controlling a victim's access to money or bank accounts, forcing the victim to account for how they spend money, withholding financial information, providing an inadequate 'allowance', preventing the victim seeking or holding employment, taking the victim's wages or money without consent;
- **Psychological Abuse** – making threats regarding custody of children, asserting the justice system will not believe or support the victim, destroying property, abusing pets and driving dangerously;
- **Spiritual Abuse** – using religious beliefs to scare a victim, stopping a victim from practising their religion or forcing them to take part in religious practices, misusing religious beliefs to force victims into subordinate roles and misusing religious or spiritual traditions to justify physical violence or other abuse;
- **Cultural Abuse** – forcing someone to act against their cultural beliefs and practices, or using cultural norms and practices against them. E.g., not allowing someone to return to Country, isolating from or humiliating someone in their cultural community, dowry abuse, female genital mutilation or forced marriage based on cultural practices, threats to have someone deported from Australia if they leave a marriage;
- **Physical Abuse** – direct assaults on the body, including hitting, kicking, pushing, shaking or choking, the use of weapons (including objects), locking the victim out of the house, sleep and food deprivation, also the assault of children;

¹ National Council to Reduce Violence against Women and Their Children, *The National Council's plan for Australia to reduce violence against women and their children, 2009–2012, Background paper to Time for Action*, Attachment A, Department of Families, Housing, Community Services and Indigenous Affairs, Canberra, March 2009, p13, cited in "Domestic violence in Australia – an overview of the issues" By Liesl Mitchell, Social Policy Section, Parliamentary Library Research Publications, 22 November 2011, Parliament of Australia.

² Sources consulted: Australian Government: Services Australia, "What is family and domestic violence?" (<https://www.servicesaustralia.gov.au/what-family-and-domestic-violence?>); NSW Government: NSW Police, "What is Domestic Violence?" (https://www.police.nsw.gov.au/crime/domestic_and_family_violence/what_is_domestic_violence); NSW Government: Communities and Justice, "What is domestic and family violence?" (<https://dcj.nsw.gov.au/children-and-families/family-domestic-and-sexual-violence/about-domestic-and-family-violence/what-is-domestic-and-family-violence.html>); all accessed 20 March 2023. Also National Domestic and Family Violence Bench Book, "Cultural and spiritual abuse" (<https://dfvbenchbook.aija.org.au/understanding-domestic-and-family-violence/cultural-and-spiritual-abuse/>); accessed 25 April 2023.

- **Sexual Abuse** – any form of pressured/unwanted sex or sexual degradation, causing pain during sex, coercive sex without protection against pregnancy or sexually transmitted disease, making the victim perform sexual acts unwillingly and criticising or using degrading insults;
- **Social Isolation** – systematic isolation from family and friends, instigating and controlling relocations to a place where the victim has no social circle or employment opportunities and preventing the victim from going out to meet people;
- **Stalking** – behaviour that harasses or intimidates by repeated phone calls or messages, unwanted or obsessive attention, following or monitoring the victim;
- **Image-based or technology facilitated abuse** – publishing intimate photos without consent, sharing or threatening to share photos or messages with the intention of putting the victim at risk of stigma, discrimination or harm, monitoring what the victim does online, by checking their computer and phone use, or by using spyware to track the person.

Coercive Control is another phrase that is now commonly used. Coercive control can be thought of as abusive conduct used to maintain control over the victim's behaviour, or to have them suffer emotional or physical torment and live in fear. It may make the victim do or believe things they wouldn't normally or adversely impact the victim's capacity to engage in some or all of the person's ordinary day-to-day activities. For example, they may be caused to doubt themselves, or be stopped from seeing people, leaving the house or doing other activities important to them.

Appendix 2**Doctrine Commission on The Use and Misuse of Scripture with Regard to Domestic Abuse**



Some people use Bible verses as an excuse to abuse their wife, husband, or children. This is always wrong. Others think that the Bible tells them to put up with abuse. This is also wrong. Here are some important Bible verses that are sometimes used in this way. For each verse, there are wrong meanings and correct meanings. There are many more things to say about these verses, but these are the most important points for domestic abuse. These points do not explain the verses fully. To understand them more fully, we must do three things together:

- a) Read the whole chapter or section in which the verse or verses are found.
- b) Understand how the verse or verses fits into the chapter or section.
- c) Think about how the Bible's teaching applies to your situation.

Please note: If you think you might be a victim of domestic abuse, we suggest you read this document with a supportive friend or counsellor.

Key Words and their Meanings***Helper*****Bible verses: Genesis 2:18, 21**





¹⁸ The Lord God said, "It is not good for the man to be alone. I will make a helper who is just right for him." ... ²¹ So the LORD God caused the man to fall into a deep sleep. While the man was sleeping, the LORD God took out one of the man's ribs. He closed up the opening that was in his side.

Wrong meaning: The woman is below the man.	
	A "helper" is a servant. God made the woman to be the servant of the man. The woman is less important than the man.
Correct meaning: The woman and the man are equal.	
	The word "helper" does not mean below or less. This word is mostly used in the Bible to describe God. God is Israel's "helper" when he comes to rescue them (e.g. Deuteronomy 33:26; Psalm 22:19; Psalm 121:1-2). The words "just right for him" mean that the woman and the man are a perfect match. Each one needs the other. In Genesis 2:21 God made the woman out of the man's rib. She was not taken from his head, to be over him, or from his foot, to be under him. She came from his side to be his equal partner.

Submit


Bible verses: Ephesians 5:22-23


²²Wives, submit to your own husbands as you submit to the Lord. ²³The husband is the head of the wife, just as Christ is the head of the church. The church is Christ's body. He is its Saviour.

Wrong meaning (verse 22): The wife must always submit to her husband no matter what.	
	A wife must not ask questions or think for herself. She must always do what her husband tells her to do, even if he asks her to sin or submit to abuse. If she does not submit to him, then he is allowed to punish her.
Correct meaning (verse 22): A wife chooses to submit. Her husband must not force, pressure or punish her.	
	The Bible teaches that a wife should freely choose to submit to her husband. It is a gift she gives. A husband must never force or pressure his wife to submit. He must never punish her if she does not submit. If a wife cannot say no, then her submission cannot be free. Sometimes a wife should not submit. She must be free to say no to sin. She should not submit to abuse.
Wrong meaning (verse 23): The husband may do anything he likes.	
	The husband has all the power, because he is the head. He can do what he wants. He can make all the decisions. He can tell his wife what to do, but she can never tell him what to do. For example, he may demand sex whenever he wants, and she has no right to refuse.
Correct meaning (verse 23): The husband's responsibility is to serve his wife.	
	"Christ is the head of the Church." This means that he loved us and sacrificed himself for us. A husband must be the head of his wife in the same way. He must do all he can to love and protect her. He must encourage and care for his wife like his own body (Ephesians 5:28-29). Loving and caring means putting his wife's needs first.

Bible verses: 1 Peter 3:1, 5-6



¹Wives, submit yourselves to your husbands in the same way. Suppose some of them don't believe God's word. Then let them be won to Christ without words by seeing how their wives behave... ⁵This is how the holy women of the past used to make themselves beautiful. They put their hope in God. And they submitted themselves to their own husbands. ⁶Sarah was like that. She obeyed Abraham. She called him her master. Do you want to be like her? Then do what is right. And don't give in to fear.

Wrong meaning: Endure abuse to show your husband what Jesus is like.	
	In the same way that Christ endured suffering (1 Peter 2:21-23), and slaves are to endure mistreatment from unjust masters (2:20), a wife should also endure abuse at the hands of her husband. A wife should be like Jesus. If her husband beats her, she should suffer the beating quietly. She should not be afraid. This will show her husband what Jesus is like.

Correct meaning: Respect your husband, even if he is hostile to your faith.	
	<p>1 Peter 3 continues the argument of 1 Peter 2. “In the same way” (3:1) means that Peter is continuing his discussion of respect. Out of respect, slaves should submit to their masters (2:18). Out of respect, wives should submit to their husbands (3:1). Out of respect, husbands should be considerate of their wives (3:7).</p> <p>However, it is important to understand the difference between the examples given in 1 Peter 2 and 1 Peter 3. Peter told slaves to suffer beatings patiently, like Jesus did. But he does not tell wives to suffer beatings. Wives are not slaves. Even the laws of the Romans did not permit wives to be beaten. The hardship the wife must endure in 1 Peter 3 is the hardship of being married to an unbelieving husband, not to an abusive husband. The passage does not teach wives to submit to domestic abuse.</p>

Sex**Bible verses: 1 Corinthians 7:3-5**



³ A husband should satisfy his wife’s sexual needs. And a wife should satisfy her husband’s sexual needs. ⁴ The wife’s body does not belong only to her. It also belongs to her husband. In the same way, the husband’s body does not belong only to him. It also belongs to his wife. ⁵ You shouldn’t stop giving yourselves to each other except when you both agree to do so. And that should be only to give yourselves time to pray for a while. Then you should come together again. In that way, Satan will not tempt you when you can’t control yourselves.

Wrong meaning: You must always have sex when your spouse wants to.	
	It is always wrong to say no to your spouse. If you say no to your spouse, they will fall into sexual temptation. This will be your fault.
Correct meaning: Sex is a gift which a husband and a wife freely give to each other.	
	<p>Sex is a gift your spouse gives to you. You do not take it from them. It is their free gift. It is a normal part of married life. It helps to avoid temptation. When you are free to give sex, then you should give sex, unless you both agree to stop for some time, so you can pray (verse 5).</p> <p>But your spouse is not always free to give and receive sex. They may be sick, or in pain, or tired, or sad, or bearing a child, or having sexual problems. The bodies of husbands and wives belong to each other (verse 4). This means you must care for each other’s bodies. You should wait until they are ready to give and receive sex. You must not pressure them. A gift that you demand is not a true gift, and a gift you force upon someone is not a true gift. You must be patient and kind with each other.</p>

Forgive

Bible verse: Matthew 6:15



But if you do not forgive the sins of other people, your Father will not forgive your sins.

Wrong meaning: Forget the sin and start again.	
	If you forgive someone, then you must forget what they did. Everything can be the same as it was before. The other person does not need to change their behaviour.
Correct meaning: Forgive others as God has forgiven you.	
	This passage does not say everything that the Bible teaches about forgiveness. The basic point of Matthew 6:15 is that we should forgive as we have been forgiven. If we genuinely repent and turn from our sin, then God forgives us. In the same way, when an abuser genuinely repents and tries to change, we also should forgive them. This may be a difficult and long process. Sometimes we will come back together with a person we have forgiven. Sometimes this will not be possible. Separation may be necessary and may even become permanent. Forgiveness does not mean that we take sin lightly. If an abuser continues to abuse, they must be stopped. You do not need to endure abuse in the name of forgiveness.

Trust

Bible verse: Deuteronomy 19:15

Every matter must be proved by the words of two or three witnesses.

Wrong meaning: Doubt the victim’s testimony.	
	When someone says, “I was abused!”, you should not believe them. You should only believe them if other people saw the abuse and agree to be witnesses.
Correct meaning: Trust the victim’s testimony.	
	Moses gave this law for crimes that other people witnessed. When nobody saw a crime, Moses did not expect witnesses. Deuteronomy 22:25-27 shows that we may believe the word of an abused person when there are no witnesses.

Conclusion

The Bible is the good Word of a good God. Sadly, we can twist and misuse this good gift. So it is very important that the Bible is rightly understood and rightly applied to our lives. When it is wrongly understood and wrongly applied, it can damage people, destroy relationships and dishonour God. Rightly understood, the Bible condemns all forms of domestic abuse.

Mark D. Thompson

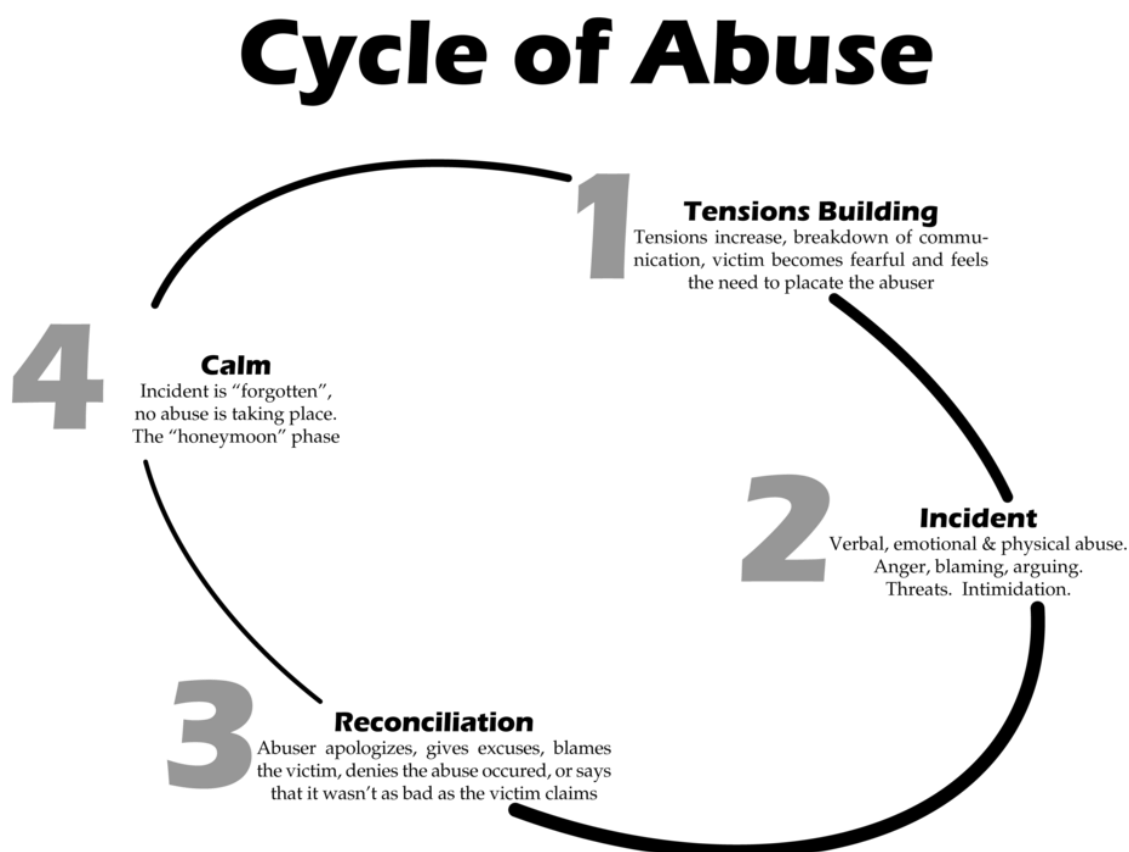
On behalf of the Diocesan Doctrine Commission

6 September 2018

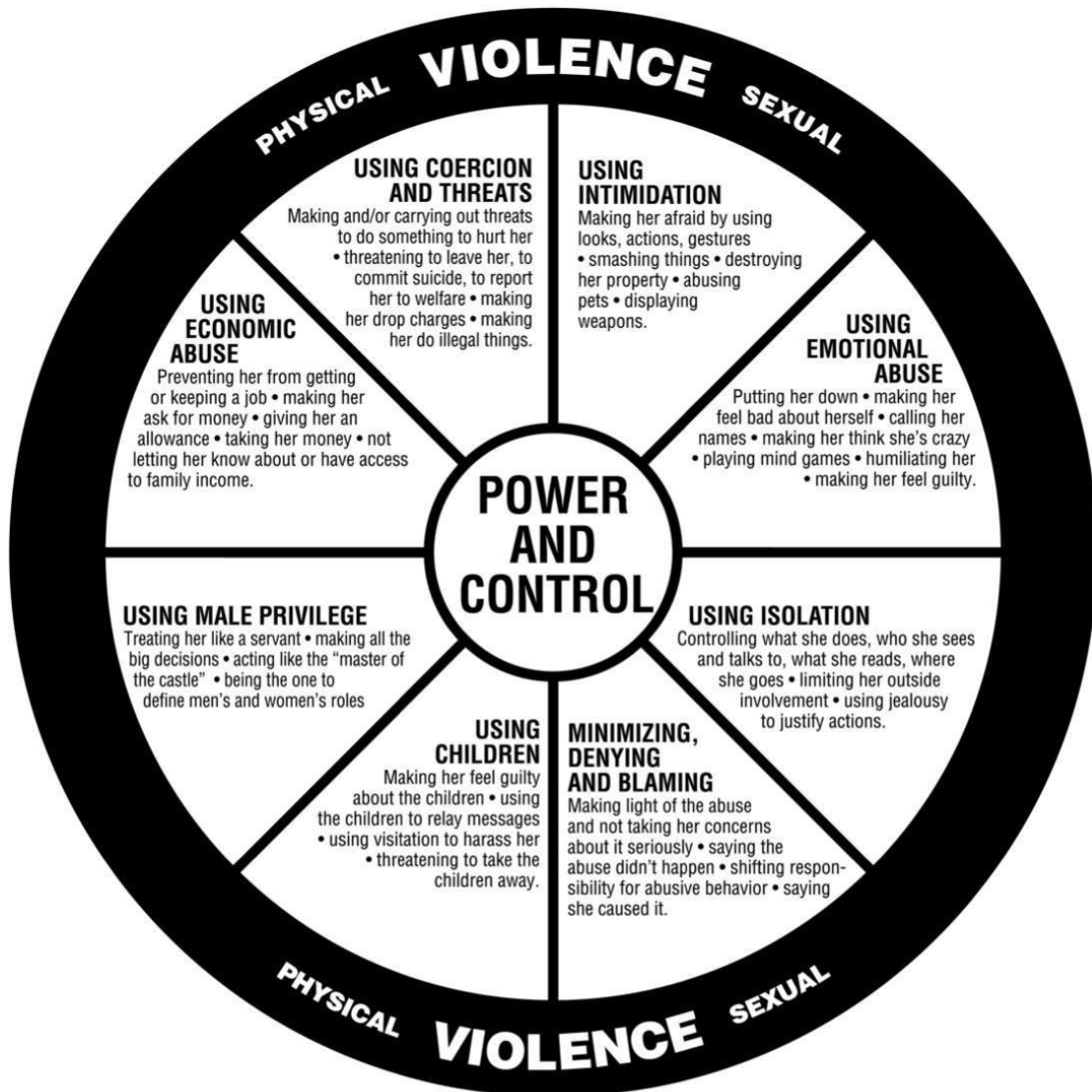
Visual Representations of Domestic Abuse

Many victims have found a visual representation of the signs or symptoms and patterns of domestic abuse helpful in identifying and understanding their own situation.

The 'Cycle of Abuse', first developed by Dr Lenore Walker (1979) in the USA, is one such resource (diagram public domain and courtesy of user 'Avanduyn' via Wikipedia)



The Duluth 'Power and Control' Wheel is another resource. The Domestic Abuse Intervention Program, which developed the diagram, invites others to use it in efforts to inform and educate (theduluthmodel.org).



Domestic Abuse Facts

1. Who experiences domestic abuse?

Domestic abuse can occur to anyone regardless of age, race, culture, disability, sexuality, class, geography or income.

Most domestic abuse is perpetrated by men against women, but the perpetrator of domestic abuse can be of either sex, and the victim can be of either sex.

Victims can be male, although the majority are female. Abuse can also occur in same sex relationships, between siblings or by adult children against a parent.

Sometimes both spouses can be simultaneously perpetrators and victims of abuse, although the pattern of abuse is not usually symmetrical.

Many victims will only disclose that a partner was violent and abusive after leaving a relationship. Things to keep in mind:

- Women are particularly vulnerable to abuse when pregnant or seeking to leave a relationship;
- Older people and disabled people can be vulnerable to domestic abuse;
- Children experience domestic abuse in many ways, including through directly intervening to protect one of their parents, being forced to join the adult perpetrator, and hearing or witnessing violent attacks or verbal abuse;
- Coercive and controlling behaviour in a domestic abuse situation can be exerted over the whole family so any children suffer as well as the victim;
- Many women come to Australia to work and improve their lives, and many can then become trapped in relationships characterised by abuse with no avenue to seek safety and support; and
- Domestic abuse happens within the Church. Church leaders, members of the clergy, and spouses of clergy have been found to be victims of domestic abuse.

2. Domestic Abuse Statistics for Australia

Note: Statistics do not tell the whole story, as they do not identify patterns of control and abuse in relationships. They do not capture level of fear, or the severity of injury or impact, for the victim.

Prevalence of Domestic Violence in Australia

- 1 in 6 women (17%) and 1 in 18 men (5.5%) had experienced threatened or actual physical or sexual violence by an intimate partner, since the age of 15.^{1 2}
- 23% of women and 14% of men have experienced emotional abuse by a partner since the age of 15.¹
- 16% of women and almost 8% of men have experienced economic abuse by a partner since the age of 15.¹
- An estimated 13% of people aged 18 and over in Australia have been witnesses to domestic violence towards a parent by a partner before the age of 15.¹ Indigenous women were 33 times more likely than the wider female population to be hospitalized due to family and domestic violence. Such

¹ Australian Bureau of Statistics, (2021-22) *Personal Safety Australia*, accessed 21 March 2023 at <https://www.abs.gov.au/statistics/people/crime-and-justice/personal-safety-australia/2021-22> The survey collected information about the nature and extent of violence experienced by men and women since the age of 15, including their experience of violence in the 12 months prior to the survey.

² This means that approximately 1.7 million women have experienced at least one incident of actual or threatened physical or sexual violence by an intimate partner (since the age of 15). Note that this excludes broader forms of domestic abuse, such as emotional or spiritual abuse.

hospitalisation rates increased with remoteness and were highest for those in the most disadvantaged socioeconomic areas.³

Reported incidents of Domestic Violence in NSW⁴

- Utilising data recorded by the NSW Police Force, the NSW Bureau of Crime Statistics and Research reported that, in the five years to December 2021 –
 - 71% of IPV murder victims were female.
 - 78% of ‘persons of interest’ (i.e. alleged perpetrators) in IPV murders were male.⁵
- The NSW Domestic Violence Death Review Team reported that 89% of men killed by a female intimate partner had been the primary domestic violence abuser in the relationship.⁶
- In 2022, NSW Police recorded over 33,000 incidents of domestic violence related assaults. In addition there were over 20,000 domestic violence related incidents of intimidation, stalking or harassment, and over 10,000 domestic violence related incidents of malicious damage to property. 69% of adult victims of domestic violence assault were female. Intimate partner violence accounts for 55% of all domestic violence assaults, 70% of alleged domestic violence offenders were male.⁷

3. Challenging misconceptions about domestic abuse

Many people will have misconceptions and attitudes about domestic abuse which are incorrect. Here are some common myths about what domestic abuse is and who it affects:

Myth 1: It happens to certain types of people

It can be thought that domestic abuse happens to a certain type of person – based on socio-economic status, religious or cultural backgrounds, or a perception of strength and resilience. This is not the case. Domestic abuse and violence can happen to anyone at any time.

Myth 2: It happens because of...

It is sometimes claimed that domestic abuse happens primarily because of a person’s religion, or because of alcohol or drug abuse, unemployment, abuse as a child, mental or physical ill health, or other environmental factors.

Although these may be contributory factors, abuse happens because an abusive person chooses to behave in a way that enables them to assert power and control over another person – excuses and reasons are given to justify abusive behaviour.

Myth 3: A victim can cause a perpetrator to become abusive

Often a perpetrator will tell a victim that they caused them to do it. But a victim is never to blame if a perpetrator chooses to behave in an abusive and controlling way.

Myth 4: A victim can fully understand what is happening to them

When someone is in a relationship in which they are subject to abuse they will often feel very confused about what is happening, and they are sometimes not sure that what they are experiencing is abuse.

³ Australian Institute of Health and Welfare, “Family, domestic and sexual violence data in Australia”, 9 November 2022, accessed 21 March 2023 at <https://www.aihw.gov.au/reports/domestic-violence/family-domestic-sexual-violence-data/contents/what-services-or-supports-do-those-who-have-experienced-family-domestic-and-sexual-violence-use/hospitalisations-for-family-and-domestic-violence>.

⁴ Much domestic violence goes unreported – usually because the victim does not consider an incident serious, is too ashamed, fears the offender, or thinks police cannot or will not act.

⁵ NSW Bureau of Crime Statistics and Research (2022), *Domestic Violence-related murder in NSW*, infographic accessed 21 March 2023 via https://www.bocsar.nsw.gov.au/Pages/bocsar_pages/Domestic-Violence.aspx

⁶ NSW Domestic Violence Death Review Team (2017), *NSW Domestic Violence Death Review Team Report 2015-2017*, pp. xi-xii.

⁷ NSW Bureau of Crime Statistics and Research (2022), *Domestic & Family Violence in NSW, 2018-2022*, infographic accessed 21 March 2023 via https://www.bocsar.nsw.gov.au/Pages/bocsar_pages/Domestic-Violence.aspx

Myth 5: A victim can choose to leave and if they don't, they are choosing to stay

People ask why victims stay in a situation where they are suffering abuse, and assume that it is easy to leave, to escape the situation and to start a new life. This is not the case, either on a practical or an emotional level. A perpetrator of abuse will work to ensure that the victim feels that they cannot cope on their own.

Leaving a physically violent relationship is often the most dangerous time for women and children. It may also be financially impossible to leave the situation, particularly when there are children. Victims often do not have a choice in leaving and may feel, or be, threatened that if they leave they will be in danger. It may feel safer to stay than to leave.

Myth 6: Victims should stand up for themselves and their children

It is important to recognise such strength and resilience displayed by victims. Indeed, victims are usually doing many things to protect and look after themselves and their children, e.g. getting their children fed, and ensuring they get to school.

Myth 7: Domestic abuse is all about anger

Domestic abuse is not all about being angry or losing control. Although not always a calculated action, a central element is the choice to act in a controlling way.

Myth 8: Domestic abuse doesn't happen in our church

Domestic abuse happens in every community, including within the Church. The National Anglican Family Violence Project Research reported that sad 'headline' finding that Anglican church attenders (defined as attending at least several times a year) appear to be more likely than members of the general public to have experienced domestic abuse over a lifetime, and as likely within the last year. So it is extremely likely that there will be those in your church who have been affected by domestic abuse.⁸

4. Recognising domestic abuse in adult victims

It is very difficult to create a definitive list of signs that domestic abuse is happening because abuse can occur on many levels and both victims and alleged or known perpetrators can behave and respond in a range of different ways. The following list of signs of behaviour for victims is not exhaustive, and should not be used as a definitive list but should be used as guidance:

- Has unexplained bruises or injuries;
- Shows signs of feeling suicidal;
- Becomes unusually quiet or withdrawn;
- Has panic attacks;
- Has frequent absences from work or other commitments;
- Wears clothes that conceal even on warm days;
- Stops talking about her/his partner;
- Is anxious about being out or rushes away;
- May never be seen alone, and is always accompanied by their partner;
- May become more isolated, possibly moving away from home, withdrawing from friends and family;
- Goes along with everything their partner says and does;
- Checks in often with their partner to report where they are and what they're doing;
- Receives frequent, harassing phone calls from their partner; and/or
- May have unexplained injuries, and may give other reasons for the injuries which refer to them being accidental.

⁸ Powell, R. & Pepper, M. (2021), *National Anglican Family Violence Research Report: for the Anglican Church of Australia*, NCLS Research Report, accessed 21 March 2023 via <https://anglican.org.au/wp-content/uploads/2021/08/1.-NAFVP-Research-Report.pdf>; the report notes the limitation that this finding arises from a carefully weighted non-probability sample, so caution must be exercised in generalising. In addition, the research did not address the question of the *prevalence of perpetrators* within Anglican churches.

Survivor View

The abuse went on for six years before I realised that what I was experiencing wasn't just a bad marriage. Everyone says marriage is difficult so at first I thought it was that – our adjustment to married life.

There was pressure to make marriage work and to sacrifice yourself. After all the church says 'till death us do part'. I bent over backwards to make it work.

From the outside most people thought we were the perfect happy couple. But I was walking on eggshells in my own home, never knowing what mood he would be in when he came home.

It was such a lonely time. I didn't think anyone would believe me if I told them what it was really like at home. I was desperate for some hope.

5. Recognising domestic abuse in children

Living in a home where there's domestic abuse is harmful. It can have a serious impact on a child's behaviour and wellbeing. Parents or carers may underestimate the effects of the abuse on their children because they don't see what's happening.

Indeed, a child who witnesses or overhears domestic abuse is generally considered to be the victim of indirect child abuse by the perpetrator of the abusive behaviour. If children are involved this way, a referral to the child protection authorities will need to be considered.

Domestic abuse can also be a sign that children are suffering another type of abuse or neglect. The effects can last into adulthood. However, once they're in a safer and more stable environment, most children are able to move on from the effects of witnessing domestic abuse.

Younger children who experience and witness domestic abuse may:

- Become aggressive;
- Display anti-social behaviour;
- Become anxious;
- Complain of tummy aches and start to wet the bed;
- They may find it difficult to sleep, have temper tantrums and start to behave as if they are much younger than they are;
- They may also find it difficult to separate from their abused parent when they start nursery or school; and/or
- Children may be clingy, have behavioural difficulties, may be tired and lethargic, and struggle in social settings and at school.

Older children/young people who experience and witness domestic abuse react differently:

- Boys seem to express their distress much more outwardly, for example by becoming aggressive and disobedient. Sometimes, they start to use violence to try and solve problems, and may copy the behaviour they see within the family;
- Older boys may play truant and start to use alcohol or drugs (both of which are a common way of trying to block out disturbing experiences and memories);
- Girls are more likely to keep their distress inside. They may become withdrawn from other people, and become anxious or depressed;
- Girls may think badly of themselves and complain of vague physical symptoms. They are more likely to have an eating disorder, or to harm themselves by taking overdoses or cutting themselves;
- Girls are also more likely to choose an abusive partner themselves; and/or
- Suffer from depression or anxiety.

Children of any age can develop symptoms of what is called 'Post-traumatic Stress Disorder'. They may get nightmares, flashbacks, become very jumpy, and have headaches and physical pains. Children dealing with domestic violence and abuse often do badly at school. Their frightening experiences at home make it

difficult to concentrate in school, and if they are worried about their abused parent, they may refuse to go to school.

Long-term impact on children and young people

As adults, children who have experienced domestic violence and abuse are at greater risk of becoming involved in a violent and abusive relationship themselves. Children from violent and abusive families may grow up feeling anxious and depressed, and find it difficult to form trusting relationships.

However, children don't always repeat the same patterns when they grow up. Early intervention, support, and safety will assist children to recover so they may flourish as adults.

6. Who are the perpetrators of domestic abuse?

Most known perpetrators of domestic abuse are men, but women are also known to engage in such behaviour.

- Anyone across the social spectrum can perpetrate domestic abuse – a perpetrator's outward appearance may be outgoing and friendly, and/or very confident, whilst the victim may be withdrawn and considered by many as unfriendly. However a disclosure of domestic abuse by any individual should always be taken seriously.
- There is no excuse for abuse. People who abuse their partners make a choice to do so. Often alcohol, drugs, childhood problems (such as a violent/abusive childhood), and mental health and psychological disorders are cited as causes of domestic abuse. Whatever the contributors in any given case, domestic abuse always involves a misuse of power by one person over another. Individuals who perpetrate domestic abuse generally do so to get what they want and to gain control.
- Domestic abuse happens within the Church; church leaders, members of the clergy, spouses of clergy, and prominent lay members have all been found to be perpetrators of domestic abuse.
- Seeing change in perpetrators is a long-term process. Perpetrator programs are long-term groups or one to one interventions which challenge the underlying attitudes and beliefs that drive domestic abuse. For more information on where accredited programs are conducted can be found at the Men's Behaviour Change Network website: [Men's Behaviour Change Programs \(nsw.gov.au\)](http://Men's Behaviour Change Programs (nsw.gov.au))

7. Social factors that contribute to domestic abuse

Domestic abuse is complex and is not necessarily explained by any single factor or theory. However extensive research indicates that there are common 'social drivers' of domestic abuse – factors that allow it to flourish in society – including gender inequality and other forms of oppression. Related factors are condoning of men's violence against women, rigid gender stereotyping, cultures of masculinity that emphasise dominance, aggression and control, and men's control of decision-making and limits to women's independence in public or private life.

8. Recognising perpetrators of domestic abuse

Perpetrators are very good at hiding their behaviour. The following list of signs of perpetrator behaviour is not exhaustive, and should not be used as a definitive list but should be used as guidance:

- Presents confidently;
- Focuses on themselves and has no empathy with partner;
- Assertively claims victim status;
- Finds no fault in themselves;
- Makes unfounded accusations;
- Puts partner down and portrays partner often as unreasonable or unstable;
- Does not consider the children's experiences;
- Makes disparaging remarks about their partner in public – "overly emotional, can't cope, mentally ill";
- Uses their wedding vows as leverage to keep their partner tied to them – "you promised...";
- Expresses suspicion about legitimate activities of partner;
- Restricts access to partner's family and friends;
- Controls financial access and activity;

- Recruit others to back them up against their partner;
- Uses inappropriate humour, especially about compliance;
- Tries to engender pity in order to manipulate and recruit colluders;
- Shows changeable behaviour in order to hold onto control;
- Restricts partner's attendance at church or Bible study groups; and
- Uses Scripture to justify behaviour, demands or requests.

9. How a perpetrator of abuse might invite you to collude with them

Those who use abuse in their family relationships tend to deny their behaviour, minimise its impacts and blame their victims for causing them to behave in such ways. Additionally, they may seek to influence those around them, especially those with positional power or spiritual authority to support their perspective, and to see the victim as the problem. This may include emphasising the spouse's weaknesses, or portraying themselves as victims or as long-suffering of their partners' behaviour, or undermining the other's reputation within the church community, so that the victim's disclosures will not be believed. (This is a form of 'gaslighting' before a victim makes a disclosure.)

Sometimes perpetrators hold positions of power or influence in the church, present well in public, or have a vital ministry, adding further challenge for those who know them to conceive the real possibility that their private behaviour may be abusive and should be taken seriously.

10. Particular Types of Domestic abuse

Domestic abuse can occur in many contexts. For example, there is abuse within Indigenous communities, and in same-sex relationships; there is also child or adolescent to parent abuse, and abuse of elders.

Some perpetrators will use **religious or cultural beliefs** as a way of maintaining patriarchal power and control, and to justify their abusive behaviour. Often the violence or abuse is perpetrated by members of the extended family, with the collusion of others in the community. Awareness of the wide variety of culturally specific forms of abuse will also help in identifying abuse and responding appropriately.

For example, these can include so-called 'honour' crimes and killings, forced marriage and female genital mutilation, all of which constitute criminal behaviour, Culture is never an excuse for abuse.

Tragically, **Indigenous communities** are over-represented in domestic abuse statistics. When responding to domestic abuse within this community, we must always speak first of the importance of the safety of the victim, yet understand it is not always possible or advisable to treat domestic abuse identically to other groups. Due to historical abuses, including the removal of children from their families, as well as intergenerational trauma, Indigenous communities are often reluctant to engage with authorities. Some in such communities may sometimes consider removal of children as an outcome worse than adults enduring such violence.

Men are in the minority, in terms of sex, as victims of domestic abuse. However it is important for male victims to know they are not alone. Such abuse can involve dominating behaviour, social isolation, emotional and psychological abuse, as well as physical assault. Perpetrators can be a wife, girlfriend or partner but can also be children, parents, siblings and carers of all genders. Men often don't report abuse by women because they feel embarrassed or think they won't be believed if they report it. They may also be in denial or lack support, or their religious or cultural beliefs may cause them to hesitate. However men can call MensLine Australia (1300 78 99 78), or 1800RESPECT, where there are trained counsellors available 24 hours a day, 7 days a week.

The need to protect victims remains the main imperative, irrespective of the cultural context in which domestic abuse occurs.

11. Trauma-Informed Care

Trauma-informed care recognises and responds to the particular needs of those who have been subjected to abuse. Abuse, by nature, removes a victim's actual and perceived safety and agency, and betrays their trust. A trauma informed approach to caring for a victim therefore places high priority on the values of safety, trust, choice, collaboration, and empowerment. For those seeking to care for a victim of abuse this will

mean respecting and supporting their choices, even if these are not the same choices as the carer would make. This doesn't mean it is 'not OK' to make suggestions, and in a crisis situation – for example, where someone is in immediate danger – then it will be necessary for a carer to be more directive until a situation has been stabilised.

For more information on trauma informed care go to blueknot.org.au, a national centre which advocates for and provides support to people who have experiences of complex trauma.

Legal Framework

A range of legal measures exist to protect people in Australia who have experienced domestic violence and to prevent further violence.

The following legislation governs responses to incidents of domestic and family violence in NSW:

- *Crimes (Domestic and Personal Violence) Act 2007*;
- *Crimes Act 1900*;
- *Children and Young Persons (Care and Protection) Act 1998*;
- *Young Offenders Act 1997*;
- *Criminal Procedure Act 1986*; and
- *Family Law Act 1975*.

NSW Crimes (Domestic and Personal Violence) Act 2007¹

The primary piece of legislation governing domestic violence matters in NSW, is the *Crimes (Domestic and Personal Violence) Act 2007* (the “Crimes DPV Act”).

The Crimes DPV Act has the following **aims**:²

- (a) to ensure the safety and protection of all persons, including children, who experience or witness domestic violence;
- (b) to reduce and prevent violence by a person against another person where a domestic relationship exists between those persons;
- (c) to enact provisions that are consistent with certain principles underlying the Declaration on the Elimination of Violence against Women; and
- (d) to enact provisions that are consistent with the United Nations Convention on the Rights of the Child.

The Crimes DPV Act sets out a framework for applications to be made to the Magistrate’s Court for Apprehended Domestic Violence Orders (ADVOs) for the protection of a person against another person with whom he or she has or has had a **domestic relationship**. Further detail about ADVOs is set out below.

According to Section 5 of The Crimes DPV Act, a person has a **domestic relationship** with another person if the person is or has been married to the other person (s 5(1)(a)), is or has been a de facto partner of that other person (s 5(i)(b)) or has or has had an intimate personal relationship with the other person (s 5(i)(c)). However, the the definition of domestic relationship under the Crimes DPV Act also includes:

- (a) A person who is living or has lived in the same household or other residential facility as the person who commits the offence;
- (b) A person who has or has had a relationship involving his or her dependence on the ongoing paid or unpaid care of the person who commits the offence (such as staff of licensed boarding houses); or
- (c) A person who is or has been a relative of the person who commits the offence or in the case of an Aboriginal person or a Torres Strait Islander, is or has been part of the extended family or kin of the other person.

The Crimes DPV Act extends upon the personal violence offences set out in the Criminal Code. Under Section 11, a **domestic violence offence** includes not only personal physical and sexual violence but also those offences that intend to coerce or control a person or cause them to be intimidated and/or fearful.

Section 13 also makes it an offence to stalk or intimidate another person with the intention of causing the other person to fear physical or mental harm.

¹ NSW Government, *Crimes (Domestic and Personal Violence) Act 2007*, accessed March 2023 at <https://legislation.nsw.gov.au/view/whole/html/inforce/current/act-2007-080>

² Section 9

The *Criminal Procedure Act 1986* indicates that domestic violence victims are able to give evidence through a recorded video or audio statement, and the court should be closed when evidence is given (whether given in person or by recording). Evidence may also be given by audio visual link from a place other than the court room.

In proceedings where an offender is self-represented, the offender cannot question the victim directly in evidence (e.g. in cross-examination) but must examine the victim through a court appointed questioner or through the use of court technology.

Apprehended Domestic Violence Orders (ADVOs)

The Crimes DPV Act provides the legislative framework for the issue of Apprehended Domestic Violence Orders (ADVOs). An ADVO is a civil matter and does not result in a criminal offence unless the ADVO is breached. The aim of an ADVO is to protect a person from future violence. Restrictions are placed on persons against whom an order is made. These restrictions may include not harassing or not approaching the person.

There are two different types of temporary ADVOs that can be made to protect a person until a court decides whether to make a Final ADVO: a Provisional ADVO, and an Interim ADVO.

Police can apply for a Provisional ADVO if they believe that someone needs immediate protection, even if the victim is not willing to make a complaint. The Police may also direct or detain offenders while applying for a Provisional ADVO. The Provisional ADVO will remain in force until it is revoked, the application is withdrawn or dismissed, or until an Interim or Final AVO is made.

An Interim ADVO is made by the court to extend a Provisional ADVO or where the Court agrees that it is necessary for someone to have temporary protection.

The Court has the power to issue a Final ADVO if it is satisfied that a person (applicant) has reasonable grounds to fear that a domestic violence offence will be committed against them.

Section 48 of the Crimes DPV Act enables police to apply for an ADVO on behalf a person experiencing domestic violence, sometimes referred to as a *person in need of protection* ('PINOP').

If the PINOP is aged 16 or over, that person may also apply for an ADVO on their own at the Local Court of NSW. Police are the only authority mandated to apply for ADVOs on behalf of a child under section 48(3) of the Crimes DPV Act. If an ADVO application lists both adults and a child or children (e.g. a parent and a child), the adult can apply to either the Local Court or ask the police to apply for an ADVO.

If there are only children listed as PINOPs in an ADVO application, police are the only authority mandated to make an application under s 48(3) of the Crimes DPV Act.

More information is available from the NSW Government Domestic Violence website³, Women's Domestic Violence Court Assistance Scheme or a local Women's Domestic Violence Court Advocacy Service.⁴ An individual who wishes to hire a lawyer may contact Legal Aid NSW.

Protection of Children

There are both Federal and State laws which govern the protection of children. The *Family Law Act 1975* governs the resolution of private disputes about the parenting of all children in Australia. In comparison, NSW 'child protection laws' aim to protect children from abuse and neglect.

Due to the substantial overlap between Federal and State Laws in regard to domestic violence and protection of children, there have been calls for the institution of one court to deal with domestic violence, including protection orders, child protection, family law, perhaps even criminal issues.⁵

³ NSW Government, "Getting an Apprehended Violence Orders (AVOs)", website accessed 1 April 2023 at <https://www.dcj.nsw.gov.au/children-and-families/family-domestic-and-sexual-violence/police-legal-help-and-the-law/getting-an-apprehended-violence-order--avo.html>

⁴ Women's Domestic Violence Court Advocacy Service, accessed 1 April 2023 at <https://www.legalaid.nsw.gov.au/about-us/our-partners/womens-domestic-violence-court-advocacy-program>

⁵ Australian Law Reform Commission (2010), *Family Violence: A National Legal Response*, ALRC Report 114, accessed 1 April 2023 at <https://www.alrc.gov.au/publication/family-violence-a-national-legal-response-alrc-report-114/>

Federal Family Law Act 1975⁶

In 2006, the Australian Government introduced legislative changes to the *Family Law Act 1975*, in order to increase parental cooperation and responsibility in the separation process and increase the focus on the child's best interests.⁷⁷ However, in 2011 amendments were made after research suggested that the co-operative parenting changes made in 2006 may have contributed to increasing rates of reports of family violence and child abuse around relationship breakdown. The main changes to the *Family Law Act* were as follows:

- Section 4AB, now provides that family violence is violent, threatening or other behaviour by a person that coerces or controls a member of the person's family (the family member), or causes the family member to be fearful. For clarity, a new sub-section 4AB(2) provides an open list of the types of circumstances that may constitute family violence under the Act;
- The definition of child abuse has been extended to include two new categories of behaviour. The new definition, at sub-section 4(1) provides that child abuse is physical or sexual assault, serious neglect, and now action causing a child 'serious psychological harm' and expressly including *subjection or exposure to family violence*. Exposure to family violence is explained further by example at sub-sections 4AB(3) and (4);
- Ensuring that the 'need to protect a child from harm' carries more weight than the 'relationship with parents' consideration (s 60CC(2A));
- New provisions requiring the court, in every child-related case, to expressly ask the parties about whether they have any concerns about family violence or child abuse (s 69ZQ(1)(aa));
- In section 60CG, courts must ensure that parenting orders are consistent with any family violence order; and do not expose a person to an unacceptable risk of family violence; and
- Courts must be advised of any ADVOs or other State investigations into domestic violence.

Mandatory Reporting of Children at Risk of Significant Harm in NSW

The *Children and Young Persons (Care and Protection) Act 1998*⁸ (The Care and Protection Act) provides the legislative framework for the reporting of domestic violence incidents which put children at significant risk of harm. Section 23(1)(d), states the circumstances which constitute a reportable incident include:

the child or young person is living in a household where there have been incidents of domestic violence and, as a consequence, the child or young person is at risk of serious⁹ physical or psychological harm.

A **mandatory reporter** is an individual required by law to report to government authorities when they have reasonable grounds to suspect that a child is at risk of significant harm. Mandatory reporters are defined under section 27 of the Care and Protection Act, as people who deliver the following services to children as part of their paid or professional work, or who hold a management position which includes direct responsibility or supervision of such services.

A person in religious ministry, or a person providing religion-based activities to children is a mandatory reporter. This is the case regardless of whether the person is an employee, office-holder or volunteer.

Mandatory reporters also include people who deliver or who supervise the following services:¹⁰

- Health care (e.g. registered medical practitioners, nurses government and other allied health professionals working in sole practice or in public or private health practices);
- Welfare (e.g. psychologists, social workers, caseworkers and youth workers);

⁶ Australian Parliament, *The Family Law Act 1975*, accessed 3 April 2023 at <https://www.legislation.gov.au/Details/C2023C00056>

⁷ Australian Domestic and Family Violence Clearinghouse, *Children affected by domestic violence: a literature review*, Report produced for The Benevolent Society, Sydney, 2011. Accessed 26 July 2017 at <http://earlytraumagrief.anu.edu.au/files/ImpactofDVonChildren.pdf>

⁸ NSW Government, *Children and Young Persons (Care and Protection) Act 1998*, accessed 3 April 2023 at <https://legislation.nsw.gov.au/view/html/inforce/current/act-1998-157>

⁹ Here, "serious" means sufficient to warrant a response by a statutory authority irrespective of a family's consent.

¹⁰ NSW Government, *Children and Young Persons (Care and Protection) Act 1998*, accessed 3 April 2023 at <https://legislation.nsw.gov.au/view/html/inforce/current/act-1998-157#sec.27>

- Education (e.g. teachers, counsellors, principals);
- Children's services (e.g. child care workers, family day carers and home-based carers);
- Residential services (e.g. refuge workers); and
- Law enforcement (e.g. police).

Members of the community and mandatory reporters who suspect that a child or young person is at "risk of significant harm" should report their concerns to the Child Protection Helpline. To help reporters decide whether a case needs to be reported to the Child Protection Helpline, reporters can use the online Mandatory Reporter Guide.¹¹

It is also mandatory for any person to report knowledge of most domestic violence offences to the police under s316 of the *Crimes Act 1900*. However, there is a 'reasonable excuse' for not reporting if the alleged victim is an adult and the person believes on reasonable ground that the alleged victim does not wish the information to be report to the police.

¹¹ Childstory Reporter, *Welcome to the ChildStory Reporter Community*, accessed 4 August 2017 at <https://reporter.childstory.nsw.gov.au/s/>

Domestic Abuse: Policy Guidance from *Faithfulness in Service*

All clergy and church workers (whether paid or volunteer leaders) in the Anglican Diocese of Sydney are bound by our national code of conduct, *Faithfulness in Service*, as adopted in the Anglican Diocese of Sydney.

Section 6 of *Faithfulness in Service* addresses **Personal Behaviour**.

In its **Preamble**, it states that *misuse of power* is at the heart of abuse. This includes domestic abuse.

- 6.1 *The personal behaviour and relationships of **clergy and church workers** have a significant impact on the **Church** and the community because they are a model to others. In a context where their responsibility is to care for others, people will especially observe the way in which clergy and church workers exercise power.*
- 6.2 *Abuse of power is at the heart of many relationship problems in the Church and the community. In essence, abuse is one person's misuse of power over another. Sometimes abuse will be a one off event and at other times it will be a pattern of behaviour.*
- 6.3 **Abuse** can take any of several overlapping forms: **bullying, emotional abuse, harassment, physical abuse, sexual abuse or spiritual abuse**. Abuse in a family or domestic context is commonly known as "family and domestic violence".¹
- 6.4 *It is important for clergy and church workers to be good citizens and obey the laws of the community, except where those laws conflict with Christian convictions.*

The section entitled "**Standards for clergy and church workers**" states the Church's expectations for personal behaviour and the practice of pastoral ministry. This section **unequivocally rules out any domestic abuse** from clergy and church workers.

6.5 *You are not to engage in:*

- *bullying;*
- *emotional abuse;*
- *harassment;*
- *physical abuse;*
- *sexual abuse; or*
- *spiritual abuse.*

6.6 *You are not to **abuse** your spouse, children or other members of your family.*

This section also insists that **church leaders must observe** the law of the land, which obviously includes **laws regarding domestic abuse**.

6.14 *You are to observe the law, other than any law that:*

- *is contrary to the Holy Scriptures;*
- *unjustly prohibits the practice of religion; or*
- *prohibits civil disobedience.*

Section 4 of *Faithfulness in Service* addresses **Pastoral Relationships**.

In its **Guidelines** section, it gives the following guidance regarding **Boundaries** in pastoral ministry.

¹ The full definitions of these forms of abuse within *Faithfulness in Service* can be read at the end of this Appendix. It should be noted that these definitions overlap to a significant extent with common secular definitions of domestic abuse, such as those adopted by the diocesan Policy.

- 4.12 *Recognise the limits of your skills and experience. Do not undertake any ministry (such as relationship counselling, counselling for abuse or addictions, or an exorcism) that is beyond your competence or the role for which you have been employed or trained. If in doubt seek advice. A person who requires specialised help should be referred to an appropriately qualified person or agency.*
- 4.13 *Where ministry responsibilities overlap, be aware of the activities, function and style of other clergy and church workers. Consult with these colleagues and co-operate wherever possible.*
- 4.14 *Where your ministry responsibility to one person may conflict with your responsibility to another person to whom you are ministering, or with your own needs, you should seek advice from a colleague or supervisor. Consider the possibility of transferring ministry responsibility for one or both of these to another minister.*

This supports our good practice guidelines, which **require church workers to obtain specialised help** from persons or agencies appropriately qualified in responding to situations where domestic abuse is indicated or alleged.

It also notes the difficulty clergy and church workers can have from the expectations of multiple roles, for example in:

- providing pastoral care both to victim and alleged perpetrator;
- making some kind of investigation of the allegations; and
- being responsible for the adjudication and implementation of some aspects of church discipline should an offender have been or continue in the life of the church.

Also note the following provisions regarding **record keeping and privacy**, which can be especially crucial for safety in situations involving domestic abuse.

- 4.36 *If you are engaged in individual pastoral ministry, consider keeping a factual record of your daily pastoral activity. Record details such as the date, time, place, participants, subject, and any proposed action arising from each activity. Record personal remarks accurately.*
- 4.37 *You need to know the relevant principles of the applicable privacy legislation in relation to the collection, use, disclosure and management of personal information. These have implications for:*
- *the publication of personal information in church directories, newsletters, rosters and websites;*
 - *the recording and publication of voices and images of individuals; and*
 - *the use and security of all personal information, and especially sensitive information, held by clergy and church workers or in church offices.*

Section 3 of *Faithfulness in Service* speaks of **Putting this Code into Practice**.

Its **Guidelines** section make it clear that where you have reason to believe that a clergy person or church worker has perpetrated domestic abuse (breaching standards of the Code at 6.5 and 6.6), then **you have a reporting obligation**, since the threat of domestic abuse certainly creates the risk of harm.

- 3.9 *If you know or have reason to believe that another member of the clergy or another church worker has failed to meet a standard of this Code, other than for **child abuse**, (the reporting of child abuse is addressed in paragraphs 5.14 and 5.15), you should:*
- *where you believe that a person has not suffered harm or is not at the risk of harm, approach the member of the clergy or church worker and identify the concern; or*
 - *where you believe that a person has suffered harm or is at the risk of harm, report this to the **church authority** having responsibility for the member of the clergy or church worker or the **Director of Professional Standards**.*

If in doubt seek advice from a colleague or supervisor or the Director of Professional Standards without identifying the member of the clergy or church worker.

- 3.10 *If you know or have reason to believe that another member of the clergy or another church worker has not followed a guideline of this Code, you should approach the member of the clergy or church worker and identify the concern. If you consider that the member of the clergy or church worker is persisting in disregarding the guideline without good reason and a person has suffered harm or is at the risk of harm, you should seriously consider reporting this to the church authority with responsibility for the member of the clergy or church worker or the Director of Professional Standards. If in doubt seek advice from a colleague or supervisor or the Director of Professional Standards without identifying the member of the clergy or church worker.*

Section 3's Preamble makes it clear that domestic abuse or a failure to observe the law could result in clergy or church workers facing formal disciplinary action. Likewise negligence of guidelines in pastoral counselling regarding domestic abuse might result in the requirement to receive specialised help.

- 3.4 *Failure to meet the standards of this Code will indicate an area where clergy and church workers require guidance and specialised help. Such failures may result in formal disciplinary action if the conduct infringes an applicable disciplinary rule of the Church or is a breach of an employment contract.*
- 3.5 *Clergy and church workers are encouraged to follow the guidelines of this Code. Where this is impractical, the exercise of judgement will be required to ensure the safety of those to whom they minister and themselves. Wilful disregard of the guidelines may indicate an area where clergy and church workers require guidance and specialised help.*

Definitions

Please note the following definitions of abuse from *Faithfulness in Service*, Section 2, the **glossary of terms**.

abuse in relation to an adult means the following conduct:

- bullying;
- emotional abuse;
- harassment;
- physical abuse;
- sexual abuse; or
- spiritual abuse.

bullying means behaviour directed to a person or persons which:

- is repeated;
- is unreasonable (being behaviour that a reasonable person, having considered the circumstances, would see as unreasonable, including behaviour that is victimising, humiliating, intimidating or threatening); and
- creates a risk to their health and safety.

Bullying can include:

- making derogatory, demeaning or belittling comments or jokes about someone's appearance, lifestyle, background, or capability;
- communicating in an abusive manner;
- spreading rumours or innuendo about someone or undermining in other ways their performance or reputation;
- dismissing or minimising someone's legitimate concerns or needs;
- inappropriately ignoring or excluding someone from information or activities;
- touching someone threateningly or inappropriately
- invading someone's personal space or interfering with their personal property;
- teasing, or playing pranks or practical jokes on someone;
- displaying or distributing written or visual material that degrades or offends.

Bullying does not include lawful conduct of clergy or church workers carried out in a reasonable manner, such as:

- disagreeing with or criticising someone's belief or opinions or actions in an honest and respectful way;
- giving information about inappropriate behaviour in an objective way to the person or persons concerned and to any other person with a proper reason for having that information;
- setting reasonable performance goals, standards or deadlines;
- giving information about unsatisfactory performance in an honest and constructive way;
- taking legitimate disciplinary action.
- Cyberbullying is a form of bullying which involves the use of information and communication technologies.

emotional abuse means acts or omissions that have caused, or could cause emotional harm or lead to serious behavioural or cognitive disorders. It includes:

- subjecting a person to excessive and repeated personal criticism;
- ridiculing a person, including the use of insulting or derogatory terms to refer to them;
- threatening or intimidating a person;
- ignoring a person openly and pointedly; and
- behaving in a hostile manner or in any way that could reasonably result in another person feeling isolated or rejected.

harassment means unwelcome conduct, whether intended or not, in relation to another person where the person feels with good reason in all the circumstances offended, belittled or threatened. Such behaviour may consist of a single incident or several incidents over a period of time. It includes:

- making unwelcome physical contact with a person;
- making gestures or using language that could reasonably give offence including continual and unwarranted shouting;
- making unjustified or unnecessary comments about a person's capacities or attributes;
- putting on open display pictures, posters, graffiti or written materials that could reasonably give offence;
- making unwelcome communication with a person in any form (for example, phone calls, email, text messages); and
- stalking a person.

physical abuse means any intentional or reckless act, use of force or threat to use force causing injury to, or involving unwelcome physical contact with, another person. This may take the form of slapping, punching, shaking, kicking, burning, shoving or grabbing. An injury may take the form of bruises, cuts, burns or fractures. It does not include lawful discipline by a parent or guardian.

sexual abuse of an adult means sexual assault, sexual exploitation or sexual harassment of an adult. [Note: these terms are further defined in the same section]

spiritual abuse means the mistreatment of a person by actions or threats when justified by appeal to God, faith or religion. It includes:

- using a position of spiritual authority to dominate or manipulate another person or group;
- using a position of spiritual authority to seek inappropriate deference from others;
- isolating a person from friends and family members; and
- using biblical or religious terminology to justify abuse.

Suggested Parish Policy on Domestic Abuse

Parish of Policy for Responding to Domestic Abuse

All forms of domestic abuse are wrong. Perpetrators must stop.

1. The primary focus of this Policy is abusive or intimidating behaviour inflicted by an adult against a current or former spouse or partner. (Abuse involving children should follow child protection procedures.) **Domestic abuse** involves a pattern of behaviour that seeks to coerce, control, intimidate, hurt or frighten a person in an intimate or family relationship. Domestic abuse may include, but is not limited to emotional, verbal, financial, psychological, spiritual, cultural, physical and sexual abuse. It can also include social isolation, stalking, image-based or technology facilitated abuse, and threats to harm other people including children, property or pets.

2. We are committed to safe places which –

- Recognise equality amongst people,
- Promote a culture of healthy relationships of mutual responsibility in marriages, families and congregations,
- Ensure that all people feel welcomed, respected and safe from abuse,
- Strive to follow good practice in protecting those experiencing domestic abuse,
- Refuse to condone any form of abuse, and
- Enable concerns to be raised and responded to appropriately and consistently.

3. We uphold *Faithfulness in Service* as our national code of conduct for clergy and church workers, specifically its affirmations that –

- Abuse of power is at the heart of many relationship problems in the Church and in the community. In essence, abuse is one person’s misuse of power over another. Sometimes abuse will be a one-off event and at other times it will be a pattern of behaviour, (6.2)
- It is important for clergy and church workers to be good citizens and to obey the laws of the community, except where those laws conflict with Christian convictions, (6.4) and
- You are not to abuse your spouse, children or other members of your family (6.6).

4. We recognise that Domestic abuse requires a serious and realistic response –

- All forms of domestic abuse cause damage to the victim and are wrong,
- Domestic abuse can occur in all communities, including churches,
- Domestic abuse, if witnessed or overheard by a child, is a form of child abuse by the perpetrator of the abusive behaviour,
- Working in partnership with vulnerable adults and children, statutory authorities and specialist agencies is essential in promoting the welfare of any child or adult suffering abuse,
- Clergy and lay ministers need to obtain advice from those with professional expertise when faced with situations of domestic abuse,
- Clergy should ensure the provision of training about domestic abuse by appropriately qualified professionals or programs to those in leadership positions, safe ministry roles and other pastoral roles, with periodic 'refresher' training.
- Our response should also include 'primary prevention', challenging disrespect and other attitudes or stereotypes, and other social or cultural factors which may allow individual misconduct to flourish.
- Where mistakes in caring for people in difficult situations are made, an apology should be offered and advice sought on how to address any harm caused.

5. We respect people who come to us for help by –

- Valuing, respecting and listening to victims of domestic abuse;
- Valuing, respecting and listening to alleged or known perpetrators of domestic abuse;
- Appreciating the need to ensure a distance is kept between the two; and
- Refusing to condone the perpetration or continuation of any form of abuse.

6. We uphold Scripture and its abhorrence of abuse in our words and public statements by –

- Clearly teaching that domestic abuse is wrong and that the Bible should never be interpreted to justify or excuse any form of abuse. Rather a relationship between a husband and wife is to be characterised by love, care and kindness;
- Clearly teaching that the Bible does not condone abuse and should not be interpreted to demand a spouse tolerate or submit to domestic abuse;
- Clearly teaching that the Bible encourages victims to seek safety, that separation for such reason is an appropriate step to take, and that divorce may properly be a way of protecting victims in such tragic circumstances.
- Raising awareness of domestic violence agencies, support services, crisis accommodation, resources and expertise.

7. We ensure safety first by –

- Ensuring that those who have experienced domestic abuse can find safety and informed help as a first priority, and can continue to stay safe,
- Taking it Seriously – Ensuring that any disclosures of abuse are taken seriously and not dismissed; also noting that a perpetrator may deliberately undermine a victim by making their own allegation first,
- Getting help from outside – Working with the appropriate statutory authorities during an investigation into domestic abuse, including when allegations are made against a member of the church community,
- Keeping it confidential – Respecting the need for confidentiality within the bounds of good Safe Ministry practice, noting that reporting requirements exist where there is an immediate danger, where a child is at risk of serious harm or where the matter involves a clergy person or church worker as an alleged offender; where a report is required, this should first be discussed with the victim wherever possible, and
- Challenging with Care – Carefully challenging inappropriate behaviour, but only after receiving professional advice, and only in a way that does not place any individual, especially a victim, at increased risk.

8. We offer pastoral support to those in our care by –

- Offering informed care – Ensuring that informed and appropriate pastoral care and professional help is offered to any adult, child or young person who has suffered domestic abuse,
- Being guided by the victim – Never pressuring any victim of domestic abuse to forgive, submit to, or restore a relationship with an offender,
- Understanding that reconciliation comes with conditions – Understanding that any reconciliation between victim and offender is dependent principally upon genuine repentance and reformation of the offender,
- Coordinating the care – being familiar with appropriate pastoral care relationships for both victims and alleged or known perpetrators of domestic abuse, identifying and helping provide any specialist support, including separate and independent support for any children involved, and,
- Recognising cultural differences – understanding how cultural norms and values may affect victims or can contribute to abuse being perpetuated.

If you have any concerns or need to talk to anyone please contact...

- The Police: dial **000**
 - 24/7 in emergencies where safety is at risk.
- 1800 RESPECT national helpline: **1800 737 732** or 1800respect.org.au
 - 24/7 for sexual assault, & domestic violence counselling and advice.
- Child Protection Helpline: **132 111** or reporter.childstory.nsw.gov.au/s/mrg
 - If you think a child or young person is at risk of harm from abuse.
- Lifeline: **131 114** or www.lifeline.org.au/get-help
 - 24 hour telephone crisis line.
- Office of the Director of Safe Ministry **9265 1604** or safeministry.org.au
 - Advice about abuse involving Anglican clergy or church workers

Draft Safety and Exit plan

Ordinarily safety planning would be done with an experienced professional in the field of responding to domestic abuse. However this sample gives a sense of the wide range of issues that would have to be considered.

Step 1: I CAN USE SOME OR ALL OF THE FOLLOWING STRATEGIES:

- A. If I decide to leave, I will_____. (Practice how to get out safely. What doors, windows, stairwells or fire escapes would you use?)

- B. I can keep my purse and car keys ready and put them_____ (place) in order to leave quickly.

- C. I can tell _____ about the abuse and request they call the police if they hear suspicious noises coming from my house.

- D. I can teach my children how to use the telephone to contact the police and the fire department.

- E. I will use _____ as my code for my children or my friends so they can call for help.

- F. If I have to leave my home, I will go _____ (Decide this even if you don't think there will be a next time). If I cannot go to the location above, then I can go to _____ or _____.

- G. I can also teach some of these strategies to some/all of my children.

- H. When I expect we are going to have an argument, I will try to move to a space that is lowest risk, such as _____ . (Try to avoid arguments in the bathroom, garage, kitchen, near weapons or in rooms without access to an outside door).

- I. I will use my judgment and intuition. If the situation is very serious, I may be able to give my partner what he/she wants to calm him/her down. I have to protect myself until I/we are out of danger.

...over

Step 2: SAFETY WHEN PREPARING TO LEAVE

Leaving must be done with a careful plan in order to increase safety. Perpetrators often strike back when they believe that the person they are abusing is leaving the relationship.

I can use some or all the following safety strategies:

- A. I will leave money and an extra set of keys with _____ so that I can leave quickly.
- B. I will keep copies of important papers and documents or an extra set of keys at _____.
- C. I will open a savings account by _____, to increase my independence.
- D. Other things I can do to increase my independence include:

- E. The domestic violence program's hot line telephone number is _____ and I can seek shelter by calling this hot line.
- F. I understand that if I use my mobile, the following month the telephone bill will tell my perpetrator the numbers that I called after I left. I could get a 'pay as you go' phone, or use a public phone. There are no bills and all communication would be confidential.
- G. I will check with _____ and _____ to see who would be able to let me stay with them or lend me some money in an emergency.
- H. I can leave extra clothes with _____.
- I. I will sit down and review my safety plan every _____ in order to plan the safest way to leave the residence.
- J. _____ (domestic violence advocate or friend) has agreed to help me review this plan.
- K. I will rehearse my escape plan and, as appropriate, practice it with my children.

...over

Step 3: SAFETY IN MY OWN RESIDENCE

There are many things that a person can do to increase her safety in her own residence. It may be impossible to do everything at once, but safety measures can be added step by step.

Safety measures I can use include:

- A. I can change the locks on my doors and windows as soon as possible.
- B. I can replace wooden doors with steel/metal doors.
- C. I can install security systems including additional locks, window bars, poles to wedge against doors, an electronic system, etc.
- D. I can purchase rope ladders to be used for escape from second floor windows.
- E. I can install smoke detectors and purchase fire extinguishers for each floor in my house/apartment.
- F. I can install an outside lighting system that lights up when a person is coming close to my house.
- G. I will teach my children how to use the telephone to make a reverse charge call to me and to _____(friend/ other) or get them a mobile phone in the event that my partner takes the children.
- H. I will tell people who take care of my children which people have permission to pick up my children and that my partner is not permitted to do so. The people I will inform about pick- up permission include:
 - a. _____(school)
 - b. _____(day care staff)
 - c. _____(Sunday School teacher)

Marriage Preparation: Recommended good practice

Marriage preparation offers an opportunity to challenge inappropriate behaviour and assumptions about domination, control or abuse, while making it clear that some degree of conflict within an intimate relationship is natural and healthy, if dealt with appropriately.

The principles of understanding humanity (female and male) as made in God's image and of equal worth; of equality amongst people and within relationships; and of not condoning any form of abuse, should underpin any marriage preparation offered by the Church.

Care must be taken if the biblical themes of a wife's submission or a husband's role as 'head' are to be expressed in the marriage vows or other parts of the marriage service, or in marriage preparation more generally. Please spell out what such ideas **do not and must not** involve to avoid any misunderstanding or twisting of Scripture.

For example, any wife's submission must only ever be voluntary. It ought not to involve submitting to disobedience to God or to illegal activity. No wife is spiritually obligated to submit to domestic abuse from her husband.

Likewise husbands are never told to assert authority over their wife. In particular, they are never told to make their wife submit. Any manipulation or hint of coercion of her towards such ends is sin.

Given the high incidence of domestic abuse within marriage, we recommend that clergy and lay people who offer marriage and wedding preparation should have engaged in some training from suitably qualified professionals or programs on issues of domestic abuse. It is important that there is a clear understanding amongst those who offer marriage preparation that domestic abuse is always unacceptable and that domestic abuse breaks the sanctity of marriage.

The subjects regularly dealt with when preparing couples for marriage, e.g. communication, conflict and in particular "How do you deal with your anger?" offer an opportunity for couples to discuss together how their parents dealt with anger, rows and conflict, or how the couple might have dealt with these in previous relationships. Sometimes those who have experienced domestic abuse as children have a very idealised view of marriage.

It is possible that those working with couples hoping to marry may become aware or suspect that abuse is taking place or may take place between the partners. This is always a difficult area to deal with and illustrates the need for training for people involved in this work, but one or more of the following ideas might help in such a situation.

The facilitator might include a statement at the beginning of the 'course' or conversation and again before dealing with a subject such as 'marital conflict' or anger. The following, which may need amending depending on the circumstances, is an example of a form of words that might be appropriate:

"When we think about relationships in general and our own in particular, there is always a chance that issues may be raised that touch us in a way that leaves us feeling disturbed, uncomfortable or anxious. If this happens you may wish to speak to one of us today more privately or to seek help from a counsellor or other helping organisation."

If a domestic abuse issue is raised directly or indirectly by one of the couple, the facilitator should not pursue it in the presence of the other: this could be highly dangerous. They may need to find a way to give the person a chance to say more in private, with the object of encouraging them to get one-to-one help from a competent person or organisation.

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Because the Prepare-Enrich questionnaires are so widely used among Anglican churches for marriage preparation and marriage enrichment, it is worth reporting briefly on research published by the Prepare-Enrich organisation, entitled, "Spouse Abuse & Marital System based on Enrich" by Shuji G. Asai and David H. Olson, both of the University of Minnesota¹.

This was research based in the United States from a national sample of over 20,000 couples taking the Enrich questionnaire.

Its literature review noted that one's background (e.g. family abuse in one's own past) and context (e.g. unemployment) can be correlated with higher rates of abuse. It noted that individual traits and behaviour can be significant with victims tending to have low self esteem and to be higher on avoidance. It also showed features of couple interaction, such as good communication and conflict resolution, can be associated with higher relational quality. Conversely, there is an association between family violence and unequal decision making power, with levels of violence higher for wives among husband-dominating patriarchal couples.

Based on self-reporting to the inventory question, "Have you ever been abused (verbally, emotionally, physically, or sexually) by your partner?", over 61% of couples in the study were classified as non-abusing, 16.8% as having the husband abusing, 13.4% having both partners abusing, and 8% having the wife abusing.

Using the Enrich Couple typology, 95% of Vitalised couple types, 88% of Harmonious couple types, and almost 80% of Traditional couple types were classified as non-abusing.

Conversely, less than 28% of Devitalised couple types were non-abusive.

In the middle, 52% of Conflicted couples types were non-abusive. So it was noted that about half of conflicted couples could maintain non-abusive relationships, even when there were significant difficulties reported. That is, unresolved conflict does not always make a marriage abusive.

Of the various Couple scales, the most significant predictors of abuse were lower scores for Positive Couple Agreement in the categories of 'Family and Friends', 'Personality Issues', 'Communications', and 'Conflict Resolution', along with lower rating of 'Couple Closeness'. Lack of 'Couple Flexibility' was also significant.

Couples with a more Egalitarian² approach to Role Relationships appeared to be less likely to experience abuse of the wife.

On individual Personality scales, non-abusive couples tended to display both partners scoring higher in self-confidence and assertiveness, and lower in partner dominance and avoidance.

Unsurprisingly, abusive couples have the abused partner tending to be high in avoidance and partner dominance and lower in assertiveness and self-confidence (although not so much with self-confidence in the case where husbands report abuse).

A strength of the research was its broad definition of abuse, including verbal, emotional, physical and sexual. A limit is its self-reporting nature, especially given the likelihood that abuse is underreported. The study sample group was predominantly Caucasian (85%), so results may be different in other ethnic groups.

Another limit would be in applying this to marriage *preparation* since the study only measured those who had already been married for some time, and were engaging in the Enrich inventory. So some caution would be needed in extrapolating findings of correlations to results of those doing the Prepare inventory, although there is intuitive expectation that similar correlations might be found.

Nevertheless, this research may give those engaged in marriage preparation some idea of particular measures to focus on as possible correlates for abuse being more likely as a possibility, especially where domestic abuse is expressed or suspected as a concern.

Steps taken to increase an individual's assertiveness and self-confidence and to develop skills in communication and conflict resolution may be worth considering in this context. But where a proneness to abuse or other serious relational difficulty is suspected, clergy and church workers should carefully consider referrals to trained counsellors or other professionals.

¹ Source: <https://app.prepare-enrich.com/pe/pdf/research/abuse.pdf>, viewed 1 August 2017.

² Note that 'Egalitarian' here in Prepare/Enrich is not defined primarily in theological terms.

Appendix 10

Doctrine Commission on Divorce and Remarriage

There are various views among Bible-based Christians about divorce and remarriage. To aid Sydney Anglicans in their consideration of these matters, we note the 2019 Doctrine Commission report entitled, “The Implications of Domestic Abuse for Marriage, Divorce and Remarriage 18/18 The nature of marriage”.¹

This report also included as an appendix the “Letter to Members of Synod Regarding Domestic Abuse and Remarriage” from the Archbishop at the time, the Most Reverend Glenn Davies, which includes this key paragraph,

“The Regional Bishops assess each application for remarriage on a case by case basis. In many cases of domestic abuse, it is evident that the abusing spouse is an unbeliever who has demonstrably ‘abandoned’ the marriage by the manner in which they have treated their spouse (notwithstanding the fact that the victim may be the one who leaves the marital home for reasons of safety). Even in cases where the abusing spouse still claims to be a believer, the bishops recognise that he or she is acting like an unbeliever in perpetrating domestic abuse. In such cases the principles of Matthew 18:15-17 and 1 Corinthians 5:11 may well apply, so that the person is treated as an unbeliever. It is also possible, however, that there are circumstances where there are legitimate grounds for divorce, which may not satisfy the biblical grounds for remarriage.”

¹ The PDF was accessed on 4 April 2023 and is available at <https://www.sds.asn.au/2019-doctrine-commission-report-implications-domestic-abuse-marriage-divorce-and-remarriage>

Walking Through It: A Family Violence Survivor's Reflection

The author of this article has asked that her name be withheld.

(Used by permission, courtesy of The Gospel Coalition, Australia¹)

I recently wrote a letter to ministers, entitled "[Things I wish you understood: An open letter to ministers from a family violence survivor](#)." The response has been humbling. I'm glad it resonated with the experience of many, because it reminds me that I'm not alone, and that nor am I crazy because sometimes I have to fight with my emotions and body to get control again. Thank you to the sisters and brothers who have said "that's me, too." May God bless, comfort and heal you also.

I'm also more glad than I can say for the people who said it would help them to love their flock better. That's what I was praying for. My experience won't speak to everyone, and won't be applicable to everyone, but if it starts a conversation or raises awareness, then I thank God for that. If it means that I or someone else might have a better chance of hearing and understanding what the Bible says on some of those more difficult passages, so much the better. That was my heart—I want to hear and learn, and sometimes I can't because of what I've been through. I'm not alone in that.

I've been encouraged privately to reflect and share on the experience of coming forward in the church. I am profoundly grateful for the godly men and women who walked through it with me. My experiences were generally positive but there were moments that weren't so positive as well, and moments which might have gone much, much worse but for the grace of God. I am somewhat unusual, from what I can gather, in that I didn't meet with anyone (outside of my then-husband) who treated me with harshness or ungraciousness. Even those who weren't helpful still tried to treat me with love. My heart aches for those who have not been met with grace and love.

Here are some things that I've been reflecting on about my own experience:

1. Listening to me, and believing me were the biggest gifts anyone could give me.

Those who listened and believed will have my everlasting gratitude and love. The first person I shared with was not a minister, but a friend who by the grace of God had walked this journey before. I didn't realise that at the time because I didn't actually know what was happening to me. I just knew my life was suddenly spinning out of control, and I was scared. She knew the value of listening and believing. She'd had experience. She knew what to do on every level: emotional, spiritual, practical. She validated what I told her—the first tentative forays into shattering the illusion I had been so carefully maintaining. I didn't tell her the whole picture, just the part that was upsetting me the most at the time. She treated me with respect, grace and dignity. That led me to go further, to bring deeper wounds forward to see if perhaps—breathtakingly—they might meet with tenderness too. *She believed me, and she told me she believed me.*

2. It was an incredibly scary thing to bring the leadership of my church into the picture.

I knew them to be men of gentleness and compassion, but I had seen what I thought was gentleness and compassion turn into harshness and anger before. I was terrified of being dismissed. I was petrified of being told that I was in sin, that I needed to go back. I didn't know what I would do if they did. The weight of that possibility made it difficult to breathe. I thought I was going to have a heart attack from the mere thought of having to choose between going back or defying the leadership of my church. The choice *felt* like one between my life and sanity, and my very salvation. My salvation was never actually on the line but, battered and broken as I was, that is what it felt like. It was agony.

3. Common sense isn't really enough in these situations.

The norms of relationships don't apply. The nature of abuse makes all sorts of things impossible. I couldn't do counselling with my then-husband. Any attempts to discuss the issues led to an escalation of abuse. When my pastor accidentally broke my confidence in discussion with my then-husband, I

¹ Source: <https://australia.thegospelcoalition.org/article/walking-through-it-a-family-violence-survivors-reflection>

was placed in harm's way, and again received a tirade of abuse that left me trembling and sobbing. Thankfully, my pastor learned from that and was very careful not to inadvertently break my confidence again. **He was also willing to listen to the advice of those who had more training in abuse than he did.** It is an area which requires knowledge and understanding, and I know that his willingness to listen and learn from his mistakes had positive outcomes for me.

4. I needed professional help to recover.

I drew near to God, and dug deep into my Bible, but I am indebted to the Christian counsellor I worked with for many years, and still work with today. Romans 12:2 talks of not being conformed any longer to the world, but renewing our minds, so that we can work out what God's will is. God used my counsellor mightily in that. So much in my thinking had been warped by abuse that I needed to re-evaluate everything I had ever learned or thought I knew about marriage, submission and headship. The process of sorting through what the Bible actually said and what had been twisted was long and arduous. The process still continues, and probably always will.

5. I needed, and still need, clear and unambiguous teaching on these points.

In renewing my mind, I didn't and don't want secular views to form the basis of my understanding. I don't want to abandon biblical teachings on headship, respect, submission or divorce. I want my views and understanding to be rooted in the Bible and nothing else. Marriage is God's good plan, and His intention and design for it are what I want and need to understand. Abuse is not part of His plan, and it has warped my understanding. My last letter was a plea for ministers to understand that they can help immensely in this. I want to hear from preachers who've thought, prayed and read deeply about abuse and marriage, and can steer me past the rocks and the pitfalls that abuse created, and for which my often faulty prior understanding laid the groundwork. The best help I have in my recovery is understanding what God actually says about me, about the way I was treated and about marriage in general.

6. It was the compassionate and faithful teaching of a pastor which God used to begin open my eyes to the truth of my situation.

I had no idea I was being abused, but I was hurting over what was happening in my marriage, and desperately wondering if the problem really was me. I wondered if I really was being called to submit to this, and what if anything, I could do to make things better. I wondered if this was normal. Over the years and months before I finally left my marriage, this pastor preached through various books of the Bible. Every single time something about marriage or the roles of men and women came up, he took the time to gently and compassionately point out what those passages *didn't* mean, as well as what they did. His was the sole voice of hope I heard, and it was powerful because he was an authority figure. Abuse is isolating. I was afraid to discuss my marriage with anyone else and afraid to read or research on the subject. God used the voice of this pastor to remind me that the way I was being treated wasn't His will, even though I was a long way from leaving or even understanding that it was abuse. His voice called me back to God, back to prayer and reading the Bible, rather than hardening me against God in my pain.

7. The people who truly comforted me were okay with the mess and didn't try to fix it.

My life was in tatters. My mental and physical health was breaking under the strain of what was happening, and the torrent of abuse that leaving unleashed. The people who truly gave me comfort loved me in the midst of that. They sat with me, they looked after me. They let me cry when I needed to, and listened to my doubts and fears and anger. They didn't see my anxiety and depression as a spiritual failure on my part, but as the direct and natural result of my experience. They encouraged me to seek help. They prayed with me, for strength and courage and reliance on God in the midst of the mess. They never gave me platitudes, and their faith was not rocked by my suffering. When they offered the occasional Bible verse, it was because it was something they had *lived*, and had helped them. In the manner of 2 Corinthians 1:3—4, they comforted me with the comfort they had been given and continually drew my eyes to the God of all comfort.

8. Some people were really uncomfortable with my suffering and wanted to offer quick fixes.

One woman listened sympathetically, and then told me that Romans 8:28 meant that God would put my marriage back together again. She couldn't conceive that the "good" God was working for was to

make me more like Christ, and that didn't necessarily come with a fairy-tale ending. Another implied that I was giving way to negative thinking and outlined what I needed to do to win the battle of my mind. The hearts of both were in the right place, and I loved them for their intent, but it wasn't at all helpful. I didn't need to be offered false promises that were a distortion of God's Word. I didn't need to feel blamed for my mental health crumbling under the strain, and feel like it was being attributed to some lack of discipline or sin on my part. The reality was, I was walking with God more closely than I ever had before, and I believed that the "good" Romans 8:28 promised could only be defined my God, not dictated human desires. I was clinging to that verse, but trusting God for what it would look like.

9. I equally distrusted those who were willing to rewrite the Bible so that I wouldn't be hurt, and those who applied it rigidly and legalistically, without compassion.

It was a very long time before I asked my leadership team if I could seek divorce. They never pushed me about it one way or another, but gave me space to ask when and if I was ready. I watched, and listened to everything they said, and every sermon they preached. I'd seen the way that they took care to show compassion while still preaching the truth. I didn't ask the question until I was certain that their desire for obedience to God was as strong as their compassion for His flock. I needed them to have both qualities in equal measure to feel safe asking. If they had told me I had to remain unmarried, I would have submitted to that, but I needed to know that they would understand what they were actually asking of me, and understood the pain it would cause. I needed to know they would be there if I had to live out that path. When I did ask, they gave me clear, reasoned answers from the Bible; answers that I will not detail here, as to do so would require more detail of my circumstances than is safe to give.

10. The decision to walk away from my marriage was the most painful one I have ever made.

I had prayed so hard over the years, and done everything I could do to have the quiet and gentle spirit that 1 Peter 3 talks about. I had wrestled with God over injustices and hurts, begged for change and railed at Him over the circumstances. I was repeatedly brought lovingly to my knees in repentance as He chose to deal with MY heart within the marriage. At the point when it became untenable and I left physically, I had long since learned that in my particular case God was going to deal with MY sinfulness with me, regardless of what my spouse was doing. He was going to make me like Christ, and I would need to trust Him in the journey, because He loved me. He would deal with my spouse in His time, not mine. It was hard, and I struggled with it often. When the crisis point came, I was taken by surprise.

11. God is incredibly faithful.

The more I reflect on my journey, the more I see His merciful provision to me, both in practical supports and emotional and spiritual ones. He drew close to me, and when I feared that I would lose absolutely everything I held dear, I learned that He is truly enough, and that His gift of salvation is the one thing that cannot be taken from me. Much in my life looks different than I had hoped, but the deep knowledge of His faithfulness and love is a gift beyond words.

Regional Councils' Annual Reports for 2022

(A compilation of extracts from the annual reports of the Regional Councils.)

Key Points

- Under clause 9(2) of the *Regions Ordinance 1995* each Regional Council must present an annual report of its proceedings and the exercise of its general functions for inclusion in the Standing Committee's report to Synod for that year
- These reports are in addition to the annual reports prepared by the Regional Councils and tabled at the Synod under the *Accounts, Audits and Annual Reports Ordinance 1995*.

Background

1. Under clause 9(2) of the *Regions Ordinance 1995*, each Regional Council must present to the Standing Committee an annual report of its proceedings and the exercise of its general functions under clause 6 in sufficient time each year to enable the Standing Committee to include the report in the report for that year of the Standing Committee to Synod.
2. The general functions of the Regional Councils under clause 6 are –
 - (a) to carry out or assist in carrying out any resolutions passed by the Synod or the Standing Committee and referred to it for implementation,
 - (b) to develop ministry strategies in the Region,
 - (c) to assess applications for grants in the Region made or referred to it,
 - (d) to make grants or loans from money (consistent with any trusts on which that money may be held) available to it for distribution or for lending,
 - (e) to accept gifts and grants,
 - (f) to raise and expend money for any purpose connected with ministry in the Region,
 - (g) to employ persons for any purpose connected with ministry within the Region, and to dismiss any person so employed,
 - (h) to manage and control any endowment held for the Region as a whole,
 - (i) to discuss matters affecting the Region and to disseminate information in the Region,
 - (j) to make recommendations to the Archbishop about alterations to regional boundaries, and
 - (k) to exercise such other functions as the Synod or the Standing Committee may from time to time prescribe.
3. The following are the reports from the Regional Councils for 2022 for the purposes of clause 9(2). These reports are extracts from the annual reports prepared by the Regional Councils and tabled at the Synod under the *Accounts, Audits and Annual Reports Ordinance 1995*.

Northern Regional Council

4. The Council met twice during the year.
5. The Council meeting enabled discussion of a range of matters relating to ministry strategies in the region, including consideration of ways the Council might assist parish ministry in line with the Diocesan Mission.
6. The coronavirus pandemic restricted the Council's ability to meet face to face and to undertake a range of activities that it had planned or usually would have undertaken, such as an annual meeting of region clergy.
7. In accordance with its authority and responsibilities under relevant ordinances, in March 2022 the Council agreed to amalgamation of St Andrew's, Wahroonga and St Paul's, Wahroonga Ecclesiastical Districts effective 1 January 2022. In November 2022, the Council agreed to

amalgamation of St Martin's Anglican Church, Killara, and St Peter's East Lindfield Anglican Church Ecclesiastical Districts with effect from 1 January 2023.

South Sydney Regional Council

8. The South Sydney Regional Council serves the South Sydney Region of the Diocese of Sydney which includes the Inner West, Sydney City, Eastern Suburbs, and Bayside Mission Areas. The South Sydney Region also includes the parish of Lord Howe Island and the Church of England on Norfolk Island.
9. Four Council meetings were held in 2022. Further consultation occurred via phone and email.
10. In 2022, the main activities of the Council either by way of report or action was as follows –
 - Receiving reports from, and providing approved funding for, the Church of England on Norfolk Island (\$30,700), the Parish of Sans Souci (\$10,000), and the Parish of South Sydney (\$10,000),
 - Administering the Synod Grant for Lord Howe Island (\$22,000),
 - Providing financial support for a Regional Ministry Conference,
 - Gave consideration to and recommended that the Archbishop establish a new Mission Area in the Region,
 - Considered and approved the amalgamation of the Parish of Drummoyne with the Parish of Ashfield, Five Dock and Haberfield,
 - Adopted five priority areas for future activities: Growth Areas, Multicultural Ministry, Indigenous Ministry, Children and Youth, and Ministry Training, and
 - Reviewed progress on the appointment of clergy to vacant parishes and various property development proposals.

South Western Regional Council

11. The Regional Council has continued to discuss the most strategic gospel use of its resources in light of ministry needs across the region and needs in the Greenfields. A reconfiguration of assets has been the first step in this consideration. The Council continues to meet in various parishes across the region and hearing from rectors in order to get a closer view of ministry on the ground, aiding in more informed strategic decision making.

Western Sydney Regional Council

12. The main committees are the Executive Committee, the Ordinance Review Panel and the Architectural Panel.
13. The Council met on 3 occasions during 2022 via Zoom.
14. The main areas of consideration included assisting parishes with a response to COVID-19 lockdowns and related matters, parish vacancies and new appointments, strategic partnerships between parishes, building projects in the region, approving parish boundary adjustments, assisting a parish in negotiations with the Anglican Schools Corporation over property use, assisting a parish to regenerate ministry in a socially disadvantaged area and encouraging some ministers into the Reach Australia development program.

Wollongong Regional Council

15. The Wollongong Regional Council met three times during 2022, on the evenings of 26 April, 26 July and 11 October. The meetings were held in Wollongong with each meeting preceded by a meal.

16. Bishop Peter Hayward and the Regional Council worked closely to further support ministry across the Region. This included –
- providing financial support for Centre for Ministry Development (**CMD**) consultancy for parishes working in marginalised communities,
 - operating a pilot program to help fund new workers in parishes (Keiraville and Port Kembla for 2022),
 - support for parishes of Wollongong and Corrimal as they moved towards a hub-and-spoke amalgamation,
 - hosting a 3-day regional conference for ministry leaders on the theme of perseverance in ministry,
 - providing financial support with subsidised demountable at Denham Court,
 - meeting with and support of Mission Area leaders,
 - support for Rectors,
 - ongoing support for English as a Second Language (**ESL**) classes –
 - ESL classes were delivered in 13 Parishes across the Region,
 - Support through provision of office space for the Regional Anglicare ESL Coordinator, Mrs Sue Radkovic,
 - ongoing support for Indigenous Ministries –
 - Shoalhaven Aboriginal Community Church in partnership with the Sydney Anglican Indigenous Peoples' Ministry Committee (**SAIPMC**), including coordinating fundraising to help establish new indigenous pastor Brendon Garlett, and
 - provision of bridging finance to a parish whose builder folded in the middle of a major building project, enabling the works to be completed without incurring substantial cost increases.
17. During 2022 funding from the Region's assets was allocated to the specific ministry in the South West growth sector –

Ministry	Purpose	Allocation
CMD	Consultancy – marginalised areas	\$20,000
Keiraville Parish	Grant – new worker	\$10,000
Port Kembla Parish	Grant – new worker	\$20,000

18. The Council received reports from Bishop Hayward and the Assistant to the Bishop at each meeting.

For and on behalf of the Standing Committee.

BRIONY BOUNDS
Diocesan Secretary

14 August 2023

42/18 Reporting on the National Redress Scheme

(A report from the Standing Committee.)

Key Points

- By resolution 42/18 the Synod requested an annual report, with appropriate protections of confidentiality, to be provided to each ordinary session of the Synod throughout the life of the National Redress Scheme, including high level numbers and claim amounts averages.
- This report provides the requested information relating to claims from 1 July 2018 to 30 June 2023.

Purpose

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

Recommendation

2. Synod receive this report.

Background

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

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

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

Discussion

4. The National Redress Scheme (**NRS**) commenced on 1 July 2018 and is scheduled to continue for 10 years until 30 June 2028. The Standing Committee has strongly encouraged all diocesan organisations which could possibly have any responsibility for claims of child sexual abuse to become part of the scheme. The Standing Committee has been advised that all relevant organisations subject to the control of Synod, and all schools located in the Diocese of Sydney and known as Anglican, are participants in the NRS.
5. In accordance with Synod Resolution 42/18, diocesan organisations have been asked to report to the Director of Professional Standards (now the Director of Safe Ministry) all applications received to enable an annual report, with appropriate protections of confidentiality, to be provided to each session of Synod.
6. The Director of Safe Ministry has received formal reports from 9 out of 25 relevant diocesan organisations. These figures cover the five years from 1 July 2018 to 30 June 2023 –

- (a) the number of applications for redress which have been received – 121.
 - (b) the number and total and average amount of redress offers made (in addition to previous payments made by the diocese) – 82 offers made for a total of \$3,976,228.99 with an average amount of \$48,490.59.
 - (c) the number and total and average amount of redress offers accepted (in addition to previous payments made by the diocese) – 73 offers accepted for a total of \$3,626,883.99 with an average amount of \$49,683.34.
 - (d) the number of persons to whom a direct personal response has been provided – 9.
7. It is noted that there is no requirement for an organisation to report to the Director of Safe Ministry in the event that no claims were made. Therefore, it is understood that organisations who did not make a report, or did not include data from earlier financial years in their report, did not have claims in the relevant period(s).
8. It is also noted that some diocesan organisations included provisions for counselling and administrative/ legal costs in their reporting figures while other organisations did not.

For and on behalf of the Standing Committee.

BRIONY BOUNDS
Diocesan Secretary

14 August 2023

Ministry Spouse Support Fund Annual Report for 2022

(A report from the Office of the Director of Safe Ministry.)

Purpose

1. The purpose of this report is to provide an update on the operation of the Ministry Spouse Support Fund (**MSSF**).

Recommendation

2. Synod receive this report.

Background

3. At its meeting on 15 April 2019, the Standing Committee, among other things, asked that –
 - (a) a report be provided regarding the Ministry Spouse Support Fund (**MSSF**) to the Standing Committee by June each year (commencing in 2020) detailing the total amount distributed from the MSSF and the number of ‘cases’ involved in the previous calendar year; along with an indication of the ongoing suitability of the level of funding and any additional commentary felt useful, and
 - (b) a preliminary report be provided to the Standing Committee in July 2019 indicating the initial use of the MSSF in its first six months (for promotion to the Synod).

Use of the MSSF

4. During the reporting period, the calendar year of 2022, payments totalling \$57,457.00 were made from the MSSF to three ministry spouses. None of the recipients had previously received payments from the fund. Spouses also received pastoral support from the Office of the Director of Safe Ministry (**ODSM**) Chaplain.
5. The MSSF is administered by the ODSM, however the support and partnership of the Archbishop, Regional Bishops, Archdeacon for Women’s Ministry, Anglicare Family and Domestic Violence Advisor, and Anglicare counselling services have been much appreciated by the ODSM and the recipients of the fund. This support and partnership has been vital in assisting victim-survivors towards financial and sustained independence and in protecting their children.
6. Since its inception, and to the end of the reporting period, payments totalling \$129,312.97 have been made from the fund. Each of the spouses who have received payment to date have been women.

For and on behalf of the Office of the Director of Safe Ministry.

BELINDA BURN
Chaplain

3 August 2023

Safe Ministry Board and Office of the Director of Safe Ministry Annual Report 2022-2023

(A report from the Safe Ministry Board and the Office of the Director of Safe Ministry.)

Introduction

1. This report is provided under the *Safe Ministry Board Ordinance 2001* (cl 20) and the *Ministry Standards Ordinance 2017* (cl 86) for the period 1 July 2022 to 30 June 2023 (**reporting period**).
2. The Diocese of Sydney has taken a multi-faceted approach to the issue of safe ministry and child protection. Broadly speaking the policy objectives are –
 - (a) to exercise careful selection and screening of all clergy and church workers,
 - (b) to provide clear requirements and expectations of behaviour through the Diocesan Code of Conduct, Faithfulness in Service,
 - (c) to provide regular and comprehensive training and support for all clergy and church workers,
 - (d) to make a timely and caring response to all who are affected by abuse, and
 - (e) to enact just procedures to deal with respondents and persons of risk.

Safe Ministry Board

3. The Safe Ministry Board (**SMB**) was established under the *Safe Ministry Board Ordinance 2001*.
4. Following the passing of the *Safe Ministry Board Ordinance 2001 Amendment Ordinance 2022* (**Amendment Ordinance**) at Synod last year, the Professional Standards Unit Oversight Committee and the existing Safe Ministry Board were amalgamated to become one entity in the form of a new Safe Ministry Board.
5. The purpose of the SMB 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 Office of the Director of Safe Ministry (**ODSM**) (cl 6).
6. The members of the SMB over the reporting period prior to the passing of the Amendment Ordinance were the Rev Dr Keith Condie (Chair), Dr Tim Channon, Ms Stephanie Cole, the Rev Steve Dinning, the Rev Tom Hargreaves, the Rev Gary O'Brien, the Rev Paul Sampson, Dr Ruth Shatford AM and Ms Beth Teuben.
7. The SMB met 3 times in the reporting period before the passing of the Amendment Ordinance.
8. The members of the new SMB following the passing of the Amendment Ordinance were Dr Tim Channon, Ms Stephanie Cole, the Rev Steve Dinning, the Rev Tom Hargreaves, Bishop Peter Lin, the Rev Gary O'Brien, Ms Beth Teuben, Ms Nicola Warwick-Mayo (Chair) and Dr Katie Watson (appointed 27 April 2023).
9. The new SMB appointed Ms Beth Teuben to be Children's Advocate under clause 16 of the *Safe Ministry Board Ordinance 2001*.
10. The new SMB met 4 times in the reporting period.
11. The SMB receives and monitors accounting reports for the ODSM. These accounts are included in the Synod Fund Reports provided to members of Synod.

Office of the Director of Safe Ministry

12. There was change in the name of the office following the passing of the Amendment Ordinance from the Professional Standards Unit to the Office of the Director of Safe Ministry.
13. The ODSM team consists of Mr Lachlan Bryant as Director of Safe Ministry, Mr Stephen Coleman as Assistant Director of Safe Ministry, Mrs Belinda Burn as ODSM Chaplain, Mrs Stacie Pakula as Legal Officer/Executive Assistant to the Director, Ms Rosemary Angus as ODSM Team Administrator, Mrs Kylie Williams as Training Consultant for Safe Ministry, Archdeacon Neil Atwood as Parish Consultant for Safe Ministry, Mrs Brenda Sheppard as Administrative and Safe Ministry Support, Ms Elenne Ford as Dispute Resolution Consultant, and Legal Assistants Ms Isabella Newton and Mr Chris Kim.
14. ODSM Legal Assistants Mr Austin Irwin and Ms Naomie Nguyen completed their service with the office in August 2022 and January 2023 respectively, and at which time Ms Isabella Newton, then Mr Chris Kim, joined the team. We are thankful for the contribution of Austin and Naomie during their years of service at ODSM and wish them well in their future careers.
15. In practice much of the work of the ODSM derives from the SMB, which has the overall responsibility to encourage all parishes and other units of the Diocese to be safe ministry and child protection aware, compliant and responsive.

Safe Ministry Website and Blueprint Policy Documents

16. The [Safe Ministry website](#) and the Safe Ministry Blueprint policy model were launched at Synod in 2015 (Resolution 24/15). All parishes (Rectors, Wardens and Safe Ministry Representatives) are encouraged to adopt the [Safe Ministry Blueprint policy documents](#) if this has not been done already.

Selection and Screening of Clergy and Church Workers

17. The ODSM undertakes screening of all clergy appointments on behalf of the Archbishop. The screening includes a Working With Children Check through the Office of the Children's Guardian (**OCG**), a National Register check and a "Safe Ministry Check," also referred to in this context as the Confidential Lifestyle Questionnaire (**CLQ**), which is now mandatory for all church workers being licensed or authorised for ministry. The ODSM provides ongoing support and advice to office holders, parishes and organisations in this regard.

Screening of Ministry/Ordination Candidates, Clergy and Authorised Lay Ministers

18. All candidates for ordination by the Archbishop are required to complete a comprehensive screening and disclosure through the CLQ. This is administered by Ministry Training and Development (**MT&D**) in consultation with the ODSM. The CLQ was updated following the introduction of the *Safe Ministry to Children Ordinance 2020*.
19. Ordination/ministry candidates undergo extensive assessment and screening by way of reference-checking, general psychological testing, interviews, chaplaincy supervision reports and Moore College reports. An ODSM record check and National Register check are also undertaken. The *Ministry Standards Ordinance 2017* provides a mechanism for pre-ordination disclosure and consideration of prior sexual misconduct or abuse.
20. All paid lay church ministers in the Diocese are required to apply for the Archbishop's authority. This involves their completing a comprehensive screening and disclosure through the CLQ with the applicable Regional Bishop or his representative. This process must be undertaken before a person commences in a lay minister position.

Screening of Lay Church Workers

21. All workers in 'child-related' employment (including licensed clergy or authorised lay ministers and unpaid volunteers) must have a Working With Children Check clearance. In addition, it is recommended that parishes seek full disclosure of any relevant history and fully complete reference checks with prior supervisors or employers.
22. Persons with a criminal conviction for an offence listed in Schedule 2 of the *Child Protection (Working with Children) Act 2012* (including serious sexual offences and certain other offences involving children) cannot be appointed or elected as wardens, parish councilors, parish nominators or Safe Ministry Representatives.

Safe Ministry to Children Ordinance 2020

23. The *Safe Ministry to Children Ordinance 2020* introduced the new Safe Ministry Assessment and consolidated existing requirements for safe ministry to children in the Diocese of Sydney. The Assessment involves the completion of the Safe Ministry Check by all volunteers engaging in ministry to children, including junior leaders aged 13 to 17.
24. The ODSM has implemented an online system to help Parishes with the administration of the Safe Ministry Assessment process along with resources to help equip Rectors and their Authorised Delegates to consider and assess applications. Since the online adult volunteer Safe Ministry Check form was launched more than 10,100 people have completed and submitted forms. The requirements of the *Safe Ministry to Children Ordinance 2020* appear to be widely understood by ministers and Safe Ministry Representatives and there is a general level of compliance.
25. The Safe Ministry Check/Assessment process must be completed before a person is appointed to a role that involves ministry to children. Churches are encouraged to make the most of the Safe Ministry Check/Assessment process as a pastoral opportunity to engage with volunteer leaders with care and sensitivity regarding personal godliness and accountability and to address possible areas of sinful behaviour or past harm. Good systems for induction and the ongoing training of existing leaders strengthens the safe ministry of our churches and aligns with standard 5 and 7 of the Child Safe Standards.
26. For more information see the [Safe Ministry website](#).

Requirements and Expectations of Behaviour

27. [Faithfulness in Service](#) is the Diocesan code of conduct for personal behaviour and the practice of pastoral ministry for clergy and church workers.

Faithfulness in Ministry Conference 2023

28. All licensed clergy and authorised lay ministers in the Diocese are required to attend the Archbishop's Faithfulness in Ministry Conference once every three years, which is organised and paid for by ODSM.
29. The Faithfulness in Ministry Conference for 2023 was held in five locations across the Diocese from 5 to 9 June 2023 from 9:00 am to 3:30 pm each day. The seminars were promoted with the theme of 'Entrusted: Sharing The Gospel and Our Lives,' focusing on topics relating to recommendations from the Royal Commission into Institutional Responses to Child Sexual Abuse (**Royal Commission**): protective behaviours (recommendation 16.40) and pastoral supervision (recommendation 16.5b). Archbishop Kanishka Raffel preached on 1 Thessalonians 2 at the start of each day. During the morning sessions Canon Craig Roberts, CEO of Youthworks set the scene for protective behaviours in the Diocesan context, and Mrs Andrea Musulin, CEO of Protective Behaviours WA, presented on faith-based protective behaviours training for churches. The afternoon sessions addressed the topic of pastoral supervision for those in pastoral ministry. These sessions began with a talk by Pastor David McDonald, and included some videos, an interview, and a presentation from Archdeacon Kara Hartley on the Diocesan response, together with a panel for questions.

30. Registrations at each of the sessions were as follows –

<i>Date</i>	<i>Venue</i>	<i>Registrations</i>
5 June	Rooty Hill	406
6 June	Carlingford	402
7 June	Figtree	201
8 June	Castle Hill	203
9 June	Hoxton Park	171
	Total	1,383

31. A simple online course utilising video recordings of the main presentations of the day will be made available to the 223 people who provided an apology because they were unable to attend due to sickness or other circumstances. We will be following up those who neither participated nor provided an apology for not attending the Conference.
32. We have received 679 feedback surveys from attendees to date. Generally, the feedback was overwhelmingly positive, and suggestions for how the seminars can be improved were also received. We are continuing to consider the feedback received which will help to inform the content and format of our next conference.
33. We are thankful for the partnership, support and collaboration of SDS, Anglicare and Moore Theological College to help make the Faithfulness in Ministry Conference for 2023 a great success.

Regular and Comprehensive Training and Support of Clergy and Church Workers

Safe Ministry Training – Safe Ministry Essentials/Refresher

34. The Safe Ministry Essentials course remains the mandated safe ministry training for the Diocese for all adult persons working with children or youth, followed by the *Safe Ministry Refresher* course every 3 years. These courses are available online (*Essentials Online* and *Refresher Online* respectively).
35. Our Safe Ministry Training courses were updated in the reporting period following the name change to ODSM, the publication of *Faithfulness in Service* 2022 edition, updating web addresses and information about the Reportable Conduct Scheme.
36. The Diocese is a member and training provider of the National Council of Churches' Safe Church Program. There are 36 independent churches and other dioceses who are members of the Program across Australia. As a training provider our training is recognised by other Program members.
37. The numbers of people who enrolled in online safe ministry training over the reporting period are as follows –

Online Safe Ministry Training	
Essentials	2,491
Essentials – Non-Anglican	569
Sub Total	3,060
Refresher	2,219
Refresher – Non-Anglican	469
Sub Total	2,688
Grand Total	5,748

38. The current costs charged for online training for Anglicans are \$20 for Essentials and \$15 for Refresher, and \$30 for Essentials and \$25 for Refresher for non-Anglicans.
39. We continue to receive feedback for the online training and look at ways for suggested improvements to be incorporated, where possible. Some recent changes have included reminder emails to complete the training after the webinar and educating people on the correct course to complete (particularly if their training has expired). We have also installed new reminder emails to help to prompt people to complete their training every 3 years.
40. Face-to-face training was offered at 24 locations across the Diocese during the reporting period. The numbers of people who completed face-to-face safe ministry training during that time are as follows –

Face-to-face Safe Ministry Training	
Essentials	120
Refresher	119
Total	239

41. Costs charged for face-to-face training are: \$50 for Essentials and \$25 for Refresher for Anglicans and \$60 for Essentials and \$30 for Refresher for non-Anglicans.
42. We continue to look at ways to streamline our processes, particularly for face-to-face training, as numbers for face-to-face training have not returned to pre-COVID levels.
43. We are grateful to our team of face-to-face trainers and online training presenters and producers who help the system to run smoothly and effectively.
44. For more information, please visit the [Safe Ministry training website](#).
45. Apart from the website, the key contacts for safe ministry training inquiries are –
 - Mrs Brenda Sheppard, Safe Ministry Training Administrator: brenda@safeministry.org.au.
 - Mrs Kylie Williams, Safe Ministry Training Consultant: kylie@safeministry.org.au.

Training of Ministry/Ordination Candidates, Clergy and Authorised Lay Ministers

46. Eight Safe Ministry Modules have been developed and are being taught through Moore College, MT&D and Youthworks College as part of their courses and programs.
47. All licensed clergy and authorised lay ministers in the Diocese must have satisfactorily completed safe ministry training within the 3 years prior to their licence being issued and every 3 years thereafter, while the licence continues.

Safe Ministry for Junior Leaders Online Course

48. Our Safe Ministry Junior Leaders course, for junior leaders in youth and children’s ministry aged between 13 and 17, was completed by 334 junior leaders from parishes across the Diocese during the reporting period. This is a significant increase from the previous reporting period when only 34 completed the course.
49. The course has been carefully structured with age-appropriate language and content. A prerequisite of the course is for parents and the Rector to authorise the junior leader’s enrolment and for a support scaffold to be in place through their local parish, involving a Training Mentor, while the course is being conducted. The Junior Leaders Group Management System assists Training Mentors to manage the registration process and track participants’ progress through the course. There are 244 of these groups in place in parishes across the Diocese (down from the last reporting period following the removal of long-unused groups and the merging of training groups in a number of parishes).
50. Following the introduction of the *Safe Ministry to Children Ordinance 2020*, the Junior Leaders Online Course is mandatory for all leaders in youth and children’s ministry aged between 13 and 17 years.

51. The course is offered free of charge and is only available to those ministering in the Diocese of Sydney. Follow this [link](#) for more information.

Domestic Abuse Awareness, Response and Prevention Training Course

52. The Know Domestic Abuse online course was launched at Synod in October 2019 by the ODSM Chaplain and Ms Lynda Dunstan, Anglicare Domestic Violence Advisor. Resources and awareness raising packs for responding to domestic abuse were provided to each church in the Diocese to coincide with the launch.
53. The SMB encourages all people interested in undertaking the Know Domestic Abuse course to do so. The course is particularly pertinent for clergy and church workers as it provides practical training and awareness in the complex area of responding appropriately to domestic abuse. The course will help clergy and church workers to understand and comply with the Sydney Diocese's *Responding to Domestic Abuse: Policy and Good Practice Guidelines*. The course is available free of charge.
54. There were 226 enrolments in the course during the reporting period with 56 people completing the course.
55. See this [link](#) for more information about the course.
56. For resources to help raise awareness of domestic abuse, visit the [Know Domestic Abuse website](#).

Translation of Materials and Resources

57. Over the last few years, the ODSM has been working on translating key safe ministry materials and resources into other language groups. So far, this work has involved the following documents being translated into the following languages –
- Faithfulness in Service code of conduct (Chinese)
 - Domestic Abuse – Flow Chart (Chinese, Korean, Arabic)
 - Domestic Abuse – An Expansive Description of Domestic Abuse (Chinese, Korean, Arabic)
 - Domestic Abuse – Doctrine Commission on The Use and Misuse of Scripture with Regard to Domestic Abuse (Chinese, Korean, Arabic)
58. To access these materials visit [here](#) (for Faithfulness in Service) and [here](#) for domestic abuse materials.

Safe Ministry Representatives (SMRs)

59. Since 2008 it has been mandatory for each parish to nominate a Safe Ministry Representative (**SMR**). The role of SMRs in parishes continues to be pivotal in ensuring parishes comply with safe ministry requirements. Archdeacon Neil Atwood, Parish Consultant for Safe Ministry, plays an invaluable service in supporting, resourcing and equipping SMRs in their role.
60. As at the time of writing, the Registry has been notified of 272 SMRs appointed by parishes (including ENC churches).
61. During the reporting period –
- (a) eight Zoom training sessions were run, aimed at new or recently appointed SMRs,
 - (b) six parish-based audits were undertaken with an SMR and their Rector, and
 - (c) the use of ODSM's centralised safe ministry database Safe Ministry Records Online (**SaMRO**) has increased slightly, and at the end of the reporting period 105 parishes were using it as well as 30 parishes from another diocese in regional NSW.

Communication with Parishes

62. The ODSM continues to receive enquiries about child protection and safe ministry issues from clergy and church workers in parishes. Such calls or emails are received on a daily basis with staff members receiving at least a dozen enquiries per week and sometimes many more than this.
63. Inquiries about the requirements of the *Safe Ministry to Children Ordinance 2020* continued throughout the reporting period but this has reduced down now to one or two inquiries a month.
64. Frontline, a safe ministry podcast, is designed to be another channel of communication with churches and church workers. Mainly aimed at SMRs and ministry staff, Frontline allows for more detailed and nuanced presentation of material – especially for complex matters like the new Safe Ministry Check. For more information, please visit the [Safe Ministry website](#).
65. In late 2020 we started a ‘closed’ Facebook Group just for SMRs. It currently has 133 members and is another useful channel of information and discussion. In more than a few cases, it has acted as a ‘self-help’ group with more experienced SMR’s helping newer ones with advice and information.

Timely and Caring Response to Those Affected by Abuse

Archbishop’s Meetings with Survivors

66. Throughout the reporting period Archbishop Kanishka Raffel made himself available to meet with complainants, to listen to them and relate to them pastorally and provide an apology on behalf of the Diocese as appropriate. There was one of these meetings during the reporting period.
67. These meetings are of immense value in almost all cases and survivors are appreciative of the effort made by the Archbishop and the ODSM Chaplain to facilitate these apologies.

Care of Survivors of Abuse and Complainants

68. It is the role of the ODSM Chaplain to care for complainants and survivors of abuse by clergy and church workers. The complaints process can be long and difficult for survivors and the Chaplain provides pastoral care and support to them throughout. This important role supplements counselling and other emergency assistance which are provided to survivors from ODSM funds. A caring response is the first important step along the road to healing for survivors of abuse.

Domestic Abuse

69. In 2018 Synod passed the Sydney Diocese’s *Responding to Domestic Abuse: Policy and Good Practice Guidelines*. That same year the Standing Committee established the Ministry Spouse Support Fund (**MSSF**). Over the reporting period there were payments made to two ministry spouses through the Fund. These women have each expressed their deep gratitude for the financial assistance and ongoing pastoral support.

Hope and Healing Service

70. The Hope and Healing service is an annual service of lament, hope and healing for survivors of abuse during which the Archbishop offers an apology.
71. Two Hope and Healing services fell within the reporting period. One service was held at 7:00 pm on 4 July 2022 at St John’s Church Glebe and was attended by around 30 people, including at least 10 survivors of abuse. Due to inclement weather, we decided to schedule future services earlier in the year when the days are longer and warmer. The second service was held at 7:00 pm on 2 March 2023 at The Bridge Church, Kirribilli. Over 40 people attended the service, including more than 12 survivors of abuse. The Archbishop’s public apology was very well received by many of the survivors in attendance.

Pastoral Care and Assistance Scheme

72. The Diocesan Pastoral Care and Assistance Scheme has been established to provide financial assistance to survivors of abuse to meet their needs which arise from abuse or misconduct by clergy or other church workers. The Scheme is designed to be different to litigation, which can be a protracted and harrowing process for survivors. The Scheme includes a mechanism for external assessment if necessary.
73. There are two identical schemes, one for matters that fall largely within the responsibility of parishes and one for Care Leaver matters that are the responsibility of the Sydney Anglican Home Mission Society (**SAHMS**).
74. Between 1 July 2022 and 30 June 2023 there was one payment under the Diocesan scheme and six payments were funded under the SAHMS scheme.
75. The Diocesan Pastoral Care and Assistance Scheme was reviewed following the release of the Royal Commission's Report on Redress and Civil Litigation on 14 September 2015 and an increased cap and updated assessment matrix have been incorporated into the Scheme.

National Redress Scheme

76. The National Redress Scheme (**NRS**) is the Commonwealth Government's response to the Royal Commission's recommendations for redress to survivors of institutional child sexual abuse. The NRS commenced on 1 July 2018 and will run for a period of 10 years. The NRS is administered by the Commonwealth Department of Social Services, but the costs of redress are borne by the responsible institutions which have opted into the Scheme.
77. The ODSM provides information, advice and support services to the Sydney Anglican National Redress Scheme Corporation, which is the entity through which the Diocese of Sydney has opted into the NRS as part of the National Anglican Participating Group.
78. For more information about the NRS visit <https://www.nationalredress.gov.au/> or call **1800 737 377**.
79. For more information about the National Anglican Participating Group visit this [link](#).
80. Opting into the NRS does not preclude the operation of the Diocesan Pastoral Care and Assistance Scheme which continues to operate as another option for survivors who wish to engage with the Diocese directly about redress instead of going through the NRS.

Abuse and Sexual Misconduct Complaints Protocol

81. Since 1996 the Diocese has used an established protocol for receiving complaints and allegations of child abuse or sexual misconduct by clergy or church workers. All Contact Persons are trained counsellors who may be contacted through an abuse report line (1800 774 945 or abusereport@safeministry.org.au). Reports can also be submitted via the [Safe Ministry website](#). The Contact Persons provide information and support to callers as they consider their options. The Contact Persons can then assist in the documenting and reporting of allegations or complaints of abuse or misconduct.
82. Any complainant identifying possible criminal behaviour is encouraged to make a report to the NSW Police. The Contact Person or another appropriate person from the ODSM is able to assist the complainant in reporting the matter to the Police.
83. There are seven Contact Persons servicing the Diocese. Five of them are spread across regions: Ms Jane Thomas (Illawarra), Ms Nicky Lock (Northern Beaches), Ms Rosemary Royer (Northern Suburbs), Mr Rob Carroll (Southern Suburbs) and Ms Sandy Morrison (Western Suburbs). Two of the Contact Persons, Ms Sarah Piper and Mr Richard Elms are not fixed to any one regional area.
84. The Contact Persons meet four times a year with the Director and Chaplain for training and coordination of their roles.

Just Procedures to Deal with Respondents and Persons of Risk

85. When the ODSM receives a complaint alleging abuse by a member of the clergy or other church worker, the Chaplain follows this up and provides a caring response to complainants and victims of abuse. The Chaplain provides pastoral support and coordinates the provision of counselling in each case. The Chaplain works closely with the ODSM Contact Persons.

Ministry Standards Ordinance 2017

86. The *Ministry Standards Ordinance 2017 (the Ordinance)* commenced on 1 November 2017, replacing the Discipline Ordinance 2006. The focus of the inquiry under the *Ministry Standards Ordinance 2017* is on whether the member of clergy or other church worker has engaged in misconduct that would call into question their fitness to hold or exercise an office, position or ministry in the Diocese. Misconduct under the Ordinance may include abuse against an adult or child, bullying, grooming, inappropriate pastoral conduct involving a child, failing to report a serious indictable offence, victimisation, and process failure, that is, failing to report, deal with or investigate sexual abuse or child abuse in circumstances where that is required by law or by the Ordinance. Misconduct also includes the matters specified in the Offences Ordinance such as unchastity, conviction of serious criminal offences and possession, production or distribution of child exploitation material.
87. Where a complaint is received by the ODSM that includes an allegation of criminal behaviour, a report is made to the NSW Police, if the complainant has not already made a report.
88. The Director receives complaints against clergy and church workers of the Diocese and administers the complaints process under the Ordinance. Each matter usually involves a Contact Person taking an initial complaint, making a report and, if applicable, offering counselling to the alleged victim. The ODSM then receives the report, and a file is opened. The Chaplain contacts the complainant and remains in touch with them throughout the process. If the complaint is properly made under the Ordinance, the Director serves the complaint on the Respondent. Early or alternate resolution processes may be offered or required in certain cases, should it be considered suitable, such as in some matters involving allegations of bullying (subject to the requirements of the Ordinance).
89. If the Respondent is a member of clergy or paid church worker, they are offered counselling, a support person and payment of pre-approved legal costs should they require advice in responding. Depending on the response, an investigation is conducted, and the matter then proceeds to the Ministry Standards Committee for review and recommendations. Unresolved matters can be referred to the Ministry Standards Board.
90. If the Respondent is an unpaid lay church worker, they are offered counselling and a support person. Depending on the response, an investigation is conducted, and it is then referred to an Adjudicator for recommendations and final determination. Unpaid lay respondents are responsible for their own legal costs if they require legal advice or representation.
91. The strongest sanction available for lay persons is a prohibition order that prevents a respondent from engaging in ministry or being appointed to any role in the church. A member of the clergy may be deposed from the exercise of their Holy Orders. There are also lesser sanctions and other recommendations available in appropriate circumstances. The Archbishop or relevant church authority (in the case of an unauthorised lay person) considers the final recommendations and takes action as may be required. The Archbishop is entitled to enquire as to progress of matters and the Director is obliged to keep him informed.

Complaints

92. The Director received 16 new complaints under the Ordinance during the reporting period.
93. The Director and Assistant Director each made one complaint under the Ordinance in their own right under clause 9 during the reporting period.
94. The Ministry Standards Committee met 8 times and considered 28 matters in the reporting period.

95. One matter was referred to the Ministry Standards Board during the reporting period.

The Ministry Standards Committee

96. There are five members of the Ministry Standards Committee. Under the provisions of the *Ministry Standards Ordinance 2017*, the Committee's function is to consider complaints and make recommendations to the Archbishop concerning these matters.
97. This Committee meets as required and is currently scheduled to meet every second month.

Adjudicator

98. One matter concerning an unpaid lay respondent was referred to an Adjudicator for determination during the reporting period.

Dispute Resolution Consultant

99. Ms Elenne Ford, in her capacity as Dispute Resolution Consultant, assists to resolve disputes that have been referred to ODSM, and in appropriate cases, allegations of bullying-type conduct that have made their way to the ODSM. Elenne has developed some resources for the ODSM and is also considering what training and education needs are required in this important area.

Parish Support Teams

100. Parish Support Teams (**PST**) (formerly 'Parish Recovery Teams') are generally available to assist parishes where allegations of abuse or misconduct by clergy or church workers have arisen. A PST works in a parish to deal with the complex pastoral issues that arise once these matters come to light. PSTs aid those members of the parish who are affected and work towards the healing of the parish as a whole.
101. Since 2007 Pastor Tim Dyer of John Mark Ministries has trained volunteers for our PSTs. There are currently 11 trained PST consultants.
102. There was one new PST deployed during the reporting period for a new matter.
103. The PST model is currently under review.

Guidelines for parishes regarding persons of concern

104. Guidelines for parishes have been developed in circumstances where there is a person who has been convicted, accused, is reasonably suspected of or has admitted to child abuse or sexual offences (a person of concern). The guidelines require these situations to be reported to the ODSM. Steps are then taken by the Rector and the wardens to develop a Safety Plan in consultation with ODSM where the person of concern seeks to attend church, to ensure that safety considerations have been met and appropriate boundaries and supervision have been put in place.
105. For more information visit the [Safe Ministry Website](#).

Cooperation with NSW Government Agencies and Other Churches

106. The Professional Standards Interdenominational Network (**PSIDN**) continues to provide a helpful forum to discuss common issues and topics relevant to safeguarding across Christian denominations in NSW and the ACT and provides valuable relationship building opportunities that facilitate cooperation across denominations. The Network includes ongoing attendance by representatives of NSW Police and the Office of the Children's Guardian (**OCG**). Highlights during the reporting period included attendance and a presentation by the newly appointed Children's Guardian for NSW, Mr Steve Kinmond OAM and regular engagement from the OCG on the Reportable Conduct Scheme and the Child Safe Scheme. Other presentations included: 'The Long and Winding Road 5 years on from the Royal Commission – where are we now?' from Dr Ursula Stephens, CEO of Australian

Catholic Safeguarding Limited, and 'An introduction to Restorative Justice and Investigations as part of an institutional response to complaints/allegations' from Mrs Robyn Bailey of ExploreSolutions.

107. The National Network of Directors of Professional Standards from Anglican Dioceses across Australia meets together each quarter. These meetings are mainly held online. The Network meetings are crucial for continuing cooperation and communication between Professional Standards Directors across the nation. The value of the Network is the depth of experience concerning professional standards matters across the group as a whole. This also means the Network is well positioned to make important contributions to developments and initiatives in these areas and to work towards maintaining best practice in processes across Dioceses.

Royal Commission recommendations, Reportable Conduct Scheme and Child Safe Standards

108. The ODSM and SMB are continuing to monitor and implement several key Royal Commission Recommendations. Particular areas for ongoing consideration include age-appropriate protective behaviours training for children, professional supervision (or 'pastoral supervision') for pastoral ministry staff and ongoing professional development for pastoral ministry staff.
109. The NSW Government expanded the Reportable Conduct Scheme to include faith-based organisations from 1 March 2020 under the *Children's Guardian Act 2019*. The *Reportable Allegations and Convictions Ordinance 2022* was passed by Synod last year to clarify the application of the Reportable Conduct Scheme to the Diocese. The *Reportable Allegations and Convictions Ordinance 2022* makes it clear that the Archbishop is the Head of Entity for the Diocese and that allegations of reportable conduct should be reported to the Archbishop or his delegate – in this case, the ODSM.
110. Members of the clergy and church workers should ensure that they are both familiar and compliant with the reporting requirements of the Reportable Conduct Scheme in their practice of ministry and seek advice or clarification from the ODSM if they have any questions or inquiries about them or a particular situation in which they are uncertain whether the requirements apply. There has been a small but growing number of these matters that the ODSM dealt with since the introduction of the scheme.
111. The Child Safe Scheme has been incorporated into the *Children's Guardian Act 2019* and requires religious bodies to implement the Child Safe Standards. Work is continuing, at the direction of the SMB, to review current diocesan policy and practice in light of the Child Safe Standards and work developing a Diocesan Child Safe Policy is underway. Parishes are encouraged to consider how to implement the standards in their own context and to access resources referenced in Safe Ministry Training, linked on the [Safe Ministry Website](#), and produced by the [Office of the Children's Guardian](#). The standards are principle based and implementation will be unique to each organisation even within the broader policy structures of the Diocese.

On behalf of the Safe Ministry Board and the Office of the Director of Safe Ministry.

NICOLA WARWICK-MAYO
Chair
Safe Ministry Board

25 July 2023

LACHLAN BRYANT
Director of Safe Ministry
Office of the Director of Safe Ministry

25 July 2023

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**First Session of
53rd Synod**

(to be held on 11-13 and 18-19 September 2023)

Book 3

(Pages 398 to 621)

**Principal Legislation
and
Other Background Materials**

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

2023 Principal Legislation and Other Background Materials (proposed to be amended or otherwise considered)

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XXXXXXXXXXXX

An Ordinance to make rules for the conduct of the business of the Synod of the Diocese of Sydney.
 The Synod of the Diocese of Sydney ordains.

1. Name

This Ordinance is the *Synod Standing Orders Ordinance 2019*.

2. Adoption of new rules of procedure

The rules for the conduct of the business of the Synod of the Diocese of Sydney are in the Schedule to this Ordinance.

3. Repeal of previous rules

- (1) The *Standing Orders Ordinance 1968* is repealed.
- (2) Each reference in an ordinance (other than this Ordinance) to the *Standing Orders Ordinance 1968* and the *Conduct of the Business of Synod Ordinance 2000* is changed to the *Synod Standing Orders Ordinance 2019*.

4. Commencement

Clauses 2 and 3 of this Ordinance commence on the day next following the last day of the second session of the 45th Synod or on the day on which assent is given to this Ordinance, whichever is later.

Schedule

Synod of the Diocese of Sydney

Rules for Conducting the Business of the Synod

Part 1 Meeting Time, President, Houses of the Synod and Quorum

1.1 Meeting time

- (1) The Synod is to meet at 3.15 pm on each appointed day unless it decides to meet at another time.
- (2) No motion about a proposed ordinance may be considered before 4.30 pm apart from the unopposed introduction of a proposed ordinance.

1.2 President

- (1) The Archbishop is the President.
- (2) In the absence of the Archbishop, the President is the person appointed by the Archbishop as his commissary under section 11 of the Constitutions in the Schedule to the 1902 Constitutions.
- (3) In the absence of the Archbishop and the commissary, the President is the person next in ecclesiastical rank who is licensed in the Diocese and is present at the meeting of the Synod.
- (4) If the person who is the President of the Synod is, for any reason, unwilling or unable (otherwise than by absence) to preside in respect of any business of the Synod, the President is the person next in ecclesiastical rank after that person who is licensed in the Diocese and is present at the meeting of the Synod.
- (5) Nothing in this rule amends the provisions of the Constitutions in the Schedule to the 1902 Constitutions concerning the giving of assent to an ordinance of the Synod. Accordingly, a person who is President of the Synod under rule 1.2(2) or (3) or (4) may not assent to an ordinance unless that person is authorised to do so under those Constitutions.
- (6) In this rule 1.2, the word "Archbishop" means, if the See is vacant, the person appointed under an ordinance of the Synod to administer the Diocese.

1.3 Houses of the Synod

- (1) Each member of the Synod (other than the President) is a member of a House of the Synod.
- (2) A member who is ordained is a member of the House of Clergy.
- (3) A member of the Synod who is not ordained is a member of the House of Laity.

1.4 Quorum

- (1) When a motion about a proposed ordinance is being considered, one fourth of the members of each House is a quorum.
- (2) Otherwise, 50 members of the House of Clergy and 100 members of the House of Laity is a quorum.
- (3) If at the time fixed for a meeting of the Synod or during a meeting of the Synod, a quorum is not present the President is to adjourn the Synod to a time determined by him. If a debate is interrupted as a consequence then, subject to rules 3.3, 3.4 and 3.5, the debate is to resume at the point where it was interrupted.

Part 2 Officers and Committees of the Synod

2.1 Introduction

The Synod elects several officers and committees to assist it in conducting its business. Those officers and committees are

- (a) the Secretary of the Synod
- (b) the Chair of Committee
- (c) the Deputy Chair or Chairs of Committee
- (d) the Committee of Elections and Qualifications
- (e) the Committee for the Order of Business
- (f) the Minute Reading Committee.

This Part sets out the functions of the officers and committees of the Synod.

2.2 The Secretary of the Synod

- (1) One member is to be elected as Secretary of the Synod on the first day of the first session of each Synod and, subject to rule 2.8, is to hold office until the first day of the first session of the next Synod.
- (2) The Secretary of the Synod is to
 - (a) prepare the business paper for each day after the first day of each session of a Synod, and
 - (b) take minutes of the meetings of the session, and maintain the minute book, and
 - (c) record the ordinances passed by the Synod, and
 - (d) prepare and publish the report of the session of the Synod.
- (3) With the permission of the President, the Secretary of the Synod may give notices to the Synod about any matter concerning the business of the Synod.
- (4) The Secretary of the Synod may approve any report or other material from a Diocesan Body or Organisation being made available to members.

2.3 The Chair of Committee

- (1) One member is to be elected as the Chair of Committee on the first day of the first session of each Synod and, subject to rule 2.8, is to hold office until the first day of the first session of the next Synod.
- (2) The Chair of Committee presides during meetings of the Synod in Committee and, when presiding, has the same authority as the President.

2.4 The Deputy Chair or Chairs of Committee

- (1) One or more members is to be elected as the Deputy Chair or Deputy Chairs of Committee on the first day of the first session of each Synod and, subject to rule 2.8, is to hold office until the first day of the first session of the next Synod.
- (2) The Deputy Chair of Committee presides during meetings of the Synod in Committee if the Chair of Committee is unable or unwilling to act, or if the Chair of Committee requests that a Deputy Chair of Committee act. When presiding, the Deputy Chair has the same authority as the President.
- (3) If more than one Deputy Chair of Committee is elected, the person to preside in the place of the Chair of Committee is to be determined by the persons who have been elected as Deputy Chairs of Committee or, if they are unable to agree, by the President.
- (4) If
 - (a) the Chair of Committee, and
 - (b) the Deputy Chair of Committee or each of the Deputy Chairs of Committee,

are unable or are unwilling to preside during a meeting of the Synod in Committee, the person to preside during that meeting is to be a member appointed by the Synod as a result of a motion without notice passed by the Synod. When presiding, that person has the same authority as the President.

2.5 The Committee of Elections and Qualifications

- (1) The Committee of Elections and Qualifications is to consist of not more than 5 members elected on the first day of the first session of each Synod and who, subject to rule 2.8, are to hold office until the first day of the first session of the next Synod.
- (2) The Committee of Elections and Qualifications is to investigate and report when required by rule 6.1.

- (3) A person may not act as a member of the Committee of Elections and Qualifications in relation to a question referred by the Synod about
- (a) the validity of the election or appointment of that person as a member of the Synod, or
 - (b) that qualification of that person to be a member of the Synod.

2.6 The Committee for the Order of Business

- (1) The Committee for the Order of Business is to consist of
- (a) the Secretary of the Synod, and
 - (b) not more than 5 members elected by the Synod on the first day of the first session of each Synod and who, subject to rule 2.8, are to hold office until the first day of the first session of the next Synod
- (2) The Committee for the Order of Business is to review the business paper for each day of a session, other than the first day, and settle the order and scheduling of motions and presentations appearing on the business paper.

2.7 The Minute Reading Committee

- (1) The Minute Reading Committee is to consist of not more than 8 members elected on the first day of the first session of each Synod and who, subject to rule 2.8, are to hold office until the first day of the first session of the next Synod.
- (2) Any 2 members of the Minute Reading Committee are to review the minutes of the proceedings of each day and certify their correctness, or otherwise, to the President.

2.8 Casual vacancies

- (1) A casual vacancy in any office or in the membership of any committee elected under this Part 2 arises if the person holding the office or membership –
- (a) dies,
 - (b) resigns by written notice given to the President, or
 - (c) ceases to be a member of the Synod.
- (2) A casual vacancy in any office or in the membership of any committee held by a person elected under this Part 2 also arises if the Synod declares, as a result of a motion with or without notice passed by the Synod, the office or membership to be vacant.
- (3) A casual vacancy arising under rule 2.8(1) or (2) may be filled by the Synod or, if the Synod is not in session, by the Standing Committee. A person who is elected by the Standing Committee to fill a casual vacancy holds office or remains a member of the committee until the next session of the Synod.

Part 3 The Order of Business of the Synod

3.1 Introduction

This Part sets out the order in which the business of the Synod is to be conducted on each day of a session.

3.2 Order of business for the first day of a session

The order of business for the first day of a session of is as follows.

- (a) The President, or a person appointed by him, is to read prayers.
- (b) The President is to table a list of the members of the Synod.
- (c) The President may address to the Synod at a time of his choosing.
- (d) The President is to table a document appointing a commissary.
- (e) The President is to call the motions on the business paper appearing in relation to paragraphs (f) and (g) of this clause.
- (f) The Synod is to consider any motion to declare a vacancy or vacancies among the membership of the Property Trust in accordance with the *Anglican Church Property Trust Diocese of Sydney Ordinance 1965*.
- (g) Where required under Part 2, the Synod is to consider motions for the election of -
 - (i) the Secretary of Synod,
 - (ii) the Chair of Committee,
 - (iii) the Deputy Chair or Chairs of Committee,
 - (iv) the Committee of Elections and Qualifications,
 - (v) the Committee for the Order of Business, and
 - (vi) the Minute Reading Committee.
- (h) The President is to table a list of the results of uncontested elections and declare the persons concerned elected.
- (i) The minute book of the Standing Committee is to be tabled.
- (j) The President is to allow members to present petitions.
- (k) The President is to table a list of questions asked by members in accordance with 6.3(2)(a).
- (l) The President is to invite members to give notice of motions.
- (m) The President is to call the motions, including procedural motions, in the order in which they appear on the business paper in accordance with rule 4.5.
- (n) The President is to allow members to move procedural motions.
- (o) The Synod is to consider motions for the formal reception and printing of reports, accounts and other documents in the order in which they appear on the business paper.
- (p) The Synod is to consider motions for proposed ordinances, in the order in which they appear on the business paper.
- (q) The Synod is to consider motions to be moved at the request of the Synod or the Standing Committee in the order in which they appear on the business paper.
- (r) The Synod is to consider motions to be moved at the request of a regional council in the order in which they appear on the business paper.
- (s) The Synod is to consider motions received by the Standing Committee from members in accordance with rule 4.3(3) in the order in which they were received.

3.3 Order of business for the second and third days of a session

The order of business for the second and third days of a session is as follows.

- (a) The President, or a person appointed by him, is to read prayers.
- (b) The President, or a person appointed by him, is to read a passage from the Bible and apply it.
- (c) The minutes of the proceedings of the previous day are to be signed by the President as a correct record, or be otherwise dealt with.
- (d) Subject to rules 6.3(2)(d) and 6.3(5), answers to questions asked on previous days are to be given.
- (e) The President is to allow members to ask questions in accordance with rule 6.3(2)(c).
- (f) The President is to invite members to give notice of motions.

- (g) The President is to call the motions, including procedural motions, in the order in which they appear on the business paper in accordance with rule 4.5.
- (h) The President is to allow members to move procedural motions.
- (i) The Synod is to consider motions about proposed ordinances in the order in which they appear on the business paper.
- (j) The Synod is to consider other motions in the order in which they appear on the business paper.

3.4 Order of business for the fourth and subsequent days of a session

(1) The order of business for the fourth and subsequent days of a session of the Synod is the order specified in rule 3.3 except that no member may

- (a) ask a question, or
- (b) give notice of a motion,

except with the permission of the majority of the members then present.

(2) The order of business for the last day of a session may include motions of thanks without notice.

(3) The President is authorised to sign the minutes of the final sitting day as a correct record, upon the production to the Standing Committee of the certificate of any two members of the minute reading committee.

3.5 Order of motions

Motions are to be considered in the order in which they appear on the business paper. The Synod may determine, as a result of a procedural motion passed by the Synod,

- (a) to vary the order in which motions are considered, or
- (b) to fix a time for when a motion is to be considered.

3.6 Presentations to Synod

(1) The President may invite persons at his discretion to address the Synod.

(2) Presentations approved by the Standing Committee will appear on the business paper for day 1.

(3) Presentations scheduled by the Committee for the Order of Business will appear on business papers for subsequent days.

(4) The Synod may, as a result of a procedural motion, allow other presentations to be made to the Synod on any subject related to the Synod. Such presentations –

- (a) must be no longer than ten minutes, and
- (b) may not be scheduled to a time following the dinner break.

(5) Synod members, or individuals who are not members of Synod but who are named as intended presenters in a procedural motion, may combine for a presentation (including visuals) in accordance with this clause.

Part 4 Resolutions

4.1 Introduction

The main way in which the Synod expresses a view on a matter is by the making of a resolution. Generally, a resolution is made in the following way.

- (a) A member of the Synod (referred to in these rules as the “mover”) moves a motion (referred to in these rules as the “principal motion”). Usually, the mover will have given notice of the principal motion on a previous day.
- (b) Except during a meeting of the Synod in Committee, a motion is to be seconded.
- (c) When called by the President, the mover will speak in support of the principal motion and the seconder may also speak in support of the motion.
- (d) Instead of making separate speeches in support of the principal motion, the mover and seconder may, by notice to the Synod, elect to make a joint presentation in support of the principal motion for up to the combined length of time the mover and seconder would otherwise be permitted to speak.
- (e) A speech or presentation referred to in paragraph (c) or (d) may, by arrangement with the Secretary of the Synod, be accompanied by overhead visual material.
- (f) If any member wishes to speak against the principal motion, or move a proposed amendment, debate will proceed.
- (g) If no member wishes to speak against the principal motion or move an amendment, the President is to ask the Synod to vote on the principal motion.
- (h) After debate has concluded, the President is to ask the Synod to vote on any amendments. After any amendments have been agreed to or rejected, the President is to ask the Synod to vote on the principal motion, as amended by any amendments which have been agreed.
- (i) If the principal motion, with or without amendments, is passed, it becomes a resolution of the Synod.

The remaining rules in this Part contain the details of this procedure, and the details of the special situations in which the general procedure is modified.

4.2 General rules

- (1) A member may only address the Synod when called by the President to do so.
 - (1A) A member who wishes to be called by the President to address the Synod is to stand in his or her place, or if directed by the President, to stand near a microphone. The President is to call from among those standing the member who may address the Synod.
- (2) The President may take part in debate.
- (3) If the President stands, all other members are to sit and remain seated until the President sits down.
- (4) Any member may speak to a question about procedure. A question about procedure is to be decided by the President whose decision is final unless immediately altered as a result of a motion without notice passed by the Synod.
- (5) The President is to confine each speaker to the subject matter being debated. A member may not interrupt a speaker, except with the permission of the President, or as a result of a motion without notice passed by the Synod.
- (6) A speaker may not make a remark which reflects adversely on the personality of any member or imputes an improper or questionable motive to any member. If a speaker makes such a remark, the President is to
 - (a) ask the speaker to withdraw the remarks and apologise and,
 - (b) warn the speaker against making such remarks in future.

If, having been asked, the speaker refuses to withdraw the remark and apologise, the member may be suspended from the Synod as a result of a motion with or without notice passed by the Synod, for the time specified in the motion.

- (7) A member may not act in a disorderly way. If a member acts in a disorderly way, he or she may be suspended from the Synod as a result of a motion with or without notice passed by the Synod, for the time specified in the motion.

4.3 Notice of motions required

- (1) The Synod is not to consider a motion unless notice of the motion was given on a previous day.
- (2) Motions intended to facilitate the consideration of business are known as 'procedural motions'. Rule 4.3(1) does not apply to procedural motions and those other motions for which notice is not required by Parts 4 and 5.
- (2A) Rule 4.3(1) does not apply to motions to amend a motion.
- (3) A member may send notice of a motion to the Standing Committee to be received at least 1 month before the first day of the session. Notice of such motion is to be printed on the business paper for the first day of the session. A member may not send notice of more than 2 motions.

4.4 Motions to be seconded

- (1) No motion, or motion to amend a motion, is to be considered unless it is seconded.
- (2) Rule 4.4(1) does not apply to a motion moved in a meeting of the Synod in Committee.

4.5 Calling the motions on the business paper

- (1) At the time required by rule 3.2, 3.3 or 3.4, the President is to call the motions in the order in which they appear on the business paper, except those motions about a proposed ordinance or policy or those motions to be considered at a time fixed by the Synod.
- (2) When a motion is called, the President is to ask for the motion to be formally moved and seconded unless 8 or more members stand to object or any member calls "amendment". If the motion is formally moved and seconded, the Synod is to vote on the motion without any speeches or debate.
- (3) If 8 or more members stand to object or any member calls "amendment"
 - (a) the President is to immediately call the next motion on the business paper to be called under this rule or, if there is no such motion, proceed to the next item of business, and
 - (b) any member who calls "amendment" is to
 - deliver a written copy of the proposed amendment to the Secretary of the Synod, and
 - make himself or herself available to discuss the proposed amendment with the mover of the motion on the day on which the call is made.

4.5A Incorporation of amendments in principal motion

If the mover of a principal motion (the 'Mover') notifies the Secretary of the Synod that –

- (a) having discussed a proposed amendment with the mover of the amendment, the Mover agrees to include the proposed amendment in the principal motion, or
- (b) the Mover wishes to move the principal motion in an amended form,

the motion in the amended form becomes the principal motion and is to be printed in a suitably marked form on the list of proposed amendments provided on day 1 or on the next day's business paper.

4.6 Time limits for speeches

- (1) The following time limits for speeches apply.
 - (a) For a motion that a proposed ordinance be approved in principle –
 - the mover may speak for up to 15 minutes, and up to 5 minutes in reply
 - other members may speak for up to 5 minutes.
 - (b) For a speech following the Synod's approval to consider a proposed ordinance formally, the mover may speak for up to 3 minutes.
 - (c) For other motions, except the motions referred to in paragraphs (d) and (e) –
 - the mover may speak for up to 10 minutes, and up to 5 minutes in reply
 - other members may speak for up to 5 minutes.
 - (d) For motions to amend a motion, a member may speak for up to 5 minutes.
 - (e) For procedural motions and for motions moved in a meeting of the Synod in Committee, a member may speak for up to 3 minutes.
- (2) A member, not being the speaker at the time, may, without making a speech, move a procedural motion for the speaker to continue for a nominated number of minutes.

4.7 Number of speeches

- (1) No member may speak more than once on the same motion except

- (a) during a meeting of the Synod in Committee, or
 - (b) when invited to give an explanation, or
 - (c) when exercising a right of reply under rule 4.11.
- (2) A member who formally seconds a motion is not regarded as having spoken to the motion.
- (3) Once a motion to amend a motion (the principal motion) has been moved, it is a separate motion for the purpose of this clause. Accordingly, if a member has already spoken on the principal motion, they may not move a motion to amend the principal motion, but they may speak on any amendment to the principal motion.

4.8 After a motion has been seconded

- (1) After a motion has been moved and seconded, the President is to ask a question to the effect
“Does any member wish to speak against the motion or move an amendment?”
- (2) If no member indicates a wish to speak against the motion or move an amendment, the Synod is to vote on the motion without further debate.
- (3) If a member indicates a wish to speak against the motion or move an amendment, debate on the motion is to proceed, commencing with speeches for and against the motion before considering amendments to the motion, unless the President determines otherwise.

4.9 Amendments to motions

- (1) A member may move a motion to amend a principal motion at any time before the close of debate. The motion to amend must be in writing and a copy handed to the President.
- (2) A member may move a motion to amend a motion to amend a principal motion. The motion to amend must be in writing and a copy handed to the President.
- (2A) A motion to amend is not to be irrelevant to the principal motion or give rise to an entirely different subject matter from or a direct negative of the principal motion.
- (3) A member may, with the permission of the Synod, withdraw their own motion to amend at any time before the close of debate.
- (4) If motions to amend have been moved, but not passed by the Synod, the motion to be put to the vote is the principal motion.
- (5) If motions to amend have been moved and passed by the Synod, the motion to be put to the vote is the amended principal motion.
- (6) If a member has moved a motion to amend and another member moves a motion for a different amendment or indicates an intention to move a motion for a different amendment, the President may
- (a) put to the Synod questions about the principal motion and the proposed amendment to establish the mind of the Synod on the principle or principles of the motions, or
 - (b) nominate a person or persons to
 - prepare a suitable form of words which expresses the mind of the Synod
 - report to the Synod,and adjourn the debate on the principal motion and the proposed amendments until the report has been received.
- (7) If debate on a motion is adjourned under rule 4.9(6)(b), the Synod is to proceed to the next item of business.
- (8) If the President considers that the strict application of rule 4.9 may cause confusion or prevent the Synod from expressing its mind, he may waive the application of this rule, or so much of it as he thinks fit.

4.10 Putting a motion to the vote

- (1) If, during the time for debate on a motion, no further member indicates a wish to speak to the motion, the President may declare that the debate has ended, subject to the mover of the motion exercising or declining to exercise a right of reply under rule 4.11.
- (2) If the President thinks that sufficient time has been allowed for debate on a motion but there remains one or more members indicating a wish to speak to the motion, the President is to ask the Synod a question to the effect
“Does the Synod consider that the motion has been sufficiently debated and should now be voted on?”

If the majority of the members present answer “Aye”, the debate on the motion will be regarded as having ended, subject to the mover of the motion exercising or declining to exercise a right of reply under rule 4.11. If the majority of members present answer “No” the President is to allow the debate to continue. Rule 4.10(1) and rule 4.10(2) apply until debate has ended.

4.11 Right of reply

- (1) The mover of a motion has a right of reply after debate on a motion has ended unless the motion is
 - (a) a procedural motion, or
 - (b) a motion for an amendment, or
 - (c) a motion moved in a meeting of the Synod in Committee.
- (2) After the mover has exercised or declined to exercise their right of reply, the motion is to be voted on.

4.12 Voting on a motion

- (1) A vote on a motion is taken by the President asking members present who are in favour of the motion to say “Aye” and then to ask those members who are against the motion to say “No”. Voting may also take place by a show of hands at the option of the President or if requested by a member. A motion is passed only if a majority of the persons present and voting vote in favour of the motion.
- (2) If requested by 8 or more members, voting on a motion is to be conducted by ballot. If a ballot is requested, the Synod shall vote in accordance with the directions of the Secretary of the Synod.
- (3) The members of the Synod are to vote collectively unless 8 members request that the vote be taken by Houses.
- (4) If a vote is required to be taken by Houses, each House is to vote separately in accordance with the directions of the Secretary of the Synod, provided that the House of Laity is to vote first. The motion is passed only if a majority of persons present and voting in each House vote in favour of the motion. If a majority of the persons present and voting in the House of Laity do not vote in favour of the motion, the House of Clergy is not required to vote.

4.13 Adjournment of debate

- (1) A procedural motion for the adjournment of either the Synod or a debate may be moved without notice at any time between speeches.
- (2) If debate on a motion is adjourned, that debate takes precedence over all other business, unless these rules provide otherwise, or the Synod decides otherwise as a result of a motion without notice passed by the Synod.

4.14 Not voting on a motion

- (1) If it is desired not to vote on a motion, at any time following the speeches of the mover and seconder and prior to the motion being put to a vote, a member may move without notice the procedural motion –

“That the motion not be voted on.”
- (2) When this procedural motion is moved, debate on the principal motion shall be suspended and the Synod shall immediately consider speeches for and against the procedural motion.
- (3) If –
 - (a) the procedural motion is carried, debate on the Principal motion ceases and it is not put to the vote,
 - (b) the procedural motion is not carried, debate on the Principal motion continues from that point where the procedural motion was moved.
- (4) The procedural motion in rule 4.14(1) may not be amended and is not to be moved in a meeting of the Synod in Committee.

4.14A Ending debate on a motion

- (1) If it is desired to end debate on a motion, a member may move without notice the procedural motion –

“That debate cease and the motion be immediately put to the vote.”
- (2) When this procedural motion is moved, debate on the principal motion shall be suspended and the Synod shall immediately consider speeches for and against the procedural motion.
- (3) If –

- (a) the procedural motion is carried, the principal motion, and any amendments that have been moved, are subject to the mover of the principal motion exercising or declining to exercise a right of reply under rule 4.11 to be voted on immediately without further debate, and
 - (b) the procedural motion is not carried, debate on the principal motion continues.
- (4) The procedural motion in rule 4.14A(1) may not be amended and is not to be moved in a meeting of the Synod in Committee.

4.15 Withdrawal of a motion

A motion may be withdrawn at any time by its mover with the permission of the Synod.

4.16 Motions previously voted on

- (1) No motion which has been considered by the Synod and voted on is to be debated again during the same session of the Synod.
- (2) No motion which is substantially the same as one which has been voted on during the same session is to be considered. However a motion is not to be regarded as substantially the same as one which has been voted on during the same session if –
- (a) the motion is a direct negative of the one voted on, and
 - (b) the one voted on was not passed.
- (3) Any question about whether a motion is substantially the same as one which has been voted on during the same session is to be decided by the President whose decision is final unless immediately altered as a result of a motion without notice agreed to by the Synod.

4.17 Synod in Committee

- (1) The Synod may, as a result of a procedural motion passed by the Synod, resolve itself into the Synod in Committee to consider any matter. A motion for the Synod to resolve itself into the Synod in Committee to consider the text of a proposed ordinance (see rule 5.6) is
- “That Synod resolves itself into the Synod in Committee to consider [further] the text of the [name of proposed ordinance].”
- (2) During a meeting of the Synod in Committee, the Chair of Committee or the Deputy Chair of Committee has the functions set out in rules 2.3 and 2.4.
- (3) The Synod in Committee may, as a result of a procedural motion passed by the Committee, resolve to adjourn its meeting. A motion to adjourn a meeting of the Synod in Committee is
- “That the Chair of Committee leaves the chair and reports progress.”
- (4) On a motion to adjourn a meeting of the Synod in Committee being passed, the Chair of Committee is to report progress to the Synod.
- (5) When the Synod in Committee has concluded consideration of the matter before it, the Chair of Committee is to report to Synod. Where the matter being considered was the text of a proposed ordinance, the Chair of Committee is to report in the manner referred to in rule 5.6(3).
- (6) The rules of procedure in this Part 4, so far as applicable, apply to a meeting of the Synod in Committee.
- (7) In a meeting of the Synod in Committee the same number of members constitutes a quorum as in the Synod itself. If a quorum is not present, the Chair of Committee is to leave the chair and report progress.

4.18 Proposed policies of the Synod

- (1) The Standing Committee or the Synod may designate a written statement as a proposed policy of the Synod. A statement designated by the Standing Committee as a proposed policy of the Synod must be clearly marked as such.
- (2) The Synod may consider a proposed policy of the Synod only if a copy has been circulated to members present before consideration of the proposed policy commences in accordance with rule 4.18(3).
- (3) For the purposes of considering a proposed policy of the Synod, the procedures for the making of ordinances under Part 5 (from and including rule 5.5 but excluding rules 5.7(3)(b), 5.9 and 5.10) apply as if the proposed policy were a proposed ordinance.

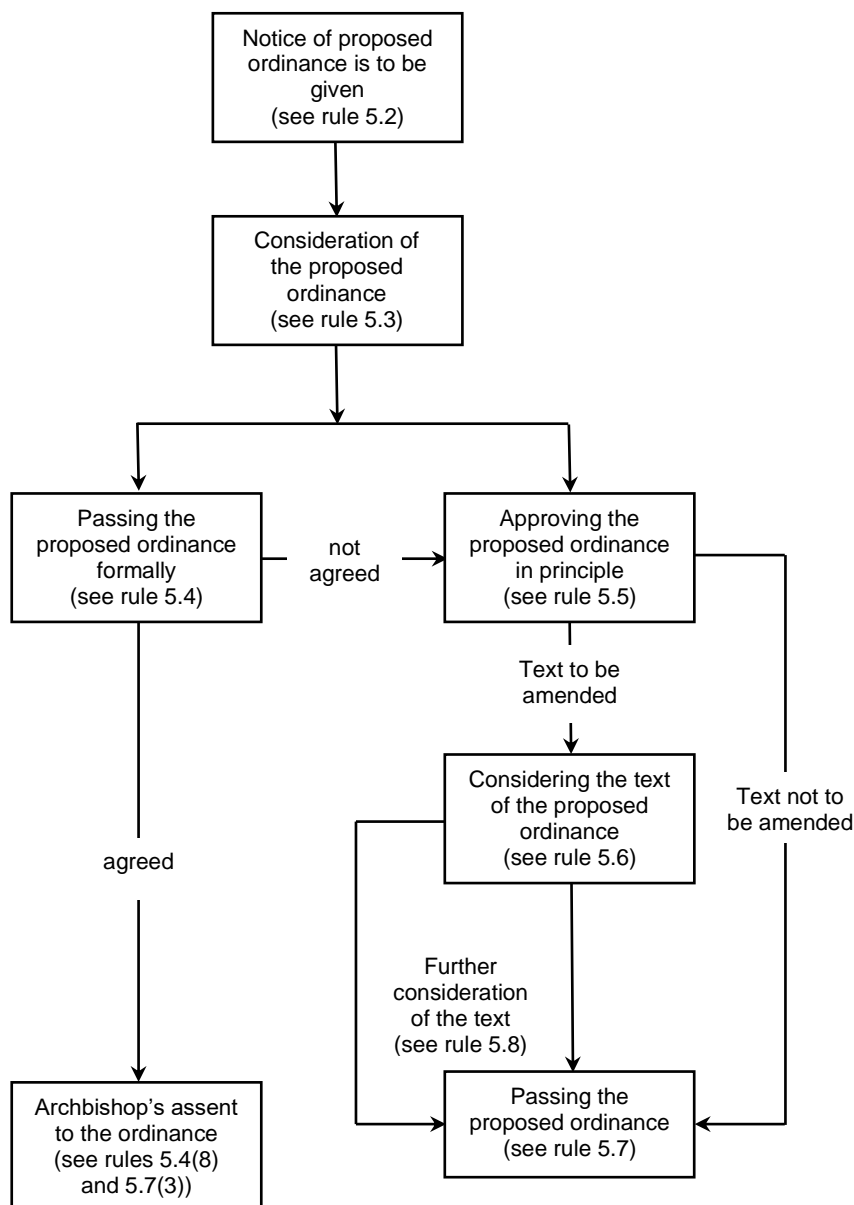
4.19 Expedited time limits and procedures

- (1) Notwithstanding clause 4.6, the Synod may as a result of a procedural motion passed by the Synod to “adopt the expedited time limits”, adopt any or all of the following time limits for speeches for the remainder of a session –
- (a) for a motion that a proposed ordinance be approved in principle –
 - (i) the mover may speak for up to 12 minutes, and up to 5 minutes in reply, and
 - (ii) other members may speak for up to 3 minutes,
 - (b) for a speech following the Synod’s approval to consider a proposed ordinance formally, the mover may speak for up to 3 minutes,
 - (c) for other motions, except the motions referred to in paragraphs (d) and (e) –
 - (i) the mover may speak for up to 8 minutes, and up to 4 minutes in reply,
 - (ii) a member moving a motion to amend a motion may speak for up to 4 minutes, and
 - (iii) other members may speak for up to 4 minutes,
 - (d) for procedural motions, a member may speak for up to 3 minutes, and
 - (e) for motions moved in a meeting of the Synod in Committee, a member may speak for up to 3 minutes.
- (2) The Synod may, as a result of a procedural motion passed by the Synod to “adopt the expedited procedural rules”, adopt any or all of the following rules for the remainder of a session –
- (a) Notwithstanding clause 6.3(5), the Archbishop is not required to read aloud the answers to questions.
 - (b) The afternoon session shall be extended 15 minutes, resulting in a correlating reduction in the length of the dinner break.
- (3) The Synod having passed a procedural motion or motions in this clause, notwithstanding clause 4.16, may on a subsequent day of the same session –
- (a) return to ordinary time limits and procedures prior to the end of a session by moving a procedural motion to that effect, or
 - (b) consider a procedural motion under this clause to vary the expedited time limits and procedures adopted for that session.
- (4) The President may, by indicating his decision, apply any or all of the expedited time limits specified in paragraphs (a) – (e) of subclause (1) for any particular matter before Synod.

Part 5 Making of Ordinances by the Synod

5.1 Introduction

The general procedure for the making of an ordinance by the Synod is summarised in the following diagram.



The remaining rules in this Part contain the detail of this procedure, and the details of the special situations where the general procedure is modified.

5.2 Notice of the proposed ordinance is to be given

(1) Notice of a proposed ordinance is to be given to members before the Synod may consider the proposed ordinance.

(2) Except as provided by rule 5.2(3), notice will be regarded as having been given only if a copy of the proposed ordinance has been circulated to members present before a motion to introduce the proposed ordinance is moved.

(3) If a proposed ordinance seeks

- (a) to assent to a canon of the General Synod of the Anglican Church of Australia to amend the Constitution in the Schedule to the Anglican Church of Australian Constitution Act 1961, or
- (b) to amend rule 5.2,

notice will be regarded as having been given only if

- (c) a copy of the proposed ordinance was sent to each member at least 3 months before the first day of the session at which the proposed ordinance is to be considered, or
- (d) 75% of the members present and voting permit the proposed ordinance to be introduced without notice, other than the notice provided for in rule 5.2(2).

5.3 Consideration of the proposed ordinance

(1) At the time permitted by these rules, a member may move that the Synod agree to consider a proposed ordinance by moving a motion as provided in subclause (2) or as provided in rule 5.5(1).

(2) A member desiring to move a proposed ordinance formally may move a motion to the effect –
“That Synod agrees to consider passing the proposed ordinance formally.”

(3) If the motion to consider passing the proposed ordinance formally is passed, the procedure in rule 5.4 applies. Otherwise the mover may immediately move the motion in rule 5.5(1). If the mover does not immediately move that motion, the mover is to move a motion to the effect –

“That Synod agrees to consider [at a specified time] a motion that the [name of the proposed ordinance] be approved in principle.”

5.4 Passing the proposed ordinance formally

(1) If the Synod agrees to consider passing a proposed ordinance formally, the mover may immediately make a speech in accordance with clause 4.6(1)(b) about the proposed ordinance.

(2) At the end of the speech, the President is to ask a question of the Synod to the effect
“Does any member have a question about the proposed ordinance?”

(3) If a member indicates that he or she has a question, the President is to allow the question to be asked and rules 5.4(4), 5.4(5) and 5.4(6) apply. If no member indicates that he or she has a question, the time for questions will be regarded as having ended.

(4) A question is to be answered by the mover or seconder unless the President allows another person to answer the question.

(5) If, during the time for questions, no further member indicates that he or she has a question, the President may declare that the time for questions has ended.

(6) If the President thinks that sufficient time has been allowed for questions but there remains one or more members indicating a wish to ask a question, the President is to ask the Synod a question to the effect

“Does the Synod consider that sufficient time has been allowed for questions?”

If the majority of members present answer “Aye”, the time for questions will be regarded as having ended. If the majority of members present answer “No”, the President is to allow the time for questions to continue. Rules 5.4(5) and 5.4(6) apply until the time for questions has ended.

(7) Subject to rule 5.4(9), after the time for questions has ended, the mover is to immediately move a motion to the effect

“That the [name of the proposed ordinance] pass formally as an ordinance of the Synod.”

(8) If the Synod passes the proposed ordinance formally as an ordinance of the Synod, as soon as possible the Secretary of the Synod is to send to the Archbishop for his assent, the original copy of the ordinance upon which

- (a) the Chair of Committee has certified the text of the ordinance, and
- (b) the Secretary of the Synod has certified that the ordinance has passed as an ordinance of the Synod.

(9) If

- (a) at any time after the motion in 5.3(2) is passed and prior to the motion in rule 5.4(7) being voted on, 8 members stand in their place to object to the proposed ordinance being passed formally, or
- (b) the motion in rule 5.4(7) is not passed,

the mover is to immediately move in accordance with clause 4.6(1)(a) a motion to the effect

“That Synod agrees to consider [forthwith or at a specified time] a motion that the [name of proposed ordinance] be approved in principle.”

5.5 Approving the proposed ordinance in principle

- (1) A member desiring to move a proposed ordinance in principle may move a motion to the effect
“That the [name of the proposed ordinance] be approved in principle.”
- (2) After this motion has been moved and seconded, and the mover and seconder have spoken, the President is to ask the Synod a question to the effect
“Does any member have a question about the proposed ordinance?”
- (3) If a member indicates that he or she has a question, the President is to allow the question to be asked and rules 5.5(4), 5.5(5) and 5.5(6) apply. If no member indicates that he or she has a question, the time for questions will be regarded as having ended.
- (4) A question is to be answered by the mover or seconder unless the President allows another person to answer the question. If, during the time for questions, no further member indicates that he or she has a question, the President may declare that the time for questions has ended.
- (5) If the President thinks that sufficient time has been allowed for questions but there remains one or more members indicating a wish to ask a question, the President is to ask the Synod a question to the effect –
“Does the Synod consider that sufficient time has been allowed for questions?”
- (6) If the majority of members present answer “Aye”, the time for questions will be regarded as having ended. If the majority of members present answer “No”, the President is to allow the time for questions to continue. Rules 5.5(5) and 5.5(6) apply until the time for questions has ended.
- (7) After the time for questions has ended, the President is to immediately ask the Synod a question to the effect
“Does any member wish to speak for or against the motion?”
- (8) If a member indicates that he or she wishes to speak for or against the motion, the President is to allow debate on the motion to proceed.
- (9) Upon a proposed ordinance being approved in principle, the President is to immediately ask the Synod a question to the effect
“Does any member wish to move an amendment to the text of the proposed ordinance?”
- (10) If a member indicates to the President that he or she wishes to move an amendment to the text of the proposed ordinance, rule 5.6 applies.
- (11) If no member indicates to the President that he or she wishes to move an amendment, rule 5.7 applies and the mover is to immediately move the motion in rule 5.7(1).

5.6 Considering the text of the proposed ordinance

- (1) If upon the President asking the question under rule 5.5(9) a member indicates that he or she wishes to move an amendment to the text of the proposed ordinance, the Synod is to
 - (a) immediately consider the text of the proposed ordinance in a meeting of the Synod in Committee, or
 - (b) determine another time for such consideration.
- (2) When considering the text of a proposed ordinance in a meeting of the Synod in Committee, the Chair of Committee is to put each clause of the proposed ordinance separately in the order in which the clauses occur in the proposed ordinance, leaving the title and the preamble to be considered last, unless, in the opinion of the Chair of Committee, it is expedient to put 2 or more consecutive clauses together.
- (3) When consideration of the text of the proposed ordinance has been completed by the Synod in Committee, the Chair of Committee is to report the proposed ordinance to the Synod, with or without amendments as the case may be.
- (4) Upon the report of an ordinance with amendments being adopted by the Synod as a result of a motion without notice passed by the Synod, the mover of the proposed ordinance is to immediately move a motion to the effect
“That Synod agrees to consider [on a specified future day/on a specified future day and at a specified time] a motion that the [name of the proposed ordinance] pass as an ordinance of the Synod.”
- (5) Upon the report of an ordinance without amendments being adopted by the Synod as a result of a motion without notice passed by the Synod, the mover of the proposed ordinance may move the motion

under rule 5.7(1) unless 8 members object, in which case the mover is to immediately move the motion under rule 5.6(4).

(6) Notwithstanding subclause (4), upon the report of an ordinance with or without amendments being adopted by the Synod as a result of a motion without notice passed by the Synod on the last sitting day of a session of Synod, the mover of the proposed ordinance may move the motion under rule 5.7(1).

5.7 Passing the proposed ordinance

- (1) When permitted by these rules, the mover may move a motion to the effect
“That the [name of proposed ordinance] pass as an ordinance of the Synod.”
- (2) A motion that a proposed ordinance pass as an ordinance of the Synod is not to be moved until the Chair of Committee has certified the text on the original copy of the proposed ordinance.
- (3) If the Synod passes a motion that a proposed ordinance pass as an ordinance of the Synod, the Secretary of the Synod is to
 - (a) certify on the original copy of the ordinance that the ordinance has passed as an ordinance of the Synod, and
 - (b) as soon as possible, send the original copy of the ordinance to the Archbishop to enable him to consider his assent.

5.8 Further consideration of the text of the proposed ordinance

At any time before the Synod passes a motion that a proposed ordinance pass as an ordinance of the Synod, the Synod may, as a result of a motion with or without notice passed by the Synod, refer the proposed ordinance, or any clause of the proposed ordinance, or any amendment, to the Synod in Committee for consideration. Rules 5.6, 5.7 and 5.8 then apply, so far as they are relevant.

5.9 Reconsideration of the text of the proposed ordinance if assent is withheld

If the Archbishop withholds assent to an ordinance then, ignoring rules 5.3, 5.4 and 5.5, the Synod may, as a result of a motion with notice passed by the Synod, refer the proposed ordinance, or any clause of the proposed ordinance, or any amendment, to the Synod in Committee for consideration. Rules 5.6, 5.7 and 5.8 then apply, so far as they are relevant.

5.10 Proposed ordinances referred from the Standing Committee

If an ordinance proposed to be made by the Standing Committee is referred to the Synod then, subject to notice of the proposed ordinance being given in accordance with rule 5.2, consideration of the proposed ordinance by the Synod is to commence with a member moving the motion in rule 5.3(1).

5.11 Referral of ordinances by the Synod

- (1) The Synod may, as a result of a motion with or without notice passed by the Synod, refer a proposed ordinance at any point in the procedure concerning it
 - (a) to the next session of the same Synod, or
 - (b) to a session of the next Synod.
- (2) Consideration of the proposed ordinance at the next session of the Synod or at a session of the next Synod, as the case may be, resumes at the point in the procedure reached when it was referred.

Part 6 Other Matters

6.1 Questions about the election or qualification of a member

- (1) A question about
 - (a) the validity of the election or appointment of a member, or
 - (b) the qualification of any person to be a member,may be referred by the Synod to the Committee of Elections and Qualifications for investigation.
- (2) The Committee of Elections and Qualifications
 - (a) may meet during a session of the Synod, and
 - (b) when investigating a question referred to it, may receive such evidence as is available, whether that evidence would be admissible in legal proceedings or not.
- (3) After completing its investigation, the Committee of Elections and Qualifications is to report to the Synod its findings about
 - (a) whether the relevant member was validly elected or appointed, or
 - (b) whether the person is qualified to be a member.
- (4) A member of the Synod may move, with or without notice, that the report of the Committee of Elections and Qualifications be adopted. The motion is to state whether the member who is the subject of the report has been validly elected or appointed or not, or whether the person is qualified to be a member.
- (5) If the Synod passes a motion to the effect that a person has not been validly elected or appointed, or that the person is not qualified to be a member, that person is not to thereafter take part in the proceedings of the Synod unless and until that person becomes duly elected, appointed or qualified, as the case may be.

6.2 Petitions to Synod

- (1) This rule 6.2 applies to the petitions referred to in rule 3.2(j).
- (2) Petitions must be in writing and conclude with the signatures of the petitioners.
- (3) No petition is to
 - (a) be expressed in language which, in the opinion of the President, is disrespectful or offensive, or
 - (b) have been altered by erasure or interlineation.
- (4) A member presenting a petition is to
 - (a) be acquainted with the contents of the petition, and
 - (b) affix his or her name at the beginning of the petition, and
 - (c) state from whom it comes and its contents.
- (5) On the presentation of a petition, the only motion the Synod is to consider is a motion to the effect "That Synod receives the petition."

6.3 Questions

- (1) This rule 6.3 applies to the questions referred to in rules 3.2(k) and 3.3(e).
- (2) A question may be asked by any member using the following procedure –
 - (a) A member seeking to include a question to be tabled on the first day of a session of Synod, must submit the full text of the question to the Secretary of the Synod no later than 7 days prior to the first day of the session.
 - (b) The Secretary is to make the full text of each question submitted in accordance with paragraph (a) available on the website and the noticeboard in the foyer of Synod, prior to the commencement of the first day of the session.
 - (c) On the other days provided for asking questions, a member called on by the President to do so is to make a brief statement informing the Synod of the subject matter of the question and hand the full text of the question to the Secretary of the Synod to be printed in the business paper for the next day of the session.
 - (d) If a member asking a question indicates in writing that they do not require the answer to their question to be read orally to the Synod, the President need not read the answer orally (but may do so at his discretion).
- (3) A question is to relate to a matter connected with the business of

- (a) the Synod, or
 - (b) any committee, board or commission of the Synod, or established by or under an ordinance, or by resolution of the Synod or the Standing Committee.
- (4) No question is to
- (a) contain an assertion, or
 - (b) express an opinion, or
 - (c) offer an argument, or
 - (d) make any inference or imputation, or
 - (e) be expressed in language which, in the opinion of the President, is disrespectful or offensive, or
 - (f) seek a legal opinion.
- (5) Except as provided in paragraphs 6.3(2)(d) and 4.19(2)(a), an answer to a question is to be read orally to the Synod by the President on the next day or as soon as convenient after the next day without the question being asked again. As soon as possible a written copy of the question and answer is to be posted on a notice board in a prominent position in or near the building in which the Synod is meeting. A written copy is also to be handed to the member asking the question upon request made to the Secretary of the Synod.
- (6) If the answer includes statistics or other detailed material, the answer may be supplemented with data projected on a screen or a document which need not be read orally.
- (7) Each question and reply is to be recorded in the minutes of the Synod.

6.4 Personal explanations

With the permission of the President, a member may explain matters of a personal nature. These matters are not to be debated.

6.5 Suspension of these rules

Any rule of procedure may be suspended by motion

- (a) with notice, or
- (b) without notice unless 8 members object.

6.6 Media

- (1) Unless the Synod otherwise determines as a result of a motion with or without notice passed by the Synod, the proceedings of the Synod are to be open to the media.
- (2) With the permission of the President, the proceedings, or parts of the proceedings, may be televised, broadcast or photographed.

6.7 Rules

A rule which the Synod is authorised to make by the Constitutions set out in the Schedule to the Anglican Church of Australia Constitutions Act 1902 may be made by resolution, unless those Constitutions require the rule to be made by ordinance. No rule made by resolution is to be contrary to the terms of an ordinance.

6.8 Application of business rules

- (1) Any question about the application of these rules, the form of motions and ordinances and the voting on motions and ordinances during a session of the Synod is to be decided by the President. The President's decision on all such questions is final unless immediately altered as a result of a motion without notice agreed to by the Synod.
- (2) In making a decision under rule 6.8(1), the President may have recourse to the rules, forms and practice of the Legislative Assembly of New South Wales.

Table of Amendments

[not reproduced here]



Extracts from the Schedule to the *Anglican Church of Australia Constitution Act 1961*

Chapter IX. - THE TRIBUNALS

60. (1) A tribunal shall make such recommendation as it thinks just in the circumstances, but shall not recommend any sentence other than one or more of the following –

- (a) deposition from orders;
- (b) prohibition from functioning;
- (c) removal from office;
- (d) rebuke.

Except as otherwise provided herein such recommendation shall be made to the bishop of the diocese concerned.

The recommendation of the Special Tribunal, or of the Appellate Tribunal on an appeal from the Special Tribunal, shall be made to the Primate, provided that if the Primate be a party to the appeal or is disqualified from acting or considers that he should disqualify himself from acting, the recommendation shall be made to the metropolitan or bishop who would exercise the authorities powers rights and duties of the Primate, if the office were then vacant.

- (2) The person to whom the recommendation is made shall give effect thereto, provided that if any sentence is recommended, he may consult with the tribunal and in the exercise of his prerogative of mercy (a) mitigate the sentence or (b) suspend its operation or (c) mitigate the sentence and suspend its operation. In each case he shall pronounce the sentence recommended even though he mitigate or suspend it. Provided that if the operation of a sentence or mitigated sentence has been suspended and remains suspended for a period of two years such sentence shall thereafter have no operation.
- (3) If in any case the Appellate Tribunal is precluded from determining the appeal, either because the members present at the hearing are equally divided or because there is no such concurrence as is required by this Constitution, the provisions of this sub-section shall have effect, that is to say –
 - (a) where any recommendation adverse to the person charged made by a diocesan or a provincial tribunal or by the Special Tribunal, or
 - (b) where any sentence pronounced against him would but for this sub-section continue in force,

the person to whom the recommendation was made or who pronounced the sentence shall in consultation with the Appellate Tribunal review the recommendation or sentence, and after such review may give effect or abstain from giving effect to the recommendation, or may confirm, mitigate or annul the sentence and may give or abstain from giving directions for restoration of office rights and emoluments as he shall think proper and for such compensation where compensation is available as in the circumstances he may deem to be fair and reasonable.

- (4) The provisions of this Constitution with respect to an appeal from the determination of a tribunal shall extend to and authorise an appeal from the recommendation or sentence but shall not extend to a ruling of a tribunal of an interlocutory nature.
61. (1) Where a charge has been promoted before a tribunal against any person licensed by the bishop of a diocese, the bishop with the concurrence of the diocesan council may suspend such person from the duties of his office until the determination of the charge or for some lesser time, and may make such arrangements for the performance of the duties of the office as may be authorised by any canon ordinance or rule or in the absence of such canon ordinance or rule as the bishop may deem proper.
- (2) The bishop of a diocese may suspend a person referred to in Section 54(2) from the duties of his office where –
 - (a) the bishop or some other person authorised by ordinance proposes to promote a charge against the person;

- (b) the charge will not allege a breach of faith, ritual or ceremonial; and
 - (c) the relates to an offence that is punishable by imprisonment for twelve months or upwards of which the person has been charged or convicted or in respect of which the bishop has received a report from a lay person qualified to be a member of the Appellate Tribunal stating that there is a prima facie case of the person having committed the offence.
- (3) Suspension under subsection (2) must be by written instrument signed by the bishop, served on the person to be suspended, and which states –
- (a) the intention of the bishop or any other authorised person to promote the charge
 - (b) the conduct complained of; and
 - (c) the period of suspension.

The period of suspension may not exceed 28 days from the date of service on the person to be suspended. Where –

- (d) a person has been suspended under subsection (2);
 - (e) the period of suspension has elapsed; and
 - (f) a charge has not been promoted during the period of suspension;
- no further suspension is possible under subsection (2) in relation to the conduct specified in the instrument.
- (4) If during the period of suspension referred to in subsection (2) the bishop or other authorised person promotes the charge the suspension of the person shall continue until the first meeting of the diocesan council thereafter.
- (5) The bishop of a diocese may revoke the suspension of a person suspended by him under this section and may do so at any time during the period of suspension.
- (6) Suspension of a person from the duties of office under this section does not deprive that person of the emoluments appertaining to that office.

61A. Where a charge has been promoted against the bishop of a diocese, the President of the Special Tribunal with the concurrence of the Diocesan Council, meeting when the bishop is not present, may, after considering any submission from the bishop, suspend the bishop from the duties of office until the determination of such charge or for some lesser time. If such suspension is made and is from a paid office, or if the person voluntarily stands aside from performing the duties of office, the person shall be deemed to be on paid leave and to be absent from the State or Territory in which the duties of office would otherwise be performed.

...

Chapter XII. - THE OPERATION OF THIS CONSTITUTION

74. (1) In the constitution unless the context or subject matter otherwise indicates –
- “Alteration” includes repeal, and “alter” and “altered” have a meaning corresponding with that of alteration.
- “Australia” includes the Commonwealth of Australia and any Territory under the control of the Commonwealth of Australia whether by trusteeship or otherwise.
- “Canonical fitness” means, as regards a person, that:
- (a) the person has attained at least 30 years of age;
 - (b) the person has been baptised; and
 - (c) the person is in priests’ orders.
- “Canonical Scriptures” means the canonical books as defined by the sixth of the Thirty-nine Articles.

"Ceremonial" includes ceremonial according to the use of this Church, and also the obligation to abide by such use.

"Church trust property" means property held in trust for or on behalf of or for the use of this Church and includes property held for the benefit of or in connection with any diocese or parish or otherwise.

"Diocesan bishop" means the bishop of a diocese.

"Diocesan council" in a diocese where there is a synod means the body exercising powers and functions of the synod on its behalf when it is not in session.

"Diocesan synod" and "synod of a diocese" include a diocesan council where there is no diocesan synod.

"Diocese" means a diocese of this Church.

"Doctrine" means the teaching of this Church on any question of faith.

"Faith" includes the obligation to hold the faith.

"General Synod" or "Synod" means the General Synod under this Constitution.

"Incumbent" includes the minister in charge of a parish, a parochial district or similar pastoral division.

"Licence" means a licence under seal of the bishop of a diocese, and "licensed" has a meaning corresponding with that of licence.

"Member of this Church" means a baptised person who attends the public worship of this Church and who declares that he is a member of this Church and of no church which is not in communion with this Church.

"Metropolitan" includes the bishop exercising the authorities powers rights and duties of the metropolitan.

"Month" means a calendar month, that is, a period commencing at the beginning of a day of one of the twelve months of the year and ending immediately before the beginning of the corresponding day of the next month or, if there is no such corresponding day, ending at the expiration of the next month.

"Ordinance" includes any act canon constitution statute legislative measure or provision of a provincial or diocesan synod or of the competent authority in or with respect to a missionary diocese.

"Parish" includes any parochial district or similar pastoral division constituted by or under ordinance of the synod of a diocese.

"Parishioner" means a member of this Church who is entitled to vote at a meeting of a parish for the election of churchwardens, or who if no such meeting is provided for is at least eighteen years of age.

"Primate" includes the metropolitan or bishop exercising the authorities powers rights and duties of the Primate.

"Printing" shall include typing, duplicating or any other method of producing facsimile copies.

"Provincial synod" includes a provincial council.

"Ritual" includes rites according to the use of this Church, and also the obligation to abide by such use.

"See" means a see of this Church.

"State" means a State of the Commonwealth of Australia.

"This Church" means the Anglican Church of Australia.

"This Constitution" or "the Constitution" means the Constitution of this Church.

"Voting by houses" means the procedure whereby three distinct votes are taken, that is to say, a vote of the House of Laity, a vote of the House of Clergy, and a vote of the House of Bishops.



General Synod – Episcopal Standards (Child Protection) Canon 2017 Adopting Ordinance 2017

(Reprinted under the *Interpretation Ordinance 1985*.)

The General Synod – Episcopal Standards (Child Protection) Canon 2017 Adopting Ordinance 2017 amended by the General Synod – Episcopal Standards (Child Protection) (Amendment) Canon 2022 Adopting Ordinance 2022.

Table of Provisions

Clause	
1Name
2Adoption of Canon No 13, 1998
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Long Title

An Ordinance to adopt Canon No 5, 2017 of the General Synod of the Anglican Church of Australia.

The Synod of the Diocese of Sydney ordains as follows.

1. Name

This Ordinance is the *General Synod – Episcopal Standards (Child Protection) Canon 2017 Adopting Ordinance 2017*.

2. Adoption of Canon No 5, 2017

The Synod adopts Canon No 5, 2017 of the General Synod of the Anglican Church of Australia, the text of which is set out in the Schedule.

Schedule

The General Synod prescribes as follows:

Title

1 This Canon is the Episcopal Standards (Child Protection) Canon 2017.

Definitions

- 2 (1) In this Canon, unless the context otherwise requires:
- assistant to the Primate** means any bishop assistant to the Primate in the Primate's capacity as Primate;
 - Bishop** means a bishop who is or was a member of the House of Bishops or an assistant to the Primate;
 - child** has the same meaning as in the National Register Canon 2007;
 - child abuse** has the same meaning as in the National Register Canon 2007;
 - complying ordinance** means an ordinance of a diocese relating to episcopal standards or professional standards in which examinable conduct or misconduct which may give rise to a question of fitness to be determined by the board constituted under that ordinance is defined as including examinable conduct as defined in this canon and which applies to a Bishop;
 - examinable conduct** means:
 - (a) in relation to a Bishop who is a member of the House of Bishops or assistant to the Primate, any conduct or omission, other than exempt conduct, involving:
 - (i) child abuse; or
 - (ii) conduct that impedes or undermines a professional standards process; or

- (iii) the failure without reasonable excuse to perform a function under a professional standards process; or
- (iv) the failure without reasonable excuse to comply with the laws of the Commonwealth, a State or Territory requiring the reporting of child abuse to the police or other authority;

wherever or whenever occurring, and the subject of information which, if established, might call into question the fitness of the Bishop to hold office or to remain in Holy Orders, but excludes any breach of faith, ritual or ceremonial;

- (b) in relation to a Bishop who was a member of the House of Bishops or an assistant to the Primate, any conduct or omission involving:
 - (i) child abuse; or
 - (ii) conduct that impedes or undermines a professional standards process; or
 - (iii) the failure without reasonable excuse to perform a function under a professional standards process; or
 - (iv) the failure without reasonable excuse to comply with the laws of the Commonwealth, a State or Territory requiring the reporting of child abuse to the police or other authority;

occurring while a member of the House of Bishops or assistant to the Primate whether before or after the commencement of this canon, and the subject of information which, if established, might call into question the fitness of the Bishop to hold office or to remain in Holy Orders, but excludes any breach of faith, ritual or ceremonial;

exempt conduct means any conduct or omission which would be examinable conduct, had not the Bishop disclosed the material facts of such conduct to the ordaining bishop prior to the Bishop's ordination as a deacon;

former Bishop means a Bishop whose conduct falls within paragraph (b) of the definition of examinable conduct;

professional standards process means a process for determining the fitness for office of clergy or lay persons under any canon of the General Synod or diocesan ordinance or a process under Chapter IX of the Constitution, where the conduct that is the subject of the process relates to child abuse;

relevant diocesan bishop in relation to a former Bishop means the bishop of the diocese in which the former Bishop is licensed or resides.

(2) Where there is examinable conduct in relation to a former Bishop, the examinable conduct extends to any other conduct or omission of the former Bishop that falls within subparagraphs (i) to (iv) of paragraph (b) of the definition of examinable conduct (other than exempt conduct), but occurring before or after any period in which the Bishop was a member of the House of Bishops or an assistant to the Primate, and is the subject of information that, if established, together with the relevant conduct or omission occurring while a member of the House of Bishops or assistant to the Primate, might call into question the fitness of the Bishop to hold office or to remain in Holy Orders (but excluding any breach of faith, ritual or ceremonial).

Application of specified provisions of the Episcopal Standards Canon 2007

3 (1) The following provisions of the Episcopal Standards Canon 2007 are incorporated in this canon as if they were set out in full in this Canon and were limited to examinable conduct as defined in this Canon:

- (a) section 2 other than the definitions of "Bishop" and "examinable conduct"; and with the following amendments to the definition of "relevant Metropolitan":
 - (i) substitute for paragraph (b) "in relation to any other member of the House of Bishops or an assistant to the Primate, the Primate;"
 - (ii) insert paragraph (c) after paragraph (b):
 - "(c) in relation to a former Bishop:
 - (i) the Metropolitan of the Province in which the Bishop is licensed or resides; or
 - (ii) if the Bishop is licensed or resides in an extra-provincial diocese, the Primate."
- (b) Parts 2 to 7 and 9 modified as follows:

- (i) substitute “;” for “.” at the end of paragraph (k) of section 7 and insert after paragraph (k):
 - “(l) to have carriage under this Canon of the referral of a question to the Board from an equivalent body to the ESC under a complying ordinance.”
- (ii) delete paragraph (d) of section 16 and section 51(2);
- (iii) insert after “section 16” in section 19(1) “or pursuant to a corresponding provision of a complying ordinance”;
- (iv) insert subsection (3) after subsection (2) of section 19:
 - “(3) Where there is a referral of a question to the Board from an equivalent body to the ESC under a complying ordinance, if the equivalent body would have, but for this Canon, referred at the same time other complaints against the Bishop to the board constituted under the complying ordinance in respect of conduct that does not fall within examinable conduct as defined in this Canon which might call into question the fitness of the Bishop to hold office or to remain in Holy Orders, the equivalent body may refer to the Board, and the Board may determine, the question arising from the conduct other than the examinable conduct in conjunction with the question arising from the examinable conduct.”
- (v) substitute “;” for “.” at the end of paragraph (k) of section 49 and insert after paragraph (k):
 - “(l) determine that the Bishop be prohibited, either temporarily or permanently, from functioning as a bishop or as a bishop and priest; or
 - (m) determine the Bishop be deposed from the exercise of Holy Orders.”
- (vi) delete “and” at the end of paragraph (d) of section 50 and insert after paragraph (d):
 - “(e) to the ESC;
 - (f) where appropriate, to any relevant complainant;
 - (g) in the case of a former Bishop, to the relevant diocesan bishop; and”
- (vii) insert section 50A after section 50:
 - “50A The relevant Metropolitan and, where applicable, the relevant diocesan bishop, is authorised and must give effect to the determination of the Board.”
- (c) Part 8 modified as follows:
 - (i) delete the definitions of “Review Tribunal”; “the appropriate state professional body” and “the relevant Chancellor” in section 52;
 - (ii) insert the following definition in section 52:
 - “**Review Board** means the Episcopal Standards Review Board constituted for the purposes of this Part.”
 - (iii) delete sections 53, 55, 63 and 66;
 - (iv) delete section 54 and substitute:
 - “54 A Bishop or the ESC, if aggrieved by a reviewable decision, may appeal by notice to the General Secretary.”
 - (v) insert a new section 55:
 - “55(1) The Review Board will be constituted from the members of the panel referred to in section 20 and the members of the panel to be convened for an appeal to the Review Board will be determined by whichever of the President or the Deputy President was not a member of the Board which made the determination that is the subject of the appeal, as soon as possible after the appeal is notified to the President or Deputy President.

(2) For the purpose of an appeal, the Review Board shall consist of the President or Deputy President, who shall be the presiding member, and an equal number not exceeding two from the episcopal members and two from the other members of the panel who were not members of the Board which made the determination that is the subject of the appeal.

(3) Subsections (3) to (5) of section 23, subsection (1) of section 24, sections 25 to 27, 29 and 31 to 33, subsections (2) and (3) of section 36, and sections 41(1), 42, 45 and 46 apply to an appeal to the Review Board, as if the reference to the Board is a reference to the Review Board.”

- (vi) substitute “appeal” for “application to review” in sections 56 to 58 and 65 and for “review” in paragraph (b) of section 61 and in section 64;
- (vii) substitute “notice of appeal” for “application” in paragraph (a) of section 58 and for “application for review” in section 61;
- (viii) delete section 59 and substitute:

“59 If the Review Board on appeal confirms, varies or makes another determination in substitution for a reviewable decision, the Review Board must cause the details of the confirmed, varied or substituted determination to be forwarded to the General Secretary and the persons referred to in section 50 and the General Secretary shall cause relevant details to be forwarded for entry into the national register.”
- (ix) substitute “the Review Board” for “the Review Tribunal”, “a Review Tribunal”, or “the Tribunal” wherever occurring;
- (x) delete the first sentence in section 61 and substitute:

“An appeal against the reviewable decision must be made within 28 days of a copy of the Board’s determination under section 50 being provided to the Bishop and the ESC.”
- (xi) insert “General Secretary” for “Director” in paragraph (a) of section 61 and in section 62;
- (xii) in section 65, insert “and making another determination in substitution for it” at the end of paragraph (a), omit paragraphs (c) and (d), and insert “or varying” after “confirming” in paragraph (e);
- (xiii) delete section 67 and substitute:

“67 The appeal shall be by way of rehearing.”

(2) The Episcopal Standards Board established by Part 6 of the Episcopal Standards Canon 2007 is the Episcopal Standards Board for the purpose of this Canon.

Coming into force by adoption

4 The provisions of this Canon affect the order and good government of this Church within a diocese and do not come into force in a diocese unless and until the diocese adopts this canon by ordinance of the synod of the diocese.

Notes

1. The text of the Episcopal Standards (Child Protection) Canon 2017 incorporating in full the provisions of the Episcopal Standards Canon 2007 as incorporated and modified for the purpose of examinable conduct as defined in the Episcopal Standards (Child Protection) Canon 2017 is set out in the Appendix.

Table of Amendments

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EPISCOPAL STANDARDS (CHILD PROTECTION) CANON 2017

Incorporating in full the provisions of the Episcopal Standards Canon 2007 as incorporated and modified for the purpose of examinable conduct as defined in the Episcopal Standards (Child Protection) Canon 2017

The General Synod prescribes as follows:

PART 1

Title

- 1 This Canon is the Episcopal Standards (Child Protection) Canon 2017.

Definitions

- 2 (1) In this Canon, unless the context otherwise requires:
- Administrator** means the person who would, in the absence or incapacity of a Bishop, be the administrator of a diocese;
- assistant to the Primate** means any bishop assistant to the Primate in the Primate's capacity as Primate;
- Bishop** means a bishop who is or was a member of the House of Bishops or an assistant to the Primate;
- bishop** means a person in bishop's orders;
- Board** means the Episcopal Standards Board established under Part 6;
- child** has the same meaning as in the National Register Canon 2007;
- child abuse** has the same meaning as in the National Register Canon 2007;
- Church** means the Anglican Church of Australia;
- Church body** includes the Primate, the General Synod, a diocese, diocesan synod, diocesan council, diocesan trustee or trust corporation or other body responsible for administering the affairs of a diocese, or an institution or agency of this Church or of a diocese;
- Code of Conduct** means a code of conduct approved from time to time under Part 2;
- complying ordinance** means an ordinance of a diocese relating to episcopal standards or professional standards in which examinable conduct or misconduct which may give rise to a question of fitness to be determined by the board constituted under that ordinance is defined as including examinable conduct as defined in this canon and which applies to a Bishop;
- Director** means the Director of the ESC appointed under the Special Tribunal Canon 2007;
- Episcopal Standards Commission** or **ESC** means the Episcopal Standards Commission appointed under the Special Tribunal Canon 2007;
- examinable conduct** means:
- (a) in relation to a Bishop who is a member of the House of Bishops or assistant to the Primate, any conduct or omission, other than exempt conduct, involving:
- (i) child abuse, or
 - (ii) conduct that impedes or undermines a professional standards process; or
 - (iii) the failure without reasonable excuse to perform a function under a professional standards process; or
 - (iv) the failure without reasonable excuse to comply with the laws of the Commonwealth, a State or Territory requiring the reporting of child abuse to the police or other authority;
- wherever or whenever occurring, and the subject of information which, if established, might call into question the fitness of the Bishop to hold office or to remain in Holy Orders, but excludes any breach of faith, ritual or ceremonial;

- (b) in relation to a Bishop who was a member of the House of Bishops or an assistant to the Primate, any conduct or omission involving:
- (i) child abuse; or
 - (ii) conduct that impedes or undermines a professional standards process; or
 - (iii) the failure without reasonable excuse to perform a function under a professional standards process; or
 - (iv) the failure without reasonable excuse to comply with the laws of the Commonwealth, a State or Territory requiring the reporting of child abuse to the police or other authority;

occurring while a member of the House of Bishops or assistant to the Primate whether before or after the commencement of this canon, and the subject of information which, if established, might call into question the fitness of the Bishop to hold office or to remain in Holy Orders, but excludes any breach of faith, ritual or ceremonial;

exempt conduct means any conduct or omission which would be examinable conduct, had not the Bishop disclosed the material facts of such conduct to the ordaining bishop prior to the Bishop's ordination as a deacon;

former Bishop means a Bishop whose conduct falls within paragraph (b) of the definition of examinable conduct;

information means information of whatever nature and from whatever source relating to the alleged misconduct or omission of a Bishop wherever or whenever occurring;

national register means a national register established pursuant to a Canon of General Synod for a purpose which includes the recording of determinations of the Board;

professional standards process means a process for determining the fitness for office of clergy or lay persons under any canon of the General Synod or diocesan ordinance or a process under Chapter IX of the Constitution, where the conduct that is the subject of the process relates to child abuse;

protocol means the protocol approved from time to time by the Standing Committee under Part 3;

relevant diocesan bishop in relation to a former Bishop means the bishop of the diocese in which the former Bishop is licensed or resides.

relevant Metropolitan, means:

- (a) in relation to the bishop of a diocese:
- (i) unless paragraph (iii) or (iv) applies, the Metropolitan of the Province in which the diocese is situated; or
 - (ii) if the diocese is an extra-provincial diocese, the Primate; or
 - (iii) if the bishop is the Metropolitan but not the Primate, the Primate; or
 - (iv) if the bishop is the Primate, the person who, at the relevant time, is the next most senior Metropolitan who is available, seniority being determined by the date of consecration; and
- (b) in relation to any other member of the House of Bishops or an assistant to the Primate, the Primate;
- (c) in relation to a former Bishop:
- (i) the Metropolitan of the Province in which the Bishop is licensed or resides; or
 - (ii) if the Bishop is licensed or resides in an extra provincial diocese, the Primate.

respondent means a Bishop whose alleged conduct or omission is the subject of information;

Standing Committee means the Standing Committee of General Synod;

Tribunal means the Special Tribunal.

- (2) Where there is examinable conduct in relation to a former Bishop, the examinable conduct extends to any other conduct or omission of the former Bishop that falls within subparagraphs (i) to (iv) of paragraph (b) of the definition of examinable conduct (other than exempt conduct), but occurring before or after any period in which the Bishop was a member of the House of Bishops or an assistant to the Primate, and is the subject of information that, if established, together with the relevant conduct or omission occurring while a member of the House of Bishops or assistant to the Primate, might call into question

the fitness of the Bishop to hold office or to remain in Holy Orders (but excluding any breach of faith, ritual or ceremonial).

PART 2 – CODE OF CONDUCT

- 3 The General Synod or the Standing Committee shall from time to time by resolution approve a Code of Conduct for observance by Bishops, which does not make provision for any matter concerning faith, ritual or ceremonial, provided that any changes to the Code of Conduct made by the Standing Committee shall be referred to the next session of General Synod for ratification.
- 4 The Standing Committee through the ESC and by such other means as may be considered appropriate shall take such steps as may be necessary or desirable to promote the knowledge, understanding and observance in this Church of the Code of Conduct. A code of conduct must not make provision for any matter concerning faith, ritual or ceremonial.

PART 3 – THE PROTOCOL

- 5 (1) The Standing Committee shall from time to time consider and approve a protocol for implementation in relation to information.
(2) The protocol must include:
 - (a) procedures for receiving information;
 - (b) provision for informing complainants and victims of alleged conduct the subject of information, and respondents, of rights, remedies and relevant procedures available to them;
 - (c) provision for assisting or supporting, as appropriate, all persons affected by alleged conduct the subject of information;
 - (d) an explanation of the processes for investigating and dealing with information;
 - (e) provisions for dealing fairly with respondents;
 - (f) processes for referral to mediation and conciliation in appropriate circumstances;
 - (g) provisions for information, reports, advice and recommendations to the Primate, the relevant Metropolitan and to the relevant Administrator at each stage of the process of dealing with information;
 - (h) procedures for working, where appropriate, with law enforcement, prosecution or child protection authorities of the States and Territories and of the Commonwealth of Australia.
- 6 The Standing Committee through the ESC and by such other means as it may consider appropriate shall take such steps as may be necessary or desirable to promote throughout the Church a knowledge and understanding of the protocol.

PART 4 – THE EPISCOPAL STANDARDS COMMISSION

- 7 (1) In addition to the powers conferred on it by the Special Tribunal Canon 2007 and subject to the provisions of this Canon the ESC has the following powers and duties:
 - (a) to implement the protocol to the extent that the protocol is not inconsistent with this Canon;
 - (b) to receive information;
 - (c) to act on information in accordance with the provisions of this Canon, and the protocol to the extent that it is not inconsistent with this Canon;
 - (d) to appoint suitable persons to fulfil the several roles required to implement the protocol in each particular case;
 - (e) where appropriate, to arrange for the conciliation or mediation of any complaint the subject of information;
 - (f) to investigate information in a timely and appropriate manner;
 - (g) where appropriate, to recommend to the Standing Committee any changes to the protocol;
 - (h) subject to any limit imposed by the Standing Committee to authorise such expenditure on behalf of the General Synod as may be necessary or appropriate to implement, in a particular case, the protocol and the provisions of this Canon;

- (i) to advise any relevant Church body as to the financial, pastoral or other needs of a person affected by conduct the subject of information and as to any possible or actual legal proceedings against such Church body arising out of the alleged conduct of a bishop;
 - (j) to refer any information in its possession to a member of a law enforcement, prosecution or child protection authority of a State or Territory or of the Commonwealth of Australia to which the information is or may be relevant;
 - (k) to maintain proper records of all information received and of action taken in relation to such information;
 - (l) to have carriage under this Canon of the referral of a question to the Board from an equivalent body to the ESC under a complying ordinance.
- (2) The Director may receive information on behalf of the ESC and shall carry out such functions under this Canon as the ESC may determine.
- 8 (1) In the exercise of its powers and duties under this Canon the provisions of sections 8, 9 and 10 of the Special Tribunal Canon 2007 shall apply to the ESC as if reference therein to the Tribunal were a reference to the Board and reference to a complaint were a reference to information.
- (2) Subject to subsection (3), the ESC may delegate, upon such terms and conditions as the ESC may approve, any of its powers or functions under this Canon to any person.
- (3) The ESC cannot delegate:
- (a) its powers under subsection (2);
 - (b) its powers under section 13; or
 - (c) its powers under section 16.
- (4) A delegation under this section must be made by instrument in writing signed by a member of the ESC.

PART 5 – EXAMINABLE CONDUCT

- 9 Subject to this Canon, where the ESC considers that the subject matter of information constitutes examinable conduct it shall investigate the information.
- 10 The ESC may decide not to investigate the information or may refrain from further investigation of the information if:
- (a) in its opinion, the allegations the subject of the information are vexatious or misconceived, or their subject matter is trivial;
 - (b) the subject matter is under investigation by some other competent person or body or is the subject of legal proceedings;
 - (c) the person making allegations of examinable conduct or a person affected by the conduct the subject of the information has failed, when requested by the ESC, to provide further particulars or to verify the allegations by statutory declaration; or
 - (d) in its opinion there is insufficient reliable evidence to warrant an investigation or further investigation.
- 11 For the purpose of an investigation the ESC or an investigator shall obtain such statutory declarations, written statements, recorded conversations, reports, documents and other material as the ESC or its delegate considers necessary or desirable.
- 12 (1) The ESC may by notice in writing to a respondent require the respondent to provide a detailed report to the ESC within the time specified in the notice in relation to any matter relevant to the investigation.
- (2) It is the obligation of a respondent:
- (a) not to mislead the ESC or a member or delegate of the ESC;
 - (b) not unreasonably to delay or obstruct the ESC or a member or delegate of the ESC in the exercise of powers conferred by this Canon.
- (3) If a respondent declines to answer a question on the ground that the answer might tend to incriminate the person a written record shall be made of the question and of the ground of refusal.

- 13 (1) Subject to section 14A, where at any time after the ESC has commenced or caused to be commenced an investigation of information under this Part it considers that action may be taken under paragraph (b) or (c) of section 16, it may recommend to the Diocesan Council or, in the case of a Bishop who is not a diocesan bishop, to the Primate, that the Bishop be suspended from the duties of office.
- (2) If the Diocesan Council, meeting when the Bishop is not present, or the Primate, as the case may be, concurs in the recommendation, the President of the Board, after considering any submission from the Bishop, may suspend the Bishop from the duties of office.
- (3) The meeting of the Diocesan Council referred to in sub-section (2) shall be chaired by a Diocesan Bishop appointed by the Primate with the concurrence of a majority of the Metropolitans. The Diocesan Bishop so appointed shall not have a vote at the meeting.
- (4) Where an investigation has been commenced against the Primate under this part, the powers and functions of the Primate under sub-section (3) shall be exercised by the person who would exercise the authorities, powers, rights and duties of the Primate if there were a vacancy in the office.
- (5) For the purposes of this section a reference to the Metropolitans excludes a Metropolitan who at the time is the subject of an investigation under this part.
- 14 Before suspending a Bishop from the duties of office the President of the Board shall take into account:
- (a) the seriousness of the conduct alleged in the information;
- (b) the nature of the material to support or negate the allegations;
- (c) whether any person is at risk of harm;
- (d) after consultation with the relevant Diocesan Council or its representative, the effect on the respondent, a relevant Church body and on the Church in the diocese of acting and of not acting under section 13; and
- (e) any other allegation of similar examinable conduct previously made to the ESC or to an equivalent body within the previous ten years;
- and may take into account any other relevant matter.
- 14A This section applies if, at any time after it has commenced or caused to be commenced under this or any other Canon an investigation of a complaint, the ESC forms the opinion that –
- (a) the complaint involves a sexual offence relating to a child by a person who is a Bishop; and
- (b) the complaint is plausible.
- 14B (1) If section 14A applies, the ESC must recommend to the President of the Board that the person be suspended from the duties of office.
- (2) Where the ESC makes a recommendation under sub-section (1), the President of the Tribunal must suspend the person from the duties of office.
- (3) A person suspended under sub-section (2) from the duties of a paid office, or a person to whom section 14A applies who voluntarily stands aside from performing the duties of office, is deemed to be on paid leave and to be absent from the State or Territory in which the duties of office would otherwise be performed.
- 14C (1) A person suspended from the duties of office under section 14B(2) remains suspended until –
- (a) the ESC decides to refrain from further investigation under one or both of –
- (i) paragraphs (a), (b) or (c) of section 19 of the Special Tribunal Canon 2007; or
- (ii) paragraphs (a), (b) or (c) of section 10 of this Canon—
- and there are no other investigations in relation to that person to which section 14A applies; or
- (b) the conclusion of an investigation or legal proceedings referred to in section 19(b) of the Special Tribunal Canon 2007 or section 10(b) of this Canon when there are no other investigations to which 14A applies; or
- (c) the person has been deposed from Holy Orders, prohibited from functioning in an order of ministry, or relinquished the exercise of some or all Holy Orders under the Constitution or a canon of the General Synod; or

- (d) the ESC brings a charge of a sexual offence relating to a child against the person – whichever occurs first.
- 15 (1) A suspension under sections 13 or 14A or a voluntary standing down from office by the Bishop as a result of an investigation by the ESC:
- (a) has effect as an absence of the Bishop from the see or from office as the case may require; and
- (b) continues until it ceases to have effect by reason of:
- (i) the ESC terminating the investigation without taking action under section 16;
- (ii) a determination to that effect by the Board or the Tribunal as the case may be; or
- (iii) the see or the office becoming vacant (whether or not under this Canon); whichever first occurs.
- (2) During any such suspension or voluntary standing down the Bishop is entitled to receive whatever stipend, allowances and other benefits that would otherwise have accrued and which are to be met or reimbursed by the body normally responsible for their payment.
- 16 At any time after the commencement of an investigation under this Part the ESC may:
- (a) if it considers on reasonable grounds that the Bishop may be incapable, report the matter in writing to the relevant Metropolitan, and such report shall be a report for the purposes of section 4 of the Bishop (Incapacity) Canon 1995 as if it were made by three members of the synod of a diocese pursuant to that section; refer to the Board the fitness of the Bishop, whether temporarily or permanently, to hold office or to remain in Holy Orders;
- (b) whether or not the information the subject of the investigation is also the subject of a complaint under the Special Tribunal Canon 2007, institute, amend or withdraw proceedings by way of charge against the Bishop before the Tribunal.
- 17 (1) The fact that the subject matter of a complaint or dispute concerning examinable conduct may be settled or resolved in whole or in part between the parties affected thereby does not prevent the ESC from taking any of the steps referred to in section 16 in respect of the subject matter of the complaint or dispute.
- (2) Any term of settlement or resolution referred to in sub-section (1) which purports to prevent or to limit the institution of such proceedings shall be of no effect.
- (3) A matter shall not be referred to the Board, a reference to the Board shall not continue and proceedings shall not be instituted or maintained in the Special Tribunal where the bishop concerned has relinquished or has been deposed from Holy Orders in accordance with the Holy Orders Relinquishment and Deposition Canon 2004.

PART 6 – EPISCOPAL STANDARDS BOARD

- 18¹ There shall be an Episcopal Standards Board constituted and appointed in accordance with the provisions of this Part.
- 19 (1) Subject to the provisions of this Canon the function of the Board is to inquire into and determine a question referred to it pursuant to section 16 or pursuant to a corresponding provision of a complying ordinance, to make a determination referred to in section 49 and where appropriate to make a recommendation in accordance with the provisions of this Canon.
- (2) Subject to section 17(3) the Board may make a determination and recommendation referred to in sub-section (1) notwithstanding that the bishop whose conduct is the subject of the reference has ceased, after the reference, to be a Bishop.
- (3) Where there is a referral of a question to the Board from an equivalent body to the ESC under a complying ordinance, if the equivalent body would have, but for this Canon, referred at the same time other complaints against the Bishop to the board constituted under the complying ordinance in respect of conduct that does not fall within examinable conduct as defined in this Canon which might call into question the fitness of the Bishop to hold office or to remain in Holy Orders, the equivalent body may refer to the Board, and the Board may

¹ The Episcopal Standards Board established by Part 6 of the Episcopal Standards Canon 2007 is the Episcopal Standards Board for the purpose of this Canon.

- determine, the question arising from the conduct other than the examinable conduct in conjunction with the question arising from the examinable conduct.
- 20 (1) The members of the Board in a particular case shall be appointed from a panel comprising:
- (a) a President and a Deputy President, both of whom shall be persons who are eligible for appointment as lay members of the Appellate Tribunal;
 - (b) five persons in bishop's orders; and
 - (c) five persons who are members of the Church not in bishop's orders.
- (2) A person who is a member of the panel from whom the members of the Tribunal may be appointed is eligible for appointment to the panel.
- 21 The members of the panel shall be appointed by the Standing Committee and shall hold office in accordance with a resolution of the Standing Committee.
- 22 Any vacancy in the membership of the panel shall be filled by or in accordance with a resolution of the Standing Committee.
- 23 (1) The members of the panel to be convened for any reference to the Board shall be determined by the President or, if there is a vacancy in the office of President, by the Deputy President.
- (2) For the purpose of any reference to the Board, the Board shall consist of the President or Deputy President, who shall be the presiding member, and an equal number not exceeding two of the episcopal and other members of the panel.
- (3) Where possible, the Board shall include at least one man and at least one woman.
- (4) Where, in the opinion of the President or, if there is a vacancy in the office of the President, in the opinion of the Deputy President a member of the panel has a personal interest in a matter before the Board the member shall be disqualified from participating in the reference.
- (5) For the purposes of this section a vacancy in the office of President includes a situation in which the President is not able to act because of a personal interest in a matter, illness or absence from Australia.
- 24 (1) The Rules of the Board made under this Part may provide that, in relation to the exercise of specified functions, or in relation to matters of a specified class, the Board may, at the direction of the presiding member, be constituted by a single member sitting alone.
- (2) The Board, if constituted by a single member sitting alone, cannot make a determination under section 49.
- 25 If a member of the Board, other than the presiding member, dies or is for any other reason unable to continue with any matter referred to the Board, the Board constituted of the presiding member and the other member or members may, if the presiding member so determines, continue and complete the reference.
- 26 The Board, separately constituted in accordance with this Part, may sit simultaneously for the purpose of matters referred to it or for conducting separate business of the Board.
- 27 An act or proceeding of the Board is not invalid by reason only of a vacancy in its membership or of the membership of the panel and, notwithstanding the subsequent discovery of a defect in the nomination or appointment of members of the panel or the Board, any such act or proceeding is as valid and effectual as if the member had been duly nominated or appointed.
- 28 There shall be a Secretary to the Board who shall be appointed by or in accordance with a resolution of the Standing Committee, and whose duties shall be defined by the President.
- 29 (1) In any proceedings of the Board where the Board is constituted by two or more members:
- (a) any question of law or procedure will be determined by the presiding member; and
 - (b) any other question will be determined by majority decision of the members, and in the case of an equality of votes the opinion of the presiding member shall prevail.
- (2) Where the Board is constituted by a member sitting alone who is not the President or the Deputy President, any question of law that arises must be referred to the President or Deputy President for decision and any decision made on such a reference is a decision of the Board.

- (3) The Board must act with fairness and according to equity, good conscience and the substantial merits of the case without regard to technicalities or legal forms and is not bound by the rules of evidence but may inform itself on any matter in such manner as it thinks fit.
- (4) Without limiting the meaning and effect of sub-section (3), the Board may receive evidence of a witness in the form of an affidavit, statutory declaration or a signed statement without the need for the personal attendance of the witness, and may also use electronic means such as video link or conference telephone to receive evidence and submissions, but must permit the respondent and his representative (if any) opportunity to adequately cross-examine each witness.
- (5) The Board may inform itself from the record of any court or tribunal and may adopt any findings, and accept as its own, the record of any court or tribunal.
- 30 The Board may, for the purpose of any particular reference and at the cost of the General Synod, appoint such person or persons, including the Director, to assist it in inquiring into (but not determining) that reference as the Board thinks fit.
- 31 The Board must give reasons for any determination, other than by way of directions in the course of an inquiry, unless the determination is made by consent of the respondent.
- 32 (1) The Board has no power to award costs of any proceedings before it.
- (2) A bishop in relation to whom a question is the subject of a reference to the Board may apply to the Standing Committee for the provision of legal assistance.
- (3) The Standing Committee may grant legal assistance to a bishop on such terms and subject to such conditions as it shall determine.
- 33 (1) The President may make Rules of the Board reasonably required by or pursuant to this Canon and in relation to the practice and procedure of the Board.
- (2) Subject to this Canon and the relevant Rules, the practice and procedure of the Board will be as directed by the presiding member of the Board.

PART 7 – REFERENCE OF MATTERS TO THE EPISCOPAL STANDARDS BOARD

- 34 A question shall be referred to the Board by delivering to the Secretary of the Board a written report of the investigation of the ESC signed by a member of the ESC.
- 35 The Board shall not, in the course of inquiring into any question:
- (a) inquire into any matter which is or has been the subject of any formal investigation or enquiry conducted;
- (i) under or pursuant to any provision of the Constitution; or
- (ii) under or pursuant to a Canon of the General Synod or an Ordinance of a diocese relating to the discipline of clergy or Church workers by a board of enquiry, tribunal or other body;
- but may take into account the finding of any such formal investigation or enquiry;
- (b) inquire into, make any findings in relation to or take into account any alleged breach of:
- (i) faith of the Church, including the obligation to hold the faith;
- (ii) ritual of the Church, including the rites according to the use of the Church and the obligation to abide by such use; or
- (iii) ceremonial of the Church, including ceremonial according to the use of the Church and the obligation to abide by such use.
- 36 (1) Upon delivery of the report to the Secretary of the Board, the President or Deputy President as the case may be shall as soon as possible determine the membership of the Board for the purpose of the reference.
- (2) The President or Deputy President as the case may require shall thereupon cause to be convened a sitting for the purpose of giving directions.
- (3) A person or body appearing or represented before the Board shall comply with the Rules of the Board and with any directions given by the Board.

- 37 Within 14 days of the date of the reference of a matter to the Board or within 14 days of the date of the document or material coming to existence, whichever is the later, the ESC shall cause to be delivered to the Secretary of the Board any documents and material relevant to the reference.
- 38 The ESC, as soon as practicable after delivering the report referred to in section 34 to the Secretary of the Board, shall cause a signed copy of the report to be delivered to the respondent.
- 39 The Board may at any time and from time to time give directions:
- (a) as to the inspection by and supply of copies to the respondent or any other person of the documents or material relevant to the reference;
 - (b) as to the conduct of its inquiry into the reference.
- 40 The Board may at any time and from time to time give directions to the ESC as to any further inquiries or investigation it requires to be carried out for the purposes of the reference and the ESC shall to the best of its ability cause such directions to be carried out.
- 41 (1) The Board shall deal with any reference as expeditiously as possible.
- (2) The Board may, if it sees fit, proceed with the determination of a reference notwithstanding that there may be mediation or conciliation proceedings relating to the subject matter of the reference being conducted by or at the direction of the ESC and notwithstanding that there may be criminal or other proceedings being taken against the respondent or some other person.
- 42 (1) The place and time of sitting of the Board comprising two or more members shall be as determined by the presiding member.
- (2) The place and time of sitting of the Board comprising one member shall be as determined by that member.
- 43 (1) Subject to sub-section (2), the Board must give the following persons reasonable notice of the time and place of a sitting of the Board:
- (a) the Director; and
 - (b) the respondent; and
 - (c) such other persons as the Board believes have a proper interest in the matter.
- (2) The Board is not obliged to give notice of a sitting to a person whose whereabouts cannot, after reasonable enquiries, be ascertained.
- 44 In any proceedings before the Board:
- (a) the ESC and any person may be represented by a legal practitioner or, with leave of the Board, by any other person;
 - (b) the ESC or its appointed representative shall do all in its power to assist the Board and shall carry out any directions of the Board;
 - (c) the Board:
 - (i) must give the ESC and the respondent a reasonable opportunity to call or give evidence, to examine or cross-examine witnesses and to make submissions to the Board; and
 - (ii) must give any other person to whom notice of the proceedings was given or who satisfies the Board that he or she has a proper interest in the matter a reasonable opportunity to make submissions to the Board.
- 45 (1) Subject to sub-section (2), a sitting of the Board on a reference before the Board is an open sitting.
- (2) On any such sitting before the Board, the Board has an absolute discretion:
- (a) to direct that no person other than:
 - (i) the respondent and any person representing him or her in the proceedings; and
 - (ii) witnesses or persons making submissions (while giving evidence or making those submissions); and
 - (iii) officers of the Board or persons assisting the Board; and
 - (iv) members of or persons appointed by the ESC;be present in the room while the Board is sitting; or to direct that a particular person (other than a person referred to in paragraph (a)) not be present in the room while the Board is sitting.

- 46 The Board may make a determination in any proceedings in the absence of a person affected by the determination if satisfied that reasonable efforts were made to give that person an opportunity to appear.
- 47 (1) The Board may require a respondent to submit within a specified time to a medical, psychiatric or psychological examination by a person approved by the Board the cost of which shall be met from funds under the control of the General Synod.
- (2) A copy of the report of an examination under subsection (1) shall be provided to the respondent and to the Board.
- 48 In making any determination the Board shall take into account:
- (a) the conduct of the bishop as it finds it to have been;
- (b) in the material before the Board, any other fact or circumstance relevant to the determination of the question before it; and
- (c) any failure of the bishop to comply with a provision of this Canon or with a direction of the Board.
- 49 If, after investigating the question referred to it about a bishop, the Board is satisfied that:
- (a) the bishop should be counselled;
- (b) the bishop's continuation in office should be subject to conditions or restrictions;
- (c) the bishop is unfit, whether temporarily or permanently, to hold office; or
- (d) the bishop is unfit to remain in Holy Orders;
- the Board may determine accordingly and may:
- (e) direct that the bishop be counselled;
- (f) direct that the bishop's holding of office shall be subject to such conditions or restrictions as the Board may specify;
- (g) direct that the bishop cease to carry out the duties and functions of his office from such time and for such period determined by the Board;
- (h) direct that the bishop resign from the office, within such time as is specified by the Board;
- (i) direct that the operation of a determination referred to in paragraphs (f) to (h) shall be suspended for such period and upon such conditions as the Board shall specify;
- (j) direct that the bishop relinquish Holy Orders within such time as is specified by the Board;
- (k) give such other direction as the Board sees fit;
- (l) determine that the Bishop be prohibited, either temporarily or permanently, from functioning as a bishop or as a bishop and priest; or
- (m) determine the Bishop be deposed from the exercise of Holy Orders.
- 50 The Board shall cause a copy of each determination and direction to be provided:
- (a) to the Primate;
- (b) to the relevant Metropolitan;
- (c) to the respondent;
- (d) to the relevant administrator;
- (e) to the ESC;
- (f) where appropriate, to any relevant complainant;
- (g) in the case of a former Bishop, to the relevant diocesan bishop; and shall cause relevant details to be forwarded for entry into the national register.
- 50A The relevant Metropolitan and, where applicable, the relevant diocesan bishop, is authorised and must give effect to the determination of the board.
- 51 (1) The bishop shall comply with a direction of the Board.
- (2) [deleted]
- (3) The ESC may institute proceedings forthwith in the Tribunal in respect of an offence against this section or, if the bishop is no longer a Bishop, shall refer the matter, together with such relevant information concerning the alleged offence as may be in its possession, to the bishop of the diocese in which the bishop is then resident.

PART 8 – APPEAL

- 52 In this Part, unless the context otherwise requires
reviewable decision means a recommendation or determination of the Board other than by way of an interlocutory order;
Review Board means the Episcopal Standards Review Board constituted for the purposes of this Part.
- 53 [deleted]
- 54 A Bishop or the ESC, if aggrieved by a reviewable decision, may appeal by notice to the General Secretary.
- 55 (1) The Review Board will be constituted from the members of the panel referred to in section 20 and the members of the panel to be convened for an appeal to the Review Board will be determined by whichever of the President or the Deputy President was not a member of the Board which made the determination that is the subject of the appeal, as soon as possible after the appeal is notified to the President or Deputy President.
- (2) For the purpose of an appeal, the Review Board shall consist of the President or Deputy President, who shall be the presiding member, and an equal number not exceeding two from the episcopal members and two from the other members of the panel who were not members of the Board which made the determination that is the subject of the appeal.
- (3) Subsections (3) to (5) of section 23, subsection (1) of section 24, sections 25 to 27, 29 and 31 to 33, subsections (2) and (3) of section 36, and sections 41(1), 42, 45 and 46 apply to an appeal to the Review Board, as if the reference to the Board is a reference to the Review Board.
- 56 For a reviewable decision, the provisions of section 51 shall not apply until the time for lodging an appeal has passed, and no application has been lodged.
- 57 The making of an appeal acts as a stay of the reviewable decision pending determination by the Review Board.
- 58 For a reviewable decision, the Board shall not cause the relevant details to be forwarded for entry into the national register under section 50 until:
- (a) the time for lodging an appeal has passed, and no notice of appeal has been lodged; or
- (b) where an appeal has been heard and determined, the determination has been made.
- 59 If the Review Board on appeal confirms, varies or makes another determination in substitution for a reviewable decision, the Review Board must cause the details of the confirmed, varied or substituted determination to be forwarded to the General Section and the persons referred to in section 50 and the General Secretary shall cause relevant details to be forwarded for entry into the national register.
- 60 If a Review Board's determination refers a matter back to the Board, then the Board must:
- (a) determine to take no further action in respect of the matter; or
- (b) deal with the matter in accordance with Part VII of this Canon, in accordance with such directions or recommendations as the Review Board may make in the Review Board's determination; or
- (c) deal with the matter in accordance with Part VII of this Canon applying such of the provisions of Part VII as, in the discretion of the Board and in accordance with the Review Board's determination, the Board sees fit.
- 61 An appeal against the reviewable decision must be made within 28 days of a copy of the Board's determination under section 50 being provided to the Bishop and the ESC. The notice of appeal must:
- (a) be in writing addressed to the General Secretary; and
- (b) set out the grounds for appeal in the application.
- 62 On receipt of an application for review², the General Secretary must immediately seek the appointment of a Review Board.
- 63 [deleted]

² Consistent with other changes made to this Part, the reference to 'an application for review' should be read as 'a notice of appeal'.

- 64 Unless otherwise specified in this Canon, the manner in which the appeal is to be conducted will be determined by the Review Board.
- 65 On an appeal of a reviewable decision, the Review Board may make all or any of the following determinations:
- (a) a determination quashing or setting aside the reviewable decision and making another determination in substitution for it;
 - (b) a determination referring the matter to which the reviewable decision relates to the Board for further consideration, subject to such directions (including the setting of time limits for the further consideration, and for the steps to be taken in the further consideration) as the Review Board determines;
 - (c) [deleted]
 - (d) [deleted]
- a determination confirming or varying the reviewable decision.
- 66 [deleted]
- 67 The appeal shall be by way of a rehearing.

PART 9 – REGULATIONS

- 68 The Standing Committee may from time to time make, amend or repeal Regulations, not inconsistent with the provisions of this Canon, providing for records arising out of or incidental to the operation of this Canon, and for all or any of the purposes whether general or to meet particular cases, which may be convenient for the administration of this Canon or which may be necessary or expedient to carry out the objects and purposes of this Canon.

Coming into force by adoption

- 69³ The provisions of this Canon affect the order and good government of this Church within a diocese and do not come into force in a diocese unless and until the diocese adopts this canon by ordinance of the synod of the diocese.



³ This was section 4 in the Episcopal Standards (Child Protection) Canon 2017 as passed.

Ministry Standards Ordinance 2017

(Reprinted under the Interpretation Ordinance 1985.)

The Ministry Standards Ordinance 2017 as amended by the Ministry Standards Ordinance 2017 Amendment Ordinance 2018, the Ministry Standards Ordinance 2017 Amendment Ordinance 2019, the Ministry Standards Ordinance 2017 Amendment Ordinance 2022, and the Ministry Standards and Safe Ministry Amendment Ordinance 2022.

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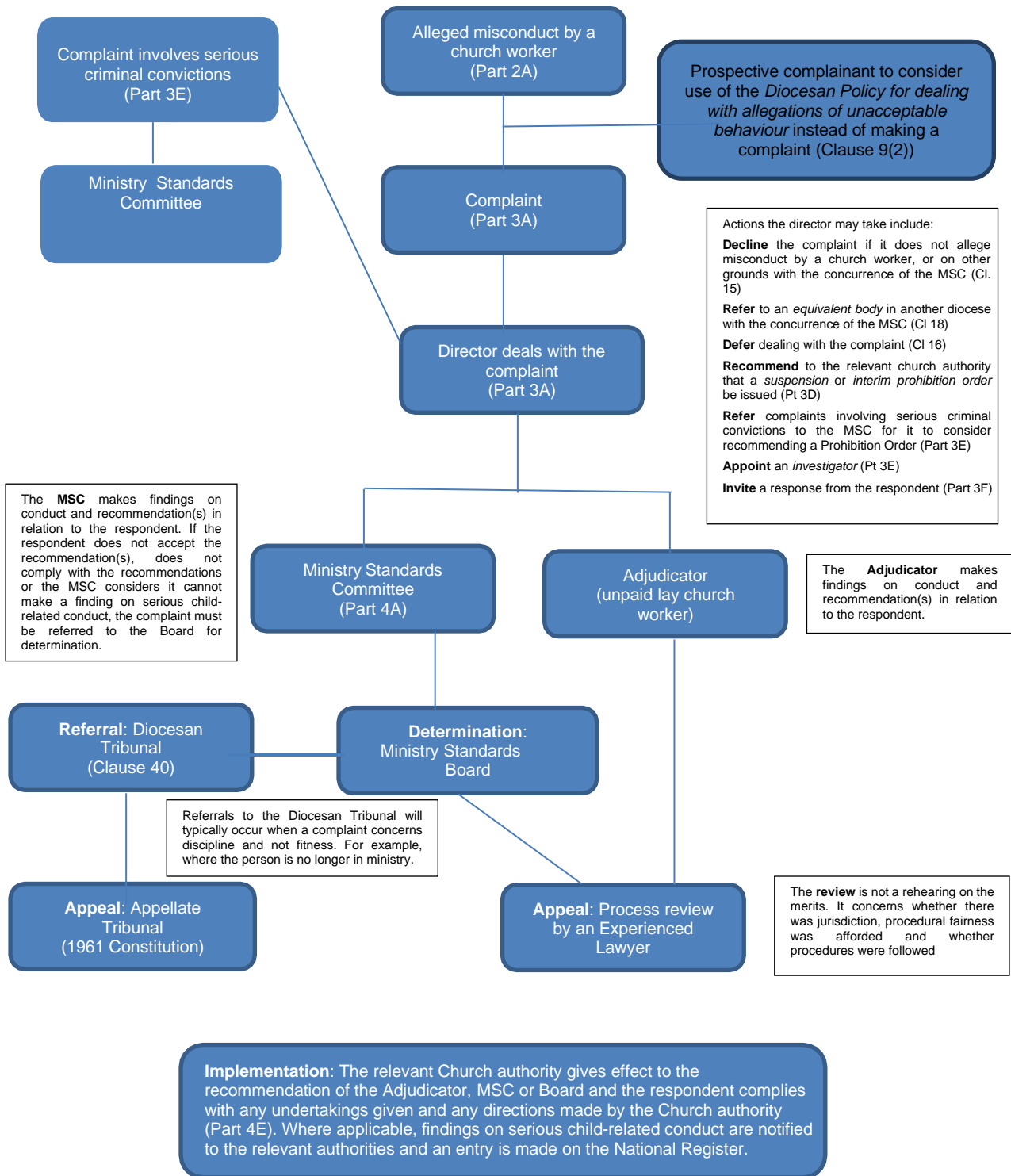
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Diagrammatic Summary of the Complaints Process



Please note: This diagram is indicative only and does not set out all possible actions or steps that may be taken under the Ordinance.

Features of the Complaints Process

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.

Key Feature	Ministry Standards Ordinance 2017	Diocesan policy for dealing with allegations of unacceptable behaviour
What is the aim of the process?	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 and 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 Office of the Director of Safe Ministry. (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) Ministry Standards Committee if its recommendations are accepted and complied with by the church worker, or</p> <p>(b) if not, by the Ministry Standards Board or Diocesan Tribunal.</p> <p>If the church worker is an unpaid</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>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 MSC 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>

Long Title

An Ordinance to make provision with respect to resolving complaints concerning the fitness of church workers.

The Synod of the Diocese of Sydney ordains as follows.

CHAPTER 1 – PRELIMINARY

1. Name

This Ordinance is the *Ministry Standards Ordinance 2017*.

PART 1A – PURPOSE AND APPLICATION

2. Overriding purpose

- (1) The overriding purposes of this Ordinance are:
- (a) to uphold the standards of conduct expected of church workers in the Diocese;
 - (b) to protect the community, including complainants, respondents and Church bodies;
 - (c) to provide a mechanism whereby complaints that church workers are not fit to hold office or ministry can be resolved; and
 - (d) to facilitate the just, timely and efficient resolution of complaints.
- (2) The Director, the MSC, Adjudicators and the Board must each seek to give effect to these overriding purposes when exercising any power given by this Ordinance and when interpreting any provision of this Ordinance.

3. Application

- (1) This Ordinance applies only in respect of alleged misconduct by church workers:
- (a) resident, licensed or authorised in the Diocese, or engaged by a Church authority; or
 - (b) not resident, licensed or authorised in the Diocese nor engaged by a Church authority but whose misconduct is alleged to have occurred in the Diocese or when the church worker was resident, licensed or authorised in the Diocese or was engaged by a Church authority.
- (2) This Ordinance applies to misconduct wherever and whenever it is alleged to have been engaged in by a church worker, including misconduct that is alleged to have occurred before or after the commencement of this Ordinance.

PART 1B - INTERPRETATION

4. Interpretation

- (1) For the purposes of this Ordinance:
- “Adjudicator”** means a person appointed under subclause 28(2) or 28(3);
- “Appellate Tribunal”** means the Appellate Tribunal constituted by and under Chapter IX of the Constitution;
- “Board”** means the Ministry Standards Board established under Part 5C;
- “ceremonial”** has the same meaning as that expression has in the Constitution;
- “Chancellor”** means the person holding office from time to time as Chancellor of the Diocese;
- “child”** means a person under the age of 18 years;
- “child exploitation material”** means material that describes or depicts a person who is or who appears to be a child –
- (i) engaged in sexual activity; or
 - (ii) in a sexual context; or
 - (iii) as the subject of torture, cruelty or abuse (whether or not in a sexual context) in a way that a reasonable person would regard as being, in all the circumstances, offensive;
- “child-related work”** has the same meaning as in the *Child Protection (Working with Children) Act 2012 (NSW)*;
- “Church”** means the Anglican Church of Australia;
- “Church authority”** means the Archbishop or a person or body having administrative authority of or in a Church body to license, appoint, authorise, dismiss or suspend a church worker;
- “Church body”** means –
- (i) a parish, and
 - (ii) any school, body corporate, organisation or association that exercises ministry within, or on behalf of, this Church in this Diocese –

- (A) which is constituted by ordinance or resolution of the Synod,
- (B) in respect of whose organisation or property the Synod may make ordinances, or
- (C) in relation to which the Synod, the Standing Committee, the Archbishop or a body referred to in paragraphs (i) or (ii) elects or appoints a majority of the members of the governing body;

“**church worker**” has the meaning given in Part 2A;

“**Clergy**” means a person in holy orders;

“**Code of Conduct**” means *Faithfulness in Service* and any other code of conduct approved from time to time by the Synod or which operates in the Diocese pursuant to an ordinance of the Synod;

“**complainant**” means a person who makes a complaint;

“**complaint**” means a complaint made in accordance with Part 3A of this Ordinance;

“**Constitution**” means the Constitution of the Anglican Church of Australia;

“**Diocese**” means the Anglican Church of Australia in the Diocese of Sydney;

“**Diocesan policy for dealing with allegations of unacceptable behaviour**” means the policy of that name adopted by the Synod on 1 October 2015, as amended from time to time;

“**Diocesan Tribunal**” means the Diocesan Tribunal constituted for the Diocese in accordance with Chapter IX of the 1961 Constitution;

“**Director**” means the Director of Safe Ministry appointed under the *Safe Ministry Board Ordinance 2001*;

“**disqualifying offence**” means a criminal offence listed in Schedule 2 of the Child Protection (Working with Children) Act 2012;

“**doctrine**” has the same meaning as in the Constitution;

“**equivalent body**” means a body of another diocese exercising powers, duties or functions equivalent to those of the Director, the MSC the Board as the case may be, or where there is no such body, the bishop of the diocese;

“**experienced lawyer**” means a person who is or has been a judge or justice of an Australian, State or Territorial court or tribunal, or who has been admitted as an Australian legal practitioner for not less than 10 years;

“**faith**” has the same meaning as that expression has in the Constitution;

“**Faithfulness in Service**” means the code for personal behaviour and the practice of pastoral ministry by clergy and church workers adopted by the Synod in October 2004, as amended from time to time pursuant to an ordinance or resolution of the Synod;

“**information**” means information of whatever nature and from whatever source relating to alleged misconduct on the part of a church worker;

“**investigator**” means a person appointed by the Director to investigate a complaint;

“**member of the clergy**” means a person in Holy Orders;

“**Ministry Standards Committee**” or “**MSC**” means the Ministry Standards Committee established under Part 5B;

“**misconduct**” has the meaning given in Part 2A;

“**national register**” means any national register established pursuant to a Canon of General Synod for the purpose of recording determinations of the Board and other equivalent bodies;

“**Office of the Director of Safe Ministry**” means the Office of the Director of Safe Ministry of the Diocese;

“**Panel of experienced lawyers**” means the panel compiled under clause 27A;

“**prohibition order**” means an order prohibiting a church worker from holding a specified position or office in or being employed by a Church body or Church authority or from carrying out any specified functions in relation to any office or position in the diocese or in relation to employment by a Church body, and includes a variation of a prohibition order;

“**respondent**” means a church worker whose alleged conduct is the subject of a complaint;

“**ritual**” has the same meaning as that expression has in the Constitution;

“**Safe Ministry Board**” means the body of that name constituted under the *Safe Ministry Board Ordinance 2001*;

“**safety plan**” means the form of agreement developed by the Office of the Director of Safe Ministry

to regulate a person's participation in the ministry activities of a church of the Diocese;

"serious child-related conduct" has the meaning given in clause 7;

"Standing Committee" means the Standing Committee constituted under the *Standing Committee Ordinance of 1897*;

"suspension order" has the meaning in clause 19;

"under legal incapacity" has the same meaning as in the *Civil Procedure Act 2005 (NSW)*; and

"unpaid lay church worker" means a lay church worker who does not hold a paid role, office or position in the Diocese at the time a complaint is made against them under this Ordinance.

(2) For the purposes of complaints dealt with by an Adjudicator under Part 3H, references to the MSC and the Board in Chapters 1 to 3 of this Ordinance are taken to be references to the Adjudicator unless the context or subject matter otherwise requires.

(3) The Features of the complaint processes, the diagram appearing before the Long Title, and the notes in the footnotes of this Ordinance are for explanatory purposes only and do not form part of this Ordinance. The Diocesan Secretary is authorised to update the Features of the complaint processes, the diagram, and the notes when reprinting this Ordinance under clause 8 of the *Interpretation Ordinance 1985*.

CHAPTER 2 – SCOPE OF THE ORDINANCE

PART 2A – CHURCH WORKERS AND MISCONDUCT

5. Who is a church worker?

This Ordinance applies to fitness for office of church workers. Subject to clause 3, **church worker** means a person who:

- (a) is or has been a member of the clergy; or
- (b) holds or has held a position of leadership within the Diocese and without limiting the generality of the foregoing a position of leadership includes -
 - (i) an office, or
 - (ii) membership of a body incorporated by or under the *Anglican Church of Australia Bodies Corporate Act 1938*, or
 - (iii) membership of a body corporate following election or appointment by the Synod, Standing Committee, the Archbishop or a Church body, or
 - (iv) a warden, or
 - (v) membership of a parish council, or
 - (vi) membership of any other board, council or committee established by the Synod, the Standing Committee, a regional council or a parish council, or
 - (vii) a chief executive officer of an organisation constituted by an ordinance of the Synod or the Standing Committee, meaning the person who is responsible to the governing body of the organisation for the work of the organisation; or
 - (viii) an officer of a kind specified in the *Parish Administration Ordinance 2008*, or
 - (ix) an appointment or authorisation by a rector, warden or parish council or by any delegate or agent of such a person or body of persons,

but excludes a bishop who is subject to the jurisdiction of the Special Tribunal.

6. What conduct is misconduct by a church worker?

- (1) Misconduct by a church worker means conduct which, if established, would call into question:
 - (a) the fitness of the person to hold a role, office or position, or to be or remain in Holy Orders;
 - (b) the fitness of the person, whether temporarily or permanently, to exercise ministry or perform any duty or function of the role, office or position; or
 - (c) whether, in the exercise of ministry or in the performance of any duty or function, the person should be subject to any condition or restriction,

but does not mean –

- (d) any breach of faith, ritual or ceremonial,
 - (e) any act or omission that involves:
 - (i) refusing to appoint, correcting, disciplining, counselling, admonishing, transferring, demoting, suspending, retrenching or dismissing a person if done –
 - (A) in good faith;
 - (B) reasonably; and
 - (C) in the normal and lawful discharge of the duties and functions; or
 - (ii) respectfully disagreeing with or criticising someone's beliefs or opinions or actions, except in the case of conduct which, if established, would constitute serious child-related conduct, or
 - (f) public statements, acts or practices made or done in good faith for a proper purpose that are within the standards and doctrines of the Church in the Diocese, or
 - (g) exempt conduct to which Part 2B applies.
- (2) Misconduct may include but is not limited to the following:

- (a) acts or omissions that would constitute the commission of an offence under the *Offences Ordinance 1962*, as amended from time to time,¹
- (b) **abuse**, which means:
- (i) **bullying** (as defined below);
 - (ii) **child abuse**, which means bullying, emotional abuse, harassment, neglect, physical abuse, sexual abuse or spiritual abuse in relation to a child, and includes possessing, producing or distributing child exploitation material;
 - (iii) **emotional abuse**, which means acts or omissions that have caused, or could cause significant harm to the wellbeing or development of another person, which may include but is not limited to:
 - subjecting a person to excessive and repeated personal criticism;
 - ridiculing a person, including the use of insulting or derogatory terms to refer to them;
 - threatening or intimidating a person;
 - ignoring a person openly and pointedly; and
 - behaving in a hostile manner or in any way that could reasonably result in another person feeling isolated or rejected;
 - (iv) **harassment**, which means unwelcome conduct, whether intended or not, in relation to another person where the person feels with good reason in all the circumstances offended, belittled or threatened;
 - (v) **neglect**, which means the failure to provide the basic necessities of life where a child's health and development are placed at risk of harm, which may include but is not limited to being deprived of food, clothing, shelter, hygiene, education, supervision and safety, attachment to and affection from adults and medical care;
 - (vi) **physical abuse**, which means any intentional or reckless act, use of force or threat to use force causing injury to, or involving unwelcome physical contact with, another person, but does not include lawful discipline by a parent or guardian;
 - (vii) **sexual abuse**, which has the same meaning set out in *Faithfulness in Service*;
 - (viii) **spiritual abuse**, which means the mistreatment of a person by actions or threats when justified by appeal to God, faith or religion;
- (c) **bullying** which means behaviour directed to a person or persons which:
- (i) is repeated;
 - (ii) is unreasonable (being behaviour that a reasonable person, having considered the circumstances, would see as unreasonable, including behaviour that is victimising, humiliating, intimidating or threatening); and
 - (iii) creates a risk to their health and safety.

Bullying can include:

- (i) making derogatory, demeaning or belittling comments or jokes about someone's appearance, lifestyle, background or capability;

¹ *Offences under the Offences Ordinance 1962 include:*

- (i) *unchastity;*
- (ii) *drunkenness;*
- (iii) *habitual and wilful neglect of ministerial duty after written admonition in respect thereof by the Bishop of the Diocese;*
- (iv) *wilful failure to pay just debts;*
- (v) *conduct, whenever occurring –*
 - (a) *which would be disgraceful if committed by a member of the clergy; and*
 - (b) *which at the time the charge is preferred is productive, or if known publicly would be productive, of scandal or evil report;*
- (vi) *sexual abuse;*
- (vii) *child abuse; or*
- (viii) *conviction in New South Wales of an offence which is punishable by penal servitude or imprisonment for 12 months or upwards or the conviction outside New South Wales of an offence which, if committed in New South Wales, would be an offence so punishable; or*
- (ix) *grooming;*
- (x) *inappropriate pastoral conduct involving a child, and*
- (xi) *possession, production or distribution of child exploitation material.*

- (ii) communicating in an abusive manner;
- (iii) spreading rumours or innuendo about someone or undermining in other ways their performance or reputation;
- (iv) dismissing or minimising someone's legitimate concerns or needs;
- (v) inappropriately ignoring, or excluding someone from information or activities;
- (vi) touching someone threateningly or inappropriately;
- (vii) invading someone's personal space or interfering with their personal property;
- (viii) teasing someone, or playing pranks or practical jokes on someone;
- (ix) displaying or distributing written or visual material that degrades or offends;
- (x) cyberbullying which is a form of bullying that involves the use of information and communication technologies.

Bullying does not include lawful conduct of clergy or church workers carried out in a reasonable manner, such as:

- (i) disagreeing with or criticising someone's belief or opinions or actions in an honest and respectful way;
 - (ii) giving information about inappropriate behaviour in an objective way to the person or persons concerned and to any other person with a proper reason for having that information;
 - (iii) setting reasonable performance goals, standards or deadlines;
 - (iv) giving information about unsatisfactory performance in an honest and constructive way;
 - (v) taking legitimate disciplinary action;
- (d) **grooming** which means actions deliberately undertaken with the aim of engaging and influencing an adult or a child for the purpose of sexual activity; in the case of sexual abuse of a child, an offender may groom not only the child, but also those close to the child, including the child's parents or guardians, other family members, clergy and church workers; grooming can include providing gifts or favours to the child or their family. In the case of sexual abuse of an adult, an offender may groom not only the adult, but also those close to them, including their children, clergy and church workers;
- (e) **inappropriate pastoral conduct involving a child** which means engaging in a pattern of conduct involving a child or a group of children that is inconsistent with the standards and guidelines of *Faithfulness in Service*;
- (f) **process failure**, which means any of the following:
- (i) failure without reasonable excuse to comply with the laws of the Commonwealth or a State or Territory requiring the reporting of child abuse to the police or other authority;
 - (ii) a failure by a person licensed by the Archbishop, a person in holy orders resident in the Diocese or a person who holds an authority under the *Authorisation of Lay Ministry Ordinance 2015* for the purposes of paid work, without reasonable excuse, to make a report under clause 12 or a failure by that person to cooperate with an investigation of that conduct;
 - (iii) failure without reasonable excuse by a Church authority to deal with or to investigate in a reasonable or timely manner matters involving:
 - (A) abuse; or
 - (B) alleged inappropriate or unreasonable conduct of a church worker who had knowledge of conduct of another church worker constituting sexual abuse or child abuse;
- in circumstances where the Church authority has an obligation by law or under this Ordinance to deal with or investigate such conduct;
- (g) **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*;
- (h) **sexual misconduct** which has the same meaning as in the *Children's Guardian Act 2019 (NSW)*;
- (i) **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;
- (j) attempts, by threat, intimidation or inducement to –
 - (i) dissuade a person from making a complaint,
 - (ii) persuade a person to withdraw a complaint, or
 - (iii) persuade a person to consent to the withdrawal of a complaint;
- (k) failure without reasonable excuse by a respondent to cooperate with the investigation of a complaint under the Ordinance;
- (l) failure without reasonable excuse to comply with a condition imposed by a Church authority under this Ordinance;
- (m) failure without reasonable excuse to comply with an undertaking given to or a direction or order given by an Adjudicator, the MSC, Board or a Church authority; or
- (n) conduct that would constitute a breach of section 316 of the *Crimes Act 1900 (NSW)* with respect to the reporting of serious indictable offences.

7. What is serious child-related conduct?

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*.

PART 2B – EXEMPT CONDUCT

8. Declaration of exemption following disclosure of past conduct

- (1) If a person makes a full disclosure to the Archbishop in writing that the person has engaged in conduct that may be the subject of a complaint under this Ordinance in the following circumstances:
 - (a) by a person prior to ordination by or on behalf of the Archbishop as a deacon; or
 - (b) by a person who is not ordained prior to being issued with an authority under the *Deaconess, Readers and Other Lay Persons Ordinance 1981* or the *Authorisation of Lay Ministry Ordinance 2015* for the purpose of undertaking paid work; or
 - (c) by a person who has been ordained, otherwise than by or on behalf of the Archbishop prior to being first licensed by the Archbishop where conduct was committed prior to ordination as a deacon;

the Archbishop, with the concurrence of the MSC, may declare that the conduct cannot be the subject of a complaint under this Ordinance.

- (2) The Archbishop must not make a declaration under this Part:
 - (a) in respect of a person who has been convicted of a disqualifying offence listed in Schedule 2 of the *Child Protection (Working with Children) Act 2012*.²; or
 - (b) if the person has been refused a declaration in relation to the same or similar conduct in the

² Note: Disqualifying offences in Schedule 2 of the *Child Protection (Working with Children) Act 2012* 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. In general, these are sex offences or offences involving children which are punishable by imprisonment of 12 months or more.

previous 5 years.

- (3) The Archbishop must not make a declaration under this Part in respect of the conduct of a person unless the Archbishop and the MSC consider that the person:
- (a) has made appropriate reparation for the conduct; and
 - (b) is fit to be ordained, to be issued with an authority or to be licensed by the Archbishop, as the case may be; and
 - (c) does not pose a risk to the safety of any person taking into account the following matters:
 - (i) the circumstances in which the conduct occurred;
 - (ii) the seriousness of the conduct;
 - (iii) the age of the person at the time of the conduct;
 - (iv) the age of the victim(s) at the time;
 - (v) the difference in ages between the person and the victim(s);
 - (vi) the person's criminal record, if any;
 - (vii) such other matters as are considered relevant.
- (4) If the Archbishop makes a declaration under this Part in respect of the conduct of a person:
- (a) the declaration has effect for the purposes of this Ordinance according to its terms; and
 - (b) no action is to be taken or continued under this Ordinance in respect of a complaint if the Director, with the concurrence of the MSC, determines that the whole of the conduct that is the subject of the complaint is exempt conduct.

CHAPTER 3 – PROCESSING OF COMPLAINTS**PART 3A – MAKING COMPLAINTS****9. Who may make a complaint?**

- (1) Any person, including the Director, may make a complaint of misconduct in relation to a church worker.
- (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*.

10. Obligation to report knowledge or reasonable belief of certain matters

A church worker who knows or has reason to believe that another church worker has engaged in conduct which constitutes child abuse, grooming, inappropriate pastoral conduct involving a child or possession, production or distribution of child exploitation material must report to the Director, as soon as practicable, the name or a description of the other church worker and the grounds for believing that the other church worker has engaged in such conduct, unless the church worker knows that the conduct has already been reported to the Director.

11. How to make a complaint

- (1) All complaints must be made to the Director.
- (2) A complaint may be in any form, oral or in writing, whether by electronic means or otherwise.
- (3) Where a complaint is oral, the Director must make a written record of the complaint as soon as practicable after receiving it.
- (4) A complaint must include details of the misconduct complained about.
- (5) The Director must not make a complaint based only on information provided anonymously, except in the case of allegations of conduct which, if established, would constitute serious child related conduct.
- (6) Non-compliance with this clause does not invalidate a complaint unless the Board determines otherwise.

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 (1), 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 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 (1) 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(1) 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.

12A. Risk Assessment by Director

- (1) If the Director receives a complaint alleging child abuse, the Director must promptly undertake a risk assessment to identify any risks to children.
- (2) The risk assessment must include, but is not limited to, consideration of the following –
 - (a) any immediate and ongoing risks associated with the complaint, including the safety of the complainant and any children,
 - (b) whether preliminary action could and should be taken concerning the respondent including supervision, removal of contact with children or suspension,
 - (c) the available expertise to assess the risk and whether expert advice should be obtained,
 - (d) the need for cultural and linguistic interpreters to be involved in the complaint process,
 - (e) whether it is necessary to report the complaint to an external authority,
 - (f) who should be informed about the complaint, and whether there are restrictions on the information they can be given (for example, due to privacy laws and other confidentiality obligations), and
 - (g) how to implement the decisions made as a result of the risk assessment.
- (3) The Director must review the risk assessment during the complaints process in response to any changes in the risk profile and make modifications where necessary.

13. Withdrawal of complaint

- (1) Subject to subclause (2), a complaint is taken to have been withdrawn if the complaint does not allege serious child-related conduct and:
 - (a) the complainant gives written notice of the withdrawal of the complaint to the Director; or
 - (b) the complainant gives oral notice of the withdrawal of the complaint to the Director, and the Director provides the complainant with written confirmation of the withdrawal.
- (2) If the complaint has already been referred to the MSC at the time the notice of withdrawal is received by the Director, the complaint will only be taken to be withdrawn if the MSC consents to the withdrawal.

PART 3B - HANDLING OF COMPLAINTS BY THE DIRECTOR

14. What can the Director do when dealing with a complaint?

- (1) The Director must use reasonable endeavours to explain the processes set out in this Ordinance to a complainant.
- (2) The Director must deal with the complaint as expeditiously as possible and must take at least one or more of the following courses of action:
 - (a) recommend that the parties engage in conciliation under clause 18A;
 - (b) refer the matter directly to the MSC and, with the concurrence of the MSC, in the case of a respondent's first bullying complaint, request that the respondent participate in appropriate training as soon as practicable under clause 18B, and recommend that the parties engage in conciliation;
 - (c) decline to deal with the complaint under clause 15;
 - (d) refer to the matter directly to the MSC and seek the concurrence of the MSC that the complaint be declined or deferred under clause 16;
 - (e) ask the complainant to verify the complaint by statutory declaration;
 - (f) ask the complainant to provide further details of the conduct that is the subject of the complaint;
 - (g) recommend to the relevant Church authority that the respondent should be suspended from exercising the functions of office or employment by one or more Church bodies or that an interim prohibition order be made against the respondent under Part 3D;
 - (h) if the respondent is an unpaid lay church worker, refer the matter to an Adjudicator under Part 3H;
 - (i) investigate, or appoint a person to investigate the complaint under Part 3F;
 - (j) invite a response from the respondent under Part 3G.
- (3) The Director must consult the relevant Regional Bishop before taking the course of action in either subclause (2)(b), (d), (h), or (i).

PART 3C – DECLINING, DEFERRING OR REFERRING COMPLAINTS

15. When must the Director decline a complaint?

The Director must decline a complaint if the complaint does not allege any misconduct which may be the subject of a complaint under this Ordinance 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).

16. When may the Director decline or defer a complaint with the concurrence of the MSC?

(1) The Director may at any time, with the concurrence of the MSC, decline to deal with a complaint, or defer dealing with a complaint if:

- (a) the complainant has not provided further details or a verifying statutory declaration after being asked to do so and it is reasonable in the circumstances to conclude that the complainant will not do so; or
- (b) the complaint is false, vexatious or misconceived or the subject-matter of the complaint is trivial; or
- (c) there is insufficient reliable evidence to warrant an investigation or further investigation; or
- (d) the conduct that is the subject matter of the complaint can properly be dealt with by other means, unless the conduct is serious child-related conduct;
- (e) the conduct which is the subject of the complaint is under investigation by some other competent person or body or is the subject of legal proceedings, or
- (f) there would be no utility in dealing with the complaint under this Ordinance having regard to:
 - (i) whether the respondent currently holds any position of leadership within the Diocese,
 - (ii) the length of time since the respondent has held any position of leadership within the Diocese,
 - (iii) the age of the respondent,
 - (iv) the health of the respondent, and
 - (v) any other relevant circumstance.

(2) The Director, with the concurrence of the MSC, must decline to deal with a complaint if the misconduct the subject of the complaint is not materially different from conduct already dealt with under:

- (a) this Ordinance, or
- (b) the *Discipline Ordinance 2006*, or
- (c) the *Church Discipline Ordinance 1996*, or
- (d) the *Church Discipline Ordinance 2002*, or
- (e) the *Tribunal Ordinance 1962*, or
- (f) a formal investigation or inquiry with the authority of the Archbishop which was commenced prior to the date of assent to the *Church Discipline Ordinance 2002*, unless,
- (g) in the opinion of the Director, the complaint is supported by apparently credible evidence of fresh facts likely to lead to a different result; or
- (h) the complaint was not made, or was made but then withdrawn, as a result of a process undertaken under clause 12; or
- (i) the complaint has only been dealt with under Part 3E, or;
- (j) the complaint alleges serious child-related conduct and the Director decides to deal with the complaint under this Ordinance in order to make a finding that the respondent has or has not engaged in the alleged serious child-related conduct in connection with:
 - (i) any requirement by law to notify a person or authority that a finding has been made that the respondent engaged in conduct the subject of any such requirement to notify; and
 - (ii) entering on the National Register the details of information required by the provisions of the National Register Canon 2007.

(3) In dealing with a complaint for the purposes of clause 2(h) above, any prior findings of fact made by a body exercising functions under any of the ordinances (or a formal investigation or inquiry with the authority of the Archbishop) listed in subclause (2) are conclusive.

17. Notification of a decision to decline to deal with or defer a complaint

(1) Subject to subclause (2), if the Director declines to deal with or defer a complaint under this Part, the

Director must give the complainant and the respondent written notice of this decision, including reasons for the decision.

(2) The Director may, but is not required to, provide written notice to the respondent under this clause if the Director believes on reasonable grounds that the respondent is not aware of the existence of the complaint.

18. When may a complaint be referred to an equivalent body?

(1) The Director may, with the concurrence of the MSC, if they think it appropriate to do so, refer a complaint, or the investigation of a complaint, to an equivalent body or bodies.

(2) Without limiting the discretion of the MSC under subclause (1), it is appropriate to refer a complaint, or the investigation of a complaint, to an equivalent body or bodies if when the complaint is made the respondent:

- (a) resides in another diocese or holds a licence or from a Church authority in another diocese; and
- (b) neither resides in the Diocese nor holds a licence or permission to officiate or other authority from a Church authority in the Diocese.

(3) When the MSC and an equivalent body or bodies have the power and duty to investigate information concerning the alleged misconduct of the respondent and the respective bodies cannot agree on:

- (a) which body shall carry out the investigation or any parts of such investigation; or
- (b) whether a complaint should be referred to the Board or to an equivalent body which has jurisdiction,

the MSC must refer the disagreement for decision by an independent person agreed upon by the MSC and the equivalent body or bodies who is to reach a decision within a reasonable time.

(4) In all matters affecting the operation of this Ordinance the MSC and the Director must co-operate with and assist an equivalent body and a person acting in the corresponding capacity of the Director in another diocese.

(5) In making a decision under subsection (3) the independent person will not be bound by the views or instruction of the MSC but shall take into account the most convenient course for all concerned and the proper and expeditious conduct of the investigation or referral as the case may be.

18A. Director may recommend conciliation

(1) At any time after a complaint is made, the Director may recommend to the parties that they engage in conciliation if –

- (a) the Director considers that conciliation may assist the parties, and
- (b) the complaint does not allege serious child-related conduct.

(2) In considering whether to make a recommendation under subclause 18A(1), the Director is to consider any power imbalance between the parties.

(3) The Director may recommend a conciliator to the parties and otherwise facilitate the conciliation occurring.

(4) If the parties agree to engage in conciliation on the basis of a recommendation under subclause 18A(1) –

- (a) the Director is not prevented from undertaking any of the other courses of action listed in clause 14 during the period of conciliation,
- (b) the mediation is to be undertaken expeditiously,
- (c) the attendees for any conferences must be agreed upon by all parties in advance of the conciliation, and
- (d) the costs of the conciliator are to be met from funds under the control of the Synod, subject to the Director approving those costs before they are incurred.

18B. Director may request appropriate training

(1) The Director may, with the concurrence of the MSC, request that the respondent participate in appropriate training and recommend that the parties engage in conciliation if –

- (a) the complaint relates primarily to bullying,
- (b) it is the first bullying complaint against the respondent that has been received by the Director, and

- (c) the complaint does not allege serious child-related conduct.
- (2) The respondent is to undertake such training as soon as practicable and provide suitable evidence to the Director that such training has been completed.
- (3) While, in the interests of staff development and reconciliation, this combination of appropriate training and conciliation would ordinarily be considered appropriate in the case of first time complaints, the Director is not prevented from undertaking any of the other courses of action listed in clause 14 during the period of conciliation.
- (4) The costs of the appropriate training and any costs for the conciliator are to be met from funds under the control of Synod, subject to the Director approving those costs before they are incurred.

PART 3D - SUSPENSION AND INTERIM PROHIBITION ORDERS

19. What can the Director recommend?

At any time after a complaint is made the Director may recommend to the relevant Church authority that the respondent is suspended from being a church worker or may recommend that an interim prohibition order be made against the respondent, subject to the following:

- (a) the Director must give the respondent the opportunity to be heard in relation to the proposed recommendation or order; and
- (b) in deciding whether to make the recommendation or order the Director must take the following matters into account:
 - (i) the seriousness of the conduct alleged in the complaint;
 - (ii) the nature of the material to support or negate the complaint;
 - (iii) whether any person is at risk of harm;
 - (iv) the likely effect on the respondent and on the relevant Church body;
 - (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.
- (c) the Director must recommend that the respondent is suspended if, after giving the respondent the opportunity to be heard under paragraph (a), the Director is satisfied that –
 - (i) the complaint or the substance of the complaint involves allegations of serious child-related conduct,
 - (ii) the complaint is not false, vexatious or misconceived, and
 - (iii) there is a risk that the respondent may come into contact with children in the course of their functions as a church worker.

20. What is the effect of the Director recommending a suspension order?

If the Director recommends that the respondent be suspended from being a church worker:

- (a) the relevant Church authority is authorised to do all such things as may be necessary to give effect to the recommendation;
- (b) during any period of suspension by the Church Authority, or during a period when a person voluntarily stands down from a position:
 - (i) the respondent is ineligible for appointment to any position or function covered by the suspension;
 - (ii) the relevant Church authority may fill the vacancy during the term of any suspension; and
 - (iii) the person against whom the complaint is made is entitled to continue to receive their ordinary stipend, salary, allowances and other benefits in connection with the position, except to the extent that these are provided on account of expenses incurred in undertaking their duties or functions; and
 - (iv) in the case of a respondent who is licensed or authorised for ministry in a parish – the parish concerned is entitled to reimbursement from funds under the control of the Synod for the reasonable additional costs incurred by the parish for the engagement of any temporary personnel to undertake the duties of the person against whom the complaint is made during the period of suspension;
- (c) the respondent must comply with the terms of recommendation; and

- (d) the suspension ceases to have any effect:
 - (i) if the Director terminates the investigation without referring the matter to the MSC, or
 - (ii) upon any direction to that effect given by the MSC, or
 - (iii) upon the Church authority or the respondent (as the case may be) giving effect to the recommendation(s) of the Adjudicator, MSC or the Board.

21. What is the effect of the Director recommending an interim prohibition order?

- (1) If the Director recommends that an interim prohibition order be made the Archbishop must give prompt consideration to the Director's recommendation and may make an Interim Prohibition Order.
- (2) If the Archbishop makes an Interim Prohibition Order:
 - (a) the respondent and any relevant Church authority must comply with the Interim Prohibition Order;
 - (b) the respondent is ineligible for appointment to any position or function covered by the order;
 - (c) the relevant Church authority may fill the vacancy caused by the order;
 - (d) the person against whom the complaint is made is entitled to continue to receive their ordinary stipend, salary, allowances and other benefits in connection with the position, except to the extent that these are provided on account of expenses incurred in undertaking their duties or functions; and
 - (e) in the case of a respondent who is licensed or authorised for ministry in a parish – the parish concerned is entitled to reimbursement from funds under the control of the Synod for the reasonable additional costs incurred by the parish for the engagement of any temporary personnel to undertake the duties of the person against whom the complaint is made during the period of the order.
- (3) An Interim Prohibition Order ceases to have effect:
 - (a) if the Director terminates the investigation without referring the matter to the MSC, or
 - (b) upon any direction to that effect given by the MSC, or
 - (c) upon –
 - (i) the respondent complying with all recommendation(s) (if any) of the MSC accepted by the respondent, subject to the respondent continuing to comply with the recommendation(s) within any period set out in the notice; and
 - (ii) the Church authority giving effect to the recommendation(s) (if any) of the Adjudicator, MSC or the Board.
 - (d) if the Archbishop suspends the respondent under section 61 of the 1961 Constitution.

PART 3E – COMPLAINTS INVOLVING SERIOUS CRIMINAL CONVICTIONS

21A. Application of this Part

This Part 3E applies to complaints concerning respondents who have been convicted of a disqualifying offence, being an offence listed in Schedule 2 of the *Child Protection (Working with Children) Act 2012*, and the conviction is not subject to a stay or an appeal against the conviction.

21B. Notification to respondent

- (1) If the Director is in possession of the reasons for judgment or other record from a court, a police history check, or a notification from a statutory authority, which indicates that the respondent has been convicted of a disqualifying offence, the Director may:
 - (a) notify the substance of the complaint to the respondent,
 - (b) provide the respondent with a copy of the judgment, record or notification evidencing the conviction,
 - (c) inform the respondent that it is the intention of the Director to refer the complaint to the MSC for a recommendation to the Archbishop that a prohibition order be issued, and
 - (d) invite a response to the complaint within a period of not less than 21 days or such longer period specified by the Director.
- (2) Following expiration of the period within which the respondent may provide a response under clause 21B(1)(d), the Director must refer the complaint to the MSC, including a copy of all the material provided to the respondent and any response from the respondent.

21C. Recommendations of the MSC

If the MSC is satisfied that the respondent has been convicted of a disqualifying offence, the MSC may recommend to the Archbishop that a prohibition order be made against a respondent in terms recommended by the MSC. If the MSC is not satisfied that the respondent has been convicted of the relevant offence, this Part 3E ceases to apply to the complaint and the Director is to deal with the complaint in accordance with the other provisions of this Ordinance.

PART 3F - INVESTIGATION OF COMPLAINTS**22. Conduct of Investigation**

- (1) Subject to Part 3C, the Director may appoint a person to investigate a complaint, and such investigations are to be conducted as promptly as reasonably possible.
- (2) The Director may, by notice in writing, revoke the appointment of an investigator if the investigator fails or refuses to comply with the requirements of this Ordinance or any other reasonable requirements of the Director.

23. Powers of the investigator

- (1) For the purposes of an investigation:
 - (a) the investigator may obtain such statutory declarations, written statements, recorded conversations, reports, documents and other material as the investigator considers necessary or advisable;
 - (b) the investigator may require the person making the complaint to verify the complaint by statutory declaration if this has not already been done;
 - (c) if the investigator interviews a person, the investigator must:
 - (i) record the interview, subject to the interviewee giving their consent, and
 - (ii) allow the person to have another person present with them, being a person who is not a witness to the matters which are the subject of the complaint;
 - (d) the investigator may, by notice in writing, require the respondent –
 - (i) to respond to a question or series of questions within the time specified in the notice in relation to any matter relevant to the investigation, and
 - (ii) to otherwise assist in, or cooperate with the investigation of the complaint in a specified manner.
- (2) A person must answer truthfully any question put by or on behalf of the investigator in exercising the powers conferred by this Ordinance, and must not mislead or obstruct the investigator in the exercise of powers conferred by this Ordinance.³

24. Outcome of the investigation

The investigator is to make and forward to the Director, without unnecessary delay, a report setting out the results of the investigation together with a copy of all records made in the course of the investigation.

PART 3G - NOTIFICATION OF AND RESPONSE TO THE COMPLAINT**25. What notification must the Director provide to the respondent?⁴**

After receiving the investigator's report or if, after receiving a complaint, the Director decides not to appoint a person at that particular time to investigate the complaint, the Director is –

- (a) to notify the substance of the complaint to the respondent, and
- (b) to request the respondent to provide a response to the complaint within a period of not less than 21 days or such longer period specified by the Director, and

³ *Misconduct for the purposes of this Ordinance includes failure without reasonable excuse by a respondent to cooperate with the investigation of a complaint.*

⁴ *Upon notifying the substance of the complaint to the person against whom the complaint is made, the complaint may become a notifiable complaint for the purposes of the National Register Canon 2007. In this case, section 8 of the Canon requires the Director to notify the General Secretary of certain information about the complaint for inclusion on the National Register within 1 month of having access to that information.*

- (c) to inform the respondent generally of the processes under this Ordinance (which may be done by providing a copy of this Ordinance), and
- (d) to advise the respondent of the possible outcomes if the allegations in the complaint are upheld, and
- (e) to caution the respondent not to make any admissions without the benefit of legal advice.

26. What responses may be given by a respondent?

- (1) A respondent may respond by admitting or denying the complaint in whole or in part.
- (2) A response must be in writing signed by the respondent or, in the case of a respondent under legal incapacity, by –
 - (a) a parent or guardian, or
 - (b) a person responsible for the welfare of the respondent under legal incapacity or acting on his or her behalf.
- (3) If the complaint has not been investigated and the respondent denies the complaint, or does not admit the complaint or the substance of the complaint, the Director may appoint a person to investigate the complaint in the manner set out in Part 3F.

PART 3H – SPECIAL PROCEDURE FOR UNPAID LAY CHURCH WORKERS (ADJUDICATORS)

27. Application of this Part

- (1) Subject to subclause (2), this Part applies to complaints made against unpaid lay church workers to the exclusion of Parts 4A to 4D.
- (2) If the Director considers that a complaint against an unpaid lay church worker raises substantially the same circumstances as another complaint that has been or will be referred to the MSC, the Director may instead refer the complaint to the MSC to be dealt with under Chapter 4.

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.

28. Action on receipt of an admission or the investigator's report

- (1) On receipt of an admission under clause 26 or the investigator's report, the Director must:
 - (a) request the Chancellor to appoint a person from the Panel of experienced lawyers to be the Adjudicator for a complaint to which this Part applies;
 - (b) notify the Adjudicator of the identity of the respondent; and
 - (c) furnish the Adjudicator with a copy of all material in the Director's possession relevant to the complaint, including a copy of any investigator's report.
- (2) The Chancellor must promptly appoint a member of the Panel of experienced lawyers following a request from the Director under subclause (1)(a).
- (3) If the adjudicator has any actual or perceived conflict of interest in the exercise or performance of their functions under this Ordinance in relation to a complaint, the Adjudicator must disclose this to the Chancellor and the Chancellor is to appoint another member of the Panel of experienced lawyers to be the Adjudicator for the complaint.
- (4) The Director must also:
 - (a) notify the respondent that the complaint has been referred to the Adjudicator; and
 - (b) furnish the respondent with a copy of all material in the Director's possession relevant to the complaint, including a copy of any investigator's report; and
 - (c) invite the respondent to provide any further information or material, and to make written representations to the Adjudicator relating to the complaint within 28 days or such longer period as may be agreed to by the Director.

29. Review of material by the Adjudicator

- (1) The Adjudicator is to review the material provided by the Director and any further information or material provided by the respondent.
- (2) If the complaint or the substance of the complaint has been admitted by the respondent, the Adjudicator may proceed to make recommendations under clause 30.

- (3) If the complaint or the substance of the complaint has not been admitted by the respondent, the Adjudicator –
- (a) must act with fairness and according to equity, good conscience, procedural fairness and the substantial merits of the case without regard to technicalities or legal forms in resolving the complaint,
 - (b) is not bound by the rules of evidence but may inform himself or herself on any matter in such manner as her or she thinks fit,
 - (c) must give written reasons for any findings and recommendations, unless the findings and recommendations are made by consent of the respondent, and
 - (d) must deal with the complaint as expeditiously as possible.
- (4) The standard of proof for the Adjudicator to establish an allegation is that of reasonable satisfaction on the balance of probabilities.⁵

30. Powers and Recommendations by the Adjudicator

- (1) If the Adjudicator is satisfied that the church worker:
- (a) is not fit to hold a role office or position; or
 - (b) is not fit, whether temporarily or permanently, to exercise ministry or perform any duty or function of the role or position; or
 - (c) should be subject to any condition or restriction in the exercise of ministry or in the performance of any duty or function;
- the Adjudicator must find accordingly in writing and make recommendations to the relevant Church Authority, including but not limited to any one or more of the following:
- (d) that the church worker be counselled;
 - (e) that the church worker be suspended from performing function(s) for such period determined by the Adjudicator;
 - (f) that the authority of the church worker be revoked;
 - (g) that any agreement for the church worker's engagement (if any) be terminated;
 - (h) that the church worker's performance of function(s) be made subject to such conditions or restrictions as the Adjudicator may specify;
 - (i) that the church worker be directed to do or to refrain from doing a specified act;
 - (j) that a prohibition order be made in terms specified by the Adjudicator.
- (2) Prior to making any recommendations under subclause (1), the Adjudicator may inform the Archbishop, the relevant Church authority and the respondent of the proposed recommendations and provide a reasonable opportunity for each to make written submissions.

31. Making findings on serious child-related conduct

If the complaint alleges that the respondent has committed serious child-related conduct, the Adjudicator must make a finding on whether the respondent engaged in any or all of the conduct so alleged, and these findings shall constitute findings for the purpose of –

- (a) any requirement by law to notify a person or authority that a finding has been made that the respondent engaged in conduct which is the subject of any such requirement to notify; and
- (b) entering on the National register the details of information required by the provisions of the *National Register Canon 2007*.

32. Costs of responding to a complaint

The Adjudicator has no power to award costs. The respondent is responsible for meeting their own costs of responding to the complaint.

33. Review

The decisions and recommendations of the Adjudicator are not appellable or subject to review, except that a respondent may make an application for review under Part 4C and for this purpose references to the Board and MSC in Part 4C are taken to be references to the Adjudicator.

⁵ *The standard of proof is to be applied with regard to the principles in Briginshaw v Briginshaw [1938] HCA 34.*

CHAPTER 4 – RESOLVING COMPLAINTS

PART 4A – CONSIDERATION BY THE MSC

34. Referral to the MSC

On receipt of any report from the Investigator in relation to a complaint made against a person who is not an unpaid lay church worker and any response from the respondent, the Director must –

- (a) notify the MSC of the identity of the person against whom the complaint is made, and
 - (b) furnish the MSC with a copy of all material in the Director's possession relevant to the complaint, including a copy of any investigator's report,
- and must also -
- (c) notify the respondent that the complaint has been referred to the MSC, and
 - (d) furnish the respondent with a copy of all material in the Director's possession relevant to the complaint, including a copy of any investigator's report, and
 - (e) invite the respondent to provide any further information or material, and to make written representations to the MSC, relating to the complaint, within 28 days or such longer period as may be agreed to by the Director.

35. What can the MSC do when dealing with the complaint?

(1) The MSC is to review the material furnished to it by the Director and any further information or material provided to it by the respondent and may take at least one or more of the following courses of action:

- (a) request the Director to appoint an Investigator to further investigate the whole or any aspect of the complaint; or
- (b) take no further action in relation to the Complaint under clause 36; or
- (c) make findings on the conduct and dismiss the complaint under clause 37; or
- (d) terminate suspension and prohibition orders under clause 38; or
- (e) refer the matter to the Board under clause 39; or
- (f) recommend that the complaint be referred to the Diocesan Tribunal under clause 40; or
- (g) make one or more recommendations under clause 41.

(2) In deciding upon a course of action the MSC is to take the following matters into consideration:

- (a) the nature of the complaint and the seriousness of the conduct the subject of the complaint, in particular, whether that conduct comprises child abuse, grooming, inappropriate pastoral conduct involving a child or possession, production or distribution of child exploitation material;
- (b) whether there is more than one complaint;
- (c) whether the complaint alleges more than one incident, or only a single incident;
- (d) when the conduct is alleged to have occurred;
- (e) the circumstances in which the conduct is alleged to have occurred;
- (f) the ages of the complainant and the person against whom the complaint is made at the time the conduct is alleged to have occurred;
- (g) if the person against whom the complaint is made:
 - (i) is a member of the clergy – whether the person was a member of the clergy at the time the conduct is alleged to have occurred; or
 - (ii) is not a member of the clergy – the position held or function performed by the person at the time the conduct is alleged to have occurred;
- (h) whether the evidence of the complainant is corroborated;
- (i) any views expressed by the complainant as to the desired outcome of the complaint;
- (j) whether the person against whom the complaint is made has made any reparation for the conduct the subject of the complaint and, if so, the nature and extent of the reparation;
- (k) any other misconduct committed by the person against whom the complaint has been made;
- (l) whether any part of the conduct which is the subject of the complaint is exempt conduct;

- (m) the practicability and likely effectiveness of the recommendation; and

such other matters as the MSC considers relevant.

36. No further action

If the MSC considers –

- (a) that the material furnished to it by the Director does not disclose any misconduct which may be the subject of a complaint under this Ordinance, or
- (b) that the complaint is false, vexatious or misconceived, or
- (c) that it is more likely than not that the subject-matter of the complaint did not occur, or
- (d) that the subject-matter of the complaint is trivial,

the MSC is to recommend that no further action be taken with respect to the complaint.⁶

37. Findings on conduct

If the MSC is satisfied on the material before it that the respondent did not engage in any of the misconduct which is the subject of the complaint, it must dismiss the complaint and recommend that no further action be taken with respect to the complaint, other than action which is incidental to dismissal.

38. Termination of suspension and prohibition orders

The MSC may direct that a suspension or prohibition order made by a Church authority pursuant to a recommendation under Part 3D must be terminated by the Church authority.

39. Reference to the Board

- (1) The MSC must refer to the complaint to the Board if:
 - (a) the complaint alleges serious child-related conduct, and the MSC considers that it is unable to make a finding on the material before it that the respondent has or has not engaged in any or all of such misconduct which is the subject of the complaint; or
 - (b) the MSC makes a recommendation under clause 41 and the respondent does not accept the recommendation of the MSC by notice in writing to the Director within 14 days after the date of the notice of the recommendation or such longer period as the Director may determine under clause 42(3)(b); or
 - (c) the respondent fails to substantially comply with a recommendation made under clause 40 to the satisfaction of the MSC, including within or throughout any period that the notice issued under clause 42(1) states that the action required by the recommendation is to be undertaken.
- (2) The MSC must refer the complaint to the Board by delivering to the secretary of the Board a written report of its assessment and opinion on the complaint signed by a member of the MSC and:
 - (a) within 14 days of the date of the reference of the complaint to the Board or within 14 days of the date of the document or material coming into existence, whichever is the later, the MSC must cause to be delivered to the secretary of the Board any documents and material relevant to the reference; and
 - (b) the MSC, as soon as practicable after delivering the report referred to in paragraph (a) to the secretary of the Board, shall, if they have not already been delivered to the respondent, cause to be delivered to the respondent:
 - (i) a copy of the report and opinion; and
 - (ii) a notice that the respondent may send any submissions in advance to the Board if he or she wishes to do so.

40. Recommendation that a complaint be dealt with by the Diocesan Tribunal

- (1) The MSC may also recommend that the Archbishop appoint a person to promote a charge against the respondent before the Diocesan Tribunal, or that the complaint be referred to a body in another diocese with equivalent jurisdiction, if:
 - (a) the person is subject to the jurisdiction of the Tribunal;⁷

⁶ *If the MSC considers that the complaint is false, vexatious or misconceived or that it is more likely than not that the subject-matter of the complaint did not occur, any information about the complaint which has been included on the National Register may be removed from the Register under section 10(1) of the National Register Canon 2007 on the basis that it relates to a notifiable complaint which has been exhausted.*

⁷ **Note:** Section 54(2) of the Anglican Church of Australia Constitution Act 1961 provides that the Diocesan Tribunal has jurisdiction to hear and determine charges of breaches of faith, ritual, ceremonial or discipline and of such offences as may be specified by canon, ordinance or rule in respect of –

- (b) the MSC is of the opinion that there is a reasonable likelihood that the complaint, if sustained, will result in the Tribunal making a recommendation for the respondent's deposition from orders, prohibition from functioning or removal from office; and
- (c) the MSC is of the opinion that there is a reasonable likelihood that the complaint will be sustained before the relevant Tribunal.

(2) If the MSC makes a recommendation to the Archbishop under this clause, the Archbishop must comply with the recommendation. The complaint is then to be dealt with in accordance with the Diocesan Tribunal Ordinance 2017 and no further action is to be taken in respect to the complaint under this Ordinance.

41. What recommendations can the MSC make?

- (1) The MSC may make one or more of the following recommendations in relation to the respondent:
 - (a) that the respondent make an apology of a kind specified by the MSC;
 - (b) that the respondent make reparation as specified by the MSC for the conduct the subject of the complaint;
 - (c) that the respondent undertake training, or retraining, of a nature specified by the MSC;
 - (d) that the respondent receive counselling of a nature specified by the MSC;
 - (e) that the respondent undertake to the Director, in such terms as are specified by the MSC, any one or more of the following:
 - (i) that they will resign from any specified position or office in the Diocese or any specified employment by a Church body or Church authority; or
 - (ii) that they will not, either indefinitely or for a period of time, accept nomination for or appointment to any specified position or office in the Diocese or any specified employment by a Church body or Church authority; or
 - (iii) that they will not, either indefinitely or for a period of time, exercise any specified function or will meet any specified condition or restriction, in relation to any office or position in the Diocese, or in relation to employment by any Church body or Church authority;
 - (f) that the respondent resign from office or employment, request relinquishment of holy orders or request voluntary deposition from holy orders, with such admissions and other conditions as the MSC considers appropriate in all the circumstances;
 - (g) that the respondent consent to the relevant Church authority issuing a prohibition order;
 - (h) that the respondent enter into a safety plan with the relevant Church authority;
 - (i) that the respondent be excluded from entry or access to specified Church premises or activities;
 - (j) that no further action be taken with respect to the complaint;
 - (k) that the respondent consent to the release of material or the making of an announcement in any form and manner specified by the MSC to explain the outcome of the complaint.

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

42. Notice of the recommendations

- (1) The MSC must give notice of its recommendation(s) to the complainant, the respondent, the Director, the Archbishop and the relevant church authority as soon as practicable after being made.
- (2) If the MSC makes a recommendation under paragraph 41(e),(f) or (g), the MSC must include a statement of the reasons for the recommendation(s).

- a person licensed by the Archbishop, or
- any other person in holy orders resident in the diocese.

Section 54(2A) of the 1961 Constitution provides that the Diocesan Tribunal also has jurisdiction to hear a charge relating to an offence of unchastity, an offence involving sexual misconduct or an offence relating to a conviction for a criminal offence that is punishable by imprisonment for 12 months or more in respect of a member of the clergy if –

- the act of the member of the clergy which gave rise to the charge occurred in the Diocese, or
- the member of the clergy was licensed by the Archbishop or was resident in the Diocese within 2 years before the charge was laid, or
- the member of the clergy is in prison as a convicted person at the time the charge was laid, but within 2 years before imprisonment was licensed by the Archbishop or was ordinarily resident in the Diocese.

(3) In respect of any other recommendation(s) made by the MSC (except a recommendation that no further action be taken with respect to the complaint), the notice must include a statement that:

- (a) if the respondent does not accept the MSC's recommendation(s) within 14 days after the date of the notice and subsequently comply with the recommendation to the satisfaction of the Director, the complaint will be referred to the Board, and
- (b) the respondent may request the Director to allow a longer period for the recommendation to be accepted by the respondent.

(4) If any information about the complaint has been included on the National Register, the notice must indicate whether acceptance of and compliance with the MSC's recommendation(s) will result in the information being removed from or retained on the National Register.

43. Response to the recommendation

(1) If the respondent, by notice in writing to the Director:

- (a) accepts the recommendation(s) of the MSC within 14 days after the date of the notice of the recommendation(s) or within such longer period as the Director determines under subclause 42(3)(b), and
- (b) complies with any recommendation to the satisfaction of the Director, and continues to do so within or throughout any period that the notice issued under subclause 42(1) states that the action required by the recommendation is to be undertaken,

no further action is to be taken against the respondent under this Ordinance in relation to the complaint, except as provided by this clause.

(2) If the complaint alleges serious child-related conduct and the person against whom the complaint is made:

- (a) admits the complaint or the substance of the complaint; or
- (b) accepts the recommendation or recommendations of the MSC;

and the MSC is satisfied that the respondent has engaged in any or all of the conduct which is the subject of the complaint, the MSC must make a finding that the respondent engaged in that conduct.

PART 4B – DETERMINATION OF COMPLAINTS BY THE BOARD

44. Application of this Part

This Part applies to complaints that are referred to the Board by the MSC under clause 39.

45. Convening of the Board

(1) Upon a complaint being referred to the Board, the President or Deputy President as the case may be shall as soon as possible determine the membership of the Board for the purpose of the reference.

(2) The President or Deputy President as the case may require must convene the Board for the purpose of giving directions.

46. Powers of the Board

(1) Upon the referral of a complaint to the Board, the Board may take at least one or more of the following courses of action:

- (a) make findings on serious child-related conduct under clause 47;
- (b) dismiss the matter or take no further action under clause 48;
- (c) make a recommendation under clause 49.

47. Making findings on serious child-related conduct

(1) If the complaint alleges that the respondent has committed serious child-related conduct, the Board must make a finding on whether the respondent engaged in any or all of the conduct so alleged, and these findings shall constitute findings for the purpose of –

- (a) any requirement by law to notify a person or authority that a finding has been made that the respondent engaged in conduct which is the subject of any such requirement to notify; and
- (b) entering on the National register the details of information required by the provisions of the *National Register Canon 2007*.

48. Power to dismiss or take no further action

(1) If the Board is not satisfied that the church worker committed any misconduct, or is satisfied that the complaint is false, vexatious or misconceived, the Board may determine accordingly and must dismiss the complaint.

(2) If the Board is satisfied that the church worker did commit misconduct but is not satisfied as to any of the matters in clause 49(1), the Board may determine accordingly and must take no further action in relation to the complaint. The Board may nonetheless recommend under clause 49 that the respondent be counselled.

49. Recommendations and Orders by the Board

(1) If the Board is satisfied that the church worker:

- (a) is not fit to hold a role office or position, or to be or remain in Holy Orders; or
- (b) is not fit, whether temporarily or permanently, to exercise ministry or perform any duty or function of the role office or position; or
- (c) should be subject to any condition or restriction in the exercise of ministry or in the performance of any duty or function;

the Board must determine in writing accordingly and make recommendations to the Archbishop or relevant Church authority, including but not limited to any one or more of the following:

- (d) that the church worker be counselled;
- (e) that the church worker be suspended from office or employment or from performing the function as the case may be for such period determined by the Board;
- (f) that the licence or authority of the church worker be revoked;
- (g) that the church worker's contract of employment (if any) be terminated;
- (h) that the church worker cease to hold any office then held;
- (i) that the church worker's holding of office or employment or performance of the function, as the case may be, be made subject to such conditions or restrictions as the Board may specify;
- (j) that the church worker be directed to do or to refrain from doing a specified act;
- (k) that a charge be promoted against the respondent before the Diocesan Tribunal;
- (l) that the operation of a determination shall be suspended for such period and upon such conditions as the Board shall specify;
- (m) that the church worker should be deposed from Holy Orders; and
- (n) that a prohibition order be made in terms specified by the Board.

50. Provision of copies of determination and recommendation

(1) The Board must cause a copy of the determination and recommendations, together with reasons, to be provided to –

- (a) the relevant Church authority;
- (b) the complainant;
- (c) the respondent;
- (d) the MSC; and
- (e) the Director or

(2) The Director must cause to be entered in the national register all details of information required by the provisions of the *National Register Canon 2007*.

51. Power to defer final recommendation

(1) The Board may defer making any final recommendation on a complaint and may for that purpose adjourn any hearing from time to time for a period or periods not exceeding in aggregate, 12 months, on terms that the church worker undertake for a specified period and in a form approved by the Board to do one or more of the following acts or omissions:

- (a) stand down from the office or employment or from performing specified duties of office or employment;
- (b) undertake counselling from a person approved by the Board;
- (c) submit to periodic medical examination by a person approved by the Board;

- (d) undertake a specified program of medical treatment or rehabilitation whether as an outpatient or inpatient;
- (e) provide medical or other evidence requested by the Board to assist it in deciding on any final recommendation; or
- (f) perform or refrain from performing some other specified act.

(2) If at the time of deferring a final recommendation in accordance with this clause the Board is satisfied that the church worker is at that time either unfit to hold office or to exercise ministry or to perform any duty or function of the office or employment, any undertaking given by the church worker must include an undertaking under clause 51(1)(a) in such form as the circumstances may require and as the Board may approve.

(3) If within a period specified by the Board the church worker declines to give an undertaking in accordance with clause 51(1), the Board must proceed to make a determination and recommendation.

(4) The Board may take into account the failure of the church worker to comply with his or her undertaking under clause 51(1) in deciding on any final recommendation on a complaint.

52. Effect of Prohibition Orders

A person who is subject to a prohibition order is, despite the provisions of any other ordinance, ineligible for election or appointment to any position or office to which the order applies, and any such office or position that the person is or was elected or appointed to becomes vacant.

PART 4C – REVIEW OF BOARD DETERMINATIONS

53. Application for review

(1) If the respondent is aggrieved by a decision of the Board, the respondent may apply to the Director for a review of the decision.

(2) If the MSC is aggrieved by a decision of the Board, the MSC may apply to the Director for a review of the decision.

(3) The application must be made within 21 days after the applicant is provided with a copy of the Board's report under clause 50 or such longer period as the Director may by notice in writing to the aggrieved person determine.

(4) The application must be in writing and set out the grounds for the review.

54. Grounds for review

The grounds on which an application for a review of a decision of the Board may be made are any one or more of the following –

- (a) that a breach of the rules of procedural fairness occurred in relation to making the decision which materially affected the decision,
- (b) that procedures required to be observed by this Ordinance in relation to the making of the decision were not observed and the non-observance materially affected the decision,
- (c) that the Board did not have jurisdiction to make the decision,
- (d) that the decision was so devoid of any plausible justification that no reasonable Board could have made it.

55. Stay of proceedings

An application for a review of a decision of the Board acts as a stay of the decision pending the determination of the review.

56. Appointment of Reviewer

(1) As soon as practicable after receiving an application for review, the Director must notify the Chancellor.

(2) The Chancellor is to appoint an experienced lawyer to undertake the review and notify the Director of the appointment.

(3) Upon the appointment of an experienced lawyer, the Director is to obtain an estimate of the fee to be charged by the experienced lawyer in making a determination under this Part.

(4) On receipt of the estimate, the Director is to notify the applicant for the review of the amount of the estimate and is to request the applicant to pay half of the estimated fee to the Director or a person nominated by the Director.

(5) If the applicant does not pay half of the estimated fee within 21 days after receipt of the Director's request, the application for the review lapses.

57. Conduct of review

(1) A review by an experienced lawyer of the determination of the Board is to be conducted in the manner determined by the experienced lawyer, subject to the process allowing the experienced lawyer to make a determination on the review within a reasonable period after the date that the Director receives payment from the applicant for half of the estimated fee.

(2) A review is not to be a re-hearing of the merits, or a new hearing.

(3) The experienced lawyer may make such order as to costs of the review as he or she thinks fit.

58. Determination on review

The experienced lawyer who reviews a determination of the Board may do any one or more of the following –

- (a) quash or set aside the determination,
- (b) refer the determination to the Board for further consideration in accordance with such terms and conditions as the experienced lawyer directs,
- (c) declare the rights of the applicant for the review in relation to any matter to which the determination of the Board relates,
- (d) direct the applicant or the Board to do, or to refrain from doing, anything that the experienced lawyer considers necessary to achieve justice between the parties.

PART 4D – PROCEDURAL MATTERS FOR THE MSC AND THE BOARD

59. Conduct of proceedings

Subject to the provisions of this Ordinance each of the MSC and the Board—

- (a) must act with fairness and according to equity, good conscience, procedural fairness and the substantial merits of the case without regard to technicalities or legal forms; and
- (b) is not bound by the rules of evidence but may inform itself on any matter in such manner as it thinks fit; and
- (c) must deal with each matter as expeditiously as possible.

60. Failure to appear

(1) The MSC may make findings or recommendations in any proceedings in the absence of additional material from the respondent if satisfied that reasonable efforts were made to give the respondent an opportunity to provide that material.

(2) The Board may make a determination in any proceedings in the absence of a person affected by the determination if satisfied that reasonable efforts were made to give that person an opportunity to appear.

61. Powers and duties

(1) Subject to this Ordinance, the Board:

- (a) may regulate the proceedings of its meetings as it sees fit;
- (b) may inform itself from the record of or transcript of proceedings in any court or tribunal and may adopt any findings in, and accept as its own, the record of or transcript of proceedings of any court or tribunal;
- (c) may conduct its business and any proceedings by video link, conference telephone or by any electronic means of communication; and
- (d) must give written reasons for any determination and recommendation, other than by way of directions in the course of an application, unless the determination is made by consent of the respondent and the MSC.

(2) The Board must give the MSC and the respondent a reasonable opportunity to adduce evidence, to examine and cross-examine witnesses and to make submissions to the Board.

62. Legal representation

The MSC may and the respondent may each appoint a legal representative to assist in the process.

63. Directions

The Board may at any time give directions:

- (a) as to the inspection by and supply of copies to the respondent or any other person of the documents or material relevant to the reference; and
- (b) as to the conduct of its inquiry into the reference or review;

and for that purpose the Board may be constituted by the presiding member or by a member appointed for the purpose by the presiding member.

64. Appointment of a person to assist

The Board may, for the purpose of any particular reference, appoint such person or persons to assist it in inquiring into (but not determining) a reference as the Board thinks fit.

65. Directions to Director or the MSC

The Board may at any time, and from time to time, give directions to the Director or the MSC as to any further inquiries or investigation it requires to be carried out for the purposes of the reference and the Director or the MSC, as the case may be, must to the best of its ability cause such directions to be carried out.

66. Written evidence

Without limiting the meaning and effect of clause 61, The Board may receive a statutory declaration or a signed statement without the need for the personal attendance of the maker of the statutory declaration or statement and may also in its discretion use electronic means such as video link or conference telephone to receive evidence and submissions.

67. Decisions of other bodies

- (1) In any proceedings before it, where the MSC or the Board is satisfied that the respondent:
 - (a) has been convicted by a court within Australia of an offence involving misconduct;
 - (b) has been found guilty (without conviction) by a court within Australia of an offence involving misconduct;
 - (c) has admitted in proceedings before a court, tribunal or commission of inquiry within Australia having engaged in conduct involving misconduct;
 - (d) has been found by a court, tribunal or commission of inquiry within Australia to have engaged in conduct involving misconduct; or
 - (e) has been disqualified by a court, tribunal or commission of inquiry within Australia from professional practice on account of conduct involving misconduct;then:
 - (f) a certificate, reasons for judgment or other record from the court, tribunal or commission (as the case may be) shall be conclusive evidence that the respondent engaged in the misconduct concerned; and
 - (g) neither the respondent nor any other party shall be at liberty to call or give evidence or make submissions for the purpose of calling into question the conviction or finding of guilt of the respondent or denying that the respondent engaged in the misconduct concerned.

68. Standard of proof

The standard of proof to establish an allegation is that of reasonable satisfaction on the balance of probabilities.⁸

69. Members of Board not to meet with parties

No member of the MSC or the Board shall individually meet with in relation to the complaint either the complainant or the respondent or anyone acting on their behalf while the matter is in progress.

70. Disqualification where conflict of interest

- (1) A member of the MSC or the Board must promptly disclose to the other members any actual conflict of interest they have as a member and any circumstances which might reasonably be perceived as a conflict of interest, including the reason(s) why such a conflict of interest might exist.
- (2) Where a member of the MSC or the Board has an actual or perceived conflict of interest in a matter, the member shall be disqualified from participating in the matter.

⁸ *The standard of proof is to be applied with regard to the principles in Briginshaw v Briginshaw [1938] HCA 34.*

(3) The opinion of a majority of the other members of the MSC or Board, as the case may be, shall be conclusive as to whether the member has an actual or perceived conflict of interest in a matter.

71. Medical examination

(1) The MSC or the Board may require the respondent to submit within a specified time to a medical, psychiatric or psychological examination by a person approved by the MSC or the Board (as the case may be) the cost of which shall be met from funds under the control of the Synod.

(2) A copy of the report of an examination under subclause (1) shall be provided to the respondent, the Director, the MSC and the Board.

72. Duties of the respondent

(1) The respondent must, subject to subclause (2), truthfully answer any question put by or on behalf of the Board in the exercise of powers conferred by this Ordinance.

(2) If the respondent declines to answer a question on the ground that the answer might tend to incriminate the respondent, a written record shall be made of the question and of the ground of refusal.

(3) The respondent must not:

- (a) mislead the Board or a member of the Board; or
- (b) unreasonably delay or obstruct the Board in the exercise of powers conferred by this Ordinance.

73. Limitation on promotion of a charge in the Diocesan Tribunal

If the MSC or the Board is satisfied that there is no reasonable likelihood that the Diocesan Tribunal would find the respondent guilty of any offence, the MSC or the Board shall not recommend that a charge be promoted against the respondent in the Diocesan Tribunal.

74. Costs

(1) Neither the MSC nor the Board has the power to award costs of any complaint or matter before it.

(2) A respondent who is not an unpaid lay church worker may apply to the Standing Committee for reimbursement of their reasonable costs of obtaining advice and assistance from a legal practitioner for the purposes of a process under this Ordinance.

(3) The Standing Committee may grant legal assistance to a church worker on such terms and subject to such conditions as it shall determine.

(4) For the purposes of subclause (3), the Standing Committee may approve a scale of costs on the recommendation of the Director.

75. Making of rules

(1) The President of the Board may make or approve rules of the Board reasonably required in relation to the practice and procedure.

(2) The rules of the Board made under this clause may provide that, in relation to the exercise of specified functions, or in relation to matters of a specified class, other than the determination of an application including the making of a recommendation, the Board may, at the direction of the presiding member, be constituted by a single member sitting alone.

76. Practice and procedure

Subject to this Ordinance and the relevant rules, the practice and procedure of the Board will be as directed by the presiding member of the Board.

77. Determination of questions

(1) In any proceedings of the Board:

- (a) any question of law or procedure shall be determined by the presiding member; and
- (b) any other question will be determined by majority decision of the members, and in the case of an equality of votes the opinion of the presiding member shall prevail.

(2) Where the Board is constituted by a member sitting alone who is not the President or the Deputy President, any question of law that arises must be referred to the President or Deputy President for decision and any decision made on such a reference is a decision of the Board, as the case may be.

78. Public Hearings

(1) Subject to subclauses (2) and (3), any hearing of the Board must be held in public.

- (2) The Board may direct:
- (a) that the whole or part of a proceeding be held in private; or
 - (b) that only persons or classes of persons specified by it may be present during the whole or any part of a proceeding.
- (3) The Board may only make a direction under the preceding subclause if satisfied that the direction is necessary on or more of the following grounds:
- (a) to comply with applicable legislation of the State or a Territory or the Commonwealth;
 - (b) to prevent a real and substantial risk to the proper administration of justice that cannot be prevented by other reasonably available means;
 - (c) to protect the safety of any person;
 - (d) to avoid causing undue distress or embarrassment to a complainant (other than the Director) or a witness (other than the respondent) in a proceeding that relates in whole or part to a complaint;
 - (e) to avoid the disclosure of confidential information; and
 - (f) for any other reason in the interests of justice.

79. Suppression of names

- (1) The Board may order that the name of, or other information that could lead to the identification of the respondent, or a person who appears, or is reasonably likely to appear, before the Board is not to be published or broadcast, except in such circumstances as the Board may authorise.
- (2) An order of the Board under this clause does not apply to the publication of a report authorised or required under this Ordinance.

79A. Non-publication orders

- (1) The Board may, on the application of a party or the Director, order that a party by himself or herself or through his or her agents and associates not publish verbally, in writing or by electronic means:
- (a) any matter relevant to a fact or circumstance likely to be considered when the Director or Board is dealing with the complaint; or
 - (b) any aspersion on the character of a person who may be a material witness to such fact or circumstance.
- (2) Such an order may be made *ex parte*, but may be discharged on the application of the person against whom it is made on at least five days' notice to the person on whose application it was made.

PART 4E – CHURCH AUTHORITIES AND COMPLIANCE

80. Church authority to give effect

- (1) Subject to subclause (2), the Church authority to whom a recommendation under this Ordinance is made must and is empowered to do any acts to give effect to a recommendation of the Director, an Adjudicator, MSC or the Board.
- (2) The Church authority referred to in subclause (1) may vary, modify or temporarily suspend the implementation of a recommendation consistent with any facts found by the body making the recommendation provided that the body making the recommendation agrees that the substance of the recommendation is preserved.

81. Compliance by church worker

A church worker must:

- (a) comply with any undertaking given to an Adjudicator, MSC or the Board or the relevant Church authority; and
- (b) comply with a direction made by the relevant Church authority to give effect to a recommendation of the Adjudicator, MSC or the Board, as the case may be, or any permitted variation or modification that recommendation.

CHAPTER 5 - PERSONS OR BODIES PERFORMING FUNCTIONS UNDER THIS ORDINANCE

PART 5A – THE DIRECTOR

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83. Functions of the Director

- (1) The Director's functions include:
- (a) to receive complaints;
 - (b) to make a complaint against a church worker;
 - (c) to appoint investigators to investigate complaints in a timely and appropriate manner;
 - (d) to be the executive officer of the MSC;
 - (e) to attend meetings of the MSC except for any part of a meeting which deals with the conditions of employment, remuneration or performance of the Director;
 - (f) to provide advice about the code of conduct and procedures under this Ordinance;
 - (g) to provide or arrange care for or treatment of the complainant and respondent;
 - (h) to keep complainants and respondents informed about the progress of the complaint under the Ordinance;
 - (i) to provide input into education and vocational training programs for church workers;
 - (j) to appoint a Panel of experienced lawyers with the approval of the Chancellor;
 - (k) to keep proper records of complaints, decisions, meetings, employment screening details, police checks and people affected by any allegation of misconduct;
 - (l) to consult and co-operate with other persons and bodies in the Church with responsibility for professional standards;
 - (m) to support complainants in making a report to police or child protection authorities;
 - (n) to report to the MSC on any recommended changes to processes, structures and education programs that would reduce the risk of misconduct; and
 - (o) such specific functions and duties, consistent with this Ordinance, as may be determined from time to time by the MSC.
- (2) The Director must act in all things as expeditiously as possible.

84. Relationship between the Director and the Archbishop

- (1) The Director may inform the Archbishop of –
- (a) any information known to the Director, or any reasonable belief held by the Director, that a church worker has engaged in conduct which may be the subject of a complaint, and
 - (b) any response made by a church worker to an allegation that is, or could be, the subject of a complaint.
- (2) The Director may provide the Archbishop with such further information as the Archbishop may reasonably require for the proper discharge of the Archbishop's duties and responsibilities or as the Director deems necessary for that purpose.
- (3) The Archbishop may provide the Director with such information as the Director may reasonably require, for the proper discharge of the Director's duties and responsibilities or as the Archbishop deems necessary for that purpose.

85. The Director's entitlement to information held by certain persons

A Church authority, Church body or relevant person that appointed a church worker to an office or position must provide the Director with such information as the Director may reasonably require.

86. The Safe Ministry Board to report annually to the Standing Committee

Before 1 August each year, the Safe Ministry Board is to make a report to the Standing Committee as to the actions taken under this Ordinance during the period of 12 months ending on the preceding 30 June.

PART 5B – THE MINISTRY STANDARDS COMMITTEE**87. Establishment of the MSC**

There shall be a Ministry Standards Committee for the diocese constituted in accordance with the provisions of this Part.

88. Functions of the MSC

The MSC has the following functions:

- (a) to act on a complaint in accordance with this Ordinance and, where appropriate, to obtain independent legal advice for that purpose;
- (b) to recommend to the Standing Committee any changes to Church processes, structures and education programs, where appropriate, that would reduce the risk of misconduct;
- (c) to authorise such expenditure as may be necessary or appropriate to implement, in a particular case, the provisions of this Ordinance subject to any limit imposed by the Standing Committee;
- (d) to advise relevant Church bodies as to the financial, pastoral or other needs of a person affected by misconduct which is the subject of a complaint and to advise relevant Church bodies in connection with any legal proceedings, anticipated or existing, against such Church bodies arising out of that alleged misconduct;
- (e) to refer any information in its possession to a law enforcement, prosecution or child protection authority of a State or Territory or of the Commonwealth of Australia for which the information is or may be relevant;
- (f) to maintain proper records of all information and complaints received and of action taken in relation to each of them; and
- (g) to exercise such other powers and functions as are conferred on it by this or any other Ordinance.

89. Membership of the MSC

- (1) The members of the MSC shall be appointed by the Archbishop-in-Council.
- (2) The members of the MSC shall hold office on such terms and conditions as may be determined from time to time by the Archbishop-in-Council.
- (3) The MSC must have at least three members including the chair.
- (4) The persons appointed as members of the MSC are to include –
 - (a) an experienced lawyer, and
 - (b) a person who has been a member of the clergy for not less than 10 years, and
 - (c) a person who is certified by the Safe Ministry Board as having other qualifications or experience appropriate to the discharge of the office of a member of the MSC, such as child protection, social work or psychiatry.
- (5) The MSC must so far as is reasonably practicable:
 - (a) include at least one person who is not a member of the Church;
 - (b) have at least one man and one woman.
- (6) The chair of the MSC must be appointed by the Archbishop.
- (7) A member of the MSC must not act unless the member has agreed in writing to abide by this Ordinance.

90. Term of office

Subject to clause 89, a member of the MSC holds office until the first meeting of the Standing Committee which next follows the first day of the first ordinary session of the next Synod provided that the member continues to hold office until his or her successor is appointed.

91. Casual vacancies

- (1) The office of a member of the MSC is vacated if –
 - (a) the member –
 - (i) dies, or
 - (ii) resigns by notice in writing to the Diocesan Secretary, or
 - (iii) becomes mentally incapacitated, or

- (iv) becomes an insolvent under administration, or
- (v) ceases to reside permanently in the Diocese, or
- (b) the Archbishop-in-Council revokes the appointment.

(2) The Archbishop-in-Council may fill a casual vacancy in the office of a member of the MSC.

92. Conduct of business

- (1) The MSC may meet from time to time as determined by the chair or a majority of its members and may conduct its business by telephone or electronic communication.
- (2) The chair must convene a meeting of the MSC at the request of the Director.
- (3) The procedures of the MSC shall be determined by the MSC.
- (4) A majority of the members shall constitute a quorum.
- (5) A decision taken other than at a meeting of the MSC, if supported by a majority of members of the MSC, constitutes a decision of the MSC.
- (6) The MSC must act in all things as expeditiously as possible.

93. Validity of proceedings

An act or proceeding of the MSC is not invalid by reason only of a vacancy in its membership and, notwithstanding the subsequent discovery of a defect in the nomination or appointment of a member, any such act or proceeding is as valid and effectual as if the member had been duly nominated or appointed.

94. Delegation of functions

- (1) Subject to subclause (2), the MSC may delegate, upon such terms and conditions as the MSC may approve, any of its functions under this Ordinance to any person.
- (2) The MSC cannot delegate:
 - (a) its functions under subclause (1); or
 - (b) its functions under Part 4A.
- (3) A delegation under this clause must be made by an instrument in writing signed by a member of the MSC pursuant to a resolution of the MSC.

PART 5C – THE MINISTRY STANDARDS BOARD

95. Establishment of the Board

There shall be a Ministry Standards Board comprising three persons constituted and appointed in accordance with the provisions of this Part.

96. Functions of the Board

The function of the Board is to enquire into and determine complaints referred to it by the MSC under this Ordinance.

97. Panel

- (1) The members of the Board in a particular case shall be appointed from a panel comprising:
 - (a) a President and a Deputy President, both of whom shall be experienced lawyers;
 - (b) three members of the clergy of at least seven years' standing; and
 - (c) three laypersons who may or may not be members of the Church and at least two of whom are persons who are considered by the Archbishop-in-Council as having professional experience, training or skills in a field that is relevant to addressing the needs of persons who are subjected to misconduct.
- (2) As far as reasonably practicable the members of the panel should comprise an equal number of men and women.

98. Appointment of the Panel

- (1) The members of the panel shall be appointed by the Archbishop-in-Council and shall hold office on such terms and conditions as may be determined from time to time by the Archbishop-in-Council.
- (2) Any vacancy in the membership of the panel shall be filled by the Archbishop-in-Council.

99. Appointment of the Board

- (1) The members of the panel to be convened for a complaint referred to the Board shall be determined by the President or, if there is a vacancy in the office of President or if the President is unable to act, by the Deputy President.
- (2) For the purpose of any reference to the Board, the Board shall consist of the President or Deputy President, who shall be the presiding member, and one clerical and one lay member of the panel.
- (3) The Board must, so far as reasonably practicable, have at least one man and at least one woman.
- (4) A member of the Board must not act in a matter unless the member has agreed in writing to abide by this Ordinance.

100. Vacancies on the Board

- (1) If a member of the Board, other than the presiding member, dies or is for any other reason unable to continue with any matter referred to the Board –
 - (a) the Board constituted of the presiding member and the other member may, if the presiding member so determines, continue and complete the reference; or
 - (b) if the presiding member so determines, a substitute member may be appointed to fill the vacancy.
- (2) If the presiding member dies or is for any reason unable to continue with any matter referred to the Board, the Deputy President becomes the presiding member for that matter.

101. Secretary

There shall be a secretary to the Board who shall be appointed by or in accordance with a resolution of the Archbishop-in-Council, and whose duties shall be defined by the President.

102. Quorum

The quorum for a meeting of the Board shall be all the members of the Board except where the Board by its presiding member makes directions under clause 63 of this Ordinance.

103. Validity of proceedings

An act or proceeding of the Board is not invalid by reason only of a vacancy in its membership or of the membership of the panel and, notwithstanding the subsequent discovery of a defect in the nomination or appointment of members of the panel or the Board, any such act or proceeding is as valid and effectual as if the member had been duly nominated or appointed.

CHAPTER 6 - MISCELLANEOUS

PART 6A – CONFIDENTIALITY AND PUBLICATION

104. Duty of confidentiality

(1) Subject to the provisions of this Ordinance, the Director, an Adjudicator, a member of the MSC, a member of the Board and a person employed or engaged on work related to the affairs of the MSC, must not divulge information that comes to his or her knowledge by virtue of that office or position except:

- (a) in the course of carrying out the duties of that office or position;
- (b) as may be authorised by or under this Ordinance;
- (c) as may be authorised or required by or under the *National Register Canon 2007* or any canon prescribed by General Synod in substitution for that canon;
- (d) in any proceedings before a Diocesan Tribunal, a Provincial Tribunal, the Special Tribunal or the Appellate Tribunal;
- (e) to the Safe Ministry Board (including any agent acting on its behalf) for the purpose of that body fulfilling its functions;
- (f) as may be required by law; or
- (g) to any insurer or insurance broker of a Church body where the information may give rise to or be relevant to a claim for indemnity by the Church body is against the insurer or is relevant to obtaining or continuing insurance cover.

(2) The MSC may release to any person, including a Church authority, such material as it may determine with respect to any information or complaint.

105. Release of information by MSC

(1) The MSC must disclose to an equivalent body information in its possession concerning the alleged misconduct of a church worker:

- (a) which is information relevant to, or arising during the course of, an investigation being undertaken by the MSC where the MSC knows that the church worker is residing in the diocese of the equivalent body; or
- (b) which is information concerning misconduct alleged to have occurred in the diocese of the equivalent body;

and must co-operate with any equivalent body.

(2) The MSC may disclose to a person or body of another church or Christian denomination exercising powers, duties or functions similar to those of the MSC, details of information in its possession concerning the alleged misconduct of a church worker and the MSC must co-operate with such person or body to whom the information is disclosed.

106. Church authority may release information

(1) The Archbishop or the relevant Church authority may, following consultation with the Director, release to any person such material as the Church authority may determine with respect to any information, complaint or finding, including notifying the complainant of the outcome of the complaint and making a public announcement in the relevant church.

(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.

107. Duty of respondents in the release of information

A respondent must cooperate with and facilitate any instructions from the MSC, 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.

108. MSC reports

- (1) Without disclosing the identity of any complainant or the details of any complaint, the MSC must report annually to the Synod on the operation of this Ordinance and its activities for that calendar year.
- (2) Notwithstanding subclause (1), the report of the MSC pursuant to that subclause may identify a church worker who has been exonerated from an allegation which is the subject of the complaint or who has been the subject of a determination or recommendation by the Board favourable to the church worker.
- (3) 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.

PART 6B – INDEMNITY

109. Obligation to indemnify

The Standing Committee must and is hereby authorised out of funds under the control of the Synod to indemnify –

- (a) the Director and any delegate of the Director;
- (b) each member of the MSC;
- (c) any delegate of the MSC;
- (d) an Adjudicator;
- (e) each member of the Board;
- (f) the secretary of the Board;
- (g) any person appointed by the Board pursuant to this Ordinance; and
- (h) the Archbishop;

in respect of any act or omission respectively by them in good faith and in the exercise or purported exercise of powers or functions, or in the discharge or purported discharge of duties, under this Ordinance in relation to a church worker.

PART 6C – REGULATIONS

110. Regulation making power

The Archbishop-in-Council may from time to time make, amend or repeal regulations not inconsistent with the provisions of this Ordinance providing for records arising out of or incidental to the operation of this Ordinance and for all or any of the purposes, whether general or to meet particular cases, which may be convenient for the administration of this Ordinance or which may be necessary or expedient to carry out the overriding purposes of this Ordinance.

PART 6D – OTHER

111. Rights of employers

Nothing in this Ordinance affects any right of an employer to terminate the employment of an employee.

112. Findings of certain other bodies may be treated as conclusive

Any findings made by an equivalent body or a court, tribunal or commission of inquiry, that have not been overturned on appeal, may be treated as conclusive by a person performing functions under this Ordinance.

113. Service of documents

- (1) A document required to be served under this Ordinance on a person may be served –
 - (a) personally, or
 - (b) by posting a copy of the document by pre-paid post to the person at the person's proper address.

- (2) The proper address of a person is the address for service of the person but, if the person has no address for service, the person's last known residential address.
- (3) Service of a document that is posted by pre-paid post is taken to be effected 7 days after posting.
- (4) In this clause, service of a document includes the giving of a notice.

114. Delegation of the Chancellor's functions

The Chancellor may delegate any of his or her functions under this Ordinance to a Deputy Chancellor.

115. Commencement

Except for this clause, this Ordinance commences on the date determined by the Archbishop on the advice of the Chancellor.

Notes

In accordance with Clause 113, the Archbishop determined the commencement date of the original form of this Ordinance to be 1 November 2017 on the advice of the Chancellor.

Table of Amendments

[not reproduced here]

National Register Canon 2007

Canon 15, 2007 as amended by
Canon 13, 2010
Canon 9, 2014
Canon 10, 2017

The General Synod prescribes as follows:

Short title

1. This Canon may be cited as the "National Register Canon 2007".

Definitions

2. The dictionary in the Third Schedule defines particular words and expressions used in this Canon.

Object

3. The object of this Canon is to assist in providing for the physical, emotional and spiritual welfare and safety, and the protection from the risk of abuse, of all people having dealings with clergy and church workers by establishing a National Professional Standards Register to which authorised persons may have access and make disclosures of the Information therein.

Establishment of the National Register

4. There shall be a National Professional Standards Register of clergy and lay persons established and maintained in accordance with the provisions of this Canon.

Information about clergy

- 5.¹ (1) The National Register shall be a register of all clergy:
 - (a) against whom a notifiable complaint or a notifiable charge has been made unless it is exhausted; or
 - (b) in respect of whom there has been a relinquishment of, or consent to deposition from, Holy Orders arising out of sexual misconduct or child abuse;
 - (c) who have made an adverse admission or are the subject of an adverse finding; or
 - (d)² in respect of whom there has been an adverse check or an adverse criminal history check or an adverse Safe Ministry Check; or
 - (e) who have not been ordained as a priest or as a bishop, or issued with a licence or appointed by a Church authority, because of an adverse risk assessment.
- (2) The register of clergy shall contain the following matters:
 - (a) Information relating to clergy; and
 - (b) in relation to each member of the clergy included in the register, a notation of the date on which the register was last altered.

Information about lay persons

- 6.³ (1) Subject to this Canon the National Register shall be a register of all lay persons:
 - (a) against whom a notifiable complaint or a notifiable charge has been made unless it is exhausted; or

¹ Amended by Canon 13, 2010.

² Amended by Canon 10, 2017.

³ Amended by Canon 13, 2010.

- (b) who have made an adverse admission or are the subject of an adverse finding; or
 - (c)⁴ in respect of whom there has been an adverse check or an adverse criminal history check or an adverse Safe Ministry Check; or
 - (d) who have not been ordained as a deacon, or issued with a licence or appointed by a Church authority, because of an adverse risk assessment.
- (2) The register of lay persons shall contain the following matters:
- (a) Information relating to lay persons; and
 - (b) in relation to each lay person included in the register, a notation of the date on which the register was last altered.

Maintenance of the National Register

7. (1) Subject to this Canon, the National Register shall be maintained by the General Secretary in such form as the Standing Committee shall approve so as to ensure the security of the information therein.
- (2) The General Secretary shall issue forms necessary for the operation of the National Register and publish these forms on the website of the General Synod.

Provision of Information for inclusion in the National Register

- 8.⁵ (1) A Director of Professional Standards shall enter information in the National Register relating to any member of the clergy or lay person to which he or she has access in carrying out his or her responsibilities, in accordance with a protocol approved by the General Synod, or the Standing Committee by a two-thirds majority, as soon as practicable, and no later than one month after he or she has access to the information.
- (2) A Director of Professional Standards shall advise the General Secretary if information of which he or she is aware has not been entered in accordance with subsection (1) as soon as practicable after the expiration of the period specified in subsection (1).
- (3) The General Secretary shall:
- (a) after receipt of advice under subsection (2), promptly enter a caution in the National Register in relation to the member of the clergy or lay person, the subject of that information; and
 - (b) no later than one month after the entry of that caution in the National Register, notify the member of the clergy or lay person concerned, by letter sent to his or her last known postal or electronic address, of:
 - (i) the entry of the caution; and
 - (ii) the right of that person to request in writing of the General Secretary the removal of the caution in accordance with subsection (5).
- (4) A Director of Professional Standards who has given the General Secretary advice in accordance with subsection (2) shall as soon as practicable after giving such advice notify that information to the General Secretary.
- (5) The General Secretary shall promptly after the earlier of:
- (a) notification by a Director of Professional Standards under subsection (4); and
 - (b) the expiration of two months from receipt of a request in writing from the member of the clergy or lay person the subject of the caution requesting its removal,
- remove the caution from the National Register.

⁴ Amended by Canon 10, 2017.

⁵ Amended by Canon 13, 2010; amended by Canon 10, 2017.

Exclusion from operation of the canon

- 8A.⁶ (1) The General Synod, or the Standing Committee, may establish exclusion criteria, and shall publish any such criteria on the General Synod website.
- (2) If exclusion criteria are established they must include:
- (a) a system of screening for sexual misconduct in relation to adults and child abuse;
 - (b) a code of conduct; and
 - (c) a system for making and dealing with complaints of sexual misconduct in relation to adults and child abuse.
- (3) The General Synod, or Standing Committee by a two-thirds majority, on application by a province or diocese may exclude from the operation of this Canon for such period as it determines:
- (a) a Church body other than a parish; and
 - (b) a category of church workers;
- if it is satisfied that the Church body or the category of church workers meets the exclusion criteria.
- (4) The exclusion of a Church body from the operation of this Canon shall not apply to any clergy employed by or exercising ministry within the Church body unless otherwise specified in the exclusion.
- (5) The General Synod, or the Standing Committee by a two-thirds majority, may in respect of an exclusion referred to in subsection (3) revoke the exclusion if it is satisfied that the Church body or the category of church workers no longer meets the exclusion criteria.
- (6) The General Secretary shall publish on the website of the General Synod a list of all Church bodies and categories of church workers excluded from the operation of this Canon and the date on which the exclusion took effect and if applicable the period during which the exclusion had effect.

Notification of Information in the National Register

- 9.⁷ (1) Subject to subsection (5), the General Secretary shall, as soon as practicable, and no later than one month, after the entry of Information in the National Register relating to a member of the clergy or a lay person (other than a changed entry relating to item 4 of each of the First and Second Schedules), notify the member of the clergy or lay person concerned of the entry of that Information by letter sent to his or her last known postal or electronic address where that address is known.
- (2)⁸ Where a Director of Professional Standards receives a police request or a withdrawal of the police request and is reasonably satisfied of its authenticity, the Director of Professional Standards shall forthwith:
- (a) enter a notation of the police request in the National Register, or remove that notation, as the case may be; and
 - (b) make a police request record or a withdrawal of the police request record, as the case may be, and provide that record to the General Secretary.
- (3)⁹ Where the General Secretary receives a police request or a withdrawal of the police request and is reasonably satisfied of its authenticity, the General Secretary shall forthwith:

⁶ Added by Canon 13, 2010.

⁷ Amended by Canon 9, 2014.

⁸ Inserted by Canon 9, 2014.

⁹ Inserted by Canon 9, 2014.

- (a) enter a notation of the police request in the National Register, or remove that notation, as the case may be; and
 - (b) make a police request record or a withdrawal of the police request record, as the case may be.
- (4)¹⁰ The General Secretary shall keep any such police request record or withdrawal of the police request record, as the case may be.
- (5)¹¹ Where the General Secretary receives a police request, or a police request record from a Director of Professional Standards, the General Secretary shall not notify the member of the clergy or lay person of the entry of Information in the National Register relating to that person until the sooner of the expiration of six months after the receipt of the police request or the receipt of a withdrawal of the police request, or a withdrawal of the police request record from a Director of Professional Standards, as the case may be.

Removal of Information in the National Register

- 10.¹² (1) A Director of Professional Standards shall notify the General Secretary as soon as practicable after becoming aware that a notifiable complaint or a notifiable charge against a member of clergy or a lay person has been exhausted.
- (2) Where notification is received from the applicable Director of Professional Standards that a notifiable complaint or notifiable charge against a member of the clergy or a lay person has been exhausted, the General Secretary shall, as soon as practicable and no later than one month after receipt of the notification, remove Information in the National Register relating to that notifiable complaint or notifiable charge and notify:
- (a) the member of the clergy or lay person concerned of the removal of that Information by written notification sent to his or her last known postal or electronic address; and
 - (b) each authorised person who has had access to that Information, other than the person or persons in subsections 11(d) and (e), of the removal of that Information, by written notification.
- (3) Each authorised person referred to in subsection (2)(b), shall, as soon as practicable and no later than one month after the receipt of the notification referred to in that subsection, forward a copy of that notification to each Church authority to whom the authorised person has disclosed the Information.
- (4) Where notification is received from the applicable Director of Professional Standards that a member of the clergy or a lay person relating to whom there is Information in the National Register has died, the General Secretary shall, as soon as practicable and no later than one month after receipt of the notification, remove Information in the National Register relating to that member of the clergy or lay person.

Access to and disclosure of Information in the National Register

11. Access to and disclosure of Information in the National Register shall, subject to sections 12 and 13, be limited to the following authorised persons:
- (a) a diocesan bishop or delegate;
 - (b) the Bishop to the Defence Force or delegate;
 - (c) a Director of Professional Standards;
 - (d) the General Secretary;
 - (e) any person within the General Synod Office whose duties include assisting the General Secretary in maintaining the National Register; and

¹⁰ Inserted by Canon 9, 2014.

¹¹ Inserted by Canon 9, 2014.

¹² Amended by Canon 13, 2010.

- (f) such other persons as may be determined by the Standing Committee by a two-thirds majority;

who agree to abide by the protocols under this Canon approved by the General Synod, or the Standing Committee by a two-thirds majority.

Entitlement to ascertain the existence and obtain a copy of any Information in the National Register

- 12.¹³ The General Secretary, on application by a person to ascertain whether there is any Information, and if so to obtain a copy of the Information, in the National Register relating to that person, shall, other than in respect of Information which is the subject of a police request, notify the person whether there is any such Information, and if so provide a copy of that Information to that person, in accordance with a protocol approved by the General Synod, or the Standing Committee by a two-thirds majority.

Entitlement to ascertain details of access to Information in the National Register

13. The General Secretary, on application by a person to ascertain whether there has been access to any Information in the National Register relating to that person by an authorised person, shall notify the person whether there has been any such access, and if so provide details of that access to that person, in accordance with a protocol approved by the General Synod, or the Standing Committee by a two-thirds majority.

Amendment of Information in the National Register

14. (1) The General Secretary, on application by a person to amend the Information in the National Register relating to that person, shall:
- (a) amend the Information in the National Register relating to that person, or
 - (b) include a statement of the person in the National Register,
- subject to any limitation on the length of any amendment or statement determined by the Standing Committee, in accordance with a protocol approved by the General Synod, or the Standing Committee by a two-thirds majority.
- (2) The General Secretary shall, as soon as practicable and no later than one month after making the amendment or including the statement referred to in subsection (1), notify by written notification each authorised person who has had access to that Information, other than the person or persons in subsections 11(d) and (e), of the making of that amendment or the inclusion of that statement.
- (3) Each authorised person referred to in subsection (2) shall, as soon as practicable and no later than one month after the receipt of the notification referred to in subsection (2), forward a copy of that notification to each Church authority to whom the authorised person has disclosed the Information.

Annual report and audit

15. (1) The General Secretary shall, as soon as practicable after the end of each calendar year, provide a report as to the operation of the National Register to the Standing Committee for that year containing such information as the Standing Committee may determine.
- (2) The Standing Committee shall:
- (a) determine the scope of an audit of the operation of the National Register to verify compliance with this Canon and the protocols under this Canon; and

¹³ Amended by Canon 9 2014.

- (b)¹⁴ appoint an independent person to undertake an audit of the operation of the National Register for each calendar year and provide a report to the Standing Committee as soon as practicable after the end of that year.
- (3)¹⁵ Each diocese shall provide access to such of its records and provide such information as requested by the independent person undertaking the audit as is reasonably necessary to enable the audit to be undertaken.
- (4)¹⁶ The General Secretary shall, as soon as practicable after the report of the audit has been provided to the Standing Committee, publish the report on the General Synod website.

Protocols

- 16. The Standing Committee by a two-thirds majority may revise any protocol or make any additional protocol under this Canon where it is necessary or convenient to carry out or give effect to this Canon.

Report to the General Synod

- 17. The Standing Committee shall prepare a report on the operation of this Canon for each ordinary session of the General Synod which shall include:
 - (a) any protocol under this Canon which the Standing Committee has approved or revised, and
 - (b) any other decision under this Canon which the Standing Committee has made, since the last ordinary session of the General Synod.

Coming into force of particular provisions

- 18. (1) Paragraphs (a), (b), (c) and (f) of section 11 of this Canon shall not come into force until 1 March 2008.
- (2) The provisions of this Canon relating to the Episcopal Standards Board shall not come into force in a diocese unless and until the diocese adopts the Episcopal Standards Canon 2007 by ordinance of the synod of the diocese.

Repeal of the National Register Canon 2004

- 19. The National Register Canon 2004 is hereby repealed.

THE FIRST SCHEDULE - INFORMATION ABOUT CLERGY

- 1. Full name.
- 2. Date of birth.
- 3. Gender.
- 4. Last known postal and electronic address, and telephone numbers.
- 5. Date of ordination as a deacon and name of the diocese in which ordained.
- 6. Date of ordination as a priest and name of the diocese in which ordained.
- 7. Date of consecration as a bishop and name of the diocese in which consecrated.

¹⁴ Amended by Canon 10, 2017.

¹⁵ Added by Canon 10, 2017.

¹⁶ Added by Canon 10, 2017.

8. Particulars of any current licence, and any past licence if available, including the diocese for which the licence is or was held.
9. Particulars of any current appointment, and any past appointment if available, including the Church authority by which the appointment was made, and the diocese in which the appointment is or was held.
10. Date of a notifiable complaint, and date or period and category of the alleged sexual misconduct or child abuse.
11. Date and reason the Investigator refrained from investigating a notifiable complaint.
12. Date of recommendation by the Investigator to the Church authority of a suspension from duties, office or an appointment by a Church body, or of a prohibition order, arising out of a notifiable complaint.
13. Date of reference of a notifiable complaint to a Determiner.
14. Date and particulars of a determination or recommendation of a Determiner relating to a notifiable complaint.
15. Date and particulars of any disciplinary action taken arising out of a notifiable complaint.
16. Date and particulars of any relinquishment of Holy Orders arising out of sexual misconduct or child abuse.
17. Date and particulars of any consent deposition from Holy Orders arising out of sexual misconduct or child abuse.
- 18.¹⁷ Date, applicable jurisdiction and particulars of any adverse check.
19. Date, applicable jurisdiction and particulars of any adverse criminal history check.
20. Date, applicable diocese and particulars of any adverse Safe Ministry Check.
21. Name of the bishop or bishops and date of any decision by the bishop not to ordain the person as a priest or to issue a licence to the person or any refusal by the bishops to consecrate the person as a bishop because of an adverse risk assessment.
22. Name of the Church authority and date of any refusal by the Church authority to appoint the person because of an adverse risk assessment.
- 23.¹⁸ Date, applicable jurisdiction and particulars of a notifiable charge.
- 24.¹⁹ Date, applicable jurisdiction and particulars of an adverse admission.
- 25.²⁰ Date, applicable jurisdiction and particulars of an adverse finding.

THE SECOND SCHEDULE - INFORMATION ABOUT LAY PERSONS

1. Full name.
2. Date of birth.
3. Gender.

¹⁷ Amended by Canon 10, 2017.

¹⁸ Added by Canon 13, 2010.

¹⁹ Added by Canon 13, 2010.

²⁰ Added by Canon 13, 2010.

4. Last known postal and electronic address, and telephone numbers.
5. Particulars of any current licence, and any past licence if available, including the diocese for which the licence is or was held.
6. Particulars of any current appointment, and any past appointment if available, including the Church authority by which the appointment was made, and the diocese in which the appointment is or was held.
7. Date of a notifiable complaint, and date or period and category of the alleged sexual misconduct or child abuse.
8. Date and reason the Investigator refrained from investigating a notifiable complaint.
9. Date of recommendation by the Investigator to the Church authority of a suspension from duties, office or an appointment by a Church body, or of a prohibition order, arising out of a notifiable complaint.
10. Date of reference of a notifiable complaint to a Determiner.
11. Date and particulars of a determination or recommendation of a Determiner arising out of a notifiable complaint.
12. Date and particulars of any disciplinary action taken arising out of a notifiable complaint.
- 13.²¹ Date, applicable jurisdiction and particulars of any adverse check.
14. Date, applicable jurisdiction and particulars of any adverse criminal history check.
15. Date, applicable diocese and particulars of any adverse Safe Ministry Check.
16. Name of the bishop and the date of any decision by the bishop not to ordain the person as a deacon or to issue a licence to the person because of an adverse risk assessment.
17. Name of the Church authority and date of any refusal by the Church authority to appoint the person because of an adverse risk assessment.
- 18.²² Date, applicable jurisdiction and particulars of a notifiable charge.
- 19.²³ Date, applicable jurisdiction and particulars of an adverse admission.
- 20.²⁴ Date, applicable jurisdiction and particulars of an adverse finding.

THE THIRD SCHEDULE – DICTIONARY

In this Canon, and protocols approved under this Canon, unless the context otherwise requires:

adverse admission²⁵ means an admission by a person of conduct occurring within or outside of Australia:

- (a) in proceedings before a court or tribunal within or outside of Australia;
- (b) to a Church authority; or
- (c) to a Director of Professional Standards;

which is made or recorded in writing and which a Director of Professional Standards certifies constitutes sexual misconduct or child abuse by that person;

²¹ Amended by Canon 10, 2017.

²² Added by Canon 13, 2010.

²³ Added by Canon 13, 2010.

²⁴ Added by Canon 13, 2010.

²⁵ Added by Canon 13, 2010.

adverse check²⁶ means the cancellation, revocation, suspension of, and refusal to issue, a working with children check, or a working with vulnerable people check on account of known or suspected child abuse or sexual misconduct;

adverse criminal history check means a criminal history check of a person provided under legislation of the Commonwealth, a State or Territory, or another country disclosing the commission of a criminal offence by that person which a Director of Professional Standards certifies arises out of sexual misconduct or child abuse by that person;

adverse finding²⁷ means:

- (a) the conviction of a person of a criminal offence;
- (b) the finding that a person is guilty of a criminal offence without proceeding to a conviction; or
- (c) a finding against a person;

by a court or tribunal within or outside of Australia, which a Director of Professional Standards certifies constitutes sexual misconduct or child abuse by that person;

adverse risk assessment means an assessment that a person is unsuitable for ordination or the issue of a licence or an appointment:

- (a) made by or on behalf of a Church authority on the grounds of; or
- (b) certified by a Director of Professional Standards to arise out of; the risk of sexual misconduct or child abuse by that person;

adverse Safe Ministry Check means a Safe Ministry Check of a person disclosing sexual misconduct or child abuse or the risk of sexual misconduct or child abuse by that person;

Appellate Tribunal means the Appellate Tribunal established in accordance with the provisions of Chapter IX of the Constitution;

appointment includes employment;

authorised person means a person referred to in section 11;

bullying²⁸ means behaviour directed to a person which:

- (a) is repeated;
- (b) is unreasonable (being behaviour that a reasonable person, having considered the circumstances, would see as unreasonable, including behaviour that is victimising, humiliating, intimidating or threatening); and
- (c) creates a risk to the person's health and safety;

caution²⁹ means a notice that Information of which a Director of Professional Standards is aware and to which he or she has access in carrying out his or her responsibilities has not been entered in the National Register within the time specified in section 8(1);

child means anyone under the age of 18;

child abuse³⁰ means:

- (a) the following conduct in relation to a child:
 - (i) bullying³¹; or
 - (ii) emotional abuse; or

²⁶ Added by Canon 10, 2017.

²⁷ Added by Canon 13, 2010.

²⁸ Added by Canon 13, 2010; amended by Canon 10, 2017.

²⁹ Added by Canon 13, 2010.

³⁰ Renumbered by Canon 9, 2014.

³¹ Amended by Canon 13, 2010.

- (iii) neglect; or
 - (iv) physical abuse; or
 - (v) sexual assault, sexual exploitation, sexual harassment or sexually inappropriate behaviour³²; or
 - (vi) spiritual abuse; or
 - (vii)³³ grooming; or
 - (viii)³⁴ a child offence; or
 - (ix)³⁵ failure without reasonable excuse to report child abuse;
- (b) the possession, production or distribution of child exploitation material;

child exploitation material³⁶ means material that describes or depicts a person who is or who appears to be a child:

- (a) engaged in sexual activity; or
- (b) in a sexual context; or
- (c) as the subject of torture, cruelty or abuse (whether or not in a sexual context) in a way that a reasonable person would regard as being, in all the circumstances, offensive. Child exploitation material can include any film, printed matter, electronic data, computer image or any other depiction;

child offence³⁷ means conduct that amounts to a criminal offence against the laws of the Commonwealth, a State or Territory, or another country which is equivalent to a criminal offence of the Commonwealth or a State or Territory involving the failure to disclose a criminal offence committed against a child to the police;

Church authority means a diocesan bishop or a person or body having authority to ordain, license, elect, appoint, dismiss or suspend a member of the clergy or a lay person;

Church body³⁸ means any body corporate, organisation or association that exercises ministry within, or on behalf of, or in the name of, the Church, and is controlled by a diocese or province or the General Synod;

church worker means a lay person:

- (a) who is or was licensed or authorised by the bishop of a diocese; or
- (b) who is or was employed by a Church body³⁹; or
- (c)⁴⁰ who, for payment or not, holds or has held a position or performs a function with the actual or apparent authority of a Church authority or Church body, including an office, position or function:
 - (i) of leadership in a parish, diocese or General Synod body; and
 - (ii) as a member of the General Synod or a diocesan synod; and
 - (iii)⁴¹ as a member of a body controlled by a diocese or province or the General Synod; and
 - (iv) as a churchwarden, member of any parish council or member of any committee constituted by or by the authority of the General Synod, a diocesan synod or a parish council;

clergy means a person who is or has been a bishop, priest or deacon in this Church, but does not include a deceased person;

³² Amended by Canon 13, 2010; amended by Canon 10, 2017.

³³ Added by Canon 10, 2017.

³⁴ Added by Canon 10, 2017.

³⁵ Added by Canon 10, 2017.

³⁶ Inserted by Canon 9, 2014.

³⁷ Amended by Canon 10, 2017.

³⁸ Amended by Canon 13, 2010; amended by Canon 10, 2017.

³⁹ Amended by Canon 13, 2010.

⁴⁰ Amended by Canon 13, 2010.

⁴¹ Amended by Canon 10, 2017.

Controlled by a diocese or province or the General Synod⁴² means that the majority of the members of the body with management responsibility is elected or appointed:

- (a) in the case of a diocese, under an ordinance of the diocese, or under the constitution of the Church body by one or more of the bishop, the diocesan synod and the diocesan council;
- (b) in the case of a province, under an ordinance of the province, or under the constitution of the Church body by one or more of the metropolitan, the provincial synod and the provincial council;
- (c) in the case of the General Synod, under a canon of the General Synod, or under the constitution of the Church body by one or more of the Primate, the General Synod and the Standing Committee;

court or tribunal⁴³ means, in relation to an adverse finding or an adverse admission, a court or tribunal which has jurisdiction:

- (a) to make the adverse finding, or
- (b) to make an adverse finding in relation to the conduct which is subject to the adverse admission;

Defence Force Representative means the Bishop to the Defence Force or delegate or the Director of Professional Standards of the Defence Force or their successors in office;

Determiner means:

- (a) the person or body in a diocese having power to make findings or recommendations relating to the conduct of clergy or church workers; or
- (b) the Special Tribunal; or
- (c) the Episcopal Standards Board; or
- (d) the Appellate Tribunal; or
- (e) any other person or body determining an appeal from a person or body having power to make findings or recommendations relating to the conduct of clergy or church workers;

diocesan bishop means the bishop of a diocese, or in the absence of the bishop the commissary appointed by the bishop, or in the time of a vacancy in the see the administrator of the diocese or their successors in office;

Diocesan Representative means the diocesan bishop or delegate or the Director of Professional Standards of the diocese;

Director of the Episcopal Standards Commission means:

- (a) the Director of the Episcopal Standards Commission appointed under the Special Tribunal Canon 2007; or
- (b) a person acting in that office;

Director of Professional Standards means:

- (a) the Director of Professional Standards of a diocese or the Defence Force or his or her successor in office; or
- (b) the person who carries out the functions of a Director of Professional Standards in a diocese or the Defence Force or his or her successor in office; or
- (c) the person who works in conjunction with the Investigator; or
- (d) the Director of the Episcopal Standards Commission or his or her successor in office; or
- (e) a person acting in such an office;

emotional abuse means acts or omissions in relation to a child where the child has suffered, or is likely to suffer, significant harm to his or her wellbeing or development;

⁴² Added by Canon 10, 2017.

⁴³ Added by Canon 13, 2010.

Episcopal Standards Board means the Episcopal Standards Board constituted under the Episcopal Standards Canon 2007;

Episcopal Standards Commission means the Episcopal Standards Commission constituted under the Special Tribunal Canon 2007;

Exempt Information⁴⁴ means Information relating to a notifiable complaint or a notifiable charge, where the notifiable complaint or the notifiable charge has been exhausted;

exhausted⁴⁵ means a notifiable complaint or a notifiable charge which:

- (a) has been withdrawn; or
- (b) has been determined to be false, vexatious or misconceived; or
- (c) is one where a Determiner finds that it is more likely than not that the subject matter of the complaint did not occur; or
- (d) is one where a court or tribunal finds that it is more likely than not that the subject matter of the charge did not occur;

Failure without reasonable excuse to report child abuse⁴⁶ means the failure without reasonable excuse to comply with the laws of the Commonwealth or a State or Territory requiring the reporting of child abuse to the police or other authority;

General Secretary means:

- (a) the General Secretary of the General Synod or his or her successor in office; or
- (b) a person acting in that office;

grooming⁴⁷ means conduct deliberately undertaken with the aim of engaging and influencing a person for the purpose of sexual activity;

independent person⁴⁸ means a person who

- (a) is not a member of the clergy; or church worker; and
- (b) has experience in undertaking audits of a similar nature to an audit of the operation of the National Register;

Information⁴⁹ means the matters other than Exempt Information, whether occurring before or after this Canon came into force:

- (a) relating to clergy specified in section 5(1):
 - (i) which are referred to in the First Schedule; and
 - (ii) which, as to any additional matters, are determined by the Standing Committee; or
- (b) relating to lay persons specified in section 6(1):
 - (i) which are referred to in the Second Schedule; and
 - (ii) which, as to any additional matters, are determined by the Standing Committee;

Investigator means the person or body in a diocese having power to investigate or cause to be investigated the conduct of clergy or lay persons or the Episcopal Standards Commission;

lay person means a person who has not been ordained, but does not include a deceased person;

licence includes an authority or permission to officiate;

⁴⁴ Amended by Canon 13, 2010.

⁴⁵ Amended by Canon 13, 2010.

⁴⁶ Added by Canon 10, 2017.

⁴⁷ Added by Canon 10, 2017.

⁴⁸ Added by Canon 10, 2017.

⁴⁹ Amended by Canon 13, 2010.

National Register means the National Professional Standards Register referred to in section 4;

neglect means the neglect of a child where the child has suffered, or is likely to suffer, significant harm to his or her wellbeing or development;

notifiable charge⁵⁰ means the charge of a person of:

- (a) the commission of a criminal offence; or
- (b) the engagement in professional misconduct; occurring within or outside of Australia, which a Director of Professional Standards certifies arises out of alleged sexual misconduct or child abuse by that person;

notifiable complaint means a complaint in accordance with the relevant canon, ordinance, rule or protocol received by a Director of Professional Standards of sexual misconduct or child abuse by a member of the clergy or a lay person, whenever and wherever occurring:

- (a) which has been communicated to the member of the clergy or lay person; or
- (b) which the Director of Professional Standards has certified has been sent to the last known postal or electronic address of the member of the clergy or lay person or
- (c)⁵¹ which is the subject of a police request;

physical abuse means the physical assault of a child other than lawful discipline by a parent or guardian;

police request⁵² means:

- (a) a request made orally or in writing by an officer of a police service that a member of the clergy or lay person not be notified of Information relating to that person; or
- (b) a further request or further requests up to a maximum of three further requests, each made before the expiry of the request or immediately preceding further request orally or in writing by an officer of a police service that a member of the clergy or lay person not be notified of the Information referred to in paragraph (a); or
- (c) a further request made before the expiry of a third further request referred to in paragraph (b) or any further requests after that, but made before the expiry of the immediately preceding further request, orally or in writing by an officer of a police service that a member of the clergy or lay person not be notified of the Information referred to in paragraph (a), but only when the General Secretary is satisfied that, for special or exceptional reasons, the further requests should have effect under subsection 9(5).

police request record⁵³ means a written record containing the name of the officer of the police service making a police request and his or her police service, the date of the making of the police request, the medium by which the police request is made, and the Information the subject of the police request;

police service⁵⁴ means the Australian Federal Police or the police service of a State or Territory of Australia;

professional standards role means a role undertaken as part of the professional standards policies and procedures and includes the role of a contact person, support person, Investigator and Determiner;

prohibition order means an order prohibiting a member of the clergy or a church worker from holding a specified position or office in or being appointed by a Church body or Church authority or from carrying out any specified functions in relation to any office or position in the diocese or in relation to any appointment by a Church body;

⁵⁰ Added by Canon 13, 2010.

⁵¹ Added by Canon 9 2014.

⁵² Added by Canon 9 2014.

⁵³ Added by Canon 9 2014.

⁵⁴ Added by Canon 9 2014.

Safe Ministry Check means the questionnaire for the selection of ordination candidates, for the screening of clergy, and for the screening of church workers who have contact with children in his or her ministry, in use in a diocese or the Defence Force;

sexual assault⁵⁵ means any intentional or reckless act, use of force or threat to use force involving some form of sexual activity against a person;

- (a) without their consent: or
- (b) with their consent in circumstances where consent is not a defence to such conduct under the applicable laws:
 - (i) of the Commonwealth, a State or Territory; or
 - (ii) another country where those law are of a substantially similar nature to a law of the Commonwealth, a State or Territory which provides that consent is not a defence to such conduct;

sexual exploitation⁵⁶ means any form of sexual contact or invitation to sexual contact with a person, with whom there is a professional or pastoral or supervisory relationship, regardless of who initiated the contact, but does not include such contact or invitation within a marriage;

sexual harassment⁵⁷ means:

- (a) an unwelcome sexual advance, or an unwelcome request for sexual favours, by a person to another person, or
- (b) other unwelcome conduct of a sexual nature by a person in relation to another person,

whether intended or not, in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated that the other person would be offended, humiliated or intimidated;

sexually inappropriate behaviour⁵⁸ means conduct of a sexual nature, other than sexual assault, sexual exploitation or sexual harassment, or grooming, which is inconsistent with the standards of sexual conduct applicable to clergy or church workers;

sexual misconduct⁵⁹ means the following conduct in relation to an adult:

- (a) sexual assault; or
- (b) sexual exploitation; or
- (c) sexual harassment; or
- (d) sexually inappropriate behaviour; or
- (e) grooming;

Special Tribunal means the Special Tribunal established in accordance with the provisions of Chapter IX of the Constitution;

spiritual abuse means the mistreatment of a child by actions or threats when justified by appeal to God, faith or religion where the child has suffered, or is likely to suffer, significant harm to his or her wellbeing or development;

Standing Committee means the Standing Committee of General Synod;

withdrawal of the police request⁶⁰ means a notification made orally or in writing by an officer of the police service concerned that it withdraws the police request relating to a member of the clergy or lay person;

⁵⁵ Added by Canon 10, 2017.

⁵⁶ Added by Canon 13, 2010; amended by Canon 10, 2017.

⁵⁷ Added by Canon 10, 2017.

⁵⁸ Added by Canon 10, 2017.

⁵⁹ Amended by Canon 13, 2010; amended by Canon 10, 2017.

⁶⁰ Added by Canon 9 2014.

withdrawal of the police request record⁶¹ means a written record containing the name of the officer of the police service making a withdrawal of the police request and his or her police service, the date of the making of the withdrawal of the police request, the medium by which the withdrawal of the police request is made, and the Information the subject of the withdrawal of the police request.

withdrawn in relation to a notifiable complaint includes the circumstance in which a Director of Professional Standards certifies that the person making the complaint has failed without reasonable excuse to comply with the relevant canon, ordinance, rule or protocol under which the complaint has been made;

working with children check⁶² means an authority to work with children issued under the laws of the Commonwealth or a State or Territory;

working with vulnerable people check⁶³ means registration to work with vulnerable people under the laws of the Commonwealth or a State or Territory.

PROTOCOL FOR PROVISION OF INFORMATION FOR INCLUSION IN THE NATIONAL REGISTER⁶⁴

Title

1. The Protocol may be cited as the "Protocol for provision of Information for inclusion in the National Register 2007".

Definitions

2. The words and expressions used in this Protocol have the same meaning as in the National Register Canon 2007.

Entry of Information by the Director of Professional Standards⁶⁵

3. A Director of Professional Standards who is required to enter information in the National Register relating to any member of the clergy or lay person shall do so by entering information electronically on the National Register and satisfying themselves that the Information is accurate.

Accuracy and completeness of Information⁶⁶

4. The Director of Professional Standards, whenever satisfied that Information on the National Register is inaccurate or incomplete, shall amend the Information to ensure its accuracy and completeness.
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⁶¹ Added by Canon 9 2014.

⁶² Amended by Canon 10, 2017.

⁶³ Added by Canon 10, 2017.

⁶⁴ Amended - Clauses 3A, 5 and 6 deleted by Standing Committee Resolution SC2013/1/22.

⁶⁵ Heading and Clause 3 amended at the Seventeenth Session of General Synod 6 September 2017.

⁶⁶ Heading and Clause 4 amended at the Seventeenth Session of General Synod 6 September 2017.

PROTOCOL FOR ACCESS TO AND DISCLOSURE OF INFORMATION IN THE NATIONAL REGISTER

Part 1 General

Title

1. The Protocol may be cited as the "Protocol for access to and disclosure of Information in the National Register 2007".

Part 2 Access by authorised persons

Acknowledgment and agreement of authorised persons

2. The General Secretary must not allow an authorised person other than himself or herself to have any access to Information in the National Register unless he or she has received a signed document in the form of the acknowledgement and agreement at the end of this Schedule from the authorised person. The General Secretary must sign this form of acknowledgement and agreement before undertaking any responsibility under this Canon. The acknowledgment and agreement will remain in force unless withdrawn or the signatory ceases to be an authorised person.

Register of authorised persons

3. The General Secretary must maintain a register of the name, contact details, and the period of access to the National Register, of each authorised person.

Record of reason for access

4. Each time an authorised person has access to Information in the National Register relating to a member of the clergy or lay person (other than the General Secretary, or any person within the General Synod Office whose duties include assisting the General Secretary in maintaining the National Register), he or she must declare to the General Secretary the reason for the access, and the Church authority to which the Information will be disclosed.

Log of access by authorised persons

5. The General Secretary must maintain a log of each access recording the name of the authorised person and the member of the clergy or lay person, the details on the declaration relating to the access, and the date of access.

Access by and disclosure to third parties under compulsion of law

6. Subject to this Protocol, an authorised person may only give access to, and disclose, Information in the National Register relating to a member of the clergy or lay person to a person if compelled by law to do so.

Non- disclosure of information where there is a police request

- 6A.⁶⁷ An authorised person who has access to Information in the National Register in respect of which there is a notation of a police request must not disclose the existence or substance of the Information to the person to whom the Information relates.

Part 3 Access and disclosure by a Diocesan Representative

Ordination, the issue of a licence or appointment to a position within the diocese

7. Where a Church authority proposes to ordain, or issue a licence to, or to appoint to a position within the diocese, a member of the clergy or lay person, the Diocesan Representative, where

⁶⁷ Inserted by the Sixteenth Session of General Synod 1 July 2014.

required to by the procedures of the Church authority, is authorised to have access to any Information in the National Register relating to the member of the clergy or lay person and disclose whether there is any such, and if so what, Information to the Church authority.

Application for ordination, the issue of a licence or appointment to a position within the diocese

8. Where a member of the clergy or lay person applies for ordination, or the issue of a licence, or appointment to a position within the diocese, the Diocesan Representative, where required to by the procedures of the Church authority, is authorised to have access to any Information in the National Register relating to the member of the clergy or lay person and disclose whether there is any such, and if so what, Information to the Church authority.

Invitation to apply for ordination, the issue of a licence or appointment to a position within the diocese

9. Where a Church authority invites a member of the clergy or lay person to apply for ordination, or the issue of a licence, or appointment to a position within the diocese, and the member of the clergy or lay person expresses interest in making an application, the Diocesan Representative, where required to by the procedures of the Church authority, is authorised to have access to any Information in the National Register relating to the member of the clergy or lay person and disclose whether there is any such, and if so what, Information to the Church authority.

Part 4 Access and disclosure by the Defence Force Representative

10. The Defence Force Representative, where required to by the Primate or the Bishop to the Defence Force, is authorised to have access to and disclose any Information in the National Register relating to a member of the clergy or lay person in the same circumstances as a Diocesan Representative.

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Abuse and allegations of abuse

11. Where a Director of Professional Standards receives information relating to sexual misconduct or child abuse or alleged sexual misconduct or child abuse by a member of the clergy or a lay person, he or she is authorised to have access to any Information in the National Register relating to the member of the clergy or lay person. The Director of Professional Standards is authorised to disclose whether there is any such, and if so what, Information to an Investigator, Determiner or other applicable Church authority.

Appointment of persons to professional standards roles

12. Where a Church authority proposes to appoint a member of the clergy or lay person to or in a professional standards role, and the member of the clergy or lay person has expressed interest in accepting the appointment, the Director of Professional Standards, where required by the relevant procedures for the appointment of persons to professional standards roles, is authorised to have access to any Information in the National Register relating to the member of the clergy or lay person. The Director of Professional Standards is authorised to disclose whether there is any such, and if so what, Information to the person expressing interest in the appointment, and the Church authority.

Election of bishop

- 13.⁶⁸ Where a member of the clergy accepts nomination, or expresses interest in accepting nomination, for appointment as a bishop, or has been so nominated and consents to a search of the National Register for Information relating to the nominee, the Director of Professional Standards, where required to by the procedures of the diocese for the election of a bishop, is authorised to have access to any Information in the National Register relating to the member of the clergy. The

⁶⁸ Amended by Standing Committee, April 2010 (SC2010/1/54).

Director of Professional Standards is authorised to disclose whether there is any such, and if so what, Information to each member of the clergy accepting nomination or expressing interest in accepting nomination, and the Church authority or nomination committee.

Election of persons by a Church authority

14. Where a Church authority holds an election for which members of the clergy or lay persons are candidates, the Director of Professional Standards, where required to by the procedures of the diocese for the conduct of elections, is authorised to have access to any Information in the National Register relating to the candidates. The Director of Professional Standards is authorised to disclose whether there is any such, and if so what, Information to the candidates, and the Church authority.

Consecration of bishop

15. Where a person in priest's orders is to be consecrated bishop:
- (a) the Director of Professional Standards of the diocese for or in respect of which the consecration is to take place; or
 - (b) the Director of Episcopal Standards in any other case; is authorised to have access to any Information in the National Register relating to the person. The Director of Professional Standards is authorised to disclose whether there is any such, and if so what, Information to the person to be consecrated and the Metropolitan, Primate or other bishop as the case requires.

Disclosure to third parties where there is consent

16. A Director of Professional Standards is authorised to have access to any Information in the National Register relating to a member of the clergy or lay person and disclose in writing whether there is any such, and if so what, Information to a third party, where he or she has received the consent in writing of the member of the clergy or lay person. The Director of Professional Standards must take reasonable steps to check the postal or electronic address of the third party before sending a letter containing the disclosure to the third party at that address.

Disclosure to third parties where necessary to protect persons from the risk of abuse

17. A Director of Professional Standards is authorised to have access to any Information in the National Register relating to a member of the clergy or lay person and disclose that Information to a third party, where he or she reasonably believes that disclosure is necessary to protect the third party or any other person from the risk of abuse by the member of the clergy or lay person.

Part 6 Access and disclosure by the General Secretary

Election of the Primate

18. When an election is held for the Primate, each of the General Secretary and the Director of Episcopal Standards, where required to by the Primate Canon 1985, is authorised to have access to any Information in the National Register relating to the candidates and disclose whether there is any such, and if so what, Information to the candidates, and the Board of Electors.

Election and appointment of persons by the General Synod

19. Where the General Synod holds an election for which members of the clergy or lay persons are candidates, or proposes to appoint a member of the clergy or lay person to a position and the member of the clergy or lay person expresses interest in the appointment, the General Secretary, where required to by the procedures of the General Synod for the conduct of elections and making appointments, is authorized to have access to any Information in the National Register relating to the candidates or the member of the clergy or lay person and disclose whether there is any such, and if so what, Information to the candidates or persons expressing interest in the appointment, and the General Synod.

Election, appointment and nomination of persons by the Standing Committee⁶⁹

20.⁷⁰ Where the Standing Committee holds an election for which members of the clergy or lay persons are candidates, or proposes to appoint or nominate a member of the clergy or lay person to a position or for election by the General Synod under rule 7(c)(1) and (2) of the Standing Orders and the member of the clergy or lay person expresses interest in the appointment or nomination, the General Secretary, where required to by the procedures of the Standing Committee for the conduct of elections and making appointments, is authorised to have access to any Information in the National Register relating to the candidates or the member of the clergy or lay person and disclose whether there is any such, and if so what, Information to the candidates or persons expressing interest in the appointment, and the Standing Committee.

Advice by the Standing Committee to the Primate regarding the appointment of members of a Reference Commission

20A.⁷¹ Where the Primate seeks the advice of the Standing Committee regarding the appointment of a member of a Reference Commission under s 14 of the Strategic Issues, Commissions, Task Forces and Networks Canon 1998, and a person expresses interest in the appointment, the General Secretary, where required to by the procedures of the Standing Committee for giving advice regarding such an appointment, is authorised to have access to any Information in the National Register relating to the person and disclose whether there is any such, and if so what, Information to the person, and the Standing Committee.

Preparation of material for and submissions to the Royal Commission into Institutional Responses to Child Sexual Abuse⁷²

20B.⁷³ The General Secretary is authorised to have access to Information relating to child abuse and to disclose it in de-identified form to the Royal Commission Working Group and to any lawyer or other person retained on behalf of the General Synod for any purpose in connection with providing advice to the Primate, Dioceses and Anglican organisations with the preparation of material for and submissions to the Royal Commission into Institutional Responses to Child Sexual Abuse.

Information for a Determiner

20C.⁷⁴ Where a request is received from or on behalf of a Determiner as to whether there is any Information in the National Register relating to a member of the clergy or lay person, the General Secretary is authorised to have access to the National Register and disclose whether there is any such, and if so what, Information therein to the Determiner.

20D.⁷⁵ When the General Secretary receives an application for information about a church worker from a prescribed person, whether directly or through a diocesan authority or otherwise, within the meaning of the Disclosure of Information Canon 2017, the General Secretary is authorised to have access to any Information in the National Register relating to the church worker and disclose whether there is any such, and if so what, Information relating to the church worker to the prescribed person.

Certificate as to Information in the National Register

21. The General Secretary will provide to a member of the clergy or lay person, at his or her request, a certificate stating whether there is any, and if so what, Information in the National Register relating to the member of the clergy or lay person.

⁶⁹ Amended by Standing Committee, May 2017 (SC2017/02/47).

⁷⁰ Amended by Standing Committee, May 2017 (SC2017/02/47).

⁷¹ Inserted by Standing Committee, October 2009 (SC2009/3/036).

Amended by Standing Committee, November 2016 (SC2016/2/35).

⁷² Inserted by Standing Committee, November 2016 (SC2016/2/30).

⁷³ Inserted by Standing Committee, April 2013 (SC2013/1/22).

⁷⁴ Inserted by Standing Committee, November 2016 (SC2016/2/30).

⁷⁵ Inserted by the Seventeenth Session of General Synod 6 September 2017.

Part 6A Access and Disclosure by the Primate

Appointment of the General Secretary

21A.⁷⁶ Where the Standing Committee proposes to appoint the General Secretary (whether in a permanent or acting capacity), and a person expresses interest in the appointment, the Primate, where required to by the procedures of the Standing Committee for making such an appointment, is authorized to have access to any Information in the National Register relating to the person and disclose whether there is any such, and if so what, Information to the person, and the Standing Committee.

Part 7 Access by staff of the General Synod Office

22.⁷⁷ Any person within the General Synod Office whose duties include assisting the General Secretary in maintaining the National Register is authorised to have access to any Information in the National Register for the purposes of:

- (a) providing assistance to another authorised person and carrying out any maintenance or enhancement of the National Register; and
- (b) disclosing to a person duly authorised by the Bishop of a diocese to conduct an audit or other formal review of compliance by personnel of that diocese with duties under the National Register Canon 2007 and the protocols made thereunder subject to the person so authorised signing a confidentiality agreement in a form approved by the General Secretary.

Acknowledgment and agreement

I (insert name), the (insert position and diocese if applicable) acknowledge that I have read the protocols approved under the National Register Canon 2007:

- (a) Protocol for provision of Information for inclusion in the National Register 2007;
- (b) Protocol for access to and disclosure of Information in the National Register 2007;
- (c) Protocol to ascertain the details of any Information and access to that Information in the National Register 2007;
- (d) Protocol for amendment of Information in the National Register 2007.

I agree to abide by these protocols, and not to disclose my password to any other person.

(Date)

(Signature).

PROTOCOL TO ASCERTAIN DETAILS OF ANY INFORMATION AND ACCESS TO THAT INFORMATION IN THE NATIONAL REGISTER

Title

1. The Protocol may be cited as the "Protocol to ascertain details of any Information and access to that Information in the National Register 2007".

⁷⁶ Inserted by Standing Committee, October 2009 (SC2009/3/036).

⁷⁷ Amended by Standing Committee, November 2014 (SC2014/3/27).

Application to ascertain details of any Information and access to that Information in the National Register

2. A person applying:
- (a) to ascertain the existence and obtain a copy of any Information relating to himself or herself; or
 - (b) to obtain details of any access to any Information relating to himself or herself by an authorized person;
- shall complete the form issued by the General Secretary in which is specified the postal or electronic address to which they General Secretary is to send the reply, and send the completed form to the General Secretary.

Notification of the details of any Information and access to that Information in the National Register

3. As soon as practical after receiving the application referred to in clause 2, the General Secretary shall, after being reasonably satisfied that the application is being made by the person specified therein, notify the person by written notification sent to his or her nominated postal or electronic address whether:
- (a) there is any Information in the National Register, and if so provide a copy of that Information; or
 - (b) any authorised person has had access to any Information in the National Register relating to the person, and if so details of each declaration made by each authorised person under clause 4 of the Protocol for access to and disclosure of Information in the National Register 2007.

PROTOCOL FOR AMENDMENT OF INFORMATION IN THE NATIONAL REGISTER

Title

1. The Protocol may be cited as the "Protocol for amendment of Information in the National Register 2007".

Application for amendment of Information in the National Register

2. A person making an application for the amendment of the Information in the National Register relating to himself or herself shall complete the form issued by the General Secretary, in which is specified:
- (a) the Information which is sought to be amended, and
 - (b) the ground on which the amendment is sought, and
 - (c) any evidence in support of the amendment, and
 - (d) the corrected or additional Information that would be entered in the National Register, and the deleted Information that would be removed from the National Register, if the amendment were made, and
- send the completed form to the General Secretary.

Provision of the application to the Director of Professional Standards

3. As soon as practical after receiving the application referred to in clause 2, the General Secretary shall provide a copy of the application to the Director of Professional Standards who notified the General Secretary of the Information for inclusion in the National Register.

Review of the application by the Director of Professional Standards

4. As soon as practical, and no later than one month, after receiving a copy of the application referred to in clause 3 unless an extension of time is granted by the General Secretary, the Director of Professional Standards shall review the application and notify the General Secretary as to whether he or she agrees, disagrees or has insufficient information to be able to agree or disagree, with the proposed amendment.

Amendment of Information or inclusion of statement in the National Register

5. As soon as practical after receiving the notification of the Director of Professional Standards referred to in clause 4, the General Secretary, subject to the exclusion of irrelevant or scandalous matter, shall:
 - (a) where the Director of Professional Standards agrees with the proposed amendment, make the amendment;
 - (b) where the Director of Professional Standards disagrees with the proposed amendment, include a statement containing the proposed amendment in the National Register with a notation that the Director of Professional Standards, who notified the General Secretary of the Information for inclusion in the National Register, disagrees with the proposed amendment;
 - (c) where the Director of Professional Standards has insufficient information to be able to agree or disagree with the proposed amendment, include a statement containing the proposed amendment in the National Register with a notation that the Director of Professional Standards, who notified the General Secretary of the Information for inclusion in the National Register, has insufficient information to be able to agree or disagree with the proposed amendment, and notify the person making the application of its outcome.



Offences Ordinance 1962

(Reprinted under the *Interpretation Ordinance 1985*.)

The Offences Ordinance 1962 as amended by the General Synod - Offences Amendment Canon 1981 Adopting Ordinance 1982, the General Synod - Special Procedure Canon 1992 Adopting Ordinance 1993, the Offences Ordinance 1962 Amendment Ordinance 1994, the General Synod - Offences Canon Amendment Canon 1998 Adopting Ordinance 1998, the Discipline Ordinance 2006, the General Synod – Offences Canon Amendment Canon 2007 Adopting Ordinance 2009, the Discipline Amendment Ordinance 2014 and the General Synod – Offences Amendment Canon 2017 Adopting Ordinance 2017.

Table of Provisions

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1	Declaration of Opinion
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Long Title

An Ordinance to adopt a certain canon of the Anglican Church of Australia entitled the “Offences Canon 1962” and for other purposes.

Preamble

Whereas a certain Canon was passed by the General Synod of the Anglican Church of Australia entitled the “*Offences Canon 1962*”.

And Whereas it is expedient that the said Canon should be adopted by the Church in this Diocese.

The Synod of the Diocese of Sydney declares ordains and rules as follows.

Declaration of Opinion

1. That in accordance with the provisions of the Constitution of the Anglican Church of Australia this Synod is of the opinion that the provisions of the said Canon affect or are deemed to affect the order and good government of the Church in this Diocese.

Adoption of Canon

2. That the provisions of the said Canon excepting so much thereof as relates to the original jurisdiction of the provincial tribunal shall be and is hereby adopted and shall so far as the same are applicable be applied to the management of the Church in this Diocese in like manner as if the said ordinance had been ordained and ruled by the Synod of this Diocese.

2A. The text of the said Canon incorporating amendments adopted by the Church in this Diocese is set out in the Schedule.

Specified offences

3. (1) The following are specified as offences for which a charge may be heard and determined by the Diocesan Tribunal (in addition to those specified by canon) –

- (a) Sexual abuse.
- (b) ...
- (c) Conviction in New South Wales of an offence which is punishable by penal servitude or imprisonment for 12 months or upwards or a conviction outside New South Wales of an offence which, if committed in New South Wales, would be an offence so punishable.
- (d) Grooming.
- (e) Inappropriate pastoral conduct involving a child.
- (f) Possession, production or distribution of child exploitation material.

Notes:

Section 54(2) of the 1961 Constitution provides that a charge in respect of a breach of faith ritual or ceremonial may be made against a person licensed by the Archbishop or any other person in holy orders resident in the Diocese.

(2) For the purposes of subclause (1), “church authority”, “Diocesan Tribunal”, “sexual abuse”, “grooming”, “inappropriate pastoral conduct involving a child” and “child exploitation material” have the same meanings as in the Ministry Standards Ordinance 2017.

Notes

4. (1) Notes in this Ordinance are for explanatory purposes only and do not form part of the Ordinance.

(2) The Diocesan Secretary is authorised to update the notes when reprinting this Ordinance under clause 8 of the Interpretation Ordinance 1985.

Citation

5. This Ordinance may be cited as the “Offences Ordinance 1962”.

Schedule

A Canon to specify Offences under sections 54, 55, and 56 of the Constitution.

The General Synod prescribes as follows –

1. A Diocesan Tribunal and a Provincial Tribunal in its original jurisdiction in addition to their respective powers under section 54(2) and section 55(3) of the Constitution may hear and determine charges made in respect of the following offences alleged to have been committed by a person who, at the time the charge is preferred, is licensed by the bishop of the diocese or is in holy orders resident in the diocese –

1. Unchastity.
2. Drunkenness.
3. Habitual and wilful neglect of ministerial duty after written admonition in respect thereof by the Bishop of the Diocese.
4. Wilful failure to pay just debts.
5. Conduct, whenever occurring,
 - (a) which would be disgraceful if committed by a member of the clergy, and
 - (b) which at the time the charge is preferred is productive, or if known publicly would be productive, of scandal or evil report.
6. Any other offence prescribed by an Ordinance of the Synod of the Diocese.
7. Child abuse.
8. Failure without reasonable excuse to comply with the laws of the Commonwealth or a State or Territory requiring the reporting of child abuse to the police or other authority.

2. The Special Tribunal in addition to its powers under section 56(6) of the Constitution may hear and determine charges against any person referred to in paragraphs (a) and (b) of section 56(6) of the Constitution made in respect of the following offences –

1. Unchastity.
2. Drunkenness.
3. Wilful failure to pay just debts.
4. Conduct, whenever occurring,
 - (a) which would be disgraceful if committed by a member of the clergy, and
 - (b) which at the time the charge is preferred is productive, or if known publicly would be productive, of scandal or evil report.
5. Wilful violation of the Constitution or of the Canons made thereunder or of the Ordinances of the Provincial Synod or of this Diocesan Synod.
6. Any conduct involving wilful and habitual disregard of his consecration vows.
7. Child abuse.

8. Failure without reasonable excuse to comply with the laws of the Commonwealth or a State or Territory requiring the reporting of child abuse to the police or other authority.
9. Failure to comply with a direction of the Episcopal Standards Board established under the Episcopal Standards Canon 2007 or the Episcopal Standards (Child Protection) Canon 2017 or any other Board established under an ordinance of a provincial synod or diocesan synod for dealing with the fitness of a bishop to hold office or to be or remain in Holy Orders.

2A. The Special Tribunal may hear and determine charges against any person referred to in paragraph (c) of section 56(6) of the Constitution made in respect of the following offences committed while a member of the House of Bishops or assistant to the Primate:

1. Wilful violation of the constitution or of the canons made thereunder or of the ordinances of provincial synod or of the bishop's diocesan synod relating to child abuse.
2. Child abuse.
3. Failure without reasonable excuse to comply with the laws of the Commonwealth or a State or Territory requiring the reporting of child abuse to the police or other authority.
4. Conduct relating to child abuse (whenever the child abuse occurred),
 - (a) which would be disgraceful if committed by a member of the clergy, and
 - (b) which at the time the charge is preferred is productive, or if known publicly would be productive, of scandal or evil report.

2B. In this canon, unless the context otherwise requires, child abuse has the same meaning as in the National Register Canon 2007.

3. This Canon may be cited as the "Offences Canon 1962-1981".

4. The offences added to this canon by the Offences Amendment Canon 2017 apply to conduct committed after the date the Offences Amendment Canon 2017 was passed by the General Synod.

Notes

1. The offences added to the Schedule by the *Offences Amendment Canon 2017* (Ordinance No. 35, 2017) apply to conduct committed after the date that Canon was passed by the General Synod, namely 5 September 2017.
2. By subclause 3(3) of Ordinance No. 35, 2017 the amendments in subclause 3(2) of that Ordinance are taken not to have been made in respect of complaints made under the *Discipline Ordinance 2006* prior to the commencement of the *Ministry Standards Ordinance 2017*.
3. By subclause 3(4) of Ordinance No. 35, 2017, and despite the amendments in subclause 3(2) of that Ordinance, a charge for the offence of child abuse under clause 3(1)(b) of the form of the *Offences Ordinance 1962* immediately before the commencement of this Ordinance may be heard and determined by the Diocesan Tribunal but only –
 - (a) in respect of complaints made under the *Discipline Ordinance 2006* prior to the commencement of the *Ministry Standards Ordinance 2017*, or
 - (b) where the conduct alleged to constitute child abuse was committed before 5 September 2017.

Table of Amendments

[not reproduced here]



Special Tribunal Canon 2007

Canon 13, 2007 as amended by
Canon 11, 2010
Canon 14, 2010
Canon 03, 2014
Canon 08, 2014
Canon 11, 2017
Canon 12, 2017

A canon to provide 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.

The General Synod prescribes as follows:

PART 1 - PRELIMINARY

1. This Canon may be cited as the "Special Tribunal Canon 2007".
2. In this Canon, unless the context otherwise requires:

"**Bishop**" means a bishop referred to in section 56(6) of the Constitution; and

"**bishop**" means a person in bishop's orders.

"**Church**" means the Anglican Church of Australia;

"**Church body**" includes the Primate, the General Synod, a diocese, diocesan synod, diocesan council, diocesan trustee or trust corporation or other body responsible for administering the affairs of a diocese, or an institution or agency of this Church or of a diocese;

"**Commonwealth**" means the Commonwealth of Australia;

"**complaint**" means a complaint against a Bishop alleging a breach of faith, ritual, ceremonial or discipline or alleging an offence as may be specified by Canon;

"**Director**" means the Director of the Episcopal Standards Commission appointed under Part 3;

"**Episcopal Standards Commission**" or "**ESC**" means the Episcopal Standards Commission established under Part 2;

"**incapable**" means incapable for the purposes of the Bishop (Incapacity) Canon 1995;

"**National Register**" means a National Register established pursuant to a Canon of General Synod for a purpose which includes the recording of determinations of the Tribunal;

"**priest**" means a person who is in priest's orders who is not a bishop;

"**protocol**" means the protocol approved under Part 3 of the Episcopal Standards Canon 2004;

"**relevant Metropolitan**", means:

- (a) in relation to the bishop of a diocese:
 - (i) unless paragraph (iii) or (iv) applies, the Metropolitan of the Province in which the diocese is situated; or
 - (ii) if the diocese is an extra-provincial diocese, the Primate; or
 - (iii) if the bishop is the Metropolitan but not the Primate, the Primate; or

- (iv) if the bishop is the Primate, the person who, at the relevant time, is the next most senior Metropolitan who is available, seniority being determined by the date of consecration; and
- (b) in relation to any other Bishop, the Primate;

"**respondent**" means a bishop whose alleged conduct or omission is the subject of a complaint;

"**Subsection 43(2) Exclusion**"¹ means an ordinance made by the synod of a diocese under subsection 43(2) which:

- (a) declares that paragraph (a) of subsection 43(1) shall have no effect in respect of the Bishop of that diocese; and
- (b) has not been revoked by that synod.

"**Tribunal**" means the Special Tribunal.

- 2A.²
- (1) The ESC has no powers or duties under this canon, apart from the duty imposed by subsection (2), in relation to a diocese or the Bishop thereof while there is a Subsection 43(2) Exclusion in effect in relation to that diocese.
 - (2) If the ESC receives a complaint in relation to the Bishop of a diocese while there is a Subsection 43(2) Exclusion in effect in relation to that diocese, the ESC must refer the complainant and the complaint:
 - (a) where the diocese is part of a province and the complaint is not in respect of the Metropolitan of that province, to the Metropolitan of that province;
 - (b) where the diocese is part of a province and the complaint is in respect of the Metropolitan of that province, to the Metropolitan of another province, and
 - (c) where the diocese is not part of a province and the complaint is in respect of the Bishop of that diocese, to a Metropolitan.

PART 2 – EPISCOPAL STANDARDS COMMISSION

- 3. There shall be an Episcopal Standards Commission.
- 4.
 - (1) The ESC shall have at least three members.
 - (2) The membership of the ESC shall be constituted so as collectively to provide:
 - (a) experience in law;
 - (b)³ a person in bishops' orders who is not a Bishop; and
 - (c) experience and appropriate professional qualifications in child protection, social work or counselling.
 - (3) The ESC so far as is reasonably practicable shall have an equal number of men and women.
- 5.⁴
 - (1) The members of the ESC shall be appointed by the Standing Committee.
 - (2) The members of the ESC shall hold office for a term of not more than 5 years (which may be renewed) and on such other terms and conditions as may be determined by the Standing Committee from time to time.
 - (3) Notwithstanding the provisions of this Canon (other than section 5A) or of any other canon, the members of the ESC holding office immediately before the Special Tribunal Canon 2007 Amendment Canon 2010 comes into force, will cease to hold office at the conclusion of the second meeting of the Standing Committee following the 15th General Synod.

¹ Added by Canon 11, 2010.

² Added by Canon 11, 2010.

³ Amended by Canon 14, 2010.

⁴ Amended by Canon 14, 2010.

- (4) If a member of the ESC is unable to undertake their role by reason of incapacity or conflict of interest, the Standing Committee may appoint an additional member to the ESC in accordance with this Canon for such period as the Standing Committee may determine.

5A.⁵ A member of the ESC shall cease to hold office upon:

- (a) death of the member;
- (b) resignation of the member;
- (c) declaration by a competent court or tribunal that the member is incapable of managing his or her affairs;
- (d) the member ceasing to reside permanently in Australia;
- (e) conviction or finding of guilt of the member in any court of any offence punishable by imprisonment;
- (f) the member becoming a Bishop;
- (g)⁶ the member reaching the age of 75 years; or
- (h) the passing of a resolution –
 - (i) by the Standing Committee by a two-thirds majority of those members present and voting, or
 - (ii) by the General Synod voting as a whole passed by a two-thirds majority of those members present and voting
 to remove the member from office.

6. (1) The convenor of the ESC shall be appointed by the Standing Committee.
- (2) The ESC may meet from time to time as determined by the convenor or a majority of its members and may conduct its business by telephone or electronic communication.
- (3) Subject to this Canon the procedures of the ESC shall be as determined by the ESC.
- (4) A majority of the members shall constitute a quorum.
- (5) A decision taken other than at a meeting of the ESC, if supported by a majority of members of the ESC, constitutes a decision of the ESC.
- (6) The ESC shall act in all things as expeditiously as possible.
7. An act or proceeding of the ESC is not invalid by reason only of a vacancy in its membership and, notwithstanding the subsequent discovery of a defect in the nomination or appointment of a member, any such act or proceeding is as valid and effectual as if the member had been duly nominated or appointed.
8. Subject to the provisions of this Canon, the Director, a member of the ESC and a person employed or engaged on work related to the affairs of the ESC must not divulge information that comes to his or her knowledge by virtue of that office or position except:
- (a) in the course of carrying out the duties of that office or position;
 - (b) as may be authorised by or under this or another Canon;
 - (c) in any proceedings before the Special Tribunal;
 - (d) as may be required by law; or
 - (e) to any insurer or insurance broker of a Church body where the information may give rise to or be relevant to a claim for indemnity by the Church body against the insurer or is relevant to obtaining or continuing insurance cover.

⁵ Inserted by Canon 14, 2010.

⁶ Amended by Canon 11, 2017.

9. Subject to section 51, the ESC may release to the public such material as it may determine with respect to any complaint.
10. (1) Without disclosing the identity of any complainant or the respondent, the ESC shall report annually to the Standing Committee on its activities for that calendar year.
- (2) Notwithstanding subsection (1), the report of the ESC pursuant to that subsection may identify a respondent who has been exonerated from an allegation the subject of a complaint or who has been the subject of a determination or recommendation by the Tribunal.
- (3) Subject to sub-section (4) the ESC shall, in respect of every matter with which it is dealing, report either orally or in writing to the Primate with such frequency and as fully as the Primate may reasonably require.
- (4) If the matter relates to the conduct of the Primate, such reports shall be made to and at the direction of the senior Metropolitan at the time in Australia who is not the Primate.
11. (1) Subject to sub-section (2), the ESC may delegate, upon such terms and conditions as the ESC may approve, any of its powers or functions under this Canon to any person.
- (2) The ESC cannot delegate:
- (a) its powers under subsection (1);
- (b) its powers under section 12(1)(g); or
- (c) its powers under section 22.
- (3) A delegation under this section must be made by instrument in writing signed by a member of the ESC.
12. (1) Subject to the provisions of this Canon the ESC has the following powers and duties:
- (a) to receive complaints;
- (b) to investigate the subject matter of complaint in a timely and appropriate manner;
- (c) where appropriate to arrange for the conciliation and mediation of any complaint;
- (d) where the complaint relates to an alleged offence against the law of a State or Territory of the Commonwealth or against a law of the Commonwealth, to refer any information in its possession to a member of the appropriate law enforcement, prosecution or child protection authority and to co-operate as far as possible with any such authority;
- (e) to maintain proper records of all complaints received and of action taken in relation to such complaints;
- (f) subject to any limit imposed by the Standing Committee to authorise such expenditure on behalf of the General Synod as may be necessary to implement, in a particular case, the provisions of this Canon;
- (g) to promote a charge against a Bishop before the Tribunal.
- (2) In exercising its powers under this Canon the ESC may, where it considers it to be appropriate, adopt the provisions of the protocol.
13. (1) The ESC shall only take action in respect of a complaint alleging an offence mentioned in the First Schedule where the complaint relates to conduct or an omission alleged to have occurred not more than twelve calendar months prior to the date on which the complaint is received by the ESC.
- (2) For the purposes of this section a complaint will be deemed to have been received by the ESC when received at the office of the General Secretary of the General Synod or, if posted by certified or registered mail to the Director or to the General Secretary of the General Synod, forty-eight hours after the posting of the complaint.

PART 3 – DIRECTOR OF EPISCOPAL STANDARDS COMMISSION

14. (1) There shall be a Director of the Episcopal Standards Commission.
- (2) The Director shall be appointed by and shall hold office in accordance with a resolution of the Standing Committee.
15. The Director shall have the following functions:
 - (a) to be the executive officer of the ESC;
 - (b) to attend meetings of the ESC unless the ESC in respect of a particular meeting or part of a meeting shall otherwise determine;
 - (c) such other functions and duties as may be prescribed by this or any other Canon or as may be determined by the Standing Committee or the ESC.
16. The Director may act in a corresponding capacity for a diocese either generally or for a particular case or matter.

PART 4 – COMPLAINTS

17. A person may make a complaint against a Bishop by writing signed by the person making the complaint.
18. Subject to this Canon, when the ESC receives a complaint it shall investigate the allegations contained in the complaint.
19. The ESC may refrain from further investigation of the allegations if:
 - (a) in its opinion, the allegations are vexatious or misconceived, or their subject matter is trivial;
 - (b) the subject matter is under investigation by some other competent person or body or is the subject of legal proceedings;
 - (c) the person making the complaint has failed, when requested by the ESC, to provide further particulars or to verify the allegations by statutory declaration; or
 - (d) in its opinion there is insufficient reliable evidence to warrant an investigation or further investigation.
20. For the purpose of an investigation the ESC or an investigator shall endeavour to obtain such statutory declarations, written statements, recorded conversations, reports, documents and other material as the ESC or its delegate considers necessary or desirable.
21. (1) The ESC must by notice in writing allow the respondent to provide a detailed report to the ESC within the time specified in the notice in relation to any matter relevant to the investigation, and must provide a summary of the complaint including the substance of the allegations and the name of the complainant.
- (2) If a respondent declines to answer a question on the ground that the answer might tend to incriminate the person a written record shall be made of the question and of the ground of refusal.
22. At any time after the commencement of an investigation into a complaint against a Bishop under this Part the ESC may:
 - (a) if it considers on reasonable grounds that the Bishop may be incapable, report the matter in writing to the relevant Metropolitan, and such report shall be a report for the purposes of section 4 of the Bishops (Incapacity) Canon 1995 as if it were made by three members of the synod of a diocese pursuant to that section;
 - (b) subject to section 43, institute proceedings by way of charge against a bishop before the Tribunal; or
 - (c) in the event that the bishop whose conduct is under investigation ceases to be a Bishop, refer the matter, together with such information as it shall have received, to the bishop of the diocese in which the former Bishop then resides.

23. (1) The fact that the subject matter of a complaint may be settled or resolved in whole or in part between the parties affected thereby does not prevent the ESC from taking any of the steps referred to in section 22 in respect of the subject matter of the complaint.
- (2) Any term of settlement or resolution referred to in sub-section (1) which purports to prevent or to limit the institution of proceedings by way of charge against a bishop shall be of no effect.
- (3) Proceedings shall not be instituted or maintained in the Tribunal where the bishop concerned has relinquished or has been deposed from Holy Orders in accordance with the Holy Orders, Relinquishment and Deposition Canon 2004.
24. If:
- (a) following the receipt of a complaint, the ESC, under section 19, refrains from further investigation of the allegations contained in the complaint;
- (b) the ESC does not arrange for the conciliation and mediation of the complaint, or
- (c) following an investigation, under this Part, of the allegations contained in a complaint, the ESC does not bring a charge, under section 43, against the bishop in respect of whom the complaint is made, or
- the ESC must, without delay, provide the person who made the complaint with full and complete reasons, in writing, for its decision.

PART 5 – THE SPECIAL TRIBUNAL

25. (1) The members of the Tribunal shall be appointed from a panel comprising:
- (a) A senior presidential member and another presidential member each of whom is qualified to be a lay member of the Appellate Tribunal;
- (b) three Bishops; and
- (c) three priests of at least seven years' standing;
- elected by General Synod in accordance with any Rule of General Synod for the conduct of elections.
- (2) In the event that a presidential member is nominated for election as the senior presidential member or that an election is otherwise required for the two presidential members, an election for both presidential members shall be held at the same time and the person with the highest number of votes shall be the senior presidential member and the person with the next highest number of votes shall be the other presidential member.
26. (1) Subject to sub-section (2), a member of the panel shall cease to hold office upon:
- (a) death;
- (b) resignation;
- (c)⁷ declaration by any competent court or tribunal that the member is incapable of managing his or her affairs;
- (d) ceasing to reside permanently in Australia;
- (e) conviction or finding of guilt in any court of any offence punishable by imprisonment;
- (f) in the case of a Bishop, ceasing to be a Bishop or on becoming the Primate;
- (g) in the case of a priest, on becoming a bishop; and
- (h)⁸ in any event at the commencement of the ordinary session of General Synod which shall take place next after the member attains the age of 75 years.

⁷ Amended by Canon 14, 2010.

⁸ Amended by Canon 11, 2017.

- (2) A member of the panel who is a member of the Tribunal for particular proceedings of the Tribunal shall continue to hold office until the completion of the proceedings notwithstanding that the member may cease to be a Bishop or may otherwise cease to be a member of the panel by virtue of age.
27. Any Bishop who vacates office upon ceasing to be a Bishop, having accepted appointment to a different office of Bishop, shall, upon installation as Bishop in the different office, be automatically re-appointed to the panel or the Tribunal as the case may be.
28. If any vacancy in the membership of the panel occurs while the General Synod is not in session and it becomes necessary or desirable for the vacancy to be filled before the next ordinary session of the General Synod, the Primate shall cause the General Secretary to notify the members of the General Synod that such vacancy is to be filled, to invite the submission of names of candidates for nomination, and to notify them of the date fixed by the Primate, being a date not less than six weeks after posting such notification, by which names should be submitted. If no more names are received than the number of vacant positions to be filled, the General Secretary shall declare the persons named to be elected to the panel. Otherwise, the General Secretary shall conduct a postal ballot of the members of General Synod to determine the person or persons to be elected, such ballot to be conducted in accordance with the rules for the time being in force for the conduct of ballots with such modifications as are necessary, and the General Secretary shall declare the person or persons who are successful in such ballot to be the person or persons elected by the General Synod to the panel. Upon the Secretary declaring a person to be elected to the panel, the person or persons shall become a member or members of the panel.
29. Any vacancy not filled pursuant to section 27 or section 28 shall be filled at the next ordinary session of the General Synod by the election by the General Synod of a person qualified to fill the vacancy.
30. The members of the panel to be convened for any sitting of the Tribunal shall be appointed by the senior presidential member or, if he or she is unwilling or unable to act, or if there is a vacancy in the office of senior presidential member, by the other presidential member.
31. (1) The Rules of the Tribunal made under this Part may provide that, in relation to the exercise of specified functions, or in relation to matters of a specified class, the Tribunal may, at the direction of the President, be constituted by a single member sitting alone.
- (2) The Tribunal constituted by a single member sitting alone cannot determine a charge or make a recommendation as to sentence.
32. The Tribunal, separately constituted in accordance with this Part, may sit simultaneously for the purpose of matters referred to it or for conducting separate business of the Tribunal.
33. An act or proceeding of the Tribunal is not invalid by reason only of a vacancy in its membership or the membership of the panel and, notwithstanding the subsequent discovery of a defect in the nomination or appointment of a member of the panel or the Tribunal, any such act or proceeding is as valid and effectual as if the member had been duly nominated or appointed.
34. The Registrar of the Tribunal shall be the General Secretary of the General Synod.
35. (1) The place and time of sitting of the Tribunal shall be as determined by the President of the Tribunal.
- (2) In any proceedings of the Tribunal where the Tribunal is constituted by two or more members:
- (a) any question of law or procedure will be determined by the President; and
- (b) any other question will be determined by majority decision of the members, and in the case of an equality of votes the opinion of the President shall prevail.
- (3) Where the Tribunal is constituted by a member sitting alone who is not the President, any question of law that arises must be referred to the President for decision and any decision made on such a reference is a decision of the Tribunal.

- (4) The Tribunal must act with fairness and according to equity, good conscience and the substantial merits of the case without regard to technicalities or legal forms and is not bound by the rules of evidence but may inform itself on any matter in such manner as it thinks fit.
 - (5) Without limiting the meaning and effect of sub-section (4), the Tribunal may receive evidence of a witness in the form of an affidavit, statutory declaration or a signed statement without the need for the personal attendance of the witness, and may also use electronic means such as video link or conference telephone to receive evidence and submissions, but must permit the respondent and his representative (if any) opportunity to adequately cross-examine each witness
 - (6) The Tribunal may inform itself from the record of any court or tribunal and may adopt any findings, and accept as its own, the record of any court or tribunal.
36. The Tribunal must give reasons for any determination, other than by way of directions in the course of a proceeding, unless the determination is made by consent of the respondent.
 37. At any hearing before the Tribunal or before a member of it the ESC and the bishop may be represented by a legal practitioner or, with leave of the Tribunal, by any other person.
 38. A decision of the Tribunal is the decision of a majority of the Tribunal.
 39. At any time during the course of a hearing the Tribunal may, if it sees fit, obtain the opinion of the Board of Assessors of the Appellate Tribunal.
 40. The Tribunal may make an order by consent of the parties before it.
 41.
 - (1) The Tribunal has no power to award costs of any proceedings before it.
 - (2) A bishop who is the subject of a charge before the Tribunal may apply to the Standing Committee for the provision of legal assistance.
 - (3) The Standing Committee may grant legal assistance to the bishop on such terms and subject to such conditions as it shall determine.
 42.
 - (1) The presidential members of the panel may make rules of the Tribunal in relation to the practice and procedure of the Tribunal.
 - (2) Subject to this Canon and the relevant rules, the practice and procedure of the Tribunal will be as directed by the President of the Tribunal.

PART 6 – PROMOTION OF A CHARGE BEFORE THE SPECIAL TRIBUNAL

43.
 - (1) A charge against a bishop in the Tribunal may be brought:
 - (a) by the ESC;
 - (b) by another Bishop; or
 - (c) in respect of a Bishop holding office or a licence in a diocese, in accordance with the provisions of an ordinance of the synod of that diocese.
 - (2) The synod of a diocese may by ordinance declare that paragraph (a) of subsection (1) shall have no effect in respect of the Bishop of that diocese, in which case paragraph (a) of subsection (1) will not apply to that Bishop.
 - (3) A declaration under subsection (2) –
 - (a) shall not affect any proceedings in respect of a charge brought before such ordinance takes effect; and
 - (b) does not limit in any other respect the powers of the ESC contained in this or any other Canon in force in a diocese.

- (4) In respect of a charge brought pursuant to paragraph (c) of subsection (1) against the Bishop of a diocese in respect of whom there is in force a declaration under subsection (2), the General Synod shall not be responsible for the costs of bringing such a charge.
- (5) In respect of a charge brought pursuant to –
- (a) paragraph (b) of subsection (1), or
 - (b) paragraph (c) of subsection (1) where there is no declaration under subsection (2) in force in respect of that Bishop,

the Special Tribunal or the Appellate Tribunal as the case may be may direct the General Synod to indemnify the person or body who or which brought the charge in respect of the costs of bringing the charge, and the General Synod will indemnify such person or body accordingly.

44. (1) A charge against a Bishop must:
- (a) be in writing;
 - (b) specify the alleged offence and provide particulars of the alleged offence;
 - (c) be signed by a member of the body or the person bringing the charge; and
 - (d) be lodged with the Registrar.
- (2) A signed copy of the charge shall be served on the Bishop personally or by leaving it at or posting it to the office of the Bishop's Registry in an envelope addressed to the bishop and marked "**Private and Confidential**".
- (3) A charge, once instituted, may be amended or withdrawn by the person or body which instituted it.
- (4) Amendment or withdrawal of a charge does not prevent another person or body from bringing or proceeding with a charge in terms the same as or similar to a charge before it was amended or withdrawn.

PART 7 – PROCEEDINGS BEFORE THE SPECIAL TRIBUNAL

45. (1) Upon lodgement of a charge with the Registrar, the presidential member referred to in section 30 shall as soon as possible appoint the members of the Tribunal for the purpose of hearing the charge.
- (2) The President of the Tribunal shall thereupon cause to be convened a directions hearing presided over by a member of the Tribunal.
- (3) The person or body bringing the charge and the bishop shall comply with the rules of the Tribunal and with any directions given by a member of the Tribunal at a directions hearing.
46. (1) The Tribunal shall deal with any charge as expeditiously as possible.
- (2) The Tribunal may, if it sees fit, proceed with the hearing of a charge notwithstanding that there may be mediation or conciliation proceedings relating to the subject matter of the charge being conducted by the ESC and notwithstanding that there may be criminal or other proceedings being taken against the bishop.
- (3) Subject to section 23(3) the Tribunal may make a recommendation notwithstanding that the bishop the subject of the charge has ceased, after lodgement of the charge with the Registrar, to be a Bishop.
47. (1) Subject to sub-section (2), the Tribunal must give the following persons reasonable notice of the time and place of a sitting of the Tribunal:
- (a) the person or body bringing the charge; and
 - (b) the respondent; and
 - (c) such other persons as the Tribunal believes have a proper interest in the matter.

- (2) The Tribunal is not obliged to give notice of a sitting to a person whose whereabouts cannot, after reasonable enquiries, be ascertained.
48. (1) Subject to sub-section (2), a sitting of the Tribunal on a reference before the Tribunal is an open sitting.
- (2) On any such sitting before the Tribunal, the Tribunal has an absolute discretion to direct that persons other than -:
- (a) the respondent and any person representing the respondent in the proceedings; and
 - (b) witnesses or persons making submissions (while giving evidence or making those submissions); and
 - (c) officers of the Tribunal or persons assisting the Tribunal; or
 - (d) the person or members of the body bringing the charge or their representatives;
- not be present in the room while the Tribunal is sitting.
49. The Tribunal may make a determination in any proceedings in the absence of a person affected by the determination if satisfied that reasonable efforts were made to give that person an opportunity to appear.
50. In making any determination the Tribunal shall take into account:
- (a) the conduct of the bishop as it finds it to have been; and
 - (b) in the material before the Tribunal, any other fact or circumstance relevant to the determination of the question before it.
51. (1) At any time after the first directions hearing the Tribunal or, if so authorised by the Tribunal, the person or body bringing the charge, may make public a statement concerning the nature of the charge and the bishop against whom the charge is brought.
- (2) Upon the determination of any charge by the Tribunal and the recommendation of any sentence by the Tribunal, the Tribunal, or if so authorised by the Tribunal, the person or body bringing the charge, may make public a statement of the decision and, where appropriate, concerning the nature of the charge proved and the sentence imposed by the Tribunal, together with such reasons or a summary thereof as the Tribunal shall direct or approve.
- 52.⁹ In a case where entry is required under the *National Register Canon 2007*, a recommendation of the Tribunal, or the date and particulars of the recommendation, shall be entered on the National Register together with a record of any action taken consequent upon the recommendation.
53. Any appeal to the Appellate Tribunal from the Tribunal, other than in respect of a breach of faith, ritual or ceremonial, shall be by leave of the Appellate Tribunal.

PART 8 – DEPOSITION FROM ORDERS

54. (1) The deposition of a bishop from Holy Orders by the Primate pursuant to the recommendation of the Tribunal shall be effected by the execution by the Primate of an Instrument of Deposition in or to the effect of the form in the Second Schedule.
- (2) The Primate must forthwith:
- (a) register the Instrument in the Registry of the Primate;
 - (b) deliver a copy of the Instrument to the bishop of the diocese or dioceses in which the former Bishop who is the subject of the Instrument was ordained priest and bishop;
 - (c) if the former Bishop was a diocesan bishop, deliver a copy of the Instrument to the registrar of the diocese concerned; and
 - (d) cause relevant details to be forwarded for entry into the National Register.

⁹ Amended by Canon 8, 2014.

PART 9 – TRANSITIONAL

55. The persons named hereunder shall hold the respective offices until their successors are appointed or elected in accordance with the provisions of this Canon:

Episcopal Standards Commission

Convenor: Mr Geoffrey Spring

Members: Ms Margaret Fuller, OAM; The Right Rev'd Ronald Stone.

Director of the Episcopal Standards Commission:

Ms Rena Sofroniou

Special Tribunal Panel

Senior Presidential Member: Sir Robert Woods, CBE.

Presidential Member: The Hon Justice Debra Mullins

Diocesan Bishops: The Most Rev'd Jeffrey Driver

The Most Rev'd Philip Freier

The Right Rev'd John Harrower

Priests: The Rev'd Canon Dr Colleen O'Reilly

The Ven. Dr Chris R Jones

The Very Rev'd Andrew J Sempell

FIRST SCHEDULE

(Section 13(1))

1 Any breach of faith, ritual or ceremonial;

2 Drunkenness;

3 Wilful failure to pay just debts.

4^{10 11}

¹⁰ Amended by Canon 3, 2014.

¹¹ Deleted by Canon 12, 2017.

SECOND SCHEDULE

TO

I, PRIMATE/ARCHBISHOP of
do hereby depose you from Holy Orders (particulars of which are set out below) in accordance with the
recommendation of the Special Tribunal of the Anglican Church of Australia dated the
day of

PARTICULARS OF HOLY ORDERS

FULL NAME AND
ADDRESS

	ORDAINING BISHOP(S)	PLACE	DATE
ORDINATION AS DEACON
ORDINATION AS PRIEST
CONSECRATION AS BISHOP

DATED:

SEALED





Faithfulness in Service

**A national code
for personal behaviour and
the practice of pastoral
ministry by clergy and church
workers**

**Adopted by the Synod of
the Anglican Church of
Australia in the Diocese of
Sydney**

2022

FAITHFULNESS IN SERVICE

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<i>First Edition 2005</i>	<i>Code as adopted by the Synod of the Anglican Church of Australia in the Diocese of Sydney in October 2004</i>
<i>Second Edition 2006</i>	<i>Incorporating amendments adopted by the Standing Committee of the Synod of the Diocese of Sydney to September 2006</i>
<i>Third Edition 2007</i>	<i>Incorporating amendments adopted by the Synod of the Diocese of Sydney to October 2007</i>
<i>Fourth Edition 2012</i>	<i>Incorporating amendments adopted by the Synod of the Diocese of Sydney to October 2012</i>
<i>Fifth Edition 2014</i>	<i>Incorporating amendments adopted by the Synod of the Diocese of Sydney to October 2014</i>
<i>Sixth Edition 2017</i>	<i>Incorporating amendments adopted by the Synod of the Diocese of Sydney to October 2017</i>
<i>Seventh Edition 2022</i>	<i>Incorporating amendments adopted by the Synod of the Diocese of Sydney to October 2022</i>

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Office of the Director of Safe Ministry
Anglican Church Diocese of
Sydney PO Box Q412
QVB Post Office NSW 1230

Abuse report phone number: 1800 774 945

FOREWORD



Jesus called the Twelve and said, "anyone who wants to be first must be the very last, and the servant of all." "If anyone causes one of these little ones-those who believe in me-to stumble, it would be better for them if a large millstone were hung around their neck and they were thrown into the sea. Mark 9:35,42

Don't let anyone look down on you because you are young, but set an example for the believers in speech, in conduct, in love, in faith and in purity... Watch your life and doctrine closely. Persevere in them, because if you do, you will save both yourself and your hearers. 1 Tim 4:12,16

The Scriptures make clear that Christian ministry is both a privilege and a solemn responsibility. Jesus teaches his disciples that if they wish to be 'great', they must imitate him, and make themselves servants of all. Jesus is explicit in highlighting the particular responsibility of those who serve in his name to treat the most vulnerable with especial care, and that the penalties for failing to do so will be most severe. The apostles echo the teaching of Jesus throughout the New Testament - Christian leaders are to set an example to the faithful and pursue lives of godly conduct - in word and deed, in relationship with others, and in self-control.

Faithfulness in Service is the National Code of Conduct of the Anglican church of Australia and has been adopted by the Synod of the Diocese of Sydney. It provides clear guidance as to the particular expectations and practices to which ministry leaders are to conform not only in ministry settings, but in personal conduct. I encourage all those who have ministry responsibilities in the Sydney diocese, whether in parishes, schools or organisations, to make themselves familiar with its contents and to periodically review its five sections so that we create a strong and consistent culture of godly conduct and safe ministry.

I am deeply grateful to every person who serves in the life and ministry of our diocese, whether ordained or lay, part time or full time. I pray for each of you in the words of the apostle to the Thessalonian church: May our Lord Jesus Christ himself and God our Father, who loved us and by his grace gave us eternal encouragement and good hope, encourage your hearts and strengthen you in every good deed and word. 2 Thessalonians 2:16-17

In Christ

Kanishka Raffel

Archbishop of Sydney

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1 ABOUT THIS CODE

Faithfulness in service

When Jesus spoke to his disciples he said they were not to be like the rulers of the day who exercised authority over others. They were to be servants of others, even as Jesus did not come to be served, but to serve.

When Peter wrote to the Christians scattered throughout Asia Minor, he reminded them of their identity in Christ as God's chosen people, sanctified by the Spirit for obedience to Jesus Christ. The call to be holy is reflected in both the Old and New Testaments as the appropriate response to God's grace. Christians live according to the knowledge that they have been created by God and redeemed by Christ.

When Paul wrote to the Philippian Christians he rejoiced in their fellowship and prayed that their love might grow in knowledge and discernment so that they might see what was significant for their Christian vocation and be enabled to live pure and blameless lives for the day of Jesus Christ. In the light of that growing knowledge of God's love they are to live in humility and faithfulness in the power of the Holy Spirit. They live out that love in their contact with others, especially those to whom they minister in Christ's name.

The Church is the fellowship that nurtures and sustains Christians as they seek to follow Christ faithfully and participate in God's mission. Its leaders especially are to be examples of Christian faith and obedience as they exercise their vocation, in dependence on the Holy Spirit.

The personal behaviour and practices of pastoral ministry required of clergy (bishops, priests and deacons) of the Anglican Church of Australia are specified in the Holy Scriptures as well as in its Constitution, canons, ordinances, the Book of Common Prayer and the Ordinal. Although not bound by the promises made by clergy, church workers (lay persons who are employed or hold a position or perform a function within the Anglican Church of Australia) are expected to conform to the same behaviour and practices as clergy – except in areas that apply only to clergy.

Purpose

This Code is intended to identify the personal behaviour and practices of pastoral ministry that will enable clergy and church workers to serve faithfully those among whom they minister. If the behaviour and practices it outlines are followed, our communities will be safer places for everyone, where integrity is honoured, accountability is practised and forgiveness encourages healing and does not conceal misconduct.

Implementation

This Code was adopted by the General Synod of the Anglican Church of Australia in 2004 as the national code for personal behaviour and the practice of pastoral ministry by clergy and church workers.

It is important that this Code be understood by clergy and church workers. Each diocese will need to ensure that its clergy and church workers are trained in the Code and its application to personal behaviour and pastoral ministry. Clergy and church workers undertaking pastoral ministry will need to apply the standards and guidelines of this Code in their specific circumstances.

Format and presentation

Each section of this Code consists of three parts:

- a *preamble* which introduces the section;
- *standards* which state the Church's expectations for personal behaviour and the practice of pastoral ministry;
- *guidelines* which explain and illustrate best practice and highlight practical ways to achieve it.

Throughout the Code, all key terms appear in **bold text** the first time they appear in a section and their definitions are contained in the section headed 'Key Terms'. Some additional educational material and advice is included in Section 5, Children.

2 KEY TERMS

abuse in relation to an adult means the following conduct:

- bullying;
- emotional abuse;
- harassment;
- physical abuse;
- sexual abuse; or
- spiritual abuse.

bullying means behaviour directed to a person or persons which:

- is repeated;
- is unreasonable (being behaviour that a reasonable person, having considered the circumstances, would see as unreasonable, including behaviour that is victimising, humiliating, intimidating or threatening); and
- creates a risk to their health and

safety. Bullying can include:

- making derogatory, demeaning or belittling comments or jokes about someone's appearance, lifestyle, background or capability;
- communicating in an abusive manner;
- spreading rumours or innuendo about someone or undermining in other ways their performance or reputation;
- dismissing or minimising someone's legitimate concerns or needs;
- inappropriate ignoring, or excluding someone from information or activities;
- touching someone threateningly or inappropriately;
- invading someone's personal space or interfering with their personal property;
- teasing someone, or playing pranks or practical jokes on someone;
- displaying or distributing written or visual material that degrades or offends.

Bullying does not include lawful conduct of clergy or church workers carried out in a reasonable manner, such as:

- disagreeing with or criticising someone's belief or opinions or actions in an honest and respectful way;
- giving information about inappropriate behaviour in an objective way to the person or persons concerned and to any other person with a proper reason for having that information;
- setting reasonable performance goals, standards or deadlines;
- giving information about unsatisfactory performance in an honest and constructive way;
- taking legitimate disciplinary action.

Cyberbullying is a form of bullying which involves the use of information and communication technologies.

child means anyone under the age of 18.

child abuse means the following conduct in relation to a child:

- bullying;
- emotional abuse;
- harassment;
- neglect;
- physical abuse;
- sexual abuse; or
- spiritual abuse.

child exploitation material means material that describes or depicts a person who is or who appears to be a child –

(a) engaged in sexual activity; or

(b) in a sexual context; or

(c) as the subject of torture, cruelty or abuse (whether or not in a sexual context) in a way that a reasonable person would regard as being, in all the circumstances,

offensive. Child exploitation material can include any film, printed matter, electronic data, computer image or any other depiction.

child pornography means sexually explicit or suggestive material depicting children. Child pornography is a form of child exploitation material.

Church means the Anglican Church of Australia.

church authority means the person or body having authority to ordain, license, appoint, dismiss or suspend a member of the clergy or church worker.

church body includes a parish, school, or any body corporate, organisation or association that exercises pastoral ministry within, or on behalf of, or in the name of, the Church.

church worker means a lay person:

- who is licensed or authorised by the bishop of a diocese;
- who is employed by a church body in respect of whom this Code is part of their employment contract; or
- who, for payment or not, holds a position or performs a function with the actual or apparent authority of a church authority or church body, including an office, position or function:
 - of leadership in a parish, diocese or General Synod body;
 - as a member of the General Synod or a diocesan synod;
 - as a member of a body incorporated by the General Synod, a diocese or a diocesan synod;
 - as a churchwarden, member of any parish council or member of any committee constituted by or by the authority of the General Synod, a diocesan synod or a parish council;

in respect of whom the diocesan synod, the diocesan council, the church authority or the church body has adopted this Code.

civil authorities means the police and the relevant State or Territory government child protection authority.

clergy means bishops, priests and deacons of the Church.

corporal punishment means any punishment inflicted on the body.

Director of Professional Standards means the person in a diocese who has responsibility for the maintenance of professional standards of clergy and church workers.

emotional abuse means acts or omissions that have caused, or could cause emotional harm or lead to serious behavioural or cognitive disorders. It includes:

- subjecting a person to excessive and repeated personal criticism;
- ridiculing a person, including the use of insulting or derogatory terms to refer to them;
- threatening or intimidating a person;
- ignoring a person openly and pointedly; and
- behaving in a hostile manner or in any way that could reasonably result in another person feeling isolated or rejected.

grooming refers to actions deliberately undertaken with the aim of engaging and influencing an adult or a child for the purpose of sexual activity.

In the case of sexual abuse of a child, an offender may groom not only the child, but also those close to the child, including the child's parents or guardians, other family members, clergy and church workers. Grooming can include providing gifts or favours to the child or their family.

In the case of sexual abuse of an adult, an offender may groom not only the adult, but also those close to them, including their children, clergy and church workers.

harassment means unwelcome conduct, whether intended or not, in relation to another person where the person feels with good reason in all the circumstances offended, belittled or threatened. Such behaviour may consist of a single incident or several incidents over a period of time. It includes:

- making unwelcome physical contact with a person;
- making gestures or using language that could reasonably give offence including continual and unwarranted shouting;
- making unjustified or unnecessary comments about a person's capacities or attributes;
- putting on open display pictures, posters, graffiti or written materials that could reasonably give offence;
- making unwelcome communication with a person in any form (for example, phone calls, email, text messages) ; and
- stalking a person.

individual pastoral ministry means pastoral ministry carried out one-to-one. It includes spiritual direction, or pastoral counselling arising out of bereavement, divorce or other life crises.

neglect means the failure to provide the basic necessities of life where a child's health and development are placed at risk of harm. It includes being deprived of:

- food;
- clothing;
- shelter;
- hygiene;

- education;
- supervision and safety;
- attachment to and affection from adults; and
- medical care.

offensive language includes blasphemy, verbal harassment, racial and other forms of vilification, personal insult or comment and obscene words.

pastoral ministry means the work involved or the situation which exists when a member of the clergy or church worker has responsibility as part of their role for the wellbeing of others. This includes the provision of spiritual advice and support, education, counselling, medical care, and assistance in times of need.

pastoral relationship means a relationship between clergy or church workers and any person for the purposes of pastoral ministry.

physical abuse means any intentional or reckless act, use of force or threat to use force causing injury to, or involving unwelcome physical contact with, another person. This may take the form of slapping, punching, shaking, kicking, burning, shoving or grabbing. An injury may take the form of bruises, cuts, burns or fractures. It does not include lawful discipline by a parent or guardian.

professional supervision/consultation is a formal, collaborative process which a more senior or experienced person uses to develop and support a person in their ministry.

This relationship is confidential, evaluative, and extends over time. It is preferable if the supervisor:

- has no other pastoral or personal relationship with the person being supervised; and
- has been trained in professional supervision.

prohibited material means:

- publications, films and computer games that have been classified by the Office of Film and Literature Classification as being unsuitable for a child to read, see or play;
- any other images or sounds not subject to classification by the Office of Film and Literature Classification that are considered with good reason within the Church to be unsuitable for a child to see or hear; and
- any substance or product whose supply to or use by children is prohibited by law, such as alcohol, tobacco products, illegal drugs and gambling products.

prohibited substance means any substance banned or prohibited by law for use or consumption by adults.

restricted material means:

- publications, films, and computer games that have been classified as Category 1 or 2 restricted, X or RC classification by the Office of Film and Literature Classification; and
- any other images or sounds not subject to classification by the Office of Film and Literature Classification (for example, internet material) that are considered with good reason within the Church as being offensive on the grounds of violence, sex, language, drug abuse or nudity.

sexual abuse of an adult means sexual assault, sexual exploitation or sexual harassment of an adult.

sexual abuse of a child means the use of a child by another person for his or her own sexual stimulation or gratification or for that of others. It includes:

- making sexual advances to a child using any form of communication;
- exposing oneself indecently to a child;
- having or attempting to have vaginal or anal intercourse with a child;
- penetrating or attempting to penetrate a child's vagina or anus with an object or any bodily part;
- kissing, touching, holding or fondling or attempting to kiss, touch, hold or fondle a child in a sexual manner;
- staring at or secretly watching a child for the purpose of sexual stimulation or gratification;
- making any gesture or action of a sexual nature in a child's presence;
- making sexual references or innuendo in a child's presence using any form of communication;
- discussing or inquiring about personal matters of a sexual nature with a child;
- possessing, creating or exposing children to child exploitation material of a sexual nature;
- exposing a child to any form of sexually explicit or suggestive material including clothing with sexually explicit images or messages;
- giving goods, money, attention or affection in exchange for sexual activities with a child;
- giving goods, money, attention or affection in exchange for images of a child for the purpose of sexual gratification of themselves or others; and
- encouraging, or forcing or attempting to encourage or force a child:
 - to sexually touch or fondle another person;
 - to perform oral sex;
 - either to masturbate self or others, or to watch others masturbate; and
 - to engage in or watch any other sexual activity.

Sexual abuse of a child does not include:

- sex education with the prior consent of a parent or guardian; or
- age appropriate consensual sexual behaviour between peers (i.e. the same or a similar age).

sexual assault means any intentional or reckless act, use of force or threat to use force involving some form of sexual activity against an adult without their consent. It includes:

- having or attempting to have vaginal or anal intercourse with a person without their consent;
- penetrating or attempting to penetrate another person's vagina or anus with an object or any bodily part without that person's consent;
- sexually touching and fondling or attempting to sexually touch or fondle a person without their consent;
- kissing or attempting to kiss another person without their consent;
- holding or attempting to hold another person in a sexual manner without their consent;
- forcing or attempting to force a person to sexually touch or fondle another person; and

- forcing or attempting to force a person to perform oral sex.

sexual exploitation refers to any form of sexual contact or invitation to sexual contact with an adult, with whom there is a pastoral or supervisory relationship, whether or not there is consent and regardless of who initiated the contact or invitation. It does not include such contact or invitation within a marriage.

sexual harassment means:

- an unwelcome sexual advance, or an unwelcome request for sexual favours, to the other person, or
- other unwelcome conduct of a sexual nature in relation to the other person, in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated that the other person would be offended, humiliated or intimidated.

Such behaviour may consist of a single incident or several incidents over a period of time. It includes:

- asking a person for sex;
- giving a person to understand that you would like sexual favours from them;
- making any gesture, action or comment of a sexual nature to a person directly or making a comment of a sexual nature about them in their presence;
- making jokes containing sexual references or innuendo using any form of communication;
- exposing a person to any form of sexually explicit or suggestive material;
- making unwelcome physical contact such as touching, pinching, or patting;
- making unwelcome or unnecessary inquiries about or attempts to discuss personal matters of a sexual nature;
- deliberately intruding on an individual's personal space;
- staring at or secretly watching a person for the purpose of sexual stimulation or gratification; and
- stalking a person.

spiritual abuse means the mistreatment of a person by actions or threats when justified by appeal to God, faith or religion. It includes:

- using a position of spiritual authority to dominate or manipulate another person or group;
- using a position of spiritual authority to seek inappropriate deference from others;
- isolating a person from friends and family members; and
- using biblical or religious terminology to justify abuse.

3 PUTTING THIS CODE INTO PRACTICE

Preamble

- 3.1 This Code will only be effective if it is widely known and available throughout the **Church**, practised consistently and implemented justly. **Clergy** and **church workers** will protect the safety of others and themselves by observing its standards and following its guidelines.
- 3.2 The absence of any reference to particular conduct in this Code does not imply that it is acceptable for clergy and church workers.
- 3.3 All clergy and church workers have a responsibility to ensure that personal behaviour and practices of pastoral ministry that are inconsistent with this Code are neither tolerated nor covered up.
- 3.4 Failure to meet the standards of this Code will indicate an area where clergy and church workers require guidance and specialised help. Such failures may result in formal disciplinary action if the conduct infringes an applicable disciplinary rule of the Church or is a breach of an employment contract.
- 3.5 Clergy and church workers are encouraged to follow the guidelines of this Code. Where this is impractical, the exercise of judgement will be required to ensure the safety of those to whom they minister and themselves. Wilful disregard of the guidelines may indicate an area where clergy and church workers require guidance and specialised help.

Standards for clergy and church workers

These standards state the Church's expectations for personal behaviour and the practice of pastoral ministry.

- 3.6 It is your responsibility to be aware of and meet the standards of this Code.
- 3.7 If you have overall authority in a **church body**, you are to ensure that all clergy and church workers for whom you are responsible are made aware of this Code.
- 3.8 You are not to penalise, discriminate or take action against other clergy or church workers because of any action taken in good faith under this Code.

Guidelines

These guidelines explain and illustrate best practice and highlight practical ways to achieve it.

- 3.9 If you know or have reason to believe that another member of the clergy or another church worker has failed to meet a standard of this Code, other than for **child abuse**, (the reporting of child abuse is addressed in paragraphs 5.14 and 5.15), you should:

- where you believe that a person has not suffered harm or is not at the risk of harm, approach the member of the clergy or church worker and identify the concern; or
- where you believe that a person has suffered harm or is at the risk of harm, report this to the **church authority** having responsibility for the member of the clergy or church worker or the **Director of Professional Standards**.

If in doubt seek advice from a colleague or supervisor or the Director of Professional Standards without identifying the member of the clergy or church worker.

- 3.10 If you know or have reason to believe that another member of the clergy or another church worker has not followed a guideline of this Code, you should approach the member of the clergy or church worker and identify the concern. If you consider that the member of the clergy or church worker is persisting in disregarding the guideline without good reason and a person has suffered harm or is at the risk of harm, you should seriously consider reporting this to the church authority with responsibility for the member of the clergy or church worker or the Director of Professional Standards. If in doubt seek advice from a colleague or supervisor or the Director of Professional Standards without identifying the member of the clergy or church worker.

4 PASTORAL RELATIONSHIPS

Preamble

- 4.1 All people are created in the image of God and are of equal value. This is the foundation of all **pastoral relationships**.
- 4.2 Clergy have authority conferred upon them by their ordination, consecration and licensing. Church workers have authority conferred upon them by their appointment. The authority and training associated with their roles means that they have power in pastoral relationships which is always to be exercised in the service of others.
- 4.3 Trust is of primary importance in the creation and maintenance of an effective pastoral relationship. Trust grows with the maintenance of physical, sexual, emotional and psychological boundaries suitable to pastoral ministry. (The issues of Children and Sexual Conduct are addressed in Sections 5 and 7 respectively.) Clergy and church workers will enhance their ability to maintain these boundaries by attending to their own wellbeing.
- 4.4 While clergy and church workers often enjoy personal friendships with those to whom they minister, their pastoral ministry responsibilities take precedence.
- 4.5 Clergy and church workers are colleagues in **pastoral ministry**: the activity of one inevitably impacts upon the ministry of others.

Standards for clergy and church workers

These standards state the Church's expectations for personal behaviour and the practice of pastoral ministry.

- 4.6 If you have overall authority in a **church body**, you are to ensure that clergy and church workers for whom you are responsible are provided with:
- a safe working environment, including safe housing, where housing is provided;
 - opportunities to maintain and enhance their ministry skills; and
 - personal encouragement, support and regular feedback.
- 4.7 When exercising pastoral ministry you are to act in the best interests of those to whom you are ministering. You must recognise any potential conflict of interest and take steps to resolve it.
- 4.8 When exercising pastoral ministry you are not inappropriately to discriminate between people.
- 4.9 You are not to disclose confidential information received in pastoral ministry to your spouse, family, friends, colleagues or any other person without the consent of the person providing the information, except where:
- the information is known publicly;
 - as required or allowed by law; or

- it is in the public interest (such as to avoid the risk of serious injury or harm to any person).

4.10 When you are on leave or unable to fulfil your responsibilities through illness or any other reason, you are to make alternative arrangements for pastoral ministry.

Guidelines

These guidelines explain and illustrate best practice and highlight practical ways to achieve it.

Boundaries

- 4.11 Make sure you are clear about the requirements of your role, including the hours to be worked and the nature of your responsibilities as well as your leave and other entitlements. You need to be sure that your legitimate personal needs can be met.
- 4.12 Recognise the limits of your skills and experience. Do not undertake any ministry (such as relationship counselling, counselling for abuse or addictions, or an exorcism) that is beyond your competence or the role for which you have been employed or trained. If in doubt seek advice. A person who requires specialised help should be referred to an appropriately qualified person or agency.
- 4.13 Where ministry responsibilities overlap, be aware of the activities, function and style of other clergy and church workers. Consult with these colleagues and co- operate wherever possible.
- 4.14 Where your ministry responsibility to one person may conflict with your responsibility to another person to whom you are ministering, or with your own needs, you should seek advice from a colleague or supervisor. Consider the possibility of transferring ministry responsibility for one or both of these to another minister.
- 4.15 If you are unable to act in the best interest of the person to whom you are ministering because of your own interests you should seek advice from a colleague or supervisor and transfer ministry responsibility for the person to another minister.
- 4.16 Avoid behaviour that could give the impression of favouritism and inappropriate special relationships, particularly with individual children.
- 4.17 Think carefully before providing pastoral ministry to a person with whom you already have a close personal relationship, such as a friend or member of your family. Care is needed because confusion between close personal relationships and pastoral relationships can lead to a loss of objectivity, failure to act in the other's best interest and harm to both parties.
- 4.18 Pastoral relationships can legitimately develop into romantic relationships. If this begins to happen:
- acknowledge to yourself that your personal interest and the pastoral relationship are at risk of becoming confused;
 - tell the other person that your relationship is changing and becoming romantic;

- disclose the nature of the relationship to a supervisor or colleague to ensure accountability and prevent misunderstanding; and
 - where practicable:
 - disclose to a supervisor or colleague any proposed alternative arrangements for ongoing **individual pastoral ministry**;
 - make alternative arrangements for ongoing individual pastoral ministry; and
 - cease providing individual pastoral ministry to the person.
- 4.19 If you are providing ongoing individual pastoral ministry or counselling, engage someone to provide regular professional supervision. This will help protect you and those to whom you minister.
- 4.20 When you resign or retire, you should generally terminate existing pastoral relationships. You should do this in a sensitive and timely manner to allow these responsibilities to be undertaken by your successors. Consult with your successor where the other person wishes to maintain an ongoing pastoral relationship with you.

Personal and professional development

- 4.21 Maintain a healthy lifestyle and do not overcommit yourself. Make sure you have adequate leisure time, through regularly taking time off, including your full holiday entitlement annually.
- 4.22 Try to develop interests outside your main area of ministry and continue to care for yourself and your personal and family relationships.
- 4.23 Look for, and take advantage of, opportunities to maintain and enhance ministry skills appropriate to the responsibilities of your role, through:
- regular ministry development;
 - professional supervision / consultation;
 - peer support;
 - having a mentor; and
 - regular feedback including an annual ministry review.

Confidentiality and confessions

- 4.24 When you are seeking or providing professional supervision / consultation you should not identify any person and only disclose what is necessary to obtain the supervision or advice.
- 4.25 In most cases you should tell someone who is to give you confidential information of the limits to confidentiality and the arrangements for supervision or obtaining advice. This should be done before the disclosure of the confidential information, such as at the beginning of an interview.
- 4.26 The Confessions Canon 1989 or the proviso to Canon 113 of 1603 is in force throughout the Church. These Canons make provision for the confession of sins to clergy and for the confidentiality of this confession. If you are a member of the clergy, you should be aware of the scope of, and your obligations under, the applicable Canon. For example, absolution is not automatic and may be withheld. You may require of the person making the confession of sins some appropriate action of contrition and reparation before you give them absolution.

- 4.27 There is a distinction between disclosures made in ordinary pastoral situations and disclosures made as a confession as provided in the applicable pastoral service in the Church's authorised liturgies. This service should normally be heard in a public place at advertised times or by arrangement.
- 4.28 If you are a church worker, remember that only clergy have the authority to receive a special confession of sins as provided in the applicable pastoral service in the **Church's** authorised liturgies.
- 4.29 You may have a legal obligation to report criminal offences to the applicable civil authorities (the issue of **child abuse** is addressed in Section 5). You may be subpoenaed to produce documents or to attend court to give evidence, or both. In some States or Territories, clergy may be able to claim privilege from producing documents and/or disclosing information obtained in a confession referred to in paragraphs 4.23 to 4.25.
- 4.30 You should be aware of and, when appropriate, seek advice in regard to:
- your legal obligations with regard to confidential information received during an interview or a confession, particularly in relation to criminal offences and child abuse;
 - the pastoral consequences of breaching confidentiality; and
 - the risk of physical, financial or emotional harm or hardship to another person by disclosing or not disclosing such information, particularly in writings, sermons or other public media.
- 4.31 Exercise special care that any illustrative material you use from personal experience does not involve a breach of confidentiality.

Communication in a ministry context

- 4.32 Any communication in a ministry context, whether formal or informal, is a pastoral encounter. Communication may be face-to-face, in writing or involve some form of technology. Consider the appropriateness and impact of your words and actions.
- 4.33 Innuendoes or compliments of a sexual nature are always inappropriate. When a person asks questions or seeks advice around topics of a sexual nature, be aware that they may have motives or needs that you do not understand. Be realistic about your own ability to assist them.
- 4.34 To minimise the risk of being accused of or engaging in misconduct, particularly when conducting interviews, think carefully in advance about:
- the place of the meeting, the arrangement of furniture and lighting, and your dress;
 - whether the physical location allows for privacy of conversation while maintaining the opportunity for supervision. (For example, doors to interview rooms, if closed, should not be locked.);
 - the physical distance between you and the other person to maintain both hospitality and respect;
 - whether the circumstances would suggest a social interaction;
 - the propriety and circumstances of the interview when you are visiting or being visited alone, especially at night;
 - the personal safety and comfort of all participants;

- establishing at the outset the interview's purpose and the boundaries with respect to the subject matter, confidentiality and its duration;
- the appropriateness of initiating or receiving any physical contact, such as gestures of comfort, that may be unwanted or misinterpreted; and
- whether the presence of a child's parent, guardian or another person chosen by the child is appropriate.

4.35 When considering using technology for communication, you should apply the same principles as you would in any other form of communication. Minimise the risk of harming others or yourself by asking:

- is this an appropriate way to communicate about this matter?
- should this communication be confidential? If so, do not use electronic media;
- how will the language and images used impact upon the person receiving the communication and any other person who may access it?
- could the circumstances of the communication, including the language and images used, suggest your relationship with the other person(s) is inappropriate?

Risks associated with using technology in communication

Clergy, church workers, and other participants in church activities – including children – often communicate using text and picture messaging, email, instant messenger services and chat rooms, video conferencing, blogs and internet forums, websites, social networking sites, and other forms of electronic interaction.

Remember information posted online is tracked and can be retrieved. Dangers associated with the use of communication technology are not always appreciated by clergy and church workers. These dangers include:

- losing your privacy;
- losing control of information (such as photographs or emails);
- ignoring personal security settings on social networking sites;
- being unable to determine if people are who they say they are;
- being exposed to unwanted information; and
- becoming a victim of cyberbullying when someone sends or spreads threatening or embarrassing information.

Record-keeping and privacy

4.36 If you are engaged in individual pastoral ministry, consider keeping a factual record of your daily pastoral activity. Record details such as the date, time, place, participants, subject, and any proposed action arising from each activity. Record personal remarks accurately.

4.37 You need to know the relevant principles of the applicable privacy legislation in relation to the collection, use, disclosure and management of personal information. These have implications for:

- the publication of personal information in church directories, newsletters, rosters and websites;
- the recording and publication of voices and images of individuals; and
- the use and security of all personal information, and especially sensitive information, held by clergy and church workers or in church offices.

5 CHILDREN

Preamble

- 5.1 **Children** are entitled to be safe and protected. They have the right to be respected, listened to and their particular needs addressed in all church activities, whether mixed aged or child specific.
- 5.2 Ministry where children are involved requires absolute trustworthiness.
- 5.3 **Clergy** and **church workers** with overall authority in a **church body** (e.g. incumbents and school principals) have a responsibility that cannot be delegated for the implementation and maintenance of proper systems for the safety and welfare of children participating in its pastoral ministry.
- 5.4 When they are exercising a pastoral ministry involving children in a church body, clergy and church workers (e.g. Sunday school teachers, youth group leaders) have responsibility for the safety and welfare of children in their care.
- 5.5 Clergy and church workers have *authority* over children because of their position and *power* because of their greater age, maturity, physical size and life experience. Abuse arises from the misuse of authority or power. Any form of **child abuse** is always wrong.
- 5.6 Due to the inherent imbalance of power, children are incapable of giving valid consent to abuse.
- 5.7 Appropriate physical contact is important for children's healthy development.

Standards for clergy and church workers

These standards state the Church's expectations for personal behaviour and the practice of pastoral ministry.

- 5.8 If you have overall authority in a church body, you are to ensure that:
- proper systems for the safety and welfare of children participating in the church's pastoral ministry are implemented and maintained;
 - all applicable requirements of the civil authorities, the **church authority** and the church body are complied with; and
 - all clergy and church workers for whom you have responsibility and who work with children:
 - comply with all civil and Church screening and selection requirements;
 - receive regular training in child protection; and
 - are aware of the provisions of this Code relating to children.
- 5.9 If you are exercising a pastoral ministry involving children in a church body you are to take reasonable steps to ensure the safety and welfare of the children in your care.
- 5.10 You are not to abuse children.

- 5.11 When engaged in pastoral ministry you are not to administer **corporal punishment** to children in your care.
- 5.12 You are not to make available to children any **prohibited material**, except wine in the context of a Holy Communion service.
- 5.13 Before you allow a person who is currently charged with or convicted of an offence against a child to participate in activities involving children, you are to:
- consult the **Director of Professional Standards**;
 - ensure that a risk assessment is undertaken; and
 - be satisfied that no child will be at an increased risk of harm.
- 5.14 If you know or reasonably suspect that a child is at risk of harm from child abuse, you are to report this to the appropriate civil authorities.
- 5.15 If you know or reasonably suspect that another member of the clergy or a church worker has abused a child, you are to report this to the appropriate civil authorities and the Director of Professional Standards.

Guidelines

These guidelines explain and illustrate best practice and highlight practical ways to achieve it.

Recognising the characteristics and effects of child abuse

- 5.16 You need to be aware of the signs, symptoms and characteristics of child abuse and its impact on children.

Characteristics and effects of child abuse

Abuse of a child can be categorised as emotional, physical, sexual, or spiritual. It can also arise from neglect, bullying or harassment.

The signs and symptoms can include:

- **emotional abuse**—low self esteem, apathy, an over readiness to relate to anyone even strangers, unduly aggressive behaviour, withdrawn behaviour;
- **physical abuse**—bruises, bites, burns and scalds, fractures;
- **sexual abuse**—a level of sexual knowledge or desire for either contact or distance inappropriate to the child's age, self-harm, social isolation, and a sudden onset of soiling, wetting or other behavioural changes;
- **spiritual abuse**—low self esteem, high levels of anxiety and fear, excessive deference to a leader and isolation from former friends and family members;
- **neglect** – failure of a child to grow within the normally accepted pattern, failure of a parent or guardian to provide adequate food, clothing, shelter, medical care and supervision;
- **bullying or harassment** – low self-esteem, loss of trust in others, apathy, an over readiness to relate to anyone even strangers, unduly aggressive behaviour, withdrawn behaviour.

Sexual abuse of a child is often preceded by **grooming**.

The sexual abuse of a child commonly has the following characteristics:

- it usually starts with something minor and gradually builds up to more involved behaviours through a process of grooming;
- it is secretive and generally known only to the abuser and victim making it extremely difficult to detect;
- it is perpetrated by someone known to the child and/or held in a position of trust by the child or their parents or guardians; and
- it is rarely a self-contained or one-off incident but rather part of an ongoing relationship that is corrupting and distorting.

The abuse of a child commonly causes psychological and spiritual harm and is likely to lead to the impairment of their social, emotional, cognitive, spiritual and intellectual development and/or disturbed behaviour.

The effects of child abuse extend well beyond the abuser and their primary victims. The families of the victim and abusers as well as their communities can also experience a high degree of distress when revelations of abuse emerge. Often they can deny the disclosure and so reject the victim rather than face reality. Once the reality is confronted, the community will commonly experience profound shock, guilt about failing to protect the primary victim, deep hurt and disillusionment.

Grooming actions are designed to establish an emotional connection to lower the child's inhibitions through the development of a relationship with the child, and increased opportunity to see the child. Grooming involves psychological manipulation that is usually very subtle, drawn out, calculated, controlling and premeditated. Typically, grooming occurs incrementally: accessing the victim, initiating and maintaining the abuse, and concealing the abuse.

All Australian jurisdictions have grooming offences, which vary in scope and application. Grooming offences may target online or other electronic communications, subjecting children to child exploitation material, and/or using intoxicating substances to engage children for the purpose of sexual activity.

Recognising the characteristics of sexual offenders

5.17 You need to be aware of the characteristics of sexual offenders. A sexual offender may be a friend, a family member, a neighbour, a peer, or a person in authority.

Characteristics of sexual offenders

Sexual offenders generally:

- do not stop unless there is some intervening factor;
- believe or assert that the victim is complicit or a willing participant;
- attempt to deny, justify, minimise or excuse their behaviour by:
 - claiming their behaviour was an expression of love for the victim;
 - claiming their behaviour was a result of their childhood abuse;
 - claiming their behaviour was influenced by stress, the use of alcohol or other substances; and
 - blaming the victim;

- enjoy the activity, despite claims to the contrary; and
- are repeat offenders.

Sexual offenders who target vulnerable adults and children will often undertake a grooming process as a precursor to abusive behaviour.

Ensuring the safety of children

5.18 Taking all reasonable steps to ensure the safety and welfare of children for whom you have overall responsibility or are in your care requires you to prepare a risk management plan which considers the following issues:

- screening and selection of personnel;
- your role and capacity to perform it;
- use of external service providers;
- supervision;
- planning and conduct of activities;
- venue;
- health and safety;
- transport;
- disciplinary arrangements;
- physical contact;
- photographs and images; and
- record keeping.

These issues are considered in paragraphs 5.19 to 5.47.

Screening and selection of personnel

5.19 If you have responsibility for compliance with civil and Church screening and selection requirements, you should exercise care with the selection of leaders involved in mixed age or children's activities. You should ensure that any parents or guardians assisting with these activities are screened.

5.20 Consult the Director of Professional Standards as to whether a risk assessment is required before you appoint someone who has:

- been acquitted of a charge of an offence against a child;
- had a charge of an offence against a child not proceed;
- had a prohibited status under applicable child protection legislation lifted; or
- been the subject of Church disciplinary proceedings involving child abuse.

Your role and capacity to perform it

5.21 You need to recognise your own limits and not undertake any ministry that is beyond your competence or certification or that is not part of the role for which you have been or are being trained. Arrange for any such ministry to be provided by an experienced person or specialist agency. This applies particularly to outdoor or adventure activities such as canoeing, abseiling and hiking. Refer any child who requires specialised help (e.g. counselling for depression, abuse or addiction) to an appropriately qualified person or agency.

- 5.22 While children should be able to trust and confide in clergy and church workers— and you should expect to develop relationships of this character with children— avoid fostering inappropriate dependence on the part of a child.
- 5.23 Encourage children to develop leadership skills and undertake leadership roles that are appropriate for people of their age.

Use of external service providers

- 5.24 When you engage or use an external service provider for an activity (e.g. when you engage a specialist in outdoor education or a speaker for a camp), you should:
- make reasonable enquiries as to whether they have been screened and selected in accordance with civil and any Church requirements;
 - ensure that they are only used in a supplemental capacity; and
 - wherever practicable, ensure that they are not left alone with any child.

Supervision

- 5.25 The degree of supervision required will vary according to the nature and environment of the activity, the age and maturity of the children and the size of the group. Having multiple leaders to ensure that supervision and accountability standards are maintained is vitally important. You should:
- clearly distinguish the different levels of responsibility between you and any other supervisor and ensure that these differences are understood;
 - consider the extent of supervision required taking into account:
 - the age, number, ability and gender mix of the children; and
 - the venue, time, duration and nature of the activity;
 - have a register of all children with contact details and parents' or guardians' names for emergencies; and
 - monitor and periodically review the application of Church child protection procedures.

Activities

- 5.26 You should identify and minimise all potential hazards before embarking on any activity with children. This would include:
- being aware of the fire safety and evacuation procedures;
 - ensuring that emergency exits on church premises are clearly marked and never obstructed or internally locked;
 - not permitting smoking in any church premises where the activity is held; and
 - not knowingly permitting children with serious contagious diseases to attend the activity.
- 5.27 Games or activities that emphasise gender, physical, intellectual or ethnic differences should be assessed for their appropriateness. Think about what message children may learn from the way events are organised and conducted.
- 5.28 You should review in their entirety aural and visual materials, such as videos, films, computer games, graphics, photographs and lyrics, to ensure that any elements containing violence, sexual activity or lifestyle

are appropriate for the intended audience. Exercise care if a film or computer game has been recommended by the Office of Film and Literature Classification as unsuitable for viewing or playing by children of a particular age (e.g. MA, M and PG classifications). In assessing whether something is suitable you should take into account the age of the youngest child present. If in doubt, seek the advice of a supervisor or colleague.

5.29 To minimise the possibility of children being harmed, give careful consideration to any activities or games that require children to act alone or in pairs independent of leaders.

5.30 Ensure that no children's activity includes:

- secret initiation rites and ceremonies;
- nudity or engagement in sexual conduct;
- the use or availability of prohibited materials, except wine in the context of a Holy Communion service.

5.31 When taking children away from church premises, obtain the written consent of a parent or guardian and keep them informed of the place and timing of the event. If you can, include parents or guardians in a leadership team of mixed gender.

5.32 When meeting a child privately, you should:

- have parental or guardian consent, where practicable;
- ensure where appropriate that a parent, guardian or suitable adult is present;
- inform another member of the clergy, an adult church worker or another adult of the time, location and duration of the meeting;
- not invite or have children to your home or visit children in their home when no other adult is present; and
- make a record of the time, location, duration and circumstances of any meeting where it is impracticable to follow these guidelines.

Venue

5.33 Avoid working alone or in isolation with children. You should ensure that:

- all activities have defined boundaries that are easily observed or patrolled;
- all aspects of children's activities are open to observation;
- children are not permitted to leave church premises unsupervised; and
- where individual or small group ministry is needed, it occurs in the presence of adults, a public place or a location with high visibility.

5.34 When events require children to sleep over, you should ensure that where possible:

- parents or guardians are involved in the events and their supervision;
- sleeping accommodation is segregated between males and females;
- sleeping accommodation is supervised by more than one person, preferably including a parent or guardian or another adult of each gender; and
- supervisors do not sleep in close personal proximity to a child, unless they are a parent or guardian of the child.

- 5.35 Venues should allow for the privacy of all parties to be respected, particularly when changing clothes, washing and toileting. If you need to wash or toilet a child, tell another adult what you are doing.

Health and safety

- 5.36 Ensure that the risk management plan includes relevant contact details (e.g. emergency services and specialised help) and that a first aid kit appropriate to the activity is available. In the case of camps and similar activities, ensure that at least one adult present has first aid training.
- 5.37 Do not administer prescription medications to a child without the written consent of a parent or guardian.
- 5.38 Obtain information from parents or guardians about the particular physical and mental health or safety needs of children in your care (e.g. allergies, depression).

Transport

- 5.39 When making transport arrangements, take reasonable steps to ensure that:
- all drivers or operators are licensed, responsible, experienced and are not impaired by alcohol or any other mind-altering or addictive substance; and
 - all motor vehicles and other forms of transport used are registered, insured, safe and fitted with appropriate child restraints or safety devices (e.g. seat belts, life jackets).
- 5.40 To the extent practicable, avoid being alone with a child in a motor vehicle or driving a child home unaccompanied. If such a situation is unavoidable, inform another adult of the trip and the reason for it.

Discipline

- 5.41 If you have overall responsibility in a Church body, you should ensure that:
- there is a strategy to prevent child abuse from occurring during church activities. This includes giving age-appropriate warnings to children about their own behaviour; and
 - parents or guardians are advised that abuse of any child during children's activities will not be tolerated.
- 5.42 If you have overall authority for children's ministry in a Church body you should ensure that a disciplinary strategy is developed, made known and implemented.

Disciplining children

When a child's behaviour requires correction, either for the safety and welfare of themselves or the group, it is important that:

- a warning precedes any discipline, where the situation permits;
- the discipline is explained to the child;
- the child is given an opportunity to explain;
- the discipline is appropriate to the occasion and age of the child;
- the form of discipline is not corporal punishment, does not ridicule or humiliate or is not otherwise abusive;
- very young children are not isolated as a form of discipline;

- physical restraint is only used to protect children from harm or to avoid an accident;
- when physical restraint is used, a record is kept that identifies the restraint used, the member of the clergy or church worker and child involved and any witnesses, and sets out the incident's circumstances;
- the child's parents or guardians are informed of the circumstances of the incident and discipline; and
- you make a record of the circumstances of the incident and discipline.

Physical Contact

- 5.43 In general – excluding circumstances such as immediate physical danger or medical emergency – physical contact should be initiated by the child or occur with their permission. When you make physical contact with a child, be very careful that you respect the child's feelings and privacy.
- 5.44 Ensure that any physical contact you have with children is of a non-sexual nature and appropriate to the situation. Avoid any physical contact that is sexually stimulating, or that may be construed as sexually stimulating. Children may or may not be aware of creating such situations. It is your responsibility to be alert for such situations and to cease any inappropriate physical contact immediately.

Children and physical contact

You need to be very careful when making physical contact with children.

Appropriate contact includes:

- bending down to the child's eye level, speaking kindly and listening attentively;
- gaining permission before hugging a child and respecting their right to refuse;
- taking a child's hand and leading them to an activity;
- comforting a child by placing an arm around their shoulder and giving a gentle squeeze from the side;
- praising or welcoming a child by holding the child's two hands in yours;
- patting the child on the head, hand, back or shoulder in affirmation; and
- holding a preschool child who is crying, provided that they want to be held.

Inappropriate contact includes:

- kissing or coaxing a child to kiss you;
- extended hugging or tickling;
- touching any area of the body normally covered by a swimming costume, specifically the buttocks, thighs, breasts or groin areas; and
- carrying older children, sitting them on your lap or having them rub up next to you.

Communication

- 5.45 If you have overall responsibility in a Church body, you should ensure there is a policy for clergy and church workers which deals with the use of technology to communicate with children in pastoral ministry.
- 5.46 When considering using technology for communication, you should apply the same principles as you would in any other form of communication with children.

You should take care that:

- it is an appropriate way to communicate with a child;
- it is an appropriate way to communicate about the matter;
- you are sensitive to the impact of your words, images and actions on the child and any other person who may access it;
- you do not use sexually suggestive, explicit or **offensive language** or images; and
- the circumstances of the communication, including the language and images used, do not suggest your relationship with the child is inappropriate.

Risks associated with using technology in communication with children

Clergy, church workers and other participants in church activities – including children – often communicate using texting and picture messaging, email, instant messenger services and chat rooms, video conferencing, blogs and internet forums, websites, and group social networking sites.

Remember information posted online is tracked and can be retrieved. Dangers associated with the use of communication technology with children are not always appreciated by clergy and church workers. These dangers include:

- ignoring personal security settings on social networking sites;
- disclosing contact details or images of the child in the communication;
- being unable to determine if people are who they say they are;
- exposing the child to unwanted or inappropriate information;
- the child becoming a victim of cyberbullying; and
- sexual predators gaining access to the child.

Clergy and church workers can assist children to stay safe when using technology to communicate with others by:

- educating children and their parents or guardians about the risks associated with the use of this technology;
- encouraging children to exercise care in disclosing personal information about themselves and others such as their contact details;
- encouraging children to talk about anything that worries them with their parents or guardians, older siblings, friends, and clergy and church workers with whom they have a **pastoral relationship** instead of posting their problems in a chat room or blog; and
- encouraging children to talk about anything they see or experience online that worries them.

Photographs and images

- 5.47 If you have overall authority in a church body, you should ensure that there is a policy requiring clergy and church workers to obtain the permission of relevant parents and guardians before making or using images (including photographs and videos) of children who are engaged in children's activities. The form of permission should clearly indicate the intended use of the images.

Record keeping

- 5.48 If you have overall authority in a church body, you should ensure that any Church screening documents:
- are treated with confidentiality and never left where they can be accessed by unauthorised persons;
 - where kept on computer, are password protected and stored for an indefinite period of time with access limited to authorised persons; and
 - where kept in paper form, are stored separately from any other documents and locked in secure place for an indefinite period of time, with access limited to authorised persons.
- 5.49 If you have overall authority in a church body, you should:
- ensure that a register of attendance of children and leaders and their emergency contact details is kept for each pastoral ministry involving children;
 - consider including such registers in the church archives; and
 - keep and store in a secure place all permission forms and records relating to discipline and private meetings.
- 5.50 If you are exercising a pastoral ministry involving children in a church body, you should keep a register of attendance of the children for whom you are responsible.

6 PERSONAL BEHAVIOUR

Preamble

- 6.1 The personal behaviour and relationships of **clergy** and **church workers** have a significant impact on the **Church** and the community because they are a model to others. In a context where their responsibility is to care for others, people will especially observe the way in which clergy and church workers exercise power.
- 6.2 Abuse of power is at the heart of many relationship problems in the Church and the community. In essence, abuse is one person's misuse of power over another. Sometimes abuse will be a one off event and at other times it will be a pattern of behaviour.
- 6.3 **Abuse** can take any of several overlapping forms: **bullying, emotional abuse, harassment, physical abuse, sexual abuse** or **spiritual abuse**. Abuse in a family or domestic context is commonly known as "family and domestic violence".
- 6.4 It is important for clergy and church workers to be good citizens and obey the laws of the community, except where those laws conflict with Christian convictions.

Standards for clergy and church workers

These standards state the Church's expectations for personal behaviour and the practice of pastoral ministry.

- 6.5 You are not to engage in:
- bullying;
 - emotional abuse;
 - harassment;
 - physical abuse;
 - sexual abuse; or
 - spiritual abuse.
- 6.6 You are not to **abuse** your spouse, children or other members of your family.
- 6.7 You are to be responsible in your use of alcohol and other mind altering or addictive substances or services.
- 6.8 You are not to undertake any pastoral ministry when you are impaired by alcohol or any other mind-altering or addictive substances.
- 6.9 You are not to use any **prohibited substance**.
- 6.10 You are not to take property belonging to others, including intellectual property.
- 6.11 You are not knowingly to make statements that are false, misleading or deceptive.
- 6.12 You are not knowingly to use **offensive language**.

- 6.13 Without a legitimate purpose you are not to view, possess, produce or distribute **restricted material**.
- 6.14 You are to observe the law, other than any law that:
- is contrary to the Holy Scriptures;
 - unjustly prohibits the practice of religion; or
 - prohibits civil disobedience.

Guidelines

These guidelines explain and illustrate best practice and highlight practical ways to achieve it.

- 6.15 You need to be aware of the impact that abuse can have on people.

The impact of abuse

A person who is abused may suffer emotionally, psychologically, physically, socially and spiritually. The impact can be life long and affect the person, their relationships and their capacity for ministry.

How abuse affects the person and their relationships

The person who is abused may experience:

- feelings of shame, humiliation, rejection, powerlessness, insecurity, anger and resentment;
- sadness, tearfulness, depression, anxiety;
- fatigue, disturbed sleep, changed appetite and ill health;
- substance abuse, gambling and use of pornography;
- becoming more withdrawn or aggressive;
- burn out;
- suicidal thinking and action;
- loss of self-esteem and self-confidence;
- marital and family problems;
- breakdown in community and collegial relationships.

How abuse affects ministry

Clergy or church workers who are abused may experience:

- loss of coping skills;
- disillusionment;
- inability to concentrate;
- loss of motivation;
- decreased productivity and competence;
- bad decision-making and poor judgement;
- loss of faith or crisis of vocation;
- difficulty trusting others;
- diminished employability;
- premature desire to cease employment.

- 6.16 You need to be able to identify **bullying** and the cultures and environments which encourage it.

Cultures and environments which encourage bullying

Contexts in which bullying is likely to flourish are characterised by:

- overbearing or inadequate leadership;
- poor management;
- a high level of competition;
- a climate of uncertainty and insecurity;
- lack of support and governance structures;
- poor handling of conflict;
- rigid structures;
- low level of participation or consultation;
- excessive demands on time;
- unclear role description and processes;
- inadequate grievance procedures.

- 6.17 If another person indicates by their words or actions that they feel bullied or harassed by you, review your conduct. If in doubt, cease the conduct and seek advice. When teaching, admonishing or exercising discipline as part of your pastoral ministry, be sure you do it respectfully.
- 6.18 Love and care for your family and pay particular attention to the effect of your ministry on your family relationships. Ensure that your behaviour in family relationships is consistent with this Code.
- 6.19 Take steps to prevent your spouse or children or other members of your family becoming victims of your stress. If you find yourself acting violently or abusively to any member of your family, seek professional help immediately.
- 6.20 Monitor your consumption or use of alcohol and other mind altering or addictive substances or product (e.g. gambling) to ensure your wellbeing and that of others. Seek professional help if the use of these substances or products adversely affects your ministry, personal wellbeing or relationships.
- 6.21 You should be sensitive to the effect of your language on others. Avoid using language that may be misunderstood or that bullies, threatens, belittles, humiliates or causes unnecessary offence or embarrassment. Take care when using:
- any swear word;
 - language which has sexual connotations; and
 - racial, religious or other group descriptions.
- 6.22 Exercise discretion when viewing or using restricted material. You should:
- consider the legitimate purpose of viewing or using the restricted material;
 - consider whether your conduct will damage your reputation and impair your ministry; and

- disclose the purpose and circumstances of your conduct to a supervisor or colleague to avoid any misunderstanding.
- 6.23 When engaged in civil disobedience, do not act violently or intentionally provoke violence.
- 6.24 Be sensitive to the effect of your dress on others. Dress appropriately to the context.
- 6.25 You should comply with copyright legislation. Ensure that any licences for the use of copyright material are current and complied with and that copyright is duly acknowledged.

7 SEXUAL CONDUCT

Preamble

- 7.1 The sexual conduct of clergy and church workers has a significant impact on the **Church** and the community.
- 7.2 Sexuality is a gift from God and is integral to human nature. It is appropriate for **clergy** and **church workers** to value this gift, taking responsibility for their sexual conduct by maintaining chastity in singleness and faithfulness in marriage.
- 7.3 It is part of the role of clergy and church workers to care for, protect and respect all with whom they have a **pastoral relationship**. It is never appropriate for clergy and church workers to take advantage of their role to engage in sexual activity with a person with whom they have a pastoral relationship. Consent to such activity will not be regarded by the Church as valid, except within marriage.

Standards for clergy and church workers

These standards state the Church's expectations for personal behaviour and the practice of pastoral ministry.

- 7.4 You are to be chaste and not engage in sex outside of marriage and not engage in disgraceful conduct of a sexual nature.
- 7.5 You are not to:
- sexually abuse an adult;
 - sexually abuse a child;
 - engage in prostitution;
 - visit brothels and other places associated with the sex industry without a legitimate purpose;
 - view, possess, produce or distribute **restricted material** containing sex or nudity without a legitimate purpose; and
 - view, possess, produce or distribute any form of child pornography or **child exploitation material**.

Guidelines

These guidelines explain and illustrate best practice and highlight practical ways to achieve it.

- 7.6 If you intend to make physical contact with another adult or speak to them about a sexual matter you should:
- take responsibility for your own actions;
 - seek permission;
 - respect the person's wishes;
 - notice and respond to the person's non-verbal communication; and
 - refrain from such conduct if in doubt about the person's wishes.

- 7.7 You should avoid situations where you are vulnerable to temptation or where your conduct may be construed as a breach of the standards of sexual conduct in this Code.
- 7.8 Any involvement in pastoral ministry to persons in the sex industry requires safeguards and a high level of accountability and collegial support. If in pastoral ministry you intend to visit people or places associated with the sex industry, you should:
- consider the legitimate purpose of visiting the person or place;
 - consider whether your conduct will damage your reputation and impair your ministry; and
 - to avoid any misunderstanding, disclose the purpose and circumstances of what you are doing to a supervisor or colleague.

8 FINANCIAL INTEGRITY

Preamble

- 8.1 In both their personal capacity and their pastoral ministry **clergy** are involved in matters of a financial nature. The ministry of **church workers** may include financial management. The financial dealings of clergy and church workers have a significant impact on the **Church** and the community.
- 8.2 Financial integrity is essential to all financial processes and transactions.
- 8.3 Clergy and church workers with overall authority for financial management in a church body are responsible for the implementation and maintenance of proper systems for financial integrity and accountability. They cannot delegate this responsibility to anyone else.

Standards for clergy and church workers

These standards state the Church's expectations for personal behaviour and the practice of pastoral ministry.

- 8.4 You are not to avoid payment of your just debts and family support obligations.
- 8.5 You are not to engage in tax evasion.
- 8.6 You are not to seek personal advantage or financial gain for yourself or your family from your position or from a **pastoral relationship**, beyond your stipend or wage and recognised allowances and deductions.
- 8.7 You are not to allow yourself to be influenced by offers of money or financial reward.
- 8.8 You are to avoid situations of conflict between your personal financial interest and your pastoral ministry responsibilities.
- 8.9 You are to arrange your personal and church finances to ensure that clear account and transaction boundaries are maintained.
- 8.10 You are to fully disclose and be publicly accountable for all church monies which you handle.
- 8.11 If you have overall authority for financial management in a church body, you are to ensure that:
- proper systems for financial integrity and accountability are implemented and maintained;
 - all clergy and church workers for whom you have responsibility and who have authority for financial management in a church body are informed of their roles and responsibilities; and
 - all stipends, wages and allowances payable are adequate, and paid promptly and in full.

Guidelines

These guidelines explain and illustrate best practice and highlight practical ways to achieve it.

Financial management practices

- 8.12 You should ensure that your salary packaging and the accounts of any church body for which you have responsibility are in accordance with Church and civil taxation and accounting requirements.
- 8.13 If you have overall authority for financial management in a church body, you should minimise the risk of you and other clergy and church workers being accused of or engaging in financial impropriety by:
- having two persons unrelated by family to handle church money received;
 - not involving paid clergy or paid church workers in the counting of church offertories;
 - ensuring that church money on church premises is kept safely and securely;
 - avoiding church money being taken home wherever possible;
 - ensuring that all church money received is banked promptly;
 - ensuring that proper accounting records are kept for church transactions, in the form of receipts, diary entries, tax invoices, accounts and account statements;
 - ensuring that all church accounts have more than one signatory;
 - ensuring that any accounts paid by cash are duly receipted; and
 - ensuring that those with the responsibility for handling money have suitable training in financial matters.

Gifts

- 8.14 If you are offered or receive a gift, whether monetary or otherwise, from a person with whom you have a pastoral relationship, you should:
- establish for whom the gift is intended and exercise discretion as to whether the gift should be personally accepted;
 - consider:
 - o the size of the gift;
 - o the intentions and circumstances of the giver;
 - o the risk of your integrity being compromised; and
 - o whether acceptance of the gift would cause scandal and embarrassment if known publicly;
 - if it is substantial, disclose the offer or receipt to a supervisor or colleague; and
 - if there is any uncertainty as to the gift's appropriateness, seek advice from a supervisor or colleague.

Personal financial obligations

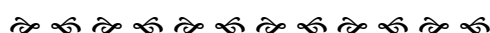
- 8.15 You should manage your finances so that personal debts, including those to any church body, are paid when due and in full.

8.16 You should avoid borrowing money from, or lending money to, a person with whom you have a pastoral relationship as this may place you in a position where your personal interest conflicts with your pastoral responsibilities. If you do, then disclose the circumstances to a supervisor or colleague. In some cultures where there are communal ownership and kinship obligations, this guideline may be applied differently.

Governance Policy for Diocesan Organisations

as at October 2022

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Background

- Representative members of the Anglican Church of Australia in New South Wales meet in synods to attend to governance needs arising from membership in the unincorporated association known as The Anglican Church of Australia. The New South Wales Parliament has provided a legislative framework for the seven New South Wales Anglican Diocesan Synods to carry out responsible and effective governance. The *Anglican Church of Australia Constitutions Act 1902* empowers each Anglican synod in New South Wales to make ordinances for the order and good government of the Anglican Church of Australia within that diocese. The *Anglican Church of Australia Trust Property Act 1917* gives a synod the power –
 - to vary the trusts on which church trust property is held,
 - to appoint and remove trustees of such property, and
 - to constitute councils and committees to govern and control the management and use of such property.

In addition the *Anglican Church of Australia (Bodies Corporate) Act 1938* gives an extraordinary power to a Synod in New South Wales to constitute such councils and committees as bodies corporate for the management and governance of an organisation of the Anglican Church or for holding, managing or dealing with church trust property.
- In the context of the Diocese of Sydney, there are currently about 60 diocesan organisations constituted by the Synod. There are 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. These organisations pursue diocesan purposes through a wide range of activities, including welfare, aged care, schooling, youth work, theological education, and administrative, secretarial and investment services. About 20 of these are 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*.
- The Synod acknowledges that diocesan organisations have taken steps on their own boards to ensure proper and effective board governance. Nevertheless, the Synod as the ‘parliament of the diocese’ also has a responsibility to the wider community to facilitate proper and effective governance as part of its oversight of all diocesan organisations.
- Currently, the Synod seeks to discharge this responsibility by electing a majority of the board members of diocesan organisations and requiring diocesan organisations which manage church trust property to provide an annual report to the Synod including its financial statements and auditor’s report.

Purpose of this document

- The adoption of a Synod Policy on the governance of diocesan organisations will enable the Synod to articulate more clearly how it intends exercising its powers to better achieve two broad expectations in the area of governance.
- The first expectation is that those responsible for governing diocesan organisations will seek the highest standards of governance appropriate to the size and nature of each organisation.

7. The second expectation addresses the reason for pursuing the highest standards of governance, namely, 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.

The nature of Christian leadership

8. Leadership is a gift of God for the purposes of order and good government. Among the people of God, church leaders are gifted by God for the teaching, discipline and modelling of godliness to those under their care. Secular leaders are likewise accountable to God for their governance, which is for the good of the community they serve, since they also act as “God’s servants” (Rom 13:4). Boards of Christian organisations should therefore have similar standards of integrity, truth and commitment with respect to their governance responsibilities. In particular, Jesus’ use of the imagery of both shepherd and servant for his own ministry, as well as that of his apostles, ought to characterise those who would govern Christian organisations.
9. Scripture states: “We aim at what is honourable not only in the Lord’s sight but also in the sight of others” (2 Cor. 8:21). In light of this, it is appropriate that Christian organisations take pains to ensure the appearance (as well as the substance) of propriety and accountability. This includes abiding by the highest governance standards observed by secular organisations, e.g. corporations, where they are applicable.
10. The Synod acknowledges and gives thanks for the board members of diocesan organisations who give generously of their time, energy and skills to exercise the governance responsibilities with which they have been entrusted.
11. The Synod encourages board members of diocesan organisations to work in partnership with the Synod in seeking the highest standards of governance. Such standards are to be underpinned by prayer, sacrificial service, a dependence upon God for wisdom and a proper regard to best practice so that decisions made will enhance the organisation’s effectiveness to promote the kingdom of Christ and give glory to God.

Application of this Policy

12. In this Policy –
 - “board” means the body of persons responsible for governing a diocesan organisation.
 - “chief executive officer” means the person who is responsible to the board for the leadership and management of the diocesan organisation.
 - “Diocese” means the Anglican Church of Australia in the Diocese of Sydney.
 - “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.

See Schedule 1 for a list of diocesan organisations.

 - “Governance Standards” means the standards referred to in Appendix 1.
 - “Policy Guidelines” means the guidelines referred to in Appendix 2.
 - “Synod” means the Synod of the Diocese and includes, when the Synod is not in session, the Standing Committee of the Synod.
13. In support of the mission of the Diocese, this policy sets out the Governance Standards and Policy Guidelines that the Synod considers should apply to diocesan organisations.
14. The Synod will use these Governance Standards and Policy Guidelines as the basis for assessing and, as appropriate, changing (or seeking changes to) the ordinances, policies and procedures that apply to diocesan organisations.

15. The Governance Standards and Policy Guidelines are also intended to align with and give appropriate expression to the governance standards for registered entities made under the *Australian Charities and Not-for-profits Commission Act 2012*.
16. The Synod anticipates that it will amend this policy from time to time in order to better align the Governance Standards and Policy Guidelines with the purposes of the Diocese and to reflect any changes to the ACNC governance standards. For this purpose the Synod encourages on-going input from boards.

Appendix 1: Governance Standards

The Synod regards the following Governance Standards as applicable to all diocesan organisations and expects diocesan organisations to implement each of the Governance Standards in an appropriate and demonstrable way.

A. **Christian leadership shaped by the Bible**

- (a) The board members of a diocesan organisation elected by the Synod, the chair of the board and the chief executive officer must profess a personal Christian faith shaped by the Bible.
- (b) Other board members should profess a personal Christian faith shaped by the Bible.
- (c) The Archbishop must be able to address the board of a diocesan organisation on any pastoral or policy issue concerning the Anglican Church of Australia as it applies to the diocesan organisation, including the appointment of a chief executive officer for the organisation.
- (d) The board of a diocesan organisation should include members with formal theological training.

B. **Mission clarity**

(cf. ACNC governance standard 1 – purposes and not-for-profit nature of a registered entity)

- (a) The purpose of a diocesan organisation must be clearly expressed in its constituting ordinance, must align with the religious, educational or other charitable purposes of the Diocese whether such purposes are within or beyond the Diocese or the State and must ultimately promote the kingdom of Christ and give glory to God.
- (b) Information about the purpose of a diocesan organisation must be made available to the public, including any members, donors, employees and volunteers, as well as those that benefit from its activities.
- (c) A diocesan organisation must comply with its purpose and ensure that all its activities are demonstrably linked either directly or incidentally to the pursuit of its purpose.

C. **Not-for-profit character**

(cf. ACNC governance standard 1 – purposes and not-for-profit nature of a registered entity)

- (a) The property of a diocesan organisation must not be distributed for the private benefit of individuals either during the operation of the organisation or on its winding-up.
- (b) A diocesan organisation must comply with its not-for-profit character and take reasonable steps to ensure compliance.

D. **Accountability and transparency**

(cf. ACNC governance standard 2 – accountability to members)

- (a) A diocesan organisation must maintain an adequate level of accountability and transparency to the Synod and its members.
- (b) A majority of the board members of a diocesan organisation must be elected by the Synod.
- (c) A diocesan organisation which manages church trust property must submit to the Synod for tabling an annual report and such other reports as Synod requires and must take reasonable steps to ensure such reports are accurate, complete and provided on a timely basis.
- (d) Members of the Synod must have reasonable access to the annual reports of diocesan organisations tabled at the Synod and must have an adequate opportunity to ask and have answered questions about the governance of diocesan organisations.
- (e) A diocesan organisation which has a class of members which is distinct from the members of its governing board must maintain similar levels of accountability and transparency for such members.

E. **Corporate responsibility**

(cf. ACNC governance standard 3 – compliance with Australian laws)

- (a) A diocesan organisation must ensure its on-going operations, the safety of people in its care and the safety of its assets through compliance with applicable Australian laws and ordinances of the Synod.
- (b) A diocesan organisation must maintain as a reference for its board members a record, preferably in the form of a handbook, of the ordinances by which it is constituted or regulated and any other documents or policies by which it is governed.

F. Suitability of board members

(cf. ACNC governance standard 4 – suitability of responsible entities)

- (a) The board of a diocesan organisation must develop effective processes to ensure –
 - (i) the collective qualifications, skills, experience and gender balance of its members are adequate having regard to its purpose and the activities it undertakes in pursuit of its purpose, and
 - (ii) the induction of new members and the ongoing training and development of existing members, and
 - (iii) board renewal under the direction of the chair.
- (b) A person who is –
 - (i) disqualified from managing a corporation within the meaning of the *Corporations Act 2001*, or
 - (ii) disqualified by the ACNC Commissioner, at any time during the preceding 12 months, from being a responsible entity of a registered entity under the *Australian Charities and Not-for-profits Commission Act 2012*,
 is not eligible to be a board member of a diocesan organisation.

G. Board member responsibility

(cf. ACNC governance standard 5 – duties of responsible entities)

- (a) A diocesan organisation must take reasonable steps to ensure that its board members are subject to and comply with the following duties –
 - (i) to exercise the powers and discharge the duties of the diocesan organisation with the degree of care and diligence that a reasonable individual would exercise as a board member of a diocesan organisation, and
 - (ii) to act in good faith in the best interests of the diocesan organisation and to further the purposes of the diocesan organisation, and
 - (iii) not to misuse their position as a board member, and
 - (iv) not to misuse information obtained in the performance of their duties as a board member of a diocesan organisation, and
 - (v) to disclose perceived or actual material conflicts of interest of the board member, and
 - (vi) to ensure that the financial affairs of the diocesan organisation are managed in a responsible manner, and
 - (vii) not to allow the diocesan organisation to operate while insolvent.
- (b) A diocesan organisation must take reasonable steps to ensure compliance with these duties and to remedy any non-compliance.

Appendix 2: Policy Guidelines

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. 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.

Purpose

1. The purpose of the diocesan organisation should be clearly expressed. Such purpose must align with the religious, educational or other charitable purposes of the Diocese whether such purposes are within or beyond the Diocese or the State and must ultimately promote the kingdom of Christ and give glory to God.
2. In recognition that the diocesan organisation is part of a network of parishes and organisations which is collectively seeking to advance the broader charitable purposes of the Diocese, the diocesan organisation should be expressly permitted to pursue its purposes in a manner which advances the broader charitable purposes of the Diocese, including such purposes as are declared or recognised from time to time by the Synod. See also paragraph 32.

Board size and composition

3. The total number of board members should be no less than 9 and no more than 14.
4. A majority of board members must be elected by the Synod.
5. The membership of the board should not include the Chief Executive Officer.
6. The membership of the board should include –
 - (a) at least two clergy licensed in the Diocese of Sydney, and
 - (b) at least two members with (at minimum) a three year theological degree from Moore Theological College or another college that is endorsed by the Archbishop for the purpose of this clause, noting that the requirements of paragraphs (a) and (b) may be met by the same two people.
7. The membership of the board may include no more than two persons appointed by the board.
8. Where a significant majority of members are elected by the Synod, the membership of the board may include persons appointed by any representative alumni association.

Role of the Archbishop

9. If the Archbishop is a board member he should be entitled to chair meetings of the board when present.
10. If the Archbishop is not a board member he should be entitled –
 - (a) to receive board papers at his request, and
 - (b) to attend board meetings, and
 - (c) to address the board on any pastoral or policy issue concerning the Anglican Church of Australia as it applies to the diocesan organisation including the appointment of a chief executive officer for the organisation.

The Archbishop should be able to appoint a nominee to exercise these entitlements on his behalf.

Election, appointment and term of office of board members

11. A board member should be elected or appointed for a term not exceeding 3 years. One third of Synod elected members should therefore retire at each ordinary session of the Synod or, in the case of members elected by the Standing Committee, at the first meeting of the Standing Committee following each ordinary session.
12. 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. The form of the statement is set out in Appendix 3.
13. A casual vacancy should arise in the office of a board member if the member –
 - (a) dies,

- (b) resigns in writing to the chairman of the board or to the Diocesan Secretary,
- (c) is an insolvent under administration,
- (d) is of unsound mind or 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,
- (e) is disqualified from managing a corporation within the meaning of the *Corporations Act 2001*;
- (f) has at any time during the preceding 12 months been disqualified from being a responsible entity of a registered entity by the Commissioner of the Australian Charities and Not-for-profits Commission;
- (g) is convicted of an offence punishable by imprisonment for 12 months or longer,
- (h) is subject to a recommendation from a tribunal or body under the Discipline Ordinance 2006 (or from a comparable tribunal or body in any other diocese or church) that he or she be prohibited from holding office or should be removed from office as a board member,
- (i) is absent without leave for 3 consecutive meetings of the board and the board resolves that the person's membership should cease,
- (j) fails to sign the statement of personal faith, or declares that he or she is no longer able to subscribe to the statement, or
- (k) 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 a three-quarters majority that the person's membership should cease as a result of this failure,

and a person should be disqualified from being elected or appointed as a board member if any of the circumstances referred to in paragraphs (c) to (h) and (j) apply to the person.

14. Casual vacancies arising for Synod elected members should be filled by the Standing Committee. The person who fills the casual vacancy should hold office until the day on which the person whose vacancy he or she has filled would have retired had the vacancy not occurred.
15. In the absence of an alternative methodology in the constituting ordinance of a diocesan organisation which achieves effective board renewal in the context of that organisation under the direction of the chair, a retiring board member should only be eligible for re-appointment or re-election where such re-appointment or re-election would not in the normal course result in that member being a board member for more than 14 consecutive years. For this purpose, years are consecutive unless they are broken by a period of at least 12 months.
16. Board members should not be remunerated for their service as board members except by way of reimbursement for reasonable out-of-pocket expenses.

Chair and other office holders

17. The chair and any other officer of the board should be elected by board members for a term not exceeding 3 years. Such persons are eligible to stand for re-election but should not serve in the same office for more than 9 consecutive years.
18. A person is not eligible to be appointed or elected as the chair of a board unless he or she has first signed a statement of personal faith in a form determined by the Synod. The initial form of such a statement is set out in the Appendix 3.
19. A person should not be the chair of the board of a diocesan organisation if a member of the person's immediate family is employed by the diocesan organisation, unless the board has considered the circumstances and unanimously agreed to it by secret ballot.

The Chief Executive Officer

20. The board should have the power to appoint and remove the Chief Executive Officer.
21. The Chief Executive Officer is responsible to the board for the leadership and management of the diocesan organisation.
22. A person is not eligible to be appointed as the Chief Executive Officer unless he or she has first signed a statement of personal faith in a form determined by the Synod. The initial form of such a statement is set out in the Appendix 3.

Board meetings

23. Meetings of the board may be convened by the chair or a specified number of board members.

24. Board members should be able to attend meetings either personally or by suitable electronic means.
25. A quorum for meetings of the board should be no less than one half of its members.
26. The board should be able to pass resolutions without a meeting if –
 - (a) a copy of the proposed resolution is sent to all board members and a reasonable timeframe within which members may indicate their support for or objection to the proposed resolution being passed is specified, and
 - (b) at least 75% of board members indicate within the specified timeframe that they support the proposed resolution being passed, and
 - (c) no board member objects within the specified timeframe either to the proposed resolution being passed or the proposed resolution being passed without a meeting.
27. The Chief Executive Officer should have the right to attend and speak at board meetings unless the board determines that he or she should not be present for a particular meeting, or part thereof.
28. The board must cause minutes to be made of –
 - (a) the names of the persons present at all board meetings and meetings of board committees,
 - (b) all disclosures of perceived or actual material conflicts of interest, and
 - (c) all resolutions made by the board and board committees.
29. Minutes must be signed by the chair of the meeting or by the chair of the next meeting of the relevant body following an agreed resolution to do so. If so signed the minutes are conclusive evidence of the matters as between the members stated in such minutes.

Duties, powers and limitations

30. The diocesan organisation should have such powers as are necessary for the diocesan organisation to fulfil its purpose.
31. The board should, in governing the diocesan organisation, exercise all the powers of the diocesan organisation.
32. A board member is taken to act in good faith in the best interests of the diocesan organisation and to further the purposes of the diocesan organisation for the purposes of paragraph 33(b) if –
 - (a) the diocesan organisation is expressly permitted to pursue its purposes in the manner referred to in paragraph 2;
 - (b) the board member acts in good faith in pursuing the purpose of the diocesan organisation in a manner which advances the broader charitable purposes of the Diocese; and
 - (c) the diocesan organisation is not insolvent at the time the board member acts and does not become insolvent because of the board member's act.
33. Board members are subject to and must comply with the following duties –
 - (a) to exercise the powers and discharge the duties of the diocesan organisation with the degree of care and diligence that a reasonable individual would exercise if they were a board member of a diocesan organisation, and
 - (b) to act in good faith in the best interests of the diocesan organisation and to further the purposes of the diocesan organisation, and
 - (c) not to misuse their position as a board member, and
 - (d) not to misuse information obtained in the performance of their duties as a board member of a diocesan organisation, and
 - (e) to disclose perceived or actual material conflicts of interest of the board member, and
 - (f) to ensure that the financial affairs of the diocesan organisation are managed in a responsible manner, and
 - (g) not to allow the diocesan organisation to operate while insolvent.
34. A board member who has an actual or perceived material conflict of interest in a matter that relates to the affairs of the board must disclose that interest to the board and should not participate in any consideration of that matter by the board unless the board, by resolution, notes the interest and permits the member to participate.
35. The board should maintain records of applicable eligibility criteria for board membership and conflicts of interest disclosed by board members.

36. The board should have the power to delegate the performance of any of its functions to one or more committees provided any such committee is chaired by a board member and reports the exercise of its delegated functions to the next board meeting.
37. The diocesan organisation should not offer its property as security for any liability other than a liability of the diocesan organisation or a body controlled by the diocesan organisation.
38. Any mortgage, charge, debenture or other negotiable instrument given by the diocesan organisation over its property (other than a cheque drawn on a bank account held by the diocesan organisation) should include a provision limiting the liability of the diocesan organisation to the amount available to be paid in the event it is wound up.
39. The diocesan organisation should comply with all applicable ordinances and policies of the Synod (as amended from time to time) including, as applicable –
 - (a) the *Investment of Church Trust Property Ordinance 1990*,
 - (b) the *Accounts, Audits and Annual Reports Ordinance 1995*,
 - (c) the *Anglican Schools Ministry Ordinance 2016*, and
 - (d) the *Sydney Anglican Use of Property Ordinance 2018*, and
 - (e) the *Safe Ministry to Children Ordinance 2018*.

Not-for-profit

40. There should be a provision which affirms that because the property of the diocesan organisation is church trust property within the meaning of the *Anglican Church of Australia Trust Property Act 1917*, it must not as a matter of law be distributed for the private benefit of individuals, either during the operation of the organisation or on its winding-up.

Winding up

41. There should be a provision which affirms that if, on the diocesan organisation's winding up or dissolution, there remains after satisfaction of all its liabilities any property, such property must be applied for such purposes of the Diocese as the Synod may determine or, where appropriate, such purposes of the Diocese as the Synod may determine which are similar to the organisation's purposes. Where the diocesan organisation has been endorsed as a deductible gift recipient, there should be a provision which affirms that on the winding-up or dissolution of the organisation, the Synod must transfer the remaining property of the organisation to one or more deductible gift recipients which, in any case, is either a fund which comprises church trust property or another diocesan organisation.

Appendix 3: Statement of Personal Faith

Statement of personal faith

1. I believe and hold to the truth of the Christian faith as set forth in the Nicene Creed, as well as the Apostles' Creed as set out below –

*I believe in God, the Father Almighty,
maker of heaven and earth;
and in Jesus Christ, his only Son our Lord,
who was conceived by the Holy Spirit,
born of the virgin Mary, suffered under Pontius Pilate,
was crucified, dead, and buried.*

*He descended into hell.
The third day he rose again from the dead
He ascended into heaven,
and is seated at the right hand of God the Father almighty;
from there he shall come to judge the living and the dead.*

*I believe in the Holy Spirit;
the holy catholic church;
the communion of saints;
the forgiveness of sins;
the resurrection of the body,
and the life everlasting.*

2. In particular I believe –
- (a) that God's word written, the canonical Scriptures of the Old and New Testaments, is the supreme authority in all matters of faith and conduct;
 - (b) that there is only one way to be reconciled to God which is through his Son, Jesus Christ, who died for our sins and was raised for our justification;
 - (c) that we are justified before God by faith only; and
 - (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.
3. I shall endeavour to fulfil my duties as a member/the Chief Executive Officer [*delete whichever is not applicable*] of the [*insert name of board*] in accordance with its Christian ethos and its constituting ordinance.
4. I agree that my continuance as a member/the Chief Executive Officer [*delete whichever is not applicable*] of the [*insert name of board*] is dependent upon my continuing agreement with this statement and I undertake to resign if this ceases to be the case.

Signature

Full name (in block letters)

Date:

Schedule 1

Schedule of Diocesan Organisations

<p>12. In this policy – “diocesan organisation” means a body which has an Australian Business Number and –</p> <ul style="list-style-type: none"> (a) is constituted by ordinance or resolution of the Synod, or (b) in respect of whose organisation or property the Synod may make ordinances, <p>but excludes</p> <ul style="list-style-type: none"> (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.
--

Incorporated	<p>Abbotsleigh (The Council of)</p> <p>Anglican Church Growth Corporation</p> <p>Anglican Church Property Trust Diocese of Sydney</p> <p>Anglican Community Services (Anglicare)</p> <p>Anglican National Superannuation Board</p> <p>Anglican Schools Corporation</p> <p>Anglican Youth and Education Diocese of Sydney (Anglican Youthworks)</p> <p>Archbishop of Sydney’s Anglican Aid (The)</p> <p>Arden Anglican School Council (The)</p> <p>Barker College (The Council of)</p> <p>Campbelltown Anglican Schools Council</p> <p>Endowment of the See Corporation</p> <p>Evangelism and New Churches</p> <p>Glebe Administration Board</p> <p>Illawarra Grammar School (The Council of The)</p> <p>King's School (The Council of The)</p> <p>Macarthur Anglican School Council</p> <p>Moore Theological College Council</p> <p>St Andrew's Cathedral School (The Council of)</p> <p>St Andrew’s House Corporation</p> <p>St Catherine's School, Waverley (The Council of)</p> <p>Sydney Anglican (National Redress Scheme) Corporation</p> <p>Sydney Church of England Grammar School Council (SHORE)</p> <p>Sydney Diocesan Services</p> <p>Tara Anglican School for Girls (The Council of)</p> <p>Trinity Grammar School (The Council of)</p> <p>William Branwhite Clarke College Council</p>
Unincorporated	<p>Anglican Media Council</p> <p>Arundel House Council</p> <p>Living Faith Council</p> <p>Ministry Training and Development Council</p> <p>Northern Regional Council</p> <p>South Sydney Regional Council</p> <p>South Western Regional Council</p> <p>Sydney Church of England Finance and Loans Board (Sydney Anglican Loans)</p> <p>Western Sydney Regional Council</p> <p>Wollongong Regional Council</p>

Table of Amendments

[not reproduced here]



Anglican Diocese of Sydney

Responding to Domestic Abuse: Policy and Good Practice Guidelines

as at October 2018

A Word from the Archbishop

God is love. The Bible reveals God as a fellowship of love among the Father, the Son and the Holy Spirit, and a God who shares his love with all people. As the recipients of his love, he has called us to love him in return, with all our heart, with all our soul and with all our mind, and to love one another as ourselves. God has also designed marriage, as the proper place for sexual love wherein children might be born and brought up in the fear and knowledge of the Lord. Moreover, as the *Book of Common Prayer* reminds us, marriage signifies and represents ‘the spiritual marriage between Christ and his Church’.

Such a holy union is worthy of great honour and respect, especially by the husband and the wife, but also by society as a whole. As the love of God has joined us to himself, so the Bible instructs husbands to love their wives and wives to love their husbands. God’s word condemns unloving behaviour, and especially the misuse of power to control or exploit others. Abuse in all its forms is explicitly forbidden, as it is contrary to the nature of God and the love that he demands of us all. Yet sadly, not all husbands love their wives as Christ loved the Church, nor do all wives love their husbands as they should.

The effects of sin are ever present, and can cause great havoc to otherwise healthy relationships. For these reasons, we are concerned for those relationships where domestic abuse is present. We wish to address this issue honestly and transparently; we also wish to extend our care and compassion to those who suffer domestic abuse. This policy document is designed to assist us in this task, that we might strengthen existing marriages, but also assist those whose lives are at risk because of domestic abuse, with genuine options for godly responses. The recommendations made in this document include a framework for providing specialist support services which can be points of referral to ensure safety and protection for all. It also suggests how we might be better equipped and resourced in identifying and supporting victims of abuse in order to provide the pastoral care that is both appropriate and necessary.

This is a sensitive area for us to explore, but it must be explored and exposed, so that we might live as children of light, seeking to honour Christ as Lord and Saviour in every community, especially the family.



DR GLENN DAVIES
Archbishop of Sydney

Aim

This document sets out the Domestic Abuse Policy and Good Practice Guidelines of the Anglican Diocese of Sydney, as evidence and expression of the Church's commitment to address and respond effectively to domestic abuse both within its own community and in the wider society.

The aim of this policy and these guidelines is to inform, direct and equip people working at a local level so that they can offer the most appropriate care in circumstances of domestic abuse. This includes not only those in pastoral ministries, but also those who may be called upon by victims or alleged or known perpetrators to hear their story.

Scope

This policy applies to all parishes of the Diocese of Sydney, their clergy and church workers. It is also commended to all Anglican organisations associated with the Diocese of Sydney for their adoption as far as is applicable in their contexts.

It should be read in conjunction with *Faithfulness in Service*, our national Anglican code of conduct for clergy and church workers, as adopted by the Diocese of Sydney.

Outline

- Section 1 outlines the Policy on Responding to Domestic Abuse (the policy).
- Section 2 outlines the **Good Practice Guidelines** (guidelines) for responding to domestic abuse.

This is supported by 11 Appendices that provide reference material and templates on Good Practice. It is intended that links to additional resources that cover this subject from other angles will be published at a later date.

Where to find the Policy and Guidelines (with Appendices)

The Policy and Guidelines (with appendices) will be distributed via email:

- to all parish councils and organisations in the Diocese of Sydney, and
- to all licensed clergy and authorised lay ministers licensed in the Diocese of Sydney.

The most up-to-date version of the Policy and Guidelines will be available on the Safe Ministry website of the Professional Standards Unit (PSU). Hard copies of the policy and associated documents can be supplied via the PSU, on request.

On Terminology

We have chosen to use the expression **domestic abuse** rather than domestic violence in order to avoid the common misapprehension that only physical violence counts as domestic abuse. We make exceptions when quoting other literature, and when referring to official titles and terminology in common use in other professional circles, e.g., we sometimes refer to "domestic violence services".

We have also chosen to refer to **victims** of domestic abuse but acknowledge many victims go on to become survivors.

Section 1

Sydney Anglican Policy on Responding to Domestic Abuse

SECTION 1:

Sydney Anglican Policy on Responding to Domestic Abuse

1.1 We acknowledge domestic abuse exists and is wrong

- 1.1.1 All forms of domestic abuse are wrong and perpetrators must stop.
- 1.1.2 **Domestic abuse** includes but is not limited to emotional, verbal, social, economic, psychological, spiritual, physical and sexual abuse. Such behaviour often seeks to control, humiliate, dominate or instill fear in the victim. Please refer to Appendix 1 for an expansive description of domestic abuse.
- 1.1.3 The primary focus of this Policy is abusive or intimidating behaviour inflicted by an adult against a current or former spouse or partner. However, for a child to witness abuse between intimate partners is a form of child abuse. Any abuse involving children should follow child protection procedures.
- 1.1.4 Sometimes both spouses can be simultaneously perpetrators and victims of abuse, although neither is the pattern of abuse nor the impact generally symmetrical.

1.2 We are committed to safe places

The Anglican Diocese of Sydney is committed to promoting and supporting safer environments that:

- 1.2.1 Recognise equality between all people, including husbands and wives;
- 1.2.2 **Promote a culture of healthy relationships** of mutual responsibility and respect in marriages, families and congregations;
- 1.2.3 Ensure that all people feel welcomed, respected and safe from abuse;
- 1.2.4 **Strive to follow good practice** in protecting those experiencing domestic abuse;
- 1.2.5 **Refuse to condone** any form of abuse; and
- 1.2.6 Enable concerns to be raised and responded to clearly and consistently.

1.3 We uphold Faithfulness in Service

We uphold *Faithfulness in Service* as our diocesan code of conduct for clergy and church workers, specifically its affirmations in section 6:

- 1.3.1 Abuse of power is at the heart of many relationship problems in the Church and in the community. In essence, abuse is one person's misuse of power over another. Sometimes abuse will be a one-off event and at other times it will be a pattern of behaviour (6.2);
- 1.3.2 It is important for clergy and church workers to be good citizens and to obey the laws of the community, except where those laws conflict with Christian convictions (6.4);
- 1.3.3 You are not to abuse your spouse, children or other members of your family (6.6);

1.4 Domestic abuse requires a serious and realistic response

- 1.4.1 All forms of domestic abuse cause damage to the victim and are wrong.
- 1.4.2 Domestic abuse can occur in all communities, including churches.
- 1.4.3 Domestic abuse, if witnessed or overheard by a child, is a form of child abuse by the perpetrator of the abusive behaviour.
- 1.4.4 Working in partnership with vulnerable adults and children, statutory authorities and specialist agencies is essential in promoting the welfare of any child or adult suffering abuse.
- 1.4.5 Clergy and lay ministers do not typically have professional expertise in the area of domestic abuse. They need to obtain advice from those with professional expertise when faced with situations of domestic abuse, as advised by *Faithfulness in Service* (4.12).
- 1.4.6 Where mistakes in caring for people in difficult situations are made, an apology should be offered and advice sought on how to address any harm caused.

1.5 We respect people who come to us for help

Our churches are to be places of safety. We shall respond to domestic abuse by:

- 1.5.1 Valuing, respecting and listening to victims of domestic abuse;
- 1.5.2 Valuing, respecting and listening to alleged or known perpetrators of domestic abuse;
- 1.5.3 Appreciating the need to ensure a distance is kept between the two; and
- 1.5.4 Refusing to condone the perpetration or continuation of any form of abuse.

1.6 We uphold Scripture and its abhorrence of abuse in our words and public statements

In our words and public statements, we will:

- 1.6.1 **Clearly teach that domestic abuse is wrong** and that the Bible should never be interpreted to justify or excuse any form of abuse. Rather a relationship between a husband and wife is to be characterised by love, care and kindness;
- 1.6.2 Clearly teach that the Bible does not condone abuse and should not be interpreted to demand a spouse tolerate or submit to domestic abuse; and
- 1.6.3 Raise awareness of domestic violence agencies, support services, crisis accommodation, resources and expertise.

1.7 We ensure safety first

- 1.7.1 **Safety First** – Ensure that those who have experienced domestic abuse can find safety and informed help as a first priority, and can continue to stay safe.
- 1.7.2 **Take it Seriously** – Ensure that any disclosures of abuse are taken seriously and not dismissed.

- 1.7.3 **Get help from outside authorities** – Work with the appropriate statutory authorities during an investigation into domestic abuse, including when allegations are made against a member of the church community.
- 1.7.4 **Keep it confidential** – Respect the need for confidentiality within the bounds of good Safe Ministry practice, noting that reporting requirements exist where there is an immediate danger, where a child is at risk of serious harm or where the matter involves a clergy person or church worker as an alleged offender.
- 1.7.5 **Challenge with Care** – Carefully challenge inappropriate behaviour, but only in a way that does not place any individual, especially a victim, at increased risk.

1.8 We offer pastoral support to those in our care

- 1.8.1 **Offer informed care** – Ensure that informed and appropriate pastoral care and professional help is offered to any adult, child or young person who has suffered domestic abuse.
- 1.8.2 **Be guided by the victim** – It is never appropriate to pressure any victim of domestic abuse to forgive, submit to, or restore a relationship with an offender.
- 1.8.3 **Understand that reconciliation comes with conditions** – Any possibility of reconciliation between victim and offender is dependent principally upon the genuine repentance and reformation of the offender.
- 1.8.4 **Coordinate the care** – Identify the appropriate relationships of those with pastoral care responsibilities for both victims and alleged or known perpetrators of domestic abuse.
- 1.8.5 **Ensure equal access to care** – Work to ensure that clergy, clergy spouses, lay ministers and their spouses all have the same access to support and resources as others who experience domestic abuse.

1.9 Thinking Theologically – 10 Statements about Domestic Abuse

- 1.9.1 All human beings, both male and female, are created equal in the image of God, and are precious to him. As such their value and dignity rightly commands our respect and protection and should be upheld by all (Genesis 1:27; Psalm 82:3-4; Matthew 22:37-40).
- 1.9.2 Marriage is given by God as a good part of his creation for human wellbeing and should be honoured by all. It is intended as a lifelong union of a man and a woman. Healthy Christian relationships are characterised by servanthood and sacrifice, supremely modeled by Jesus Christ. Within a marriage relationship both husband and wife are to respond to one another by building each other up, which includes mutual love, nurture and respect. Any attempt to justify abusive behaviour by the use of passages in the Bible which speak of headship and submission is intolerable (Mark 10:42-45; Ephesians 5:21-33; Hebrews 13:4).
- 1.9.3 The Bible rejects all abuse, whether physical, verbal, or otherwise expressed from one person towards another and always condemns the misuse of power to control or exploit others. Therefore domestic abuse is evil. Such sin is deceptive in its power and damaging in its effects (Psalm 7; Galatians 5:19-26; 2 Timothy 3:2-3).
- 1.9.4 When domestic abuse in marriage is reported, then separation of the spouses for the sake of the safety of a victim and any children is an appropriate step to be taken and should never be discouraged (Proverbs 27:12; 1 Corinthians 7:10-11)
- 1.9.5 Victims of domestic abuse should be encouraged to seek help from the Police, from child protection authorities and other relevant domestic violence services. Church leaders who

become aware of situations of domestic abuse should always ensure they meet their mandatory reporting obligations, and obtain professional advice (Romans 13:1-5).

- 1.9.6 When a wife or husband separates for the sake of their safety (or that of their children), such action should not mean the person is deemed to have deserted the marriage or have abandoned their responsibilities as a parent even though they may have physically left the common home. Church leaders should welcome and offer ongoing support to those who have separated for such reasons (Psalm 82:3-4).
- 1.9.7 The gospel of the Lord Jesus Christ flows from both justice and love. It calls for repentance and offers forgiveness. When domestic abuse has been indicated as a factor in separation, the perpetrator must be called upon to repent and take full responsibility for their actions. Genuine repentance is demonstrated over time and includes the person gaining an understanding of what led them to behave in an abusive manner, what was wrong with their behaviour, and how it has impacted the victim. (Luke 3:8-14; Romans 12:9; 2 Corinthians 7:8-11). True reformation in such cases takes considerable effort on the part of the perpetrator, may take many years, and, for some, may never be achieved.
- 1.9.8 Forgiveness is often an important part of a victim's healing journey. However any attempts made at reconciliation should only proceed slowly and cautiously, and after consultation with experienced domestic violence services. The caution of a victim in regards to being reconciled to an offender is appropriate, and should not be mistaken for 'unwillingness' to forgive or be reconciled.
- 1.9.9 The grace of the gospel extends to all sinners. Church leaders have an obligation to provide support, pastoral accountability and supervision to any person who remains within their church communities known to have been a perpetrator of domestic abuse. However such support should only be given in a manner that does not condone the abuse nor compromise the safety or pastoral care of victims of domestic abuse.
- 1.9.10 Christians with a genuine desire to be faithful to Scripture hold different views on the question of when divorce is appropriate. However such differences should not impact a Christian's support for a victim of domestic abuse separating from their spouse for the sake of safety. For a discussion of when divorce might be an appropriate action in the circumstances of domestic abuse please see the attached 1984 Doctrine Commission report extract, para. 4:13, Appendix 13.

1.10 What do you need to do in your church?

When a case of domestic abuse is reported in a parish or organisation of the Diocese of Sydney, it is right to act in accordance with the following priorities:

Safety first – for the victim(s)

Accountability – for the abuser

Healing – for the victim(s)

Repentance, reformation and healing – for the abuser

Define and clarify the state of the relationship

- 1.10.1 A victim's physical, emotional and spiritual safety must be our primary and ongoing concern. Other matters above may be considered according to the priorities suggested, although inevitably some stages may overlap or need to be revisited.
- 1.10.2 Further advice is available in our detailed **Good Practice Guidelines**, along with extensive information in the series of attached **Appendices**. All clergy and church workers should familiarise themselves with these guidelines.
- 1.10.3 We have also prepared a **Domestic Abuse Response Flow Chart** with the appropriate processes to follow when you become aware of an incident of domestic abuse. On the page following the flow chart we also list a number of key telephone numbers and websites, along with an app for smart phones and tablets.

1.11 Key steps for prevention and care

- 1.11.1 Clergy and church workers should cooperate with statutory authorities such as the Police, child protection services and domestic violence services.
- 1.11.2 Parish Councils should consider adopting and publishing a local domestic abuse policy (see Appendix 6 for the recommended parish version of the above policy).
- 1.11.3 Consider displaying the church's domestic abuse policy statement in an appropriate place alongside information about how to access advice and support from the Police, domestic violence helplines and diocesan services.
- 1.11.4 Clergy and church workers should follow diocesan procedures for responding to concerns about domestic abuse (see Flowchart and Good Practice Guidelines – if there is any doubt as to what action to take, refer to the Professional Standards Unit or the Anglicare Domestic Violence Adviser (see 1.13).
- 1.11.5 Clergy should ensure the training of those in leadership positions, safe ministry roles and other pastoral roles about domestic abuse.
- 1.11.6 Clergy should ensure domestic abuse is addressed in appropriate contexts such as preaching, Bible studies, prayers and church publications, as well as in marriage preparation, youth groups and ministry training activities.
- 1.11.7 In such teaching, clergy should consider how to prevent convictions regarding biblical teachings, on matters like the marriage covenant, gender relationships, forgiveness and sacrificial love, being distorted or used to justify domestic abuse.

1.12 Domestic Abuse Flowchart

At any time in this process you can seek advice from a domestic violence professional. Within 48 hours of a disclosure you should debrief with such a professional.

A person discloses domestic abuse:

RESPECT & LISTEN

- Listen with acceptance
- Don't ask for proof
- Assure the victim it's not their fault
- Be honest about your ability to help
- Reassure normal confidentiality will be maintained, but explain its limits

Is there an immediate risk of harm?

Yes

SAFETY FIRST

- Discuss with the victim, but call the Police **000**
- Seek advice from the NSW Domestic Violence Line **1800 656 463**

No

Are there children involved?

Yes

CHILD PROTECTION PROCEDURES

- Call the Child Protection Helpline **132 111**
- Remember that witnessing domestic abuse harms children & may be reportable

No

Is the victim or accused in a ministry family?

Yes

KEEP PROFESSIONAL STANDARDS INFORMED

- Call the Professional Standards Unit (PSU) **9265 1604**

No

Has further help been requested?

Yes

ACTION

- Advise that any intervention needs care and can heighten risk.
- Be guided by what the victim wants
- Outline realistic options: Police, AVDOs, DV services, safety planning, GP, counsellor, refuge...
- Supply appropriate information, phone numbers, websites, Daisy app (be careful of storage).
- Encourage the victim to consult a service, or make a referral on their behalf.
- Record what was disclosed and your safety concerns, note your actions, and from whom you received advice. Date the record and keep it confidential.

No

NO FORMAL ACTION

- Your time was well spent. A victim knows they have been believed, is not in the wrong, and can return to you for further help.
- You can't make a victim of domestic abuse take any action. The most you may be able to do is listen and provide information (note earlier obligations regarding immediate danger or if children are involved).
- You may be able to offer other chances to meet and talk.
- You may be able to suggest referring more generally to a GP, psychologist or counsellor.
- You could supply appropriate information, phone numbers, websites, Daisy app (be careful of storage).
- Record what was disclosed and your safety concerns, note your actions and/or advice. Date the record and keep it confidential.



1.13 Domestic Abuse – key telephone numbers and websites for help

AGENCY	CONTACT DETAILS
<p>1800 Respect national helpline 24 hour national number for sexual assault, family and domestic violence counseling and advice.</p>	<p>1800 737 732 1800respect.org.au</p>
<p>Anglicare Domestic Violence Adviser Advice to clergy and lay ministers in the Anglican Diocese of Sydney especially for domestic abuse in a church-related setting.</p>	<p>0438 826 556 (business hours)</p>
<p>Daisy App The Daisy App connects people who may experience violence or abuse to support services in their local area. It was developed by 1800RESPECT and is free to use and download. It includes some safety features to help protect the privacy of people using it.</p>	<p>Free to download from iPhone App Store & Android Google Play</p>
<p>Child Protection Helpline Contact this helpline if you think a child or young person is at risk of harm from abuse.</p>	<p>132 111 reporter.childstory.nsw.gov.au/s/mrg</p>
<p>Lifeline 24 hour telephone crisis line.</p>	<p>131 114 www.lifeline.org.au/get-help</p>
<p>NSW Domestic Violence Line 24 hour number for comprehensive information and referrals to nearby support services, for all categories of domestic violence.</p>	<p>1800 65 64 63 domesticviolence.nsw.gov.au/get-help</p>
<p>NSW Rape Crisis Centre Counselling service for anyone in NSW – men and women – who has experienced or is at risk of sexual assault.</p>	<p>1800 424 017 www.nswrapecrisis.com.au</p>
<p>No To Violence: Men's Referral Service Telephone counselling, information and referral service for men using violence in families, male victims, and for their friends or relatives.</p>	<p>1300 766 491 ntv.org.au</p>
<p>Professional Standards Unit Advice about abuse involving clergy or church workers in the Anglican Diocese of Sydney.</p>	<p>9265 1604 safeministry.org.au</p>



N.B. Addresses for local refuges are generally not made public for security's sake.
Current as at May 2018.

*Section 2:
Addressing Domestic Abuse:
Good Practice Guidelines*

SECTION 2:

Addressing Domestic Abuse: Good Practice Guidelines

Preamble

For the purposes of these Guidelines, **domestic abuse** is defined as abusive or intimidating behaviour inflicted by an adult against a current or former spouse or partner. It includes, but is not limited to, emotional, verbal, social, economic, psychological, spiritual, physical and sexual abuse. Such behaviour often seeks to control, humiliate, dominate or instill fear in the victim.

A more extensive definition of the various forms which abuse can take is found in Appendix 1.

2.1 How to respond to victims

When you haven't personally experienced abuse, it's easy to listen with an attitude of assessing whether what is being reported is really abuse. 'Would I find that abusive? Doesn't everyone argue sometimes?' However, when a person has repeatedly been victimised and feels powerless, our response always needs to be to offer support, to listen and give those people the respect of being believed.

-Clinical psychologist and clergy wife

The guidance below aims to assist you in responding to people who disclose domestic abuse.

- 2.1.1 Those who respond to news of domestic abuse often feel ill-equipped. Sometimes it is difficult to distinguish between other types of marital dysfunction and domestic abuse, or it may be that concerns about abuse only emerge gradually. Clergy and church workers should acknowledge their professional limitations, and should consult the PSU, the Anglicare Domestic Violence Adviser or experienced domestic violence services for advice.
- 2.1.2 The safety of victims and any children is paramount. All actions should carefully consider the risk to their, and your, safety. Making telephone calls, possessing information about support services for domestic abuse, the use of texts and emails, and accessing relevant websites all create potential risks for those experiencing abuse.
- 2.1.3 For information on domestic abuse, its prevalence and effects, and how to recognise both victims and alleged perpetrators, please see Appendix 3. This also briefly notes other particular categories of domestic abuse.

2.2 Initial Disclosure

If a victim discloses or otherwise hints at abuse, the following factors are important:

- 2.2.1 **Ask after them** – Most victims want you to ask how they are doing. Your offer of help could be the first step in enabling them to seek help, e.g. 'How are things at home?' and if it becomes appropriate, 'Is anyone hurting you?' or 'Do you ever feel afraid?';
- 2.2.2 **Take time to listen** – Take plenty of time to listen and believe what they say. If they sense disbelief they may be discouraged from speaking again;
- 2.2.3 **Choose the place wisely** – If it is at all possible, speak with the victim in a safe, private place where you will not be interrupted, or arrange to talk again, keeping in mind that someone in distress may start talking anywhere. As is the case in other ministry situations

when speaking with a woman, male clergy should consider inviting her to bring a support person, or should conduct the discussion where there are others in the general vicinity; and

- 2.2.4 **The limits of confidentiality** – Make it clear that complete confidentiality cannot be guaranteed, depending on the nature of what is disclosed. For example, further disclosure may be needed when someone is being hurt or in serious danger, a serious criminal offence has been committed, or when children are involved.

2.3 Immediate action

- 2.3.1 **Dial 000** if you are witnessing a violent incident or if the person needs medical care.
- 2.3.2 **Call the Police** if the victim is in immediate danger. Also seek advice from the NSW Domestic Violence Line **1800 656 463**. Be aware that intervention may heighten risk, but it is important to explore how to ensure that people are safe.
- 2.3.3 **Are children involved?** If children are involved and there is a risk of significant harm, a referral to the child protection authorities needs to be made, in addition to calling the Police, and if possible, encourage the victim to make the referral themselves, perhaps supporting them through the process.
- 2.3.4 **Is a clergy person or church worker involved?** If the matter involves a clergy person or church worker as an alleged offender, the PSU will also need to be informed.
- 2.3.5 **Is there a threat of self harm?** Any threat to self-harm must be taken seriously as threats of self-harm made by a perpetrator of domestic abuse to their victim are usually part of their controlling and manipulative behaviour. If the victim reports this to you, and you believe there is a risk of serious harm, you should attempt, if possible, to get medical help for the alleged perpetrator.
- 2.3.6 **Keep their confidence** – Remember that the confidentiality of the victim must be maintained.

2.4 Your response to the disclosure

- 2.4.1 **You are brave** – Acknowledge the victim's strength and courage it takes to have endured abuse and now to talk about it.
- 2.4.2 **Here are some options** – Give the victim choice in what the next steps are and the timing of those steps unless there is imminent risk of physical harm or mandatory reporting obligations.
- 2.4.3 **Here is where to find help** – Encourage them to seek professional help from a local domestic violence service who will be able to offer practical safety planning advice, even if they do not want to leave their home. In addition give information about specialist helplines and websites, as required. (See Flow Chart and page following the flow chart.)
- 2.4.4 **Are you in danger?** – Express concern for their safety and immediate welfare. Do they have somewhere to stay?
- 2.4.5 **Are children in danger?** – Ask about the children and their safety and welfare. You may need to persuade them to report any concerns to the child protection authorities. You have no option but to do so if you have received information that a child is at serious risk of harm.
- 2.4.6 **Do you have support?** – Be sensitive to people's backgrounds and cultures. Ask them how cultural issues may affect them. Ask them about what support is available to them from friends and family.

- 2.4.7 **Take care of yourself** – Encourage them to focus on their own needs, something they may not have been able to do since the abuse began but which is critical in helping them to change their situation.
- 2.4.8 **It's not your fault** – Reassure them that whatever the circumstances, abuse is not justified and not their fault.
- 2.4.9 **How can our church best help you?** – Ask them what they want from you and the parish. Offer help which is in response to their needs and preferences and which lets them keep in control, as much as possible.

2.5 Record keeping and follow up re. victims

Please also see the guidance from *Faithfulness in Service* paragraphs 4.36 and 4.37 (noted in Appendix 5) which address the need to keep notes of individual pastoral activity, and also to be aware of relevant privacy legislation.

- 2.5.1 **What's the best way to contact you?** – Check if it is all right to contact the victim at home before doing so. Establish their preferred means of contact, and make sure that this is safe.
- 2.5.2 **Keep it confidential** – Keep information confidential and, as a general rule, only share it where appropriate and with informed consent of the victim.
- 2.5.3 **Tell authorities when appropriate and keep a record** – In some circumstance you will be required to share information with statutory authorities, for example, where the victim or others may be at risk. Always keep a record of your decision and the reasons why you decided to share (or not). If in doubt, contact the PSU, the Police or the child protection authorities.
- 2.5.4 **Take notes** – It is recommended that you make a brief objective note of dates, facts and context of what you have been told, but keep your opinions separate. This should be kept in strict confidence but could be useful in any future prosecution.
- 2.5.5 **First 48 hours – Within 48 hours of the disclosure you ought to share the incident with someone who is qualified** in the area of domestic abuse, who can support you and help you to think through the issues. This may be a Police Domestic Violence Liaison Officer, the Anglicare Domestic Violence Adviser or via the 1800 RESPECT national domestic violence helpline.
- 2.5.6 **Review church safety** – If the alleged perpetrator is in the same church as the victim, you will need to review the safety issues. There may need to be a risk assessment and memorandum of understanding (MOU) put in place. You are advised to consult with the PSU.
- 2.5.7 **Safety plan with a professional** – Victim safety planning should be conducted by a professional, ideally from a domestic violence service or the Police. But there may be an occasion when a victim wishes to discuss their safety with you. You should seek advice before entering into detailed safety planning discussions with the victim. However Appendix 7 gives an example of a safety planning format that normally guides such planning. Careful consideration should be given to where and how such information is provided and kept by the victim, to avoid the alleged perpetrator learning the details of the plan.
- 2.5.8 **When to go to the PSU** – If the alleged perpetrator is a clergy person or church worker you must report this to the PSU.
- 2.5.9 **Extreme discretion needed – Do not give information about the victim's whereabouts, contact details or personal circumstances to the alleged perpetrator or to others who might pass information on to the alleged perpetrator.** Do not discuss with the parish council or any other members of a congregation or anyone who might inadvertently pass information on to the perpetrator.

- 2.5.10 **Offer practical help** – When victims are leaving a controlling perpetrator, they often have to leave with nothing and have access to very limited financial support. Consider how your church can provide practical support for victims.

2.6 Responding to alleged or known perpetrators

Every church has an important role to play in challenging inappropriate behaviour among its members. This can, however, lead to increased risks for both the victim and the person who challenges an alleged or known perpetrator. This needs to be done in an extremely careful way that does not place a victim at increased risk.

Factors to consider when responding to perpetrators:

- 2.6.1 **The victim comes first** – Ensure that the victim is at the highest priority in terms of safety and wellbeing, and that any action is centred on the victim. Action here includes giving the victim choice in what the next steps are and the timing of those steps unless there is imminent risk of physical harm or mandatory reporting obligations;
- 2.6.2 **Strength in numbers** – If meeting an alleged perpetrator, ensure that it is in a public place, and that there are others in the meeting;
- 2.6.3 **Be safe** – Maintaining an awareness of the danger that the alleged perpetrator may pose to you, and ensuring that you and others are safe;
- 2.6.4 **First 48 hours** – **Within 48 hours of the disclosure you ought to share the incident with someone who is qualified** in the area of domestic abuse, who can support you and help you to think through the issues. This may be a Police Domestic Violence Liaison Officer, the Anglicare Domestic Violence Adviser or via the 1800 RESPECT national domestic violence helpline;
- 2.6.5 **Get help** – If the alleged perpetrator threatens self-harm while talking with you, then they may require urgent support. Dial 000 if you are witnessing a violent incident or if the person needs urgent medical care. Otherwise you could refer them to their GP;
- 2.6.6 If the alleged perpetrator is in the same Church as the victim, you will need to review the safety issues. There may need to be a risk assessment and ‘memorandum of understanding’ (MOU) put in place. You are advised to consult the Safe Ministry website (safeministry.org.au/for-parishes/safe-ministry-journey/safe-ministry-map/4-0/) or contact the PSU;
- 2.6.7 **When to contact the PSU** – If the **alleged perpetrator is a clergy person or church worker** you must report this to the PSU;
- 2.6.8 **Extreme discretion needed** – Ensure that information concerning the victim is only given to statutory authorities and not to the alleged perpetrator. This includes keeping all contact details and personal circumstances confidential; and
- 2.6.9 **Where to get help** – Share information about helplines and accountability programs.
- 2.6.10 **Be alert** – Understand the possibility that you are being or may have been groomed by a perpetrator.

2.7 Record keeping and follow up re. perpetrators

Please see the previous section on 'record keeping and follow up' in regards to a victim. What follows is additional guidance in relation to responding to alleged or known perpetrators.

- 2.7.1 **You can't promise confidentiality** – While you might respect an individual's right to confidentiality this cannot be guaranteed. In some circumstances you will be required to share information with statutory authorities, for example, when someone is being hurt, a serious criminal offence has been committed or a child or adult is at risk.
- 2.7.2 **Keep a record** – Always keep a record of your decision and the reasons why you decided to share or withhold information. If in doubt, contact the PSU, the Police or the child protection authorities.
- 2.7.3 In following up alleged or known perpetrators:
- Do not collude with, excuse or minimise their behaviour;
 - Do not meet with them alone and in private. Meet in a public place or in the church with several other people around; and
 - Do not try to offer/provide treatment. Only those with professional training should discuss such issues formally with them.
- 2.7.4 In relation to any investigations or legal proceedings for domestic violence:
- Cooperate fully with requests from the police;
 - In the event that the alleged perpetrator requests you to produce documents or give oral evidence in any proceedings, insist that a subpoena is issued;
 - A church leader should exercise extreme caution and seek advice before acting as a character witness or advocating for an alleged perpetrator; and
 - A church leader may arrange for the alleged perpetrator to be provided with pastoral care throughout the investigation or proceedings, but should contact the PSU for further advice and not provide this care themselves.

2.8 Additional guidance for clergy and licensed lay ministers – responding to victims

- 2.8.1 **Help** – Help the victim with any spiritual concerns.
- 2.8.2 **Be patient** – Accept that victims may choose to stay in their situation for a variety of reasons, including genuine spiritual concerns regarding a desire to keep promises and for reconciliation.
- 2.8.3 **Abuse is always wrong** – Emphasise that violence or other domestic abuse is always unacceptable in a marriage, whether Christian or otherwise.
- 2.8.4 **Remember the Lord** – Assure them of God's love and presence and pray with them.
- 2.8.5 **Don't rush to reconcile** – Do not encourage them to forgive the alleged perpetrator or take them back in the absence of persistent evidence of repentant attitudes and behaviour, especially without obtaining professional advice.
- 2.8.6 **Do not pursue couples' counseling/mediation with them and their partner if you are aware that there is abuse in the relationship.**
- 2.8.7 **Seek advice** – Where couples' counseling has been commenced for general marital difficulties and concern about abuse emerges, seek advice about whether it should be discontinued.

2.9 Responding spiritually to perpetrators

- 2.9.1 **Be clear** – Address any spiritual rationalisations they may offer or questions they may have.
- 2.9.2 **No excuse** – Do not allow them to use theological excuses for their behaviour.
- 2.9.3 **Name the sin** – Name the abuse as *their* sin, not the victim’s sin. Tell them that only they can stop it and that they need to seek help.
- 2.9.4 **Do not be easily swayed** – Do not be taken in by the perpetrator’s remorse or “conversion” experience. If it is genuine, it will be a tremendous resource as they proceed with accountability. If it is not genuine, it is only another way to groom or manipulate you, so as to maintain control of the process and to avoid accountability.
- 2.9.5 **Pray** – Pray with them.
- 2.9.6 **Remorse** – Be aware that remorse expressed may or may not be genuine. Be particularly careful of an alleged perpetrator expressing remorse without any accompanying signs of real and visible repentance.
- 2.9.7 **Repentance must be real, visible and enduring** – A perpetrator may ask for forgiveness from God and seek to live a repentant life. Look for actions of repentance, not just words of repentance. What has the perpetrator done, for how long, with what kinds of accountability, to show evidence of change, such as engaging in a long term behaviour change program?
- 2.9.8 **Care** – Assure them of your pastoral care in this endeavour.
- 2.9.9 **Do not pursue couples’ counselling/mediation with them and their partner if you are aware that there is abuse in the relationship.**

2.10 Perpetrator programs

The attitudes that underpin domestic abuse often have deep roots and are difficult to change. Some success has been achieved through Men’s Behaviour Change programs for alleged or known perpetrators. These programs are conducted over an extended period of time and include one-on-one support as well as a group work program. Participation in such programs should not be linked to suggestions of reconciliation or discussions of postponing separation or divorce.

NSW has minimum standards for accredited Men’s Behaviour Change Programs. Information on who is accredited and where programs are conducted can be found at the Men’s Behaviour Change Network website: <https://www.mbcn-nsw.net/>. Accredited programs in NSW are strongly underpinned by victim support.

Anglicare is accredited to run Men’s Behaviour Change Programs in Nowra and Parramatta. Contact the Anglicare Domestic Violence Adviser for further information.

Participation in a Men’s Behaviour Change Program may be mandated by a court but self-referral to community-run programs is possible. Contact the Men’s Referral Service (MRS) on 1800 065 973.

There is currently not a female equivalent to accredited Men’s Behaviour Change Programs. If a female perpetrator was willing to seek assistance, a referral to a specific domestic violence service would be an appropriate option. Be aware that female perpetration often occurs in the context of self-protection, and needs to be thoroughly assessed.

2.11 Pastoral issues

- 2.11.1 **Consult the PSU** – There are complex issues for parishes where both parties continue to attend church. Parishes need to be aware of any legal restrictions around those accused of perpetrating abuse and ensure these are not undermined. As stated earlier (2.5.6), a risk assessment and MOU put in place may also need to be put in place. You are advised to consult with the PSU regarding any instance of a victim and an abuser (known or alleged) remaining in the same church. If a MOU cannot be agreed, the PSU can provide further advice about options. Remember that safety for the victim is paramount.
- 2.11.2 **Is a clergy person involved?** If the victim or alleged perpetrator is a member of the clergy, please talk urgently to the PSU to review the action required to ensure the victim's safety and the appropriate response (see section 2.12.2 below).
- 2.11.3 **Division of care** – Congregational leaders will need to consider how to provide pastoral care to both parties safely, noting that a clergy person or church worker cannot do this for both individuals. If they need further advice in relation to providing support they should contact the PSU or the Anglicare Domestic Violence Adviser.
- 2.11.4 **Long-term care for victims** – There may also be a need to provide long-term pastoral support for victims of domestic abuse, including support to couples when one or both parties have experienced abuse in a previous relationship.
- 2.11.5 **Caring for carers** – Likewise those responsible for caring for victims, or for perpetrators, also need emotional and pastoral support, along with others indirectly impacted; for example, friends or family within the parish.
- 2.11.6 **Dissatisfaction with care is possible** – There may be times that either victim or perpetrator, or both, may be dissatisfied with pastoral care provided in such difficult situations, even with significant efforts by congregational leaders to follow good practice guidelines.

2.12 Clergy and Domestic Abuse – Victims

- 2.12.1 **Care for victims** – If an ordained person, or the spouse of an ordained person, discloses abuse, they must be treated similarly to any other victim. Clergy and their spouses must have the same access to support and resources as others who are experiencing domestic abuse.
- 2.12.2 **Bishops to listen with acceptance** – Clergy or their spouses should expect a bishop to listen with acceptance when disclosing abuse, and be supported should they wish to separate.
- 2.12.3 **Safety of the vulnerable is paramount** – In addition to the seriousness of marriage vows, the significance of ordination promises, or issues regarding housing security may make clergy or their spouses particularly vulnerable to staying in abusive relationships. In such situations, our diocese should not put fear of scandal above the safety of vulnerable people.
- 2.12.4 **Development of Bishop protocol** – Our bishops have developed a protocol for support. This protocol includes the provision of a designated support person for a clergy person or their spouse who is a victim of abuse. Such support persons will need to be well trained in understanding domestic abuse and will also need a good understanding of the support and care structures that exist within the diocese (e.g. the Clergy Assistance Program) as well as in the community. Counseling should be made available if requested for the victim and any children.
- 2.12.5 **Interim Support Arrangements** – Preparation of legal and administrative arrangements can be made regarding the payment of stipends and living arrangements in cases where a clergy

person is alleged to have committed domestic abuse, which ensure that sufficient arrangements are made for housing and financial support of the spouse and any children affected.

- 2.12.6 **Ministry Support Fund** – Acknowledging that clergy and other ministry couples and families are in a unique situation (often with housing and other family arrangements attached to a parish), a Ministry Spouse Support Fund is being established to assist the spouse and family (if any) re-establish their lives when there has been a determination of misconduct by the church worker through domestic abuse.

2.13 Clergy and Domestic Abuse – Alleged perpetrator

- 2.13.1 Clergy who are suspected of perpetrating domestic abuse must be treated in a similar way to any other alleged perpetrator (see section 2.6).
- 2.13.2 Bishops may consider appointing someone to offer pastoral support to an alleged perpetrator who is a member of the clergy.
- 2.13.3 Any allegations of domestic abuse committed against a member of the clergy should also be referred to the PSU (see section 2.12).
- 2.13.4 Domestic abuse may result in proceedings under our ministry standards and disciplinary ordinances (which can be found under the Ordinances on the SDS website – www.sds.asn.au) if:
- it involves sexual abuse of an adult, or
 - conviction for an offence punishable by imprisonment for 12 months or more, or
 - may otherwise call into question the fitness of the person to hold a role or position or to remain in holy orders.

2.14 Mediation

- 2.14.1 **Get professional help** – Mediation is a specialist activity that in the context of domestic abuse must be undertaken by trained professionals. In order for mediation to be effective any imbalances in power in the relationship need to be addressed.
- 2.14.2 **Safety first** – In the context of family and domestic abuse, mediation (or ‘family dispute resolution’ as it is known when parenting arrangements are being discussed) can be an empowering process for a victim. However, this can only occur if safety needs are managed and both parties are well-prepared for the mediation process.
- 2.14.3 **Legal advice** – Where children or property matters are concerned, it is also important that both parties have received legal advice. Government-funded Family Relationship Centres (FRCs) are a good referral option for family dispute resolution and have designated processes to ensure the safety of all concerned. Anglicare currently operates FRCs at Nowra and Parramatta.

A Case Study: Andrew and Jody

Andrew is separated from his wife, Jody. She had called the Police and Andrew was arrested after an incident of domestic abuse. Charges were pressed and he was found guilty. An Apprehended Domestic Violence Order (ADVO) has been issued, with Jody and the children listed as protected parties.

Andrew is living apart from Jody. The couple have two children aged 6 and 8, both of whom live with Jody. Andrew wants to be reconciled with his wife and with the church of which they are both long-standing members. He has come to the rector's home in order to discuss with the rector how he can achieve reconciliation with Jody. He is currently not attending church. But Andrew appears to be remorseful and says how sorry he is and how desperate he is to be back in church fellowship and back with his family.

Considerations in responding

The rector needs to seek advice and support from the PSU or Anglicare Domestic Violence Adviser in how best to respond.

The conditions in the ADVO need to be understood to ensure that any contact Andrew has with Jody and the children does not breach the conditions of the ADVO.

The rector needs to be aware and cautious of Andrew's motives. In approaching the rector, who knows them both, Andrew might be seen as manipulating or grooming the rector to support him, with the prime motive of reconciliation with his wife. What evidence is there of his repentance, and the steps he has taken to change his behaviour? How are his spiritual needs currently being met?

Consideration of Andrew's desire for reconciliation with Jody must be made in the context of assessing risk to her and risk to their children, and can only be considered if Jody is also willing to consider a conciliation process, and the conditions of the ADVO allow for contact.

However, the rector should not get involved in any conciliation between them as this is specialist work and needs to be undertaken by an independent agency equipped for the purpose. The rector can signpost Andrew to such agencies.

The rector can discuss with Andrew the marks of true repentance and forgiveness by God, and arrange for him to receive pastoral care. This would be most appropriately offered by someone not known to either of them.

The rector needs to be aware of boundaries of confidentiality and should not be passing information from Andrew to Jody or vice versa. If he were to do so not only may he lose the trust of one or the other, but he may be putting Jody and her children at further risk.

In conclusion, the rector should be careful to give priority to the safety of the victim and her children who are the vulnerable people in this circumstance.

Section 3: Appendices

Please note that these appendices do **not** form part of the Policy or Guidelines, but are provided as additional resources.

1. An expansive description of Domestic Abuse
2. The Duluth 'Power and Control' Wheel
3. Domestic Abuse Facts
 - 1) Who experiences domestic abuse?
 - 2) Domestic Abuse Statistics for Australia
 - 3) Challenging misconceptions about domestic abuse
 - 4) Recognising domestic abuse in adult victims
 - 5) Recognising domestic abuse in children
 - 6) Who are the perpetrators of domestic abuse?
 - 7) Recognising perpetrators of domestic abuse
 - 8) Particular Types of Domestic abuse
4. Legal Framework
5. Domestic Abuse: Policy Guidance from *Faithfulness in Service*
6. Suggested Parish Policy on Domestic Abuse
7. Draft Safety and Exit plan
8. Marriage Preparation: Recommended good practice
9. Synod Resolutions related to Domestic Abuse
10. Timeline of Public Statements by Diocesan Leadership addressing Domestic Abuse
11. "A Letter Made Me Think"
12. "Walking Through It: A Family Violence Survivor's Reflection"
13. Doctrine Commission on Divorce and Remarriage
14. Doctrine Commission on The Use and Misuse of Scripture with Regard to Domestic Abuse

Appendix 1: An expansive description of Domestic Abuse

This Australian Parliamentary Library Research Publication¹ makes clear that domestic abuse or domestic violence includes far more than just physical violence.

Domestic violence refers to acts of violence that occur between people who have, or have had, an intimate relationship in domestic settings. These acts include physical, sexual, emotional and psychological abuse. Defining forms of violence, its perpetrators and their victims, is complicated by the many different kinds of intimate and family relationships and living arrangements present in Australian communities. Domestic violence is most commonly perpetrated by males against their female partners, but it also includes violence against men by their female partners and violence within same-sex relationships.

The traditional associations of domestic violence are with acts of physical violence within relationships occurring in the home. This understanding fails to grasp the complexity of the phenomenon. The National Council to Reduce Violence against Women and Children (NCRVWC) found that –

... a central element of domestic violence is that of an ongoing pattern of behaviour aimed at controlling one's partner through fear (for example, by using violent or threatening behaviour)
... the violent behaviour is part of a range of tactics used by the perpetrator to exercise power and control ... and can be both criminal and non-criminal in nature.

Domestic violence includes:

- **Emotional Abuse** – blaming the victim for all problems in the relationship, undermining the victim's self-esteem and self-worth through comparisons with others, withdrawing interest and engagement and emotional blackmail;
- **Verbal Abuse** – swearing and humiliation in private and public, focusing on intelligence, sexuality, body image or the victim's capacity as a parent or spouse;
- **Social Abuse**—systematic isolation from family and friends, instigating and controlling relocations to a place where the victim has no social circle or employment opportunities and preventing the victim from going out to meet people;
- **Economic Abuse** – controlling all money, forbidding access to bank accounts, providing an inadequate 'allowance', preventing the victim seeking or holding employment and taking wages earned by the victim;
- **Psychological Abuse** – making threats regarding custody of children, asserting the justice system will not believe or support the victim, destroying property, abusing pets and driving dangerously;
- **Spiritual Abuse** – denial and/or misuse of religious beliefs or practices to force victims into subordinate roles and misusing religious or spiritual traditions to justify physical violence or other abuse;
- **Physical Abuse** – direct assaults on the body, use of weapons (including objects), assault of children, locking the victim out of the house, sleep and food deprivation; and
- **Sexual Abuse** – any form of pressured/unwanted sex or sexual degradation, causing pain during sex, coercive sex without protection against pregnancy or sexually transmitted disease, making the victim perform sexual acts unwillingly and criticising or using degrading insults.

Family violence is a broader term referring to violence between family members as well as violence between intimate partners. This term also covers a complexity of behaviours beyond that of direct physical violence. The Australian and New South Wales Law Reform Commission's review of family violence law in Australia recommended that state and territory legislation 'should provide that family violence is violent or threatening behaviour, or any other form of behaviour, that coerces or controls a family member or causes that family member to be fearful'.

¹ Source: "Domestic violence in Australia – an overview of the issues"
By Liesl Mitchell, Social Policy Section, Parliamentary Library Research Publications, 22 November 2011, Parliament of Australia
http://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/BN/2011-2012/DVAustralia
(accessed 15/8/2017)

Appendix 2: The Duluth ‘Power and Control’ Wheel

Many victims have found a visual representation of the signs or symptoms of domestic abuse helpful in identifying and understanding their own situation. The Duluth ‘Power and Control’ Wheel is one such resource. The Domestic Abuse Intervention Programs, based in Duluth, MN, USA, which developed the diagram, invites people to use it in their efforts to inform and educate others.



DOMESTIC ABUSE INTERVENTION PROGRAMS
 202 East Superior Street
 Duluth, Minnesota 55802
 218-722-2781
www.theduluthmodel.org

Appendix 3: Domestic Abuse Facts

1. Who experiences domestic abuse?

Domestic abuse can occur to anyone regardless of age, race, disability, sexuality, class, or income.

Most domestic abuse is perpetrated by men against women, but the perpetrator of domestic abuse can be of either sex, and the victim can be of either sex.

Victims can be male, although the majority are female. Abuse can also occur in same sex relationships, between siblings or by adult children against a parent.

Sometimes both spouses can be simultaneously perpetrators and victims of abuse, although the pattern of abuse is not always symmetrical.

Many victims will only disclose that a partner was violent and abusive after leaving a relationship. Things to keep in mind:

- Women are particularly vulnerable to abuse when pregnant or seeking to leave a relationship;
- Older people and disabled people can be vulnerable to domestic abuse;
- Children experience domestic abuse in many ways, including through directly intervening to protect one of their parents, being forced to join the adult perpetrator, and hearing or witnessing violent attacks or verbal abuse;
- Coercive and controlling behaviour in a domestic abuse situation can be exerted over the whole family so any children suffer as well as the victim;
- Many women come to Australia to work and improve their lives, and many can then become trapped in relationships characterised by abuse with no avenue to seek safety and support; and
- Domestic abuse happens within the Church. Church leaders, members of the clergy, and spouses of clergy have been found to be victims of domestic abuse.

2. Domestic Abuse Statistics for Australia

Note: Statistics do not tell the whole story, as they do not identify patterns of control and abuse in relationships. They do not capture level of fear, or the severity of injury or impact, for the victim.

Prevalence of Domestic Violence in Australia¹

- 1 in 6 women (17%) and 1 in 16 men (6%) had experienced threatened or actual physical or sexual violence by a partner they had lived with.²
- 23% of women and 16% of men have experienced emotional abuse by a partner since the age of 15.

Who experiences Domestic Violence and Abuse?³

- Most (69%) of domestic assault victims are women, but almost one-third involved a male victim.
- Most (81%) of the domestic assault perpetrators are men.
- Most victims are between the ages of 20 and 39.⁴ Women aged 20–29 years had the highest rate of DV-related assault, and were 3.3 times more likely than men in the same age group to be a victim.

¹ Australian Bureau of Statistics, (2017) *Personal Safety Survey 2016*, accessed 31 May 2018 at <http://www.abs.gov.au/ausstats/abs@.nsf/mf/4906.0>. The survey collected information about the nature and extent of violence experienced by men and women since the age of 15, including their experience of violence in the 12 months prior to the survey.

² This means that approximately 1.6 million women have experienced at least one incident of actual or threatened physical or sexual violence by an intimate partner (since the age of 15). Note that this excludes broader forms of domestic abuse, such as emotional or spiritual abuse.

³ Domestic abuse is not restricted to any one demographic. It occurs across ages, socioeconomic groups, cultures, races, and geographic regions. However, there are variations in occurrence.

⁴ Australian Bureau of Statistics, (2013) *Personal Safety Survey 2012*, accessed 4 August 2017 at <http://www.abs.gov.au/ausstats/abs@.nsf/mf/4906.0>.

- Indigenous women and girls were 35 times more likely than the wider female population to be hospitalised due to family violence.⁵
- 25% of children in Australia have been witnesses to domestic violence.⁶

Reported incidents of Domestic Violence in NSW⁷

- Every week NSW Police deal with over 1,250 domestic violence related incidents.⁸
- The NSW Domestic Violence Death Review Team, convened by the state Coroner reports that between 1 July 2000 to 30 June 2014 there were 204 cases where a person was killed by a current or former intimate partner in a context of domestic violence (162 females and 42 males).
 - 79% of intimate partner homicide victims were women. 98% of women killed by an intimate partner had been the primary domestic violence victim in the relationship.
 - Almost two-thirds of women killed by a former intimate partner had ended the intimate relationship with the domestic violence abuser within three months of being killed.
 - 89% of men killed by a female intimate partner had been the primary domestic violence abuser in the relationship.⁹
- NSW Police record about 26,000 cases of domestic assaults annually, which represent about one third of all recorded assaults. In 2015, there were 18,959 incidents of DV-related assault in which police proceeded against a person of interest (perpetrator). The majority of these incidents involved male perpetrators.
- More than one-third of the domestic assault incidents recorded in NSW in 2004 were alcohol-related.¹⁰

3. Challenging misconceptions about domestic abuse

Many people will have misconceptions and attitudes about domestic abuse which are incorrect. Here are some common myths about what domestic abuse is and who it affects:

Myth 1: It happens to certain types of people

It can be thought that domestic abuse happens to a certain type of person – based on socio-economic status, religious or cultural backgrounds, or a perception of strength and resilience. This is not the case. Domestic abuse and violence can happen to anyone at any time.

Myth 2: It happens because of...

Domestic abuse is complex, and is not necessarily explained by a single theory. It is sometimes claimed that domestic abuse happens primarily because of worldview factors regarding gender or religion, or because of alcohol or drug abuse, unemployment, abuse as a child, mental or physical ill health, or other environmental factors.

Although these may be contributory factors, abuse happens because an abusive person chooses to behave in a way that enables them to assert power and control over another person – excuses and reasons are given to justify abusive behaviour.

Myth 3: A victim can cause a perpetrator to become abusive

Often a perpetrator will tell a victim that they caused them to do it. But a victim is never to blame if a perpetrator chooses to behave in an abusive and controlling way.

⁵ White Ribbon Australia, “Domestic Violence Statistics”, accessed 2 August 2017 at <https://www.whiteribbon.org.au/understand-domestic-violence/facts-violence-women/domestic-violence-statistics/>

⁶ Australian Domestic and Family Violence Clearinghouse, *Children affected by domestic violence: a literature review*, Report produced for The Benevolent Society, Sydney, 2011. Accessed 26 July 2017 at <http://earlytraumagrief.anu.edu.au/files/ImpactofDVonChildren.pdf>

⁷ Much domestic violence goes unreported – usually because the victim does not consider an incident serious, is too ashamed, fears the offender, or thinks police cannot or will not act.

⁸ NSW Police Force (2013), *Code of Practice for the NSW Police Force Response to Domestic and Family Violence*, accessed 4 August 2017 at <http://www.police.nsw.gov.au/>

⁹ NSW Domestic Violence Death Review Team (2017), *NSW Domestic Violence Death Review Team Report 2015-2017*, pp. xi-xii.

¹⁰ Australian Bureau of Statistics, (2013) *Personal Safety Survey 2012*, accessed 4 August 2017 at <http://www.abs.gov.au/ausstats/abs@.nsf/mf/4906.0>.

Myth 4: A victim can fully understand what is happening to them

When someone is in a relationship in which they are subject to abuse they will often feel very confused about what is happening, and they are sometimes not sure that what they are experiencing is abuse.

Myth 5: A victim can choose to leave and if they don't, they are choosing to stay

People ask why victims stay in a situation where they are suffering abuse, and assume that it is easy to leave, to escape the situation and to start a new life. This is not the case, either on a practical or an emotional level. A perpetrator of abuse will work to ensure that the victim feels that they cannot cope on their own.

Leaving a physically violent relationship is often the most dangerous time for women and children. It may also be financially impossible to leave the situation, particularly when there are children. Victims often do not have a choice in leaving and may feel, or be, threatened that if they leave they will be in danger. It may feel safer to stay than to leave.

Myth 6: Domestic abuse is all about anger

Domestic abuse is not all about being angry or losing control. Although not always a calculated action, a central element is the choice to act in a controlling way..

Myth 7: Domestic abuse doesn't happen in our church

Domestic abuse happens in every community, including within the Church. The ABS's 2016 Personal Safety Survey suggested that 1 in 6 Australian women and 1 in 16 Australian men have, since the age of 15, experienced physical or sexual violence from a partner they have lived with. So it is extremely likely that there will be those in your church who have been affected by domestic abuse.

4. Recognising domestic abuse in adult victims

It is very difficult to create a definitive list of signs that domestic abuse is happening because abuse can occur on many levels and both victims and alleged or known perpetrators can behave and respond in a range of different ways. The following list of signs of behaviour for victims is not exhaustive, and should not be used as a definitive list but should be used as guidance:

- Has unexplained bruises or injuries;
- Shows signs of feeling suicidal;
- Becomes unusually quiet or withdrawn;
- Has panic attacks;
- Has frequent absences from work or other commitments;
- Wears clothes that conceal even on warm days;
- Stops talking about her/his partner;
- Is anxious about being out or rushes away;
- May never be seen alone, and is always accompanied by their partner;
- May become more isolated, possibly moving away from home, withdrawing from friends and family;
- Goes along with everything their partner says and does;
- Checks in often with their partner to report where they are and what they're doing;
- Receives frequent, harassing phone calls from their partner; and/or
- May have unexplained injuries, and may give other reasons for the injuries which refer to them being accidental.

Survivor View

The abuse went on for six years before I realised that what I was experiencing wasn't just a bad marriage. Everyone says marriage is difficult so at first I thought it was that – our adjustment to married life.

There was pressure to make marriage work and to sacrifice yourself. After all the church says 'till death us do part'. I bent over backwards to make it work.

From the outside most people thought we were the perfect happy couple. But I was walking on eggshells in my own home, never knowing what mood he would be in when he came home.

It was such a lonely time. I didn't think anyone would believe me if I told them what it was really like at home. I was desperate for some hope.

5. Recognising domestic abuse in children

Living in a home where there's domestic abuse is harmful. It can have a serious impact on a child's behaviour and wellbeing. Parents or carers may underestimate the effects of the abuse on their children because they don't see what's happening.

Indeed, a child who witnesses or overhears domestic abuse is generally considered to be the victim of indirect child abuse by the perpetrator of the abusive behaviour. If children are involved this way, a referral to the child protection authorities will need to be considered.

Domestic abuse can also be a sign that children are suffering another type of abuse or neglect. The effects can last into adulthood. However, once they're in a safer and more stable environment, most children are able to move on from the effects of witnessing domestic abuse.

Younger children who experience and witness domestic abuse may:

- Become aggressive;
- Display anti-social behaviour;
- Become anxious;
- Complain of tummy aches and start to wet the bed;
- They may find it difficult to sleep, have temper tantrums and start to behave as if they are much younger than they are;
- They may also find it difficult to separate from their abused parent when they start nursery or school; and/or
- Children may be clingy, have behavioural difficulties, may be tired and lethargic, and struggle in social settings and at school.

Older children/young people who experience and witness domestic abuse react differently:

- Boys seem to express their distress much more outwardly, for example by becoming aggressive and disobedient. Sometimes, they start to use violence to try and solve problems, and may copy the behaviour they see within the family;
- Older boys may play truant and start to use alcohol or drugs (both of which are a common way of trying to block out disturbing experiences and memories);
- Girls are more likely to keep their distress inside. They may become withdrawn from other people, and become anxious or depressed;
- Girls may think badly of themselves and complain of vague physical symptoms. They are more likely to have an eating disorder, or to harm themselves by taking overdoses or cutting themselves;
- Girls are also more likely to choose an abusive partner themselves; and/or
- Suffer from depression or anxiety.

Children of any age can develop symptoms of what is called 'Post-traumatic Stress Disorder'. They may get nightmares, flashbacks, become very jumpy, and have headaches and physical pains. Children dealing with domestic violence and abuse often do badly at school. Their frightening experiences at home make it difficult to concentrate in school, and if they are worried about their abused parent, they may refuse to go to school.

Long-term impact on children and young people

As adults, children who have witnessed violence and abuse are more likely to become involved in a violent and abusive relationship themselves. Children tend to copy the behaviour of their parents.

However, children don't always repeat the same pattern when they grow up. Many children don't like what they see, and try very hard not to make the same mistakes as their parents.

Even so, children from violent and abusive families may grow up feeling anxious and depressed, and find it difficult to get on with other people.

6. Who are the perpetrators of domestic abuse?

Most known perpetrators of domestic abuse are men.

- Anyone across the social spectrum can perpetrate domestic abuse – a perpetrator's outward appearance may be outgoing and friendly, and/or very confident, whilst the victim may be withdrawn and considered by many as unfriendly. However a disclosure of domestic abuse by any individual should always be taken seriously.
- There is no excuse for abuse. People who abuse their partners make a choice to do so. Often alcohol, drugs, childhood problems (such as a violent/abusive childhood), and mental health and psychological disorders are cited as causes of domestic abuse. Whatever the contributors in any given case, domestic abuse always involves a misuse of power by one person over another. Individuals who perpetrate domestic abuse generally do so to get what they want and to gain control.
- Domestic abuse happens within the Church; church leaders, members of the clergy, spouses of clergy, and prominent lay members have all been found to be perpetrators of domestic abuse.
- Seeing change in perpetrators is a long-term process. Perpetrator programs are long-term groups or one to one interventions which challenge the underlying attitudes and beliefs that drive domestic abuse. For more information on where accredited programs are conducted can be found at the Men's Behaviour Change Network website: <https://www.mbcn-nsw.net/>

7. Recognising perpetrators of domestic abuse

Perpetrators are very good at hiding their behaviour. The following list of signs of perpetrator behaviour is not exhaustive, and should not be used as a definitive list but should be used as guidance:

- Presents confidently;
- Focuses on themselves and has no empathy with partner;
- Assertively claims victim status;
- Finds no fault in themselves;
- Makes unfounded accusations;
- Puts partner down and portrays partner often as unreasonable or unstable;
- Does not consider the children's experiences;
- Makes disparaging remarks about their partner in public;
- Uses their wedding vows as leverage to keep their partner tied to them – "you promised...";
- Expresses suspicion about legitimate activities of partner;
- Restricts access to partner's family and friends;
- Controls financial access and activity;
- Recruit others to back them up against their partner;
- Uses inappropriate humour, especially about compliance;
- Tries to engender pity in order to manipulate and recruit colluders;
- Shows changeable behaviour in order to hold onto control; and
- Uses Scripture to justify behaviour, demands or requests.

8. Particular Types of Domestic abuse

Domestic abuse can occur in many contexts. For example, there is abuse within indigenous communities, and in same-sex relationships; there is also child or adolescent to parent abuse, and abuse of elders.

Awareness of the wide variety of culturally specific forms of abuse will also help in identifying abuse and responding appropriately. For example, these can include so-called 'honour' crimes and killings, forced marriage and female genital mutilation.

Some forms of abuse are justified by religious and cultural beliefs as a way of maintaining patriarchal power and control. Often the violence or abuse is perpetrated by members of the extended family, with the collusion of others in the community.

The need to protect remains the main imperative, irrespective of the cultural context in which domestic abuse occurs.

Appendix 4: Legal Framework

A range of legal measures exist to protect people in Australia who have experienced domestic violence and to prevent further violence.

The following legislation governs responses to incidents of domestic and family violence in NSW:

- Crimes (Domestic and Personal Violence) Act 2007;
- Crimes Act 1900;
- Children and Young Persons (Care and Protection) Act 1998;
- Young Offenders Act 1997;
- Criminal Procedure Act 1986; and
- Family Law Act 1975.

NSW Crimes (Domestic and Personal Violence) Act 2007¹

The primary piece of legislation governing domestic violence matters in NSW, is the *Crimes (Domestic and Personal Violence) Act 2007* (the “Crimes DPV Act”).

The Crimes DPV Act has the following **aims**²:

- a. to ensure the safety and protection of all persons, including children, who experience or witness domestic violence;
- b. to reduce and prevent violence by a person against another person where a domestic relationship exists between those persons; ;
- c. to enact provisions that are consistent with certain principles underlying the Declaration on the Elimination of Violence against Women; and
- d. to enact provisions that are consistent with the United Nations Convention on the Rights of the Child.

The Crimes DPV Act sets out a framework for applications to be made to the Magistrate’s Court for Apprehended Domestic Violence Orders (ADVOs) for the protection of a person against another person with whom he or she has or has had a **domestic relationship**. Further detail about ADVOs is set out below.

According to Section 5 of The Crimes DPV Act, a person has a **domestic relationship** with another person if the person is or has been married to an offender (s5a), has or is in a de facto relationship (s5b) or an intimate personal relationship (s5c). However, the Crimes DPV Act also includes:

- a. A person who is living or has lived in the same household or other residential facility as the person who commits the offence;
- b. A person who has or has had a relationship involving his or her dependence on the ongoing paid or unpaid care of the person who commits the offence; or
- c. A person who is or has been a relative of the person who commits the offence.

Section 5 of the Crimes (Domestic and Personal Violence) Act 2007 explicitly recognises **domestic violence can also occur between two persons if the victim:**

- ‘is living or has lived in the same household as the other person’ (Section 5 (d)) (such as co-residents);
- ‘is living or has lived as a long-term resident in the same residential facility as the other person and at the same time as the other person’ (Section 5 (e)), (such as co-residents); or
- ‘has or has had a relationship involving his or her dependence on the ongoing paid or unpaid care of the other person’ (Section 5 (f)), (such as staff of licensed boarding houses).

The Crimes DPV Act extends upon the personal violence offences set out in the Criminal Code. Under Section 11, **a domestic violence offence** includes not only personal physical and sexual violence but also those offences that intend to coerce or control a person and cause them to be intimidated and/or fearful.

¹ NSW Government, *Crimes (Domestic and Personal Violence) Act 2007*, accessed 4 August 2017 at <https://www.legislation.nsw.gov.au/#/view/act/2007/80>

² Section 9

Section 13 also makes it an offence to stalk or intimidate another person with the intention of causing the other person to fear physical or mental harm.

Legislation introduced in 2015 now enables domestic violence victims to give their evidence in chief through a recorded video or audio statement.

Apprehended Domestic Violence Orders (ADVOs)

The *Crimes DPV Act* provides the legislative framework for the issue of Apprehended Domestic Violence Orders (ADVOs). An ADVO is a civil matter and does not result in a criminal offence unless the ADVO is breached. The aim of an ADVO is to protect a person from future violence. Restrictions are placed on persons against whom an order is made. These restrictions may include not harassing or not approaching the person.

In 2016, NSW amended laws regarding ADVOs to enable³:

- the recognition of inter-state ADVOs and foreign orders;
- a change to the meaning of domestic relationships order to widen the criteria for those who can apply for an Apprehended Domestic Violence Order (ADVO);
- Police to apply for a provisional ADVO if they suspect or believe that domestic violence has happened or is likely to happen, even if the victim is not willing to make a complaint;
- Police to direct or detain offenders while applying for a provisional ADVO;
- Senior Police Officers to determine applications for provisional ADVOs. This new process will provide faster and immediate access to provisional ADVOs for victims at risk of violence; and
- Courts to have the power to issue an ADVO if it is satisfied that a person (applicant) has reasonable grounds to fear that a domestic violence offence will be committed against them. This removes the previous requirement that in addition to having reasonable grounds to fear, the court also had to be satisfied that the person actually did fear an offence.

Section 48 of the *Crimes DPV Act*, enables police to apply for an ADVO on behalf a person experiencing domestic violence, sometimes referred to as a *person in need of protection* ('PINOP').

If the PINOP is an adult, that person may also apply for an ADVO on their own at the Local Court of NSW. Police are the only authority mandated to apply for ADVOs on behalf of a child under section 48 (3) of the *Crimes DPV Act*.⁴

More information is available from the NSW Government Domestic Violence website⁵, Women's Domestic Violence Court Assistance Scheme or a local Women's Domestic Violence Court Advocacy Service.⁶ An individual who wishes to hire a lawyer may contact Legal Aid NSW.

Protection of Children

There are both Federal and State laws which govern the protection of children. The *Family Law Act 1975* governs the resolution of private disputes about the parenting of all children in Australia. In comparison, NSW 'child protection laws' aim to protect children from abuse and neglect.

Due to the substantial overlap between Federal and State Laws in regards to domestic violence and protection of children, there have been calls for the institution of one court to deal with domestic violence, including protection orders, child protection, family law, perhaps even criminal issues.⁷

³ NSW Police, *Police Issued ADVOs: Summary of Changes to the Crimes (Domestic & Personal Violence Act)*, accessed 4 August 2017 at http://www.police.nsw.gov.au/community_issues/domestic_and_family_violence

⁴ NSW Government, *Crimes (Domestic and Personal Violence) Act 2007*, accessed 4 August 2017 at <https://www.legislation.nsw.gov.au/#/view/act/2007/80>

⁵ NSW Government, "Apprehended Violence Orders (ADVOs)", *Domestic Violence* [website] accessed 2 August 2017 at <http://www.domesticviolence.nsw.gov.au/get-help/apprehended-violence-orders-avos>

⁶ Women's Domestic Violence Court Advocacy Service, accessed 4 August 2017 at <http://www.wdvcasnsw.org.au/>

⁷ Australian Law Reform Commission (2010), *Family Violence: A National Legal Response*, ALRC AReport 114, accessed 4 August 2017 at <http://www.alrc.gov.au/publications/family-violence-national-legal-response-alrc-report-114>

Federal Family Law Act 1975⁸

In 2006, the Australian Government introduced legislative changes to the Family Law Act 1975, in order to increase parental cooperation and responsibility in the separation process and increase the focus on the child's best interests.⁹ However, in 2011 amendments were made after research suggested that the co-operative parenting changes made in 2006 may have contributed to increasing rates of reports of family violence and child abuse around relationship breakdown. The main changes to the *Family Law Act* were as follows:

- Section 4AB, now provides that family violence is violent, threatening or other behaviour by a person that coerces or controls a member of the person's family (the family member), or causes the family member to be fearful. For clarity, a new sub-section 4AB(2) provides an open list of the types of circumstances that may constitute family violence under the Act;
- The definition of child abuse has been extended to include two new categories of behaviour. The new definition, at sub-section 4(1) provides that child abuse is physical or sexual assault, serious neglect, and now action causing a child 'serious psychological harm' and expressly including *subjection or exposure to family violence*. Exposure to family violence is explained further by example at sub-sections 4AB(3) and (4);
- Ensuring that the 'need to protect a child from harm' carries more weight than the 'relationship with parents' consideration;
- New provisions requiring the court, in every child-related case, to expressly ask the parties about whether they have any 'concerns' about family violence or child abuse;
- In section 60CG, courts must ensure that parenting orders are consistent with any family violence order; and do not expose a person to an unacceptable risk of family violence; and
- Courts must be advised of any ADVOs or other State investigations into domestic violence.

Mandatory Reporting of Children at Risk of Significant Harm in NSW

The *Children and Young Persons (Care and Protection) Act 1998*¹⁰ (The Care and Protection Act) provides the legislative framework for the reporting of domestic violence incidents which put children at significant risk of harm. Section 23 (d), states the circumstances which constitute a reportable incident include:

*the child or young person is living in a household where there have been incidents of domestic violence and, as a consequence, the child or young person is at risk of serious¹¹ physical or psychological harm.*¹²

A **mandatory reporter** is an individual required by law to report to government authorities when they have reasonable grounds to suspect that a child is at risk of significant harm. Mandatory reporters are defined under section 27 of the Care and Protection Act, as people who deliver the following services to children as part of their paid or professional work:¹³

- Health care (e.g. registered medical practitioners, nurses government and other allied health professionals working in sole practice or in public or private health practices);
- Welfare (e.g. psychologists, social workers, caseworkers and youth workers);
- Education (e.g. teachers, counsellors, principals);
- Children's services (e.g. child care workers, family day carers and home-based carers);
- Residential services (e.g. refuge workers); and
- Law enforcement (e.g. police).

⁸ Australian Parliament, *The Family Law Act 1975*, accessed 2 August 2017 at <https://www.legislation.gov.au/Details/C2016C01106>

⁹ Australian Domestic and Family Violence Clearinghouse, *Children affected by domestic violence: a literature review*, Report produced for The Benevolent Society, Sydney, 2011. Accessed 26 July 2017 at <http://earlytraumagrieff.anu.edu.au/files/ImpactofDVonChildren.pdf>

¹⁰ NSW Government, *Children and Young Persons (Care and Protection) Act 1998*, accessed 4 August 2017 at <https://www.legislation.nsw.gov.au/#/view/act/1998/157/full>

¹¹ Here, "serious" means sufficient to warrant a response by a statutory authority irrespective of a family's consent

¹² NSW Police Force, *Domestic and Family Violence Policy 2012*, accessed 4 August 2017 at https://www.police.nsw.gov.au/community_issues/domestic_and_family_violence/policy

¹³ NSW Government, *Children and Young Persons (Care and Protection) Act 1998*, accessed 4 August 2017 at <https://www.legislation.nsw.gov.au/#/view/act/1998/157/chap3/part2/sec27>

Members of the community and mandatory reporters who suspect that a child or young person is at “risk of significant harm” should report their concerns to the Child Protection Helpline. To help reporters decide whether a case needs to be reported to the Child Protection Helpline, reporters can use the online Mandatory Reporter Guide.¹⁴

The Domestic Violence Death Review Team (DVDRT) was established in 2010 under the Coroners Act 2009 (NSW) to review deaths occurring in the context of domestic violence in New South Wales.

¹⁴ Childstory Reporter, *Welcome to the ChildStory Reporter Community*, accessed 4 August 2017 at <https://reporter.childstory.nsw.gov.au/s/>

Appendix 5: Domestic Abuse: Policy Guidance from Faithfulness in Service

All clergy and church workers (whether paid or volunteer leaders) in the Anglican Diocese of Sydney are bound by our national code of conduct, *Faithfulness in Service*, as adopted in the Anglican Diocese of Sydney.

Section 6 of *Faithfulness in Service* addresses **Personal Behaviour**.

In its **Preamble**, it states that *misuse of power* is at the heart of abuse. This includes domestic abuse.

6.1 *The personal behaviour and relationships of **clergy** and **church workers** have a significant impact on the **Church** and the community because they are a model to others. In a context where their responsibility is to care for others, people will especially observe the way in which clergy and church workers exercise power.*

6.2 *Abuse of power is at the heart of many relationship problems in the Church and the community. In essence, abuse is one person's misuse of power over another. Sometimes abuse will be a one off event and at other times it will be a pattern of behaviour.*

6.3 ***Abuse** can take any of several overlapping forms: **bullying, emotional abuse, harassment, physical abuse, sexual abuse** or **spiritual abuse**. Abuse in a family or domestic context is commonly known as "family and domestic violence".¹*

6.4 *It is important for clergy and church workers to be good citizens and obey the laws of the community, except where those laws conflict with Christian convictions.*

The section entitled "**Standards for clergy and church workers**" states the Church's expectations for personal behaviour and the practice of pastoral ministry. This section **unequivocally rules out any domestic abuse** from clergy and church workers.

6.5 *You are not to engage in:*
bullying;
emotional abuse;
harassment;
physical abuse;
sexual abuse; or
spiritual abuse.

6.6 *You are not to **abuse** your spouse, children or other members of your family.*

This section also insists that **church leaders must observe** the law of the land, which obviously includes **laws regarding domestic abuse**.

6.14 *You are to observe the law, other than any law that:*
is contrary to the Holy Scriptures;
unjustly prohibits the practice of religion; or
prohibits civil disobedience.

Section 4 of *Faithfulness in Service* addresses **Pastoral Relationships**.

In its **Guidelines** section, it gives the following guidance regarding **Boundaries** in pastoral ministry.

4.12 *Recognise the limits of your skills and experience. Do not undertake any ministry (such as relationship counselling, counselling for abuse or addictions, or an exorcism) that is beyond your competence or the role for which you have been employed or trained. If in doubt seek advice. A person who requires specialised help should be referred to an appropriately qualified person or agency.*

¹ The full definitions of these forms of abuse within *Faithfulness in Service* can be read at the end of this Appendix. It should be noted that these definitions overlap to a significant extent with common secular definitions of domestic abuse, such as those adopted by the diocesan Policy.

4.13 *Where ministry responsibilities overlap, be aware of the activities, function and style of other clergy and church workers. Consult with these colleagues and co-operate wherever possible.*

4.14 *Where your ministry responsibility to one person may conflict with your responsibility to another person to whom you are ministering, or with your own needs, you should seek advice from a colleague or supervisor. Consider the possibility of transferring ministry responsibility for one or both of these to another minister.*

This supports our good practice guidelines, which **require church workers to obtain specialised help** from persons or agencies appropriately qualified in responding to situations where domestic abuse is indicated or alleged.

It also notes the difficulty clergy and church workers can have from the expectations of multiple roles, for example in:

- providing pastoral care both to victim and alleged perpetrator;
- making some kind of investigation of the allegations; and
- being responsible for the adjudication and implementation of some aspects of church discipline should an offender have been or continue in the life of the church.

Also note the following provisions regarding **record keeping and privacy**, which can be especially crucial for safety in situations involving domestic abuse.

4.36 *If you are engaged in individual pastoral ministry, consider keeping a factual record of your daily pastoral activity. Record details such as the date, time, place, participants, subject, and any proposed action arising from each activity. Record personal remarks accurately.*

4.37 *You need to know the relevant principles of the applicable privacy legislation in relation to the collection, use, disclosure and management of personal information. These have implications for:*

- *the publication of personal information in church directories, newsletters, rosters and websites;*
- *the recording and publication of voices and images of individuals; and*
- *the use and security of all personal information, and especially sensitive information, held by clergy and church workers or in church offices.*

Section 3 of *Faithfulness in Service* speaks of **Putting this Code into Practice**.

Its **Guidelines** section make it clear that where you have reason to believe that a clergy person or church worker has perpetrated domestic abuse (breaching standards of the Code at 6.5 and 6.6), then **you have a reporting obligation**, since the threat of domestic abuse certainly creates the risk of harm.

3.9 *If you know or have reason to believe that another member of the clergy or another church worker has failed to meet a standard of this Code, other than for **child abuse**, (the reporting of child abuse is addressed in paragraphs 5.14 and 5.15), you should:*

- *where you believe that a person has not suffered harm or is not at the risk of harm, approach the member of the clergy or church worker and identify the concern; or*
- *where you believe that a person has suffered harm or is at the risk of harm, report this to the **church authority** having responsibility for the member of the clergy or church worker or the **Director of Professional Standards**.*

If in doubt seek advice from a colleague or supervisor or the Director of Professional Standards without identifying the member of the clergy or church worker.

3.10 *If you know or have reason to believe that another member of the clergy or another church worker has not followed a guideline of this Code, you should approach the member of the clergy or church worker and identify the concern. If you consider that the member of the clergy or church worker is persisting in disregarding the guideline without good reason and a person has suffered harm or is at the risk of harm, you should seriously consider reporting this to the church authority with responsibility for the member of the clergy or church worker or the Director of Professional Standards. If in doubt seek advice from a colleague or supervisor or the Director of Professional Standards without identifying the member of the clergy or church worker.*

Section 3's Preamble makes it clear that domestic abuse or a failure to observe the law could result in clergy or church workers facing formal disciplinary action. Likewise negligence of guidelines in pastoral counselling regarding domestic abuse might result in the requirement to receive specialised help.

3.4 Failure to meet the standards of this Code will indicate an area where clergy and church workers require guidance and specialised help. Such failures may result in formal disciplinary action if the conduct infringes an applicable disciplinary rule of the Church or is a breach of an employment contract.

3.5 Clergy and church workers are encouraged to follow the guidelines of this Code. Where this is impractical, the exercise of judgement will be required to ensure the safety of those to whom they minister and themselves. Wilful disregard of the guidelines may indicate an area where clergy and church workers require guidance and specialised help.

Definitions

Please note the following definitions of abuse from *Faithfulness in Service*, Section 2, the **glossary of terms**.

abuse in relation to an adult means the following conduct:

- bullying;
- emotional abuse;
- harassment;
- physical abuse;
- sexual abuse; or
- spiritual abuse.

bullying means repeated and unreasonable behaviour directed to a person or persons which, having regard to all the circumstances, would be expected to victimise, humiliate, undermine or threaten the person or persons, and which creates a risk to their health and safety. Where it involves the use of information and communication technologies, it is often called cyberbullying. It can include:

- making derogatory, demeaning or belittling comments or jokes about someone's appearance, lifestyle, background, or capability;
- communicating in an abusive manner;
- spreading rumours or innuendo about someone or undermining in other ways their performance or reputation;
- dismissing or minimising someone's legitimate concerns or needs;
- inappropriately ignoring or excluding someone from information or activities;
- touching someone threateningly or inappropriately
- invading someone's personal space or interfering with their personal property;
- teasing, or making someone the brunt of pranks or practical jokes;
- displaying or distributing written or visual material that degrades or offends.

emotional abuse means acts or omissions that have caused, or could cause emotional harm or lead to serious behavioural or cognitive disorders. It includes:

- subjecting a person to excessive and repeated personal criticism;
- ridiculing a person, including the use of insulting or derogatory terms to refer to them;
- threatening or intimidating a person;
- ignoring a person openly and pointedly; and
- behaving in a hostile manner or in any way that could reasonably result in another person feeling isolated or rejected.

harassment means unwelcome conduct, whether intended or not, in relation to another person where the person feels with good reason in all the circumstances offended, belittled or threatened. Such behaviour may consist of a single incident or several incidents over a period of time. It includes:

- making unwelcome physical contact with a person;

- making gestures or using language that could reasonably give offence including continual and unwarranted shouting;
- making unjustified or unnecessary comments about a person's capacities or attributes;
- putting on open display pictures, posters, graffiti or written materials that could reasonably give offence;
- making unwelcome communication with a person in any form (for example, phone calls, email, text messages) ; and
- stalking a person.

physical abuse means any intentional or reckless act, use of force or threat to use force causing injury to, or involving unwelcome physical contact with, another person. This may take the form of slapping, punching, shaking, kicking, burning, shoving or grabbing. An injury may take the form of bruises, cuts, burns or fractures. It does not include lawful discipline by a parent or guardian.

sexual abuse of an adult means sexual assault, sexual exploitation or sexual harassment of an adult. [Note: these terms are further defined in the same section]

spiritual abuse means the mistreatment of a person by actions or threats when justified by appeal to God, faith or religion. It includes:

- using a position of spiritual authority to dominate or manipulate another person or group;
- using a position of spiritual authority to seek inappropriate deference from others;
- isolating a person from friends and family members; and
- using biblical or religious terminology to justify abuse.

Appendix 6: Suggested Parish Policy on Domestic Abuse

Parish of Policy for Responding to Domestic Abuse

All forms of domestic abuse are wrong. Perpetrators must stop.

1. The primary focus of this Policy is abusive or intimidating behaviour inflicted by an adult against a current or former spouse or partner. (Abuse involving children should follow child protection procedures.) **Domestic abuse** includes but is not limited to emotional, verbal, social, economic, psychological, spiritual, physical and sexual abuse. Such behaviour often seeks to control, humiliate, dominate or instill fear in the victim.

2. We are committed to safe places which –

- Recognise equality amongst people,
- Promote a culture of healthy relationships of mutual responsibility in marriages, families and congregations,
- Ensure that all people feel welcomed, respected and safe from abuse,
- Strive to follow good practice in protecting those experiencing domestic abuse,
- Refuse to condone any form of abuse, and
- Enable concerns to be raised and responded to clearly and consistently

3. We uphold *Faithfulness in Service* as our national code of conduct for clergy and church workers, specifically its affirmations that –

- Abuse of power is at the heart of many relationship problems in the Church and in the community. In essence, abuse is one person's misuse of power over another. Sometimes abuse will be a one-off event and at other times it will be a pattern of behaviour, (6.2)
- It is important for clergy and church workers to be good citizens and to obey the laws of the community, except where those laws conflict with Christian convictions, (6.4) and
- You are not to abuse your spouse, children or other members of your family (6.6).

4. We recognise that Domestic abuse requires a serious and realistic response –

- All forms of domestic abuse cause damage to the victim and are wrong,
- Domestic abuse can occur in all communities, including churches,
- Domestic abuse, if witnessed or overheard by a child, is a form of child abuse by the perpetrator of the abusive behaviour,
- Working in partnership with vulnerable adults and children, statutory authorities and specialist agencies is essential in promoting the welfare of any child or adult suffering abuse,
- Clergy and lay ministers need to obtain advice from those with professional expertise when faced with situations of domestic abuse, and
- Where mistakes in caring for people in difficult situations are made, an apology should be offered and advice sought on how to address any harm caused.

5. We respect people who come to us for help by –

- Valuing, respecting and listening to victims of domestic abuse;
- Valuing, respecting and listening to alleged or known perpetrators of domestic abuse;
- Appreciating the need to ensure a distance is kept between the two; and
- Refusing to condone the perpetration or continuation of any form of abuse.

6. We uphold Scripture and its abhorrence of abuse in our words and public statements by –

- Clearly teaching that domestic abuse is wrong and that the Bible should never be interpreted to justify or excuse any form of abuse. Rather a relationship between a husband and wife is to be characterised by love, care and kindness;
- Clearly teaching that the Bible does not condone abuse and should not be interpreted to demand a spouse tolerate or submit to domestic abuse; and

- Raising awareness of domestic violence agencies, support services, crisis accommodation, resources and expertise.

7. We ensure safety first by –

- Ensuring that those who have experienced domestic abuse can find safety and informed help as a first priority, and can continue to stay safe,
- Taking it Seriously – Ensuring that any disclosures of abuse are taken seriously and not dismissed,
- Getting help from outside – Working with the appropriate statutory authorities during an investigation into domestic abuse, including when allegations are made against a member of the church community,
- Keeping it confidential – Respecting the need for confidentiality within the bounds of good Safe Ministry practice, noting that reporting requirements exist where there is an immediate danger, where a child is at risk of serious harm or where the matter involves a clergy person or church worker as an alleged offender, and
- Challenging with Care – Carefully challenging inappropriate behaviour, but only in a way that does not place any individual, especially a victim, at increased risk.

8. We offer pastoral support to those in our care by –

- Offering informed care – Ensuring that informed and appropriate pastoral care and professional help is offered to any adult, child or young person who has suffered domestic abuse,
- Being guided by the victim – Never pressuring any victim of domestic abuse to forgive, submit to, or restore a relationship with an offender,
- Understanding that reconciliation comes with conditions – Understanding that any reconciliation between victim and offender is dependent principally upon genuine repentance and reformation of the offender, and
- Coordinating the care – Identifying the appropriate relationships of those with pastoral care responsibilities for both victims and alleged or known perpetrators of domestic abuse.

If you have any concerns or need to talk to anyone please contact...

- The Police: dial **000**
 - 24/7 in emergencies where safety is at risk.
- 1800 Respect national helpline: **1800 737 732** or 1800respect.org.au
 - 24/7 for sexual assault, & domestic violence counselling and advice.
- Child Protection Helpline: **132 111** or reporter.childstory.nsw.gov.au/s/mrg
 - If you think a child or young person is at risk of harm from abuse.
- Lifeline: **131 114** or www.lifeline.org.au/get-help
 - 24 hour telephone crisis line.
- Professional Standards Unit: **9265 1604** or safeministry.org.au
 - Advice about abuse involving Anglican clergy or church workers

Appendix 7: Draft Safety and Exit plan

Ordinarily safety planning would be done with an experienced professional in the field of responding to domestic abuse. However this sample gives a sense of the wide range of issues that would have to be considered.

Step 1: I CAN USE SOME OR ALL OF THE FOLLOWING STRATEGIES:

- A. If I decide to leave, I will _____ . (Practice how to get out safely. What doors, windows, stairwells or fire escapes would you use?)
- B. I can keep my purse and car keys ready and put them _____ (place) in order to leave quickly.
- C. I can tell _____ about the abuse and request they call the police if they hear suspicious noises coming from my house.
- D. I can teach my children how to use the telephone to contact the police and the fire department.
- E. I will use _____ as my code for my children or my friends so they can call for help.
- F. If I have to leave my home, I will go _____ (Decide this even if you don't think there will be a next time). If I cannot go to the location above, then I can go to _____ or _____.
- G. I can also teach some of these strategies to some/all of my children.
- H. When I expect we are going to have an argument, I will try to move to a space that is lowest risk, such as _____ . (Try to avoid arguments in the bathroom, garage, kitchen, near weapons or in rooms without access to an outside door).
- I. I will use my judgment and intuition. If the situation is very serious, I may be able to give my partner what he/she wants to calm him/her down. I have to protect myself until I/we are out of danger.

...over

Step 2: SAFETY WHEN PREPARING TO LEAVE

Leaving must be done with a careful plan in order to increase safety. Perpetrators often strike back when they believe that the person they are abusing is leaving the relationship.

I can use some or all the following safety strategies:

- A. I will leave money and an extra set of keys with _____ so that I can leave quickly.

- B. I will keep copies of important papers and documents or an extra set of keys at _____.

- C. I will open a savings account by _____, to increase my independence.

- D. Other things I can do to increase my independence include:

- E. The domestic violence program's hot line telephone number is _____ and I can seek shelter by calling this hot line.

- F. I can keep change for phone calls on me at all times. I understand that if I use my mobile, the following month the telephone bill will tell my perpetrator the numbers that I called after I left. I could get a 'pay as you go' phone. There are no bills and all communication would be confidential.

- G. I will check with _____ and _____ to see who would be able to let me stay with them or lend me some money in an emergency.

- H. I can leave extra clothes with _____.

- I. I will sit down and review my safety plan every _____ in order to plan the safest way to leave the residence.

- J. _____ (domestic violence advocate or friend) has agreed to help me review this plan.

- K. I will rehearse my escape plan and, as appropriate, practice it with my children.

...over

Step 3: SAFETY IN MY OWN RESIDENCE

There are many things that a person can do to increase her safety in her own residence. It may be impossible to do everything at once, but safety measures can be added step by step.

Safety measures I can use include:

- A. I can change the locks on my doors and windows as soon as possible.
- B. I can replace wooden doors with steel/metal doors.
- C. I can install security systems including additional locks, window bars, poles to wedge against doors, an electronic system, etc.
- D. I can purchase rope ladders to be used for escape from second floor windows.
- E. I can install smoke detectors and purchase fire extinguishers for each floor in my house/apartment.
- F. I can install an outside lighting system that lights up when a person is coming close to my house.
- G. I will teach my children how to use the telephone to make a reverse charge call to me and to _____(friend/ other) or get them a mobile phone in the event that my partner takes the children.
- H. I will tell people who take care of my children which people have permission to pick up my children and that my partner is not permitted to do so. The people I will inform about pick- up permission include:
 - a. _____(school)
 - b. _____(day care staff)
 - c. _____(Sunday School teacher)

Appendix 8: Marriage Preparation: Recommended good practice

Marriage preparation offers an opportunity to challenge inappropriate behaviour and assumptions about domination, control or abuse, while making it clear that some degree of conflict within an intimate relationship is natural and healthy, if dealt with appropriately.

The principles of understanding humanity (female and male) as made in God's image and of equal worth; of equality amongst people and within relationships; and of not condoning any form of abuse, should underpin any marriage preparation offered by the Church.

Care must be taken if the biblical themes of a wife's submission or a husband's role as 'head' are to be expressed in the marriage vows or other parts of the marriage service, or in marriage preparation more generally. Please spell out what such ideas **do not and must not** involve to avoid any misunderstanding or twisting of Scripture.

For example, any wife's submission must only ever be voluntary. It ought not to involve submitting to disobedience to God or to illegal activity. No wife is spiritually obligated to submit to domestic abuse from her husband.

Likewise husbands are never told to assert authority over their wife. In particular, they are never told to make their wife submit. Any manipulation or hint of coercion of her towards such ends is sin.

Given the high incidence of domestic abuse within marriage, we recommend that clergy and lay people who offer marriage and wedding preparation should have attended some training on issues of domestic abuse. It is important that there is a clear understanding amongst those who offer marriage preparation that domestic abuse is always unacceptable and that domestic abuse breaks the sanctity of marriage.

The subjects regularly dealt with when preparing couples for marriage, e.g. communication, conflict and in particular "How do you deal with your anger?" offer an opportunity for couples to discuss together how their parents dealt with anger, rows and conflict, or how the couple might have dealt with these in previous relationships. Sometimes those who have experienced domestic abuse as children have a very idealised view of marriage.

It is possible that those working with couples hoping to marry may become aware or suspect that abuse is taking place or may take place between the partners. This is always a difficult area to deal with and illustrates the need for training for people involved in this work, but one or more of the following ideas might help in such a situation.

The facilitator might include a statement at the beginning of the 'course' or conversation and again before dealing with a subject such as 'marital conflict' or anger. The following, which may need amending depending on the circumstances, is an example of a form of words that might be appropriate:

"When we think about relationships in general and our own in particular, there is always a chance that issues may be raised that touch us in a way that leaves us feeling disturbed, uncomfortable or anxious. If this happens you may wish to speak to one of us today more privately or to seek help from a counsellor or other helping organisation."

If a domestic abuse issue is raised directly or indirectly by one of the couple, the facilitator should not pursue it in the presence of the other: this could be highly dangerous. They may need to find a way to give the person a chance to say more in private, with the object of encouraging them to get one-to-one help from a competent person or organisation.

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Because the Prepare-Enrich questionnaires are so widely used among Anglican churches for marriage preparation and marriage enrichment, it is worth reporting briefly on research published by the Prepare-Enrich organisation, entitled, "Spouse Abuse & Marital System based on Enrich" by Shuji G. Asai and David H. Olson, both of the University of Minnesota¹.

This was research based in the United States from a national sample of over 20,000 couples taking the Enrich questionnaire.

¹ Source: <https://www.prepare-enrich.com/pe/pdf/research/abuse.pdf>, viewed 1 August 2017

Its literature review noted that one's background (e.g. family abuse in one's own past) and context (e.g. unemployment) can be correlated with higher rates of abuse. It noted that individual traits and behaviour can be significant with victims tending to have low self esteem and to be higher on avoidance. It also showed features of couple interaction, such as good communication and conflict resolution, can be associated with higher relational quality. Conversely, there is an association between family violence and unequal decision making power, with levels of violence higher for wives among husband-dominating patriarchal couples.

Based on self-reporting to the inventory question, "Have you ever been abused (verbally, emotionally, physically, or sexually) by your partner?", over 61% of couples in the study were classified as non-abusing, 16.8% as having the husband abusing, 13.4% having both partners abusing, and 8% having the wife abusing.

Using the Enrich Couple typology, 95% of Vitalised couple types, 88% of Harmonious couple types, and almost 80% of Traditional couple types were classified as non-abusing.

Conversely, less than 28% of Devitalised couple types were non-abusive.

In the middle, 52% of Conflicted couples types were non-abusive. So it was noted that about half of conflicted couples could maintain non-abusive relationships, even when there were significant difficulties reported. That is, unresolved conflict does not always make a marriage abusive.

Of the various Couple scales, the most significant predictors of abuse were lower scores for Positive Couple Agreement in the categories of 'Family and Friends', 'Personality Issues', 'Communications', and 'Conflict Resolution', along with lower rating of 'Couple Closeness'. Lack of 'Couple Flexibility' was also significant.

Couples with a more Egalitarian² approach to Role Relationships appeared to be less likely to experience abuse of the wife.

On individual Personality scales, non-abusive couples tended to display both partners scoring higher in self-confidence and assertiveness, and lower in partner dominance and avoidance.

Unsurprisingly, abusive couples have the abused partner tending to be high in avoidance and partner dominance and lower in assertiveness and self-confidence (although not so much with self-confidence in the case where husbands report abuse).

A strength of the research was its broad definition of abuse, including verbal, emotional, physical and sexual. A limit is its self-reporting nature, especially given the likelihood that abuse is underreported. The study sample group was predominantly Caucasian (85%), so results may be different in other ethnic groups.

Another limit would be in applying this to marriage *preparation* since the study only measured those who had already been married for some time, and were engaging in the Enrich inventory. So some caution would be needed in extrapolating findings of correlations to results of those doing the Prepare inventory, although there is intuitive expectation that similar correlations might be found.

Nevertheless, this research may give those engaged in marriage preparation some idea of particular measures to focus on as possible correlates for abuse being more likely as a possibility, especially where domestic abuse is expressed or suspected as a concern.

Steps taken to increase an individual's assertiveness and self-confidence and to develop skills in communication and conflict resolution may be worth considering in this context. But where a proneness to abuse or other serious relational difficulty is suspected, clergy and church workers should carefully consider referrals to trained counsellors or other professionals.

² Note that 'Egalitarian' here in Prepare/Enrich is not defined primarily in theological terms.

Appendix 9: Synod Resolutions related to Domestic Abuse

Please note the following resolutions of the Anglican Diocese of Sydney. Synod is the 'parliament of the local churches' (made up largely by the senior minister and two elected member representatives of each local church, with some additional representation from various Anglican leadership and organisations within the Diocese).

Any resolutions of Synod, although not carrying the force of denominational law, express our peak representative 'position statements' on particular issues at particular points of time.

37/07 Biblical pattern of marriage

Synod –

- (a) affirms that the relationship of loving, sacrificial leadership of a husband and the intelligent, voluntary submission of a wife is the Biblical pattern of marriage, and
- (b) totally rejects the use of this Biblical pattern to justify any form of domestic abuse, and
- (c) totally rejects all forms of domestic abuse, and
- (d) expresses its concern for those children, women and men, who are victims of domestic abuse, and
- (e) calls on Christian husbands and wives to use their God-given responsibilities for the good of their families, and
- (f) calls on ministers to teach congregations the Biblical model for marriage and also to teach against domestic abuse.

(Mrs Lesley Ramsay 25/09/07)

33/13 Domestic violence and educating clergy

Synod requests Moore College and Ministry Training and Development, in consultation with the Safe Ministry Board and appropriate experts as required, having reviewed the input they already provide, to investigate and, if needed, develop an effective approach to educating ordinands and clergy in regards to domestic violence and how to respond when it comes up as an issue in marriage (and other relationships).

In such training, consideration ought to be given to ensuring that upholding the Bible's good teaching on submission and sacrificial love – both in preaching and teaching, and in marriage education and counselling – is not easily twisted as a cover for abuse.

Synod requests that Moore College and Ministry Training and Development report back with a progress report by the next session of Synod.

(Canon Sandy Grant 16/10/2013)

24/16 Domestic Violence

Synod –

- (a) acknowledges that domestic abuse continues to be a significant social problem both inside and outside the church;
- (b) gives thanks for the work of the Domestic Violence Response Task Force and calls on them to continue their work – in particular that of developing policy and pastoral guidelines to recommend to Standing Committee and make recommendations about education – as expeditiously as possible;
- (c) calls on Standing Committee to consider providing funding for the Task Force sufficient to expedite its work and particularly the work of interviewing and caring for victims;
- (d) calls upon all clergy, church workers and parish councils to read the Task Force's 2016 progress report to Synod and to familiarise themselves with the headline definition and expansive description of domestic violence adopted by the Task Force;
- (e) notes that clergy and church workers who are domestic abusers are in breach of standards expressed in Faithfulness in Service;
- (f) encourages victims of domestic abuse by clergy or church workers to speak to the Professional Standards Unit;
- (g) asks the Task Force, and the Discipline Ordinance 2006 Review Committee, to consider changes to the necessary ordinances which would allow victims of domestic abuse, who have brought the abuse

to the attention of church-workers who have their pastoral oversight and who feel that they have received negligent, callous or otherwise improper advice or treatment by those with pastoral oversight, to have complaints referred to the Professional Standards Unit;

- (h) looks forward to the inclusion of education in the area of domestic violence in 2017 via the PSU's compulsory Faithfulness in Service training sessions for clergy and paid church workers, and while the Task Force's pastoral guidelines are being developed encourages ministers, whenever they receive an allegation of domestic abuse, to consider contacting the PSU for advice on the best practices for pastoral care;
- (i) encourages clergy and church workers to preach and speak against domestic violence, again rejecting the twisting of Scripture to justify abuse of any kind, and to make pastoral enquiries when meeting with married people;
- (j) requests the Task Force to report again, no later than next Synod; and
- (k) expects that the diocesan response to domestic violence will go beyond the ambit and life of the Task Force,

and prays for the protection, healing and support of victims and survivors of domestic violence within our churches; for wisdom and insight, courage and compassion for clergy and church workers in providing pastoral responses to people in such situations; and for the continued work of the Task Force.

(Canon Sandy Grant 12/10/2016)

17/17 Grief and apology in regards to domestic abuse

That this Synod grieves with victims and survivors of domestic abuse, and prays for their healing and recovery. We give thanks to God for those women and men, clergy and lay people, who have faithfully supported, cared for and protected such victims in our churches and communities.

We grieve that God's good gift of marriage can be distorted and dishonoured through the sin of perpetrators. We pray for their repentance and restoration to faithful living under Christ.

We also deeply regret that domestic abuse has occurred among those who attend our churches, and even among some in leadership. We apologise for those times our teaching and pastoral care have failed adequately to support victims and call perpetrators to account.

(Canon Sandy Grant 10/10/2017)

32/17 Assistance for spouses and families of clergy and lay stipendiary workers where separation has occurred due to domestic violence

In light of its wholehearted acceptance of the Provisional Sydney Anglican Policy on Responding to Domestic Abuse, and its deeply sincere expression on 10 October 2017 of grief, regret and sorrow to victims and survivors of domestic abuse, Synod –

- (i) acknowledges the responsibility of the Anglican Church of Australia to examine its ordination candidates to ensure that they are fit to enter Holy Orders,
- (ii) acknowledges the responsibility of the Anglican Church of Australia to ensure that its clergy are fit to remain in Holy Orders,
- (iii) acknowledges the responsibility of the Anglican Church of Australia to ensure that its lay stipendiary workers are fit to be licenced to work in churches and to remain in this work,
- (iv) accepts the theological statements in the Provisional Sydney Anglican Policy on Responding to Domestic Abuse that speak of the circumstances when it is right for the victims of domestic abuse to separate from their spouses and not be reconciled,
- (v) acknowledges that a key reason why domestic abuse victims might find it difficult to separate from their spouses is because of potential financial hardship (especially where children are involved),
- (vi) acknowledges that the family of clergy and lay stipendiary workers live in locations where the relevant ministry worker is licenced to minister, rather than around their natural support networks (e.g. family and close friends), and that this can make it even more difficult for victims of domestic abuse to separate from their spouses,

and therefore requests –

- (a) that Standing Committee, as a matter of urgency and in consultation with the Professional Standards Unit, create a generously provisioned long-term operating fund which has the purpose of assisting spouses of clergy and lay stipendiary workers who have been or will be left in financial hardship as a result of their need to separate from their spouse due to domestic abuse,
- (b) that the policy which is created to administer the fund proposed in paragraph (a) provide a way for funds to be distributed quickly to those who are in need,
- (c) that Anglican Schools Corporation schools have short to medium term bursaries available to assist the families of clergy and lay stipendiary workers where separation has occurred due to domestic abuse, and
- (d) that Anglicare give priority for emergency assistance to the families of clergy and lay stipendiary workers where separation has occurred due to domestic abuse.

(The Rev Mark Tough 16/10/2017)

Appendix 10: Timeline of Public Statements by Diocesan Leadership addressing Domestic Abuse

Extract: Archbishop's Presidential Address to Synod 2012

At the heart of family is marriage, understood as the union of two persons of the opposite sex from different families by way of promises of permanence and exclusion. If the promises reflect, as they do in the *Book of Common Prayer*, the differences between man and woman as well as the equality, it is always to be understood that the headship of the man brings with it the awesome responsibility to nurture and cherish as Christ loved and cherished his church. To use this, as some have, as an excuse to demand slave like servility, or even to engage in physical and emotional bullying is to misuse it utterly and no wife should feel spiritually obliged to accept such treatment. Here too sin takes and distorts what is for our good in its own evil interests. Likewise, however, to treat husband and wife as two simply interchangeable 'partners' is to court damage to the fabric of the family itself. Even more damaging, of course, is the modern habit of living together without the benefit of the public promises – an inherently unstable relationship. Still more damaging is the current encouragement to casual promiscuity.

(Most Rev Dr Peter Jensen, Archbishop of Sydney until 2012)

Extract: Archbishop's Presidential Address to Synod 2015

Domestic Violence

If it were not enough that marriage was under threat by the advocates of 'same-sex marriage', the recent heightened awareness of domestic violence within marriage is another wake-up call for our society. Two years ago our Synod raised this question as a matter of concern. Since then, considerable work has been done in addressing the issue, including Moore College and Ministry Training & Development in their education of prospective and recently ordained ministers, though there is still more to be accomplished. I am particularly grateful for Canon Sandy Grant's having raised this matter on a number of occasions both at Synod and Standing Committee and for his initiative in persuading Standing Committee to establish a Task Force to develop a diocesan response to domestic violence. The Task Force has been asked to consult with domestic violence victims or their representatives and report back with recommendations on the following:

- (a) developing, adopting and communicating a diocesan domestic violence policy statement, along with advice for good pastoral practice;
- (b) facilitating education of lay membership of our churches on the issue (e.g., via preparation of suitable resources);
- (c) educating our youth in regards to the recognition and prevention of domestic violence; and
- (d) encouraging further developments in our education of clergy and church workers in this area (e.g., recognising warning signs in marriage preparation).

While I welcome this Task Force, it grieves me that we need it. It is a salutary reminder of the corrosive effects of sin even in the believer, that men who profess Christ should treat their wives with such contempt, inflicting either verbal or physical abuse upon those whom they have promised 'to love and to cherish, till death us do part.'

This is not the way of Christ. It should not characterise the bride of Christ. It does not reflect, despite the accusations of some, the inevitable consequences of the doctrine of headship in marriage. What it does demonstrate, regrettably, is that in the words of the Thirty-nine Articles: 'in the visible Church the evil be ever mingled with the good' (Article xxvi). If even Satan can use the words of Holy Scripture to tempt our Lord, it is not difficult to concede that the Evil One can twist good doctrines to his own evil purposes. That Christian women are caught in such a vulnerable situation at the hands of those who abuse their responsibilities as husbands is both horrendous and inexcusable. It is therefore important that we address this issue with honesty, compassion and resolve, so that we may protect those who suffer any form of domestic abuse and find ways to prevent its reoccurrence, especially in the household of God.

(Most Rev Dr Glenn Davies, Archbishop of Sydney from 2013)

Extract: "For Christians who missed the memo: the Bible abhors all domestic abuse", Sydney Morning Herald, March 4, 2015

So let's be clear for any Christians who missed the memo. The Bible says any abuse or aggression from one spouse to another, whether physical or verbal, is wrong.

For example, Colossians 3:19 says, "Husbands, love your wives and **do not be harsh with them**".

St Peter says we're never to exploit those with less power.

What about a passage that sounds foreign to modern western ears, like Ephesians 5? This section asks a wife to "submit" to her husband and says he is the "head of the wife, as Christ is the head of the church". Christians who take the Bible at face value immediately notice how it continues that 'headship' is expressed by "loving your wife, just as Christ loved the church and gave himself up for her". And we know 'submission' cannot be bad in and of itself, since Jesus is said to submit to his heavenly father. And all Christians are to submit to the lawful governing authorities (not least in regards to domestic violence laws). We also remember that mutual consent is the standard for decision-making in things like sexual activity (1 Corinthians 7:5).

What does it mean in practice? I think such headship is only properly expressed in loving sacrifice and a concern to nurture, provide and protect (Eph 5:28-29). And loving submission is a loyalty that respects and leaves room for a husband's initiative in the above (Eph 5:33). Many people find this is good and workable.

Of course, domestic abuse can occur whether the theory you espouse is 'traditional', 'egalitarian' or 'feminist'. But whatever you understand when the Bible talks of 'submission' or being the "head in a marriage", it's crystal clear that **husbands are never told to make their wives submit**.

The American pastor John Piper was wrong when he suggested a wife might "endure perhaps being smacked one night", before seeking help "from the church". Victims of domestic violence should be encouraged to seek help from the Police and others too, and to get to a safe place.

The church should support that.

(Canon Sandy Grant, Senior Minister, St Michael's Cathedral, Wollongong, chair of the Domestic Violence Task Force)

Extract: "The Christian and Submission" (keynote address) Priscilla & Aquila Conference 1 February 2016

4. Equality, order and love

We began, at the beginning of the first session, by recognising that in recent days attempts have been made to draw a causal connection between the biblical teaching about a wife's submission to her husband and the scourge of domestic violence. The charge has been made that this doctrine encourages the subjugation of women and allows a justification for abuse in all its forms. I said back then that there is nothing in Scripture which justifies the use of violence towards women or the abuse of women in any way whatsoever, and whenever an appeal is made to Scripture in attempt to justify such behaviour it is not only a perversion of Scripture, but a dishonouring of the God whose word it is. There is not and can never be any justification for domination, bullying and mental, emotional or physical abuse of women, least of all by their husbands. The teaching of the New Testament speaks of relationships characterised by profound equality, genuine order and other-centred love. As in the submission of the Son to the Father, the submission of a wife to her husband has nothing to do with value and it has nothing to do with power. It is not something coerced or demanded but something freely, willingly given. It is a relationship of two human beings of equal value, both created in the image of God, both redeemed by the blood of Christ. And in this asymmetrical relation of equals the common element is true other-centred love.

I mentioned one of the articles in the Herald last year I found most helpful amidst the attempt to draw a link between the biblical teaching about submission and domestic violence. It was written by a Christian woman, Sarah, and one of the explanations she gave for delighting with her friends in the Bible's teaching on this subject was this: such women

do not connect submission with personal worth, because they already know that they are infinitely precious to God and, in good marriages, to their believing husbands. Instead, they see submission — where one person trusts another to lead them, and honours them for exercising that responsibility selflessly — helps two people grow closer together and enables them both to flourish as individuals.¹

Far from being an embarrassment to Christian men and women at the beginning of the twenty-first century, this biblical teaching is something we should rejoice in, because it is God's word to us and God is good and always provides for the welfare of his people. We need to speak out in the loudest possible voices against domestic violence and do all in our power to protect those who have been subjected to it — women and men — I hope we will all do that and continue to do that. But biblical headship and submission is not the cause, in fact quite the opposite.

(Rev Dr Mark Thompson, Principal Moore College, Chair of the Doctrine Commission of the Diocese of Sydney)

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Extract: Domestic Violence – A Starting Point for Answers²

Is domestic violence an issue in our churches?

Of course. Where there are people there is sin. Even as Christians we know we still sin. Domestic violence is an extreme expression of sin and sadly is present even in our churches. We mustn't be naïve about this. But at the same time, as we take steps to address this evil in our churches, we need to be careful not to make it *the* pastoral issue. There is a fine line we walk: the majority issues for marriage and family life will be more everyday struggles and strains, while at the same time there will be particular and more significant crises facing some couples and families, including infidelity, violence, and sickness. These must be handled with great care, and may require significant investment of time.

Passages like Ephesians 5 encourage women to submit to their husbands, is there a risk these passages can be used to excuse domestic violence?

Yes they may be used to justify sinful behaviour like domestic violence. Yet we must be clear, the instruction for women to submit to their husbands does not give license to men to exploit or abuse their wives. In fact, the wife's submission is voluntary. The truth is that as women are called to submit in Ephesians 5, husbands are instructed to love their wives as they love their own bodies, and in Colossians 3:19 Paul forbids them from being harsh with them. There is no place in Scripture for a husband exercising his biblical headship in a dominating, exploitive or self-serving manner. As the husband's role is modelled on Christ's loving, sacrificial leadership, so he lives that out for the benefit of his wife.

There is a lot of discussion at the moment suggesting there is a link between biblical teaching on submission and headship with the prevalence of DV in church. Some argue the existence of this teaching leads to domestic violence.

I believe this is mistaken for two reasons. Firstly, to create cause and effect at this point suggests that God's good word to us is wrong or mistaken. Also, taken to its logical conclusion, it would assume that churches that deny this teaching are free from DV which we know is untrue. Secondly, by making this the reason for DV means we fail to fully explore and understand the issue and that, I think, is an injustice to those involved.

Church leaders have a responsibility to teach this doctrine correctly, call out inappropriate and sinful misapplications, and care for those who have suffered at the hands of those who have (wickedly) twisted God's word to satisfy their own sinful behaviour.

What are some helpful things to do if we think someone is a victim of domestic abuse?

First and foremost: listen and believe. Then assess whether it is safe for the victim to return to the home. If there is evidence that a crime has taken place, then a report must be made to the police. If not, there are

¹ S. Colyer, "Submission" to my husband allows us both to flourish in our marriage', Sydney Morning Herald 8 March 2015 online at <http://www.smh.com.au/comment/submission-to-my-husband-allows-us-both-to-flourish-in-our-marriage-20150308-13y83i.html> (accessed 23/12/15).

² Source: <http://www.australianchurchrecord.net/domestic-violence-a-starting-point-for-answers/>

several avenues to explore to care and support the abused. It might be that you actually do nothing straight away as the victim might not be ready to leave the situation or report to the police. If the victim asks you not to tell anyone, honour their wishes (as hard as this is) because they must be able to trust you. As a church, have a plan of how you care for people in these circumstances and make sure leaders are aware of it. If the abuse is disclosed by a child, leaders of course have mandatory reporting responsibilities.

(The Venerable Kara Hartley, Archdeacon for Women's Ministry)

Appendix 11: A Letter Made Me Think

By Kate Bradford

I minister and write as a chaplain. Last night I had an interesting experience that highlighted for me an important difference between chaplaincy and parish ministry: chaplains know that a person is in some sort of crisis – whereas ministers may have no reason to suspect a problem.

Chaplains like social workers, GPs, psychologists, counsellors, and psychiatrists initially meet people at times of crisis, illness or trauma. We usually have no prior relationship or social connection with the people to whom we minister and people disclose things that they have not told their family or minister. This allows for greater objectivity for chaplains as we listen to their story, while hearing their emotion and pain, the way in which they construct their meaning.

With these fragmentary clues to meaning, we hear of people's faith and beliefs, but we also catch glimpses of their default 'faith' settings exposing the things that they *really* depend upon when everything else is in flux. We also hear where they belong in their web of relationships – family, church, community, culture and society and whether they experience healthy relationships or alienation and isolation. We see hints that point to loving relationships and clues to destructive relationships. We also look for clues as they express their desires and dreams, or fears and dreads, to see the role hope has in their thinking, with the aim of knowing how best to share Christ's love and message of hope with them.

I am very conscious chaplaincy ministry is different from parish ministry in many ways, most particularly because it is a ministry offered in the public space to people of many different religious and faith positions.

I was contacted by someone last night who has been abused by their spouse. They are a couple that I have known for a number of years and at one stage we were part of the same church community. The abusive spouse has been involved in ministry in a number of congregations and is considered a leader in the ministries in which they are involved. I was shocked as I read the email, not comprehending what the letter was saying, until the abuser's name was spelt out in print in the sentence. This was a most massive 'aha' experience for me. As I read the letter again, I remembered particular incidents and instances that jarred but I had never put these things together. I always thought their family just did things differently from us, but as soon as I read the letter I knew that it was true.

I suddenly realised what it must be like for clergy who know people in their congregation, who are on ministry teams and seem to have happy stable families and on the surface appear to be the 'model' Christian couple or family.

My reflection on this is: as people ministering among our congregations, we sincerely think that we know people, who are the model of a lively Christian faith in the parts of their life that we see. We forgive their idiosyncrasies, because we know their good works and believe that they mean well. The victim may act to keep the peace and might smooth things over for lots of reasons, including fear of shame or blame.

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<https://www.eternews.com.au/archive/a-letter-made-me-think/>*

Appendix 12: Walking Through It: A Family Violence Survivor's Reflection

The author of this article has asked that her name be withheld.

(Used by permission, courtesy of The Gospel Coalition, Australia¹)

I recently wrote a letter to ministers, entitled "Things I wish you understood: An open letter to ministers from a family violence survivor." The response has been humbling. I'm glad it resonated with the experience of many, because it reminds me that I'm not alone, and that nor am I crazy because sometimes I have to fight with my emotions and body to get control again. Thank you to the sisters and brothers who have said "that's me, too." May God bless, comfort and heal you also.

I'm also more glad than I can say for the people who said it would help them to love their flock better. That's what I was praying for. My experience won't speak to everyone, and won't be applicable to everyone, but if it starts a conversation or raises awareness, then I thank God for that. If it means that I or someone else might have a better chance of hearing and understanding what the Bible says on some of those more difficult passages, so much the better. That was my heart—I want to hear and learn, and sometimes I can't because of what I've been through. I'm not alone in that.

I've been encouraged privately to reflect and share on the experience of coming forward in the church. I am profoundly grateful for the godly men and women who walked through it with me. My experiences were generally positive but there were moments that weren't so positive as well, and moments which might have gone much, much worse but for the grace of God. I am somewhat unusual, from what I can gather, in that I didn't meet with *anyone* (outside of my then-husband) who treated me with harshness or ungraciousness. Even those who weren't helpful still tried to treat me with love. My heart aches for those who have not been met with grace and love.

Here are some things that I've been reflecting on about my own experience:

1. Listening to me, and believing me were the biggest gifts anyone could give me.

Those who listened and believed will have my everlasting gratitude and love. The first person I shared with was not a minister, but a friend who by the grace of God had walked this journey before. I didn't realise that at the time because I didn't actually know what was happening to me. I just knew my life was suddenly spinning out of control, and I was scared. She knew the value of listening and believing. She'd had experience. She knew what to do on every level: emotional, spiritual, practical. She validated what I told her—the first tentative forays into shattering the illusion I had been so carefully maintaining. I didn't tell her the whole picture, just the part that was upsetting me the most at the time. She treated me with respect, grace and dignity. That led me to go further, to bring deeper wounds forward to see if perhaps—breath-takingly—they might meet with tenderness too. *She believed me, and she told me she believed me.*

2. It was an incredibly scary thing to bring the leadership of my church into the picture.

I knew them to be men of gentleness and compassion, but I had seen what I thought was gentleness and compassion turn into harshness and anger before. I was terrified of being dismissed. I was petrified of being told that I was in sin, that I needed to go back. I didn't know what I would do if they did. The weight of that possibility made it difficult to breathe. I thought I was going to have a heart attack from the mere thought of having to choose between going back or defying the leadership of my church. The choice *felt* like one between my life and sanity, and my very salvation. My salvation was never actually on the line but, battered and broken as I was, that is what it felt like. It was agony.

3. Common sense isn't really enough in these situations.

The norms of relationships don't apply. The nature of abuse makes all sorts of things impossible. I couldn't do counselling with my then-husband. Any attempts to discuss the issues led to an escalation of abuse. When my pastor accidentally broke my confidence in discussion with my then-husband, I was placed in harm's way, and again received a tirade of abuse that left me trembling

¹ Source: <https://australia.thegospelcoalition.org/article/walking-through-it-a-family-violence-survivors-reflection>

and sobbing. Thankfully, my pastor learned from that and was very careful not to inadvertently break my confidence again. **He was also willing to listen to the advice of those who had more training in abuse than he did.** It is an area which requires knowledge and understanding, and I know that his willingness to listen and learn from his mistakes had positive outcomes for me.

4. **I needed professional help to recover.**

I drew near to God, and dug deep into my Bible, but I am indebted to the Christian counsellor I worked with for many years, and still work with today. Romans 12:2 talks of not being conformed any longer to the world, but renewing our minds, so that we can work out what God's will is. God used my counsellor mightily in that. So much in my thinking had been warped by abuse that I needed to re-evaluate everything I had ever learned or thought I knew about marriage, submission and headship. The process of sorting through what the Bible actually said and what had been twisted was long and arduous. The process still continues, and probably always will.

5. **I needed, and still need, clear and unambiguous teaching on these points.**

In renewing my mind, I didn't and don't want secular views to form the basis of my understanding. I don't want to abandon biblical teachings on headship, respect, submission or divorce. I want my views and understanding to be rooted in the Bible and nothing else. Marriage is God's good plan, and His intention and design for it are what I want and need to understand. Abuse is not part of His plan, and it has warped my understanding. My last letter was a plea for ministers to understand that they can help immensely in this. I want to hear from preachers who've thought, prayed and read deeply about abuse and marriage, and can steer me past the rocks and the pitfalls that abuse created, and for which my often faulty prior understanding laid the groundwork. The best help I have in my recovery is understanding what God actually says about me, about the way I was treated and about marriage in general.

6. **It was the compassionate and faithful teaching of a pastor which God used to begin open my eyes to the truth of my situation.**

I had no idea I was being abused, but I was hurting over what was happening in my marriage, and desperately wondering if the problem really was me. I wondered if I really was being called to submit to this, and what if anything, I could do to make things better. I wondered if this was normal. Over the years and months before I finally left my marriage, this pastor preached through various books of the Bible. Every single time something about marriage or the roles of men and women came up, he took the time to gently and compassionately point out what those passages *didn't* mean, as well as what they did. His was the sole voice of hope I heard, and it was powerful because he was an authority figure. Abuse is isolating. I was afraid to discuss my marriage with anyone else and afraid to read or research on the subject. God used the voice of this pastor to remind me that the way I was being treated wasn't His will, even though I was a long way from leaving or even understanding that it was abuse. His voice called me back to God, back to prayer and reading the Bible, rather than hardening me against God in my pain.

7. **The people who truly comforted me were okay with the mess and didn't try to fix it.**

My life was in tatters. My mental and physical health was breaking under the strain of what was happening, and the torrent of abuse that leaving unleashed. The people who truly gave me comfort loved me in the midst of that. They sat with me, they looked after me. They let me cry when I needed to, and listened to my doubts and fears and anger. They didn't see my anxiety and depression as a spiritual failure on my part, but as the direct and natural result of my experience. They encouraged me to seek help. They prayed with me, for strength and courage and reliance on God in the midst of the mess. They never gave me platitudes, and their faith was not rocked by my suffering. When they offered the occasional Bible verse, it was because it was something they had *lived*, and had helped them. In the manner of 2 Corinthians 1:3—4, they comforted me with the comfort they had been given and continually drew my eyes to the God of all comfort.

8. **Some people were really uncomfortable with my suffering and wanted to offer quick fixes.**

One woman listened sympathetically, and then told me that Romans 8:28 meant that God would put my marriage back together again. She couldn't conceive that the "good" God was working for was to make me more like Christ, and that didn't necessarily come with a fairy-tale ending. Another implied that I was giving way to negative thinking and outlined what I needed to do to win the battle of my

mind. The hearts of both were in the right place, and I loved them for their intent, but it wasn't at all helpful. I didn't need to be offered false promises that were a distortion of God's Word. I didn't need to feel blamed for my mental health crumbling under the strain, and feel like it was being attributed to some lack of discipline or sin on my part. The reality was, I was walking with God more closely than I ever had before, and I believed that the "good" Romans 8:28 promised could only be defined by God, not dictated human desires. I was clinging to that verse, but trusting God for what it would look like.

9. **I equally distrusted those who were willing to rewrite the Bible so that I wouldn't be hurt, and those who applied it rigidly and legalistically, without compassion.**

It was a very long time before I asked my leadership team if I could seek divorce. They never pushed me about it one way or another, but gave me space to ask when and if I was ready. I watched, and listened to everything they said, and every sermon they preached. I'd seen the way that they took care to show compassion while still preaching the truth. I didn't ask the question until I was certain that their desire for obedience to God was as strong as their compassion for His flock. I needed them to have both qualities in equal measure to feel safe asking. If they had told me I had to remain unmarried, I would have submitted to that, but I needed to know that they would understand what they were actually asking of me, and understood the pain it would cause. I needed to know they would be there if I had to live out that path. When I did ask, they gave me clear, reasoned answers from the Bible; answers that I will not detail here, as to do so would require more detail of my circumstances than is safe to give.

10. **The decision to walk away from my marriage was the most painful one I have ever made.**

I had prayed so hard over the years, and done everything I could do to have the quiet and gentle spirit that 1 Peter 3 talks about. I had wrestled with God over injustices and hurts, begged for change and railed at Him over the circumstances. I was repeatedly brought lovingly to my knees in repentance as He chose to deal with MY heart within the marriage. At the point when it became untenable and I left physically, I had long since learned that in my particular case God was going to deal with MY sinfulness with me, regardless of what my spouse was doing. He was going to make me like Christ, and I would need to trust Him in the journey, because He loved me. He would deal with my spouse in His time, not mine. It was hard, and I struggled with it often. When the crisis point came, I was taken by surprise.

11. **God is incredibly faithful.**

The more I reflect on my journey, the more I see His merciful provision to me, both in practical supports and emotional and spiritual ones. He drew close to me, and when I feared that I would lose absolutely everything I held dear, I learned that He is truly enough, and that His gift of salvation is the one thing that cannot be taken from me. Much in my life looks different than I had hoped, but the deep knowledge of His faithfulness and love is a gift beyond words.

Appendix 13: Doctrine Commission on Divorce and Remarriage

There are various views among Bible-based Christians about divorce and remarriage, ranging through the options listed in paragraph 4.14 below. To aid Sydney Anglicans in their consideration of these matters, we note the 1984 Doctrine Commission report "21/82 The Remarriage of Divorced Persons (1984)".

Specifically we reprint these paragraphs from the "Synthesis and Application of Biblical Evidence" section of the 1984 report, which represented the majority position at the time:

4.12 In 1 Corinthians 7:11 Paul recognises that the Christian may separate from his or her spouse (though he urges that person to remain single or else be reconciled). However, this separation is distinguished from that described in v. 15 because it is a separation designed to promote reconciliation rather than a separation designed to end the relationship. We must consider the sort of grounds in our situation today which may make such a separation legitimate. These would include:

- (a) Sexual infidelity.*
- (b) Mental or physical cruelty.*
- (c) Religious persecution.*

4.13 Although it is true that Paul urges the separated partner to remain single in such a case, we must ask whether this command is to be understood in absolute terms. The purpose of Paul's exhortation is that opportunity for reconciliation be maintained. When this fails, either because the other partner refuses in the long term to take steps leading to reconciliation, or because actions are taken that make reconciliation impossible, the believer is not bound to remain single, according to the principle of 7:15. In such a case the relationship has been abandoned by one who is, or is acting as, an unbeliever.

The test for "fault" is not so much past actions as a present unwillingness to be reconciled.

4.14 In paragraph 1.3, the Commission listed the possible approaches to the problem of divorce and the remarriage of divorced persons.

- (a) No divorce.*
- (b) No remarriage after divorce.*
- (c) Remarriage by the innocent party after divorce on the ground of adultery.*
- (d) Remarriage by the innocent party after divorce on the grounds of adultery or desertion.*
- (e) Remarriage after irretrievable breakdown of marriage demonstrated by the fact that reconciliation is impossible, but any party standing in the way of reconciliation ought not to be so married.*
- (f) Remarriage on the grounds of irretrievable breakdown of marriage without fault being considered as relevant.*

The Commission believes that options (a), (b) and (c) are more strict than Scripture allows, although it appreciates the concerns of those who adopt such views in order to safeguard marriage. The Commission regards the last option, (f), as being more liberal than the Scriptures allow. In our view the concept of fault cannot be abandoned, although emphasis needs to be laid on the reconciliation of the parties.

4.15 In considering the relative merits of (d) and (e) in paragraph 4.14 the Commission concluded that (d) is a true interpretation of Scripture, but that it is capable of being understood in too rigid a way. If it is read in terms of (e), the emphasis will fall on reconciliation. In this case the test for fault will be an unwillingness to be reconciled. It remains permissible for a partner to leave an impossible situation, but not permissible to remarry until the situation is resolved with finality from the other side. Options (d) and (e) are not to be seen as alternatives. The latter views the Biblical teaching on divorce and remarriage in the light of the gospel imperative to express and seek reconciliation. This gives some flexibility in the pastoral context, and paves the way for counselling which is not directed by legal motives.

Appendix 14: Doctrine Commission on The Use and Misuse of Scripture with Regard to Domestic Abuse

Some people use Bible verses as an excuse to abuse their wife, husband, or children. This is always wrong. Others think that the Bible tells them to put up with abuse. This is also wrong. Here are some important Bible verses that are sometimes used in this way. For each verse, there are wrong meanings and correct meanings. There are many more things to say about these verses, but these are the most important points for domestic abuse. These points do not explain the verses fully. To understand them more fully, we must do three things together:

- a) Read the whole chapter or section in which the verse or verses are found.
- b) Understand how the verse or verses fits into the chapter or section.
- c) Think about how the Bible's teaching applies to your situation.



Please note: If you think you might be a victim of domestic abuse, we suggest you read this document with a supportive friend or counsellor.

Key Words and their Meanings

Helper

Bible verses: Genesis 2:18, 21


¹⁸ The Lord God said, "It is not good for the man to be alone. I will make a helper who is just right for him." ... ²¹ So the LORD God caused the man to fall into a deep sleep. While the man was sleeping, the LORD God took out one of the man's ribs. He closed up the opening that was in his side.




Wrong meaning: The woman is below the man.	
	A "helper" is a servant. God made the woman to be the servant of the man. The woman is less important than the man.
Correct meaning: The woman and the man are equal.	
	The word "helper" does not mean below or less. This word is mostly used in the Bible to describe God. God is Israel's "helper" when he comes to rescue them (e.g. Deuteronomy 33:26; Psalm 22:19; Psalm 121:1-2). The words "just right for him" mean that the woman and the man are a perfect match. Each one needs the other. In Genesis 2:21 God made the woman out of the man's rib. She was not taken from his head, to be over him, or from his foot, to be under him. She came from his side to be his equal partner.

Submit

Bible verses: Ephesians 5:22-23



²² Wives, submit to your own husbands as you submit to the Lord. ²³ The husband is the head of the wife, just as Christ is the head of the church. The church is Christ's body. He is its Saviour.

Wrong meaning (verse 22): The wife must always submit to her husband no matter what.	
	A wife must not ask questions or think for herself. She must always do what her husband tells her to do, even if he asks her to sin or submit to abuse. If she does not submit to him, then he is allowed to punish her.

Correct meaning (verse 22): A wife chooses to submit. Her husband must not force, pressure or punish her.	
	The Bible teaches that a wife should freely choose to submit to her husband. It is a gift she gives. A husband must never force or pressure his wife to submit. He must never punish her if she does not submit. If a wife cannot say no, then her submission cannot be free. Sometimes a wife should not submit. She must be free to say no to sin. She should not submit to abuse.
Wrong meaning (verse 23): The husband may do anything he likes.	
	The husband has all the power, because he is the head. He can do what he wants. He can make all the decisions. He can tell his wife what to do, but she can never tell him what to do. For example, he may demand sex whenever he wants, and she has no right to refuse.
Correct meaning (verse 23): The husband's responsibility is to serve his wife.	
	"Christ is the head of the Church." This means that he loved us and sacrificed himself for us. A husband must be the head of his wife in the same way. He must do all he can to love and protect her. He must encourage and care for his wife like his own body (Ephesians 5:28-29). Loving and caring means putting his wife's needs first.



Bible verses: 1 Peter 3:1, 5-6

¹ Wives, submit yourselves to your husbands in the same way. Suppose some of them don't believe God's word. Then let them be won to Christ without words by seeing how their wives behave... ⁵ This is how the holy women of the past used to make themselves beautiful. They put their hope in God. And they submitted themselves to their own husbands. ⁶ Sarah was like that. She obeyed Abraham. She called him her master. Do you want to be like her? Then do what is right. And don't give in to fear.

Wrong meaning: Endure abuse to show your husband what Jesus is like.	
	In the same way that Christ endured suffering (1 Peter 2:21-23), and slaves are to endure mistreatment from unjust masters (2:20), a wife should also endure abuse at the hands of her husband. A wife should be like Jesus. If her husband beats her, she should suffer the beating quietly. She should not be afraid. This will show her husband what Jesus is like.
Correct meaning: Respect your husband, even if he is hostile to your faith.	
	1 Peter 3 continues the argument of 1 Peter 2. "In the same way" (3:1) means that Peter is continuing his discussion of respect. Out of respect, slaves should submit to their masters (2:18). Out of respect, wives should submit to their husbands (3:1). Out of respect, husbands should be considerate of their wives (3:7). However, it is important to understand the difference between the examples given in 1 Peter 2 and 1 Peter 3. Peter told slaves to suffer beatings patiently, like Jesus did. But he does not tell wives to suffer beatings. Wives are not slaves. Even the laws of the Romans did not permit wives to be beaten. The hardship the wife must endure in 1 Peter 3 is the hardship of being married to an unbelieving husband, not to an abusive husband. The passage does not teach wives to submit to domestic abuse.



Sex**Bible verses: 1 Corinthians 7:3-5**

³ A husband should satisfy his wife's sexual needs. And a wife should satisfy her husband's sexual needs. ⁴ The wife's body does not belong only to her. It also belongs to her husband. In the same way, the husband's body does not belong only to him. It also belongs to his wife. ⁵ You shouldn't stop giving yourselves to each other except when you both agree to do so. And that should be only to give yourselves time to pray for a while. Then you should come together again. In that way, Satan will not tempt you when you can't control yourselves.

Wrong meaning: You must always have sex when your spouse wants to.	
	It is always wrong to say no to your spouse. If you say no to your spouse, they will fall into sexual temptation. This will be your fault.
Correct meaning: Sex is a gift which a husband and a wife freely give to each other.	
	Sex is a gift your spouse gives to you. You do not take it from them. It is their free gift. It is a normal part of married life. It helps to avoid temptation. When you are free to give sex, then you should give sex, unless you both agree to stop for some time, so you can pray (verse 5). But your spouse is not always free to give and receive sex. They may be sick, or in pain, or tired, or sad, or bearing a child, or having sexual problems. The bodies of husbands and wives belong to each other (verse 4). This means you must care for each other's bodies. You should wait until they are ready to give and receive sex. You must not pressure them. A gift that you demand is not a true gift, and a gift you force upon someone is not a true gift. You must be patient and kind with each other.



Forgive**Bible verse: Matthew 6:15**

But if you do not forgive the sins of other people, your Father will not forgive your sins.

Wrong meaning: Forget the sin and start again.	
	If you forgive someone, then you must forget what they did. Everything can be the same as it was before. The other person does not need to change their behaviour.
Correct meaning: Forgive others as God has forgiven you.	
	This passage does not say everything that the Bible teaches about forgiveness. The basic point of Matthew 6:15 is that we should forgive as we have been forgiven. If we genuinely repent and turn from our sin, then God forgives us. In the same way, when an abuser genuinely repents and tries to change, we also should forgive them. This may be a difficult and long process. Sometimes we will come back together with a person we have forgiven. Sometimes this will not be possible. Separation may be necessary and may even become permanent. Forgiveness does not mean that we take sin lightly. If an abuser continues to abuse, they must be stopped. You do not need to endure abuse in the name of forgiveness.

Trust**Bible verse: Deuteronomy 19:15**

Every matter must be proved by the words of two or three witnesses.

Wrong meaning: Doubt the victim's testimony.	
	When someone says, "I was abused!", you should not believe them. You should only believe them if other people saw the abuse and agree to be witnesses.
Correct meaning: Trust the victim's testimony.	
	Moses gave this law for crimes that other people witnessed. When nobody saw a crime, Moses did not expect witnesses. Deuteronomy 22:25-27 shows that we may believe the word of an abused person when there are no witnesses.

Conclusion

The Bible is the good Word of a good God. Sadly, we can twist and misuse this good gift. So it is very important that the Bible is rightly understood and rightly applied to our lives. When it is wrongly understood and wrongly applied, it can damage people, destroy relationships and dishonour God. Rightly understood, the Bible condemns all forms of domestic abuse.

Mark D. Thompson

On behalf of the Diocesan Doctrine Commission

6 September, 2018

