

**1<sup>st</sup> Ordinary Session  
of the 51<sup>st</sup> Synod**

**October 2017**

# ***Synod Proceedings***

**Anglican Church of Australia  
Diocese of Sydney**

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## Archbishop's Presidential Address 2017

Members of Synod, brothers and sisters, saints of the Most High, welcome to the first session of the 51<sup>st</sup> Synod of the Diocese of Sydney.

As we gather together in the presence of God, I acknowledge the traditional owners of the land upon which we meet. In his wisdom and love, our heavenly Father gave this estate to the Gadigal people of the Eora Nation. Upon this land they met for generations until the coming of British settlers. As we continue to learn to live together on these ancestral lands, we acknowledge and pay our respects to their elders, past and present, and pray that God will unite us all in a knowledge of his Son, in whom all things were created, in heaven and on earth, whether visible or invisible—for all things have been created through him and for him.

Recognising those who have been custodians of this land is not a perfunctory gesture, but an acknowledgement that many have gone before us and many will come after us—we are but passing through. As King David stated some 3,000 years ago:

We are foreigners and strangers in your sight, as were all our ancestors; our days on earth are like a shadow, and there is no abiding. (1 Chronicles 29:15)

The first inhabitants of this land were created by God to tend this land as stewards of his common grace. With only general revelation in the created order as their guide, they were allotted this land 'that they should seek God, in the hope that they might reach out to him and find him', as the apostle Paul declared to his first century Athenian audience, 'for in him we live and move and have our being' (Acts 17:27-28). Yet in God's mercy, with the arrival of white settlement, these first peoples of the land were introduced to the gospel and the message of salvation for every tribe and nation. A number of Christians among these settlers spoke of Jesus, the one who saves, and by God's grace, many Aboriginal people were saved. While we have much to regret in the establishment of a British colony that dispossessed the Aboriginal people of their land, and led to the destruction of Aboriginal culture, we do rejoice in the ministry of people like Richard Johnson and Thomas Hassall, who reached out to the indigenous population of their day with the gospel of God's love. That task continues to be our first priority—a gospel for all people.

### The Unchanging Gospel

I am not sure what activities were taking place in the Sydney basin 500 years ago, but in another land and among a foreign people far removed from Australia's shores a young monk was nailing 95 propositions on the door of the castle church in Wittenberg. He too was concerned with the gospel of God's grace, which he saw as being distorted and corrupted by the teachings and practices of the Roman Church. While posting ideas for discussion on the noticeboard of the day was not necessarily controversial, Martin Luther's 95 theses nailed to that church door on Saturday, 31 October 1517 began a debate of such moment that it sparked what we now know as the Reformation. While principally confined to the reformation of the church, Luther's call to Christendom to return to the Scriptures for the final authority in matters of faith and doctrine revolutionised society as a whole. Luther's commitment to the authority of Scripture, and to the saving work of Christ as the only ground of our justification before God galvanised many in Europe and across the channel to England and Scotland. It also sadly galvanised the Roman Church to oppose this movement with such ferocity that many lost their lives for the sake of the gospel.

I am grateful for many churches across the diocese who have taken the opportunity this year of celebrating our heritage as a reformed Church by teaching these Reformation truths, encapsulated in the works of Luther, Calvin and Cranmer. I am especially grateful for the German Consul General's generous offer to promote and provide a special exhibition of the impact of Luther in this 500<sup>th</sup> anniversary year, in both the Cathedral last month and now currently on display at Moore Theological College. We cannot assume that our own people, let alone the general population of Sydney, fully understand the significance of the Reformation upon the church of God, grounded in the rediscovery of the authority of the Word of God. Every opportunity that we have to shine the light of the gospel into the darkness of our society ought to be welcomed with open arms.

The 2016 census data indicate that Australia is a religiously diverse nation with Christianity remaining the most common religion at 52% of the population, compared with 88% a mere fifty years ago. That more than 30% of the population now declare themselves to have no religion is a sobering statistic. While we may seek to soften this decline in religious adherence with reference to the inclusion of the 'no religion' box as the first option in the question about religion, the fact remains that we are seeing a significant drift away from any willingness to identify in some way with Christianity—for we all know that 52% of the population do not attend church each week! Of this number, only a small proportion gather weekly with God's people for prayer and praise, which ought to be a reliable indicator of a lively faith in the Lord Jesus. Hence the mission field in our own diocese, let alone the nation, is wide open.

Our *Mission 2020* values have not changed and our priorities continue to be relevant to the communities in which we live.

1. Reach all the lost of our diocese with the life-giving gospel of Christ.
2. Deepen spiritual maturity among our members.
3. Equip our members to exercise their gifts.
4. Respond to the changing face of our society.

Bishop Peter Lin will provide an update on Mission 2020 tonight. While we can be heartened by progress made in some areas, the challenge to reach out to all the lost remains imperative. It needs, of course, a spiritual maturity among our members so that they fully grasp the plight of the lost, the reality of hell and the coming judgment of God. It also means that we need to be equipped to exercise our gifts for kingdom growth as we encounter the changing face of our society. Above all it requires a prayerful dependence upon the Holy Spirit to glorify God and love our neighbour by proclaiming the Lord Jesus Christ, calling upon people to repent and living lives worthy of him. Our vision is to see Christ honoured as Lord and Saviour in every community. That starts with each one of us, in whatever community God has placed us.

I am pleased to hear of many parishes training their members and undertaking evangelistic endeavours in their local area. Many take the opportunity of engaging a Moore College team of students who set aside a week for mission in their annual calendar. Next year, at the initiative of Bishop Peter Hayward, the Wollongong Regional Mission will involve all its parishes in partnership with Evangelism and New Churches, Anglicare and Anglican Schools, with a special emphasis during the Moore College mission week of 18-25 March. In 2019, Bishop Edwards is planning a Northern Regional mission throughout the year, as is Bishop Lin for the Georges River Region. Do pray for these special opportunities for gospel proclamation, as it is only by the Spirit of God that people are converted and become disciples of the Lord Jesus. For it is the gospel that our society needs more than anything else, as Luther knew well. May it be the passion for each one of us to glorify God's name, or in the words of the Reformers: *Soli Deo Gloria* (glory be to God alone).

### **A Changing World**

Brothers and sisters, as the penetration of the gospel diminishes in our society, we find ourselves being moved in a more libertarian direction under the influence of those who want to abandon the mores of the past. Yet at the same time these permissive forces who espouse the virtue of 'tolerance' are seeking to impose restrictions upon those who wish to maintain the values on which our nation has been founded. This has become nowhere more apparent than in the current debate surrounding the postal survey on same-sex marriage. While the advocates of the 'Yes' campaign have been unrelenting in their attempts to redefine marriage, they have also been virulent in their opposition to those who hold a contrary view. The innocent inclusion of drinking Coopers beer in the Bible Society's promotion of an informed and civilised debate between two politicians, each holding opposing views on same-sex marriage, is a case in point. It resulted in an uncivilised, unwarranted and malicious campaign through social media to boycott Coopers Breweries. Similarly, a Christian doctor who appeared in an advertisement opposing same-sex marriage was subject to a campaign to have her medical registration withdrawn. Witness also the ludicrous attempt to rename Margaret Court Arena, merely because Margaret Court, one of our greatest Australian athletes, went public on her opposition to same-sex marriage.

Earlier this year we produced a booklet *What has God joined together? Jesus' Good Message about Marriage for Australia*. This was distributed to all parishes in hard copy and made available online at the Sydney Anglicans website. I am especially grateful to Bishop Michael Stead for his chairmanship of the committee that composed this document, which I am pleased to say other denominations of the NSW Council of Churches, with our permission, have readily republished as their own document (casting aside the Anglican logo in the process!). The booklet is worthy of careful reading. Yet despite our best efforts I still meet Anglicans who are unaware of its existence. As a diocese we have also become the founding members of the Coalition for Marriage, along with the Roman Catholic Archdiocese of Sydney, Marriage Alliance and the Australian Christian Lobby. Since its formation a further 80 organisations have joined in common cause.

The Standing Committee has also enthusiastically backed our participation in the Coalition for Marriage and has taken the bold step of drawing down one million dollars from the Diocesan Endowment to promote the 'No' case. Brothers and sisters, the stakes are high and the cost is high. Yet the cause is just and it is a consequence of our discipleship to uphold the gift of marriage as God has designed it—a creation ordinance for all people. By so doing, the wisdom of God is made manifest. As Moses told the people of Israel concerning the statutes of God's law—

Keep them and do them; for that will be your wisdom and your understanding in the sight of the peoples, who when they hear all these statutes will say: 'Surely this great nation is a wise and understanding people.' (Deuteronomy 4:6)

I therefore make no apology for encouraging all Australians, especially Anglicans, to vote 'No' in this postal survey. I believe that a change in the definition of marriage is unwarranted, not just because it is in opposition to the teaching of Scripture and our Lord himself in Matthew 19, but because I believe marriage, traditionally understood as a union of one man and one woman, is a positive good for our society, where marriage and the procreation of children are bound together as the foundational fabric of our society, notwithstanding the sad reality that not all married couples are able to conceive. Moreover, I consider the consequences of removing gender from the marriage construct will have irreparable consequences for our society, for our freedom of speech, our freedom of conscience and freedom of religion. It is disingenuous to think otherwise, given the evidence to the contrary in Canada, the US and the UK. Moreover, it is a sad reflection upon the state of the Anglican Communion that some provinces have been molded into the patterns of their surrounding culture, such that they now approve the marriage of same-sex couples and purport to pronounce God's blessing upon them. The Scottish Episcopal Church has already decided to take this perilous path, and it is likely that Canada and the US will soon change their canons to follow suit. These developments confirm the importance of GAFCON as a renewal movement within the Anglican Communion, committed to the truth and authority of the Bible.

In the Australian context, the outcome of the postal survey on same-sex marriage is yet to be determined, but the question of how we manage to hold different views in a democratic and free society still remains. As the Prime Minister recently stated, he believes in religious freedom 'even more strongly' than he believes in same-sex marriage. Yet it would not appear that such a sentiment is widely held in our society. The challenges that lie ahead of us as Christians are not merely the proposed changes to the wording of the Marriage Act (if and when that may occur), but in the freedom to speak of what we believe, as it affects the nurture of our children, the teaching in our churches, and the education of our students in Anglican schools.

Yet proposals to change the Marriage Act are not the only dynamics at work against the Christian ethos. In recent days we have seen the introduction of Bills into the Legislative Council of NSW to allow for late term abortions and to legalise Assisted Suicide (under the euphemistic nomenclature of 'Assisted Dying') with minimal protections for the elderly. The latter Bill is still before the Upper House, and we are expecting a further attempt to legislate for abortion following the defeat of the former Bill. These matters were uncontested a generation ago, but are now receiving a significant level of popular support. I have written on your behalf to our parliamentarians expressing my opposition to each of these Bills, as they both demean the value of human life, whether at its beginning or its end. Abortion and euthanasia abandon the truth that all humans are made in God's image and therefore all life is precious in his sight. Indeed, this fundamental doctrine affects all of our dealings in life. It also motivates our evangelism, that his image-bearers might be forgiven and restored to the glorious inheritance God has promised for his people. Our social awareness and social activism in these arenas is a natural extension of the honour we give to those who bear God's image, and therefore is an essential part of our mission, in keeping Christ's commandments.

During this Synod we shall receive two reports of major significance: one on domestic abuse and the other on sexual identity. Sadly, domestic abuse in its physical manifestation of violence or in its psychological manifestation of spiritual or emotional manipulation seems to be on the increase in our society. Even more alarming is the fact that such abuse occurs in Christian families, and even clergy families, which should never be the case as it dishonours both God and his image-bearers. The report of the Domestic Violence Taskforce has done us a great service in developing a Provisional Domestic Abuse Policy and Good Practice Guidelines. The provisional nature of this policy will allow Synod members to provide their feedback, with a view to the final form of the policy being adopted by the Synod next year. I am very grateful for the hard work that has been undertaken by the Task Force, particularly Canon Sandy Grant (as chair) and Archdeacon Kara Hartley, and trust that Synod members will give careful attention to their proposals, so that our awareness of the pernicious nature of domestic abuse might be enhanced and responded to both with justice and pastoral sensitivity.

The second significant report concerns Sexual Identity. We have been well served by the Social Issues Committee together with the Doctrine Commission and other specialists in this area who have provided us with a theological and pastorally sensitive analysis of gender dysphoria or gender identity disorder. I trust you have read this report, despite the confronting nature of its topic. The image of God is at the heart of who we are as humans, both physically and spiritually, and so the current rise in gender confusion is a topic that demands careful investigation, especially for our schools, and I am grateful for the careful and comprehensive work that has been produced by the Social Issues Committee, especially the contribution of Dr Karin Sowada, Dr Claire Smith and Dr Megan Best, and I trust the synod will approve in principle the Initial Principles of Engagement of the report. There is more work to be done in this area, as in our response to domestic abuse, but the more we can train our clergy to address these issues biblically, theologically

and sensitively the better we shall be able to help those who are suffering from the effects of living in a fallen world.

As Christians, we also need to model tolerance and grace in dealing with contentious issues and listening to opposing views, as not all Australians will agree with our beliefs regarding ethical and social issues in our society. Where better to start exercising such tolerance and careful listening than in this chamber, as we discuss matters of controversy, with strongly held views on either side in the debates that lie ahead of us! Likewise in the market place of ideas, including Facebook and other social media outlets, our speech should be full of grace and humility, winsome and wise, persuasive in argument, but courteous in tone. In our Saviour's words, when commissioning his disciples for evangelism: 'Behold I send you out as sheep in the midst of wolves; so be wise as serpents and innocent as doves' (Matthew 10:16).

### **Syrian/Iraqi Refugees**

Two years ago, in response to the Federal Government's decision to allow an additional 12,000 Syrian/Iraqi refugees to come to Australia, I launched an appeal to assist these refugees fleeing the political crisis engulfing their homeland. I am grateful to Anglicare for agreeing to coordinate our response, and appreciative of other organisations, such as Anglican Deaconess Ministries (ADM), Moore College, Anglican Aid and Youthworks for offering assistance. However, I want to extend my heartfelt thanks to you, the diocesan family, for donating more than \$746,000 to this appeal. This is an extraordinary level of commitment, given the many calls upon your resources. To this amount Anglicare has provided an additional amount of \$200,000 from their own funds, for which I am also very grateful, so that the total expenditure by the time the program concludes in June 2018 is expected to be just short of one million dollars.

Between July 2015 and June 2016 there were approximately 4,000 humanitarian visa entrants and 12,000 between July 2016 and June 2017. Of these, the Fairfield and Liverpool areas have received significantly high numbers, while others have settled into Bankstown, Auburn, Blacktown, Wollongong, Mount Druitt, Ryde, Merrylands and Parramatta. Although originally the Government predicted that the majority would be unlinked and coming on refugee visas, the reality is that 80-90% are linked and proposed mainly by family members.

Anglicare has been working closely with government agencies, diocesan organisations and local churches in the settlement of these refugees. Although the delay of eight months in the arrival of these refugees created certain frustrations in the community, Anglicare sought to manage these unfulfilled expectations as well as possible. However, once significant numbers of these refugees arrived in May 2016, Anglicare worked with Moore College and ADM on different aspects of the program, including conducting training and assessing micro grants from ADM for parishes to aid their own response.

Mobile pantries have been well received in the Bankstown and Liverpool areas, as have trauma counselling, ESL classes, complex settlement case work by Arabic speaking staff members, Early Learning Through Play (for children), distribution of Bibles in Arabic provided by the Bible Society, and material aid across the suburbs.

Some of these refugees have been Christians, others have not. Yet our response has been equally as generous to all refugees. When I launched the appeal two years ago I received criticism for including Muslims among those whom we would assist; I also received criticism from those who thought we should only be reaching out to non-Christian refugees. I am glad to say that Anglicare has followed the advice of the apostle Paul: 'as we have opportunity, we are to do good to all people, especially the household of faith' (Galatians 6:10).

I encourage you to continue to welcome refugees and people seeking asylum into our communities and to seek ways to reach out in cross-cultural ministries and show God's love both in practical help and through sharing the gospel.

### **Bishopscourt**

In the final Synod of my predecessor, the decision was made to sell Bishopscourt at Darling Point. This was a topic of divided loyalties and differing views, strongly held, though the final outcome in both houses was a significant vote in favour of the sale of the residence, which had been held in trust for the Endowment of the See for over 100 years. After two years of marketing, an offer was finally accepted for the sale which took place in December 2015. Since early 2016 my wife and I have been living in Haberfield in rented accommodation, while the Endowment of the See Committee has been vigorously seeking a new residence for the Archbishop of Sydney. This has been a protracted exercise as few houses are suitable to the kind of living and hospitality that is appropriate to the office of Archbishop, as well as being relatively close to the city. I am therefore pleased to announce that after examining numerous possibilities, the Endowment of the See Committee has come to an arrangement with the parish of St Barnabas' Broadway to surrender

their interest in part of their land in Forest Lodge, for the purposes of building both a residence and a function centre for the Archbishop.

The land in question was originally held in trust for the Endowment of the See and in 1974 was transferred to the parish, when the NSW Government was planning to resume land for a road corridor where St Barnabas' Church stood. Although these plans never eventuated with a change in government in 1976, the land remained in trust for the purposes of the parish until now. Last month the Standing Committee passed an ordinance so that the land could once again be held in trust for the purposes of the Endowment of the See. A payment of \$3.25 million dollars will be paid to the parish, from part of the proceeds of the sale of Bishops court, earmarked for the acquisition of a new Bishops court.

This has been a very pleasing outcome for the diocese, as we are now able to construct a purpose-built residence for the Archbishop, close to the city, with suitable accommodation for guests and a function centre for larger gatherings. It is also anticipated that with a second storey on the function centre a further meeting room might be constructed for the parish's ongoing ministry to university students as well as for other diocesan needs. The parish of Broadway has long held the vision of constructing such a centre for their university ministry, and I am very grateful to the parish council and the congregation for their goodwill and generosity in supporting the return of this land for the benefit of the diocese, as well as the Endowment of the See. We anticipate that completion of architectural plans, development approvals and building construction will take up to two years, well in time for the next Archbishop to take up residence in the new Bishops court.

### **Anglican Church Property Trust**

The work of the Property Trust has been essential in the outcome of this variation of trusts. This year marks the 100<sup>th</sup> anniversary of the Anglican Church Property Trust Act 1917, which governs all parish property in the diocese, and some non-parochial church property. However, in my experience the role of the Property Trust is not well understood. First, it is not widely understood that parishes do not own their property; rather, it is held in trust for the purposes of the parish, it is not *owned* by the parish. This structure has allowed us the great benefit of being able to vary trusts, as the occasion arises when it is not expedient to maintain the trusts with their original intention. It also enables the diocese to have one insurance policy for all parish property, rather than each parish having to negotiate its own insurance premium, let alone the wide variation in costs that would ensue across heritage-listed properties and relatively new buildings. The Parish Cost Recovery system enables the Property Trust to spread the load of insurance evenly across the parishes, as a proportion of their net receipts. The Trust also enables prudent, centralised investment of funds held on behalf of parishes, which is managed by a competent third party, that is currently exceeding its respective benchmarks, all for the benefit of the parishes whose funds are invested.

Thus in many ways the Property Trust is a reflection of our existence as an episcopally led and synodically governed diocese, rather than a mere fellowship of independent churches. While the Property Trust delegates certain responsibilities to wardens, any significant alterations or extensions to the buildings in the parish, or leases or licences of property producing income over a certain amount, require the authorisation of the Property Trust. This centralisation of property oversight, while at times frustrating for wardens, has proved its worth when parishes lack the expertise to undertake major building projects. However, Synod should be aware of the frustration that the Property Trust experiences when parishes do not comply with guidelines. For example, the widespread non-compliance concerning State Government community grants for parishes has incurred reputational damage for the diocese as a whole, which almost led to the diocese being excluded from any future State Government grants.

While it is true that the Property Trust has been traditionally, necessarily conservative in exercising its fiduciary responsibilities under the 1917 Act in relation to risk management, it is also mindful of its role as a servant of the parishes rather than a master, and in recent days it has consciously sought to be more nimble and creative in its responses to parish enquiries. The Property Trust is well served by its Synod-elected trustees, whose range of skills and experience, including three clergy with direct knowledge of parish life, and whose generous use of their time provide the kind of leadership that is needed for the complex responsibilities that pertain to their office. There is always room for improvement, but the level of expertise and experience among the trustees and the Property Trust's executive team in the SDS is a significant resource for our parishes as they exercise their stewardship of the property held in trust for their ministry and the advancement of the gospel.

### **Development of Clergy**

The maintenance of church properties is an important, even if time-consuming activity for parish councils. However, the maintenance of our personnel is even more important. A lot of time, money and effort goes into the training of our clergy. We require four years of theological education at Moore College for our rectors, so that they may be able teachers of God's word 'for the equipment of the saints for the work of



ministry' (Ephesians 4:12; cf. Priority 3 of Mission 2020). Over the past year through some generous benefactors, Bishop Ivan Lee has been working with a consultant and coordinating a review of the overall demands of parish life for clergy and how the bishops can assist them to be more effective ministers of the gospel. This has involved extensive feedback through Mission Area meetings.

Full time paid ministry is demanding—spiritually, intellectually and emotionally. Our clergy and lay ministers need to be robust and resilient for the demands of pastoral care and leadership amid the stresses and strains of contemporary ministry. We often forget that clergy spouses, and especially wives, also bear the brunt of the stresses associated with full-time paid ministry. Last year in association with Anglicare we developed the Clergy Assistance Program, which has proved highly successful, both for clergy and their spouses, in addressing issues before they develop into intractable problems. This year through SDS we have added the Clergy Contact Person to offer assistance to clergy and their spouses, who are finding it hard to manage the pressures of parish ministry. Being made aware of the early signs of stress is an important part of helping our clergy, and while we can all play a part in this, wardens and parish councillors would do well to watch out for early signs of stress and fatigue in their clergy. One of the motions before us will encourage parishes to commit to an amount for professional development for ministers in their budgets. Furthermore, Ministry Training and Development has established a new Lifelong Ministry Development program to start in 2018, which will also address matters of resilience and maintaining the balance of ministry, family and personal well-being. Each of these initiatives is directed at assisting our clergy to be better servants of the Lord Jesus, and if I may address the lay synod representatives, I suggest you consider how your parish might assist your clergy to be the faithful and effective pastors that we all desire. Likewise, if I may address the clergy, I suggest that you be open, and not defensive, in listening to and receiving godly feedback.

### **General Synod Legislation**

Those who are well accustomed to Synod will notice a large amount of legislation coming before us this session. Part of the reason for this is that General Synod met in Queensland last month, where a raft of legislation, known as Canons, were passed. Many of these relate to the issues that have been raised by the Royal Commission into Institutional Responses to Child Sexual Abuse. While the Anglican Church may share different views on a number of issues, there is fundamental agreement concerning the importance of protecting children from abuse. Regrettably, our Church has failed children and other vulnerable persons in the past, through little screening of lay ministers and clergy, poor understanding of the effects of abuse, and inadequate training in knowing how to deal with both survivors and perpetrators of abuse. Although legislation is never the panacea for the evil of child sexual abuse, it is an important aspect of the Church's response, as it can make provision for sanctions against those who mishandle allegations regarding such abuse. The canons before us will each need to be adopted by ordinance before they can come into force in the diocese. A number of representatives from our diocese have been involved in the composition of these canons and I am especially grateful to Mr Garth Blake SC, whose championing the cause of ensuring our churches are places of safety for all people, particularly children, has been a driving force in our national Church for many years. I trust the Synod will carefully consider each of these adopting ordinances with a view to passing them to demonstrate to our society that we consider the safety of children in our midst to be of paramount concern.

Of course, for some of you this will be your first Synod, but I trust not your last! The business of Synod you may find confusing at times, as we follow procedures which in some ways resemble the procedures of parliament, with movers and seconders for motions, set time limits on the length of speeches, and a certain formality in our mode of addressing the chamber which is different from everyday discourse. You will get the most out of Synod if you understand the Business Rules, a copy of which you will find in your papers. It is not the kind of document you would read for entertainment—more likely insomnia—but it is a handy reference guide for enabling the business of Synod to proceed as smoothly as possible. My Chancellor sits beside me in case I need his advice on any matter of principle or point of order that might arise in the course of our meeting. You have already had a taste of formal motions earlier this afternoon, but don't worry, other motions will be contested and arguments put forth one way or the other. My advice to you all is to weigh the arguments, discern the impact of the motion, and vote in accordance with your conscience, without fear or favour. Most votes are determined on the voices, while at other times we might vote by houses or even vote by secret ballot, if the Synod so decides. The passing of ordinances are framed differently from other motions, as they function like acts of parliament, and are therefore binding legislation upon us as a diocese, as opposed to resolutions which express the opinion of the Synod at a particular point in time. When the Synod wishes to amend the text of an ordinance, we then move into a committee of the whole Synod, where I ask the chair of committees to facilitate any amendments that the Synod wishes to make. Different rules exist for speaking and moving motions in committee. After the committee has done its job, it reports back to the Synod so that the ordinance can be considered in its amended form.

There are various personnel who assist me in my presiding over the Synod. I have mentioned the Chancellor, my legal advisor, and to his left are the Chair and Deputy Chair of Committees, and on my right sit the Registrar and Deputy Registrar, who tend to keep me in order—or try to. Another important person is our Diocesan Secretary, who as Secretary of the Synod is responsible, along with his faithful staff from the Sydney Diocesan Secretariat (known simply as SDS) for managing the affairs of Synod. From the first mailing you received to the last business paper on Tuesday of next week, we shall have been served by Robert Wicks and his team, and for which we should be all extremely grateful. Without his guiding hand, we would be much the poorer. However, I expect this will be Rob's last Synod session as Diocesan Secretary. For it is my great pleasure to announce that the Board of SDS has appointed Rob as the new Chief Executive Officer of SDS. This is a great honour and an appointment with which I heartily concur. He has been Acting CEO since the departure of Mark Payne late last year, and Rob has demonstrated the ability and skills necessary for taking up this position on a permanent basis. However, for this session of Synod, Rob will be both CEO and Diocesan Secretary, but I have told him he only gets one vote!

### **Final Remarks**

Times may change, new questions may be formulated, new criticisms may be advanced, and fresh challenges will be encountered by the church in every generation, but by God's grace the gospel will continue to be proclaimed. Our time in the second decade of the twenty-first century is no different, notwithstanding the significant shifts in community values and expectations that have evolved since the turn of the millennium, because we have an eternal gospel, as Martin Luther had. We too must stand firm for the sake of the gospel and the truth of God's word, for we have a Sovereign Lord, who commands the seas and the waves, who will raise up every valley and lay low every mountain.

When our Lord returns, once again

the uneven ground shall become level, and the rough places made plain. And the glory of the Lord shall be revealed and all flesh shall see it together, for the mouth of the Lord has spoken. (Isaiah 40:3-5)

That is our inheritance and our future—let us not lose heart, but trust in the promises of God and the return of Christ our King. May that heavenly vision be before us as we attend to the business of Synod, so that what we do in this chamber may be pleasing in God's sight and bring glory to his name.

**Dr Glenn Davies**

**Archbishop of Sydney**

**9 October 2017**

## Proceedings

### Documents tabled

1. List of clergy summoned to the Synod and list of representatives
2. Copy of a document appointing a Commissary
3. Minute book of the Standing Committee

### Officers and committees appointed

1. Secretary of the Synod: Mr Robert Wicks
2. Chair of Committees: Dr Robert Tong AM
3. Deputy Chair or Deputy Chairs of Committees: Canon Phillip Colgan, Mr Michael Easton and Dr Karin Sowada
4. Committee of Elections and Qualifications: Mr Michael Easton, Mr Doug Marr, Mr Ian Miller and Dr Karin Sowada
5. Committee for the Order of Business: The Rev Anthony Douglas, Bishop Ivan Lee, Dr Robert Tong AM and Mr Robert Wicks
6. Minute Reading Committee: Mr Clive Ellis, Miss Jenny Flower, Mrs Patricia Jackson, Mr Malcolm Purvis, Dr Claire Smith and Mr Tony Willis

### Accounts and reports etc tabled

*Note: The 2016 financial reports of the diocesan organisations marked with an asterix (\*) below are available on the Australian Charities and Not-for-profits Commission's website ([www.acnc.gov.au](http://www.acnc.gov.au)).*

#### *Diocesan Organisations - Audited Accounts and Annual Reports*

1. Abbotsleigh, The Council of
2. Anglican Church Property Trust Diocese of Sydney as trustee for the Community Building Partnership Grant Fund \*
3. Anglican Church Property Trust Diocese of Sydney as trustee for the Endowment of the See Capital Fund
4. Anglican Church Property Trust Diocese of Sydney as trustee for the Long Term Pooling Fund
5. Anglican Church Property Trust Diocese of Sydney as trustee for the Mission Property Fund
6. Anglican Community Services\*
7. Anglican Education Commission
8. Anglican Media Council
9. Anglican Schools Corporation \*
10. Anglican Youth and Education Diocese of Sydney (Youthworks) \*
11. Archbishop of Sydney's Anglican Aid (The) \*
12. Archbishop of Sydney's Anglican Aid (The) as trustee of the Archbishop of Sydney's Overseas Ministry Fund \*
13. Archbishop of Sydney's Anglican Aid (The) as trustee of the Archbishop of Sydney's Overseas Relief and Aid Fund \*
14. Archbishop of Sydney's Discretionary Trust
15. Arden Anglican School Council
16. Arundel House Council
17. Barker College, The Council of
18. Campbelltown Anglican Schools Council \*
19. Endowment of the See Committee – Expenditure Fund
20. Evangelism and New Churches, The Board of
21. Georges River Regional Council
22. Glebe Administration Board as trustee of the Diocesan Endowment
23. Illawarra Grammar School Council, The \*
24. King's School, The Council of The
25. Macarthur Anglican Church School Council, The
26. Ministry Training and Development Council
27. Moore Theological College Council \*
28. Northern Regional Council
29. St Andrew's Cathedral Chapter
30. St Andrew's Cathedral School, The Council of
31. St Andrew's House Corporation as trustee of the St Andrew's House Trust
32. St Catherine's School Waverley, Council of

33. South Sydney Regional Council
34. Sydney Anglican Indigenous Peoples' Ministry Committee
35. Sydney Church of England Finance and Loans Board
36. Sydney Church of England Grammar School Council (Shore)
37. Sydney Diocesan Secretariat
38. Tara Anglican School for Girls, Council of
39. Trinity Grammar School Council
40. Western Sydney Regional Council
41. William Branwhite Clarke College Council \*
42. Wollongong Regional Council

#### **Standing Committee and other special reports**

1. 2017 Report of the Standing Committee
2. Synod Funds Amalgamated Annual Financial Report for 2016
3. Parish Funds Amalgamated Annual Financial Report for 2016
4. Regional Councils' Annual Reports for 2016
5. Amendments to *Faithfulness in Service* approved by the General Synod Standing Committee
6. Application of funds from the proposed Property Receipts Levy
7. A Theology of Gender and Gender Identity
8. Business rules for moving amendments to motions (39/16)
9. Catholicity and Communion / Theology of Communion and Catholicity (25/14)
10. Clergy Assistance Program – 12 month review
11. Consultation on Anglicare's delivery of welfare and support services
12. Gender Identity
13. General Synod 2017 Session
14. Kangaroo Valley, Proposal to change the status of the provisional parish to a parish
15. Licensing of incumbents interim report (10/16)
16. Lifelong Ministry Development Guidelines
17. Mission Property Committee – progress report
18. Mission Property Committee proposal to provide guidance to parishes undertaking development projects
19. Ordinances passed by the Standing Committee
20. Parish cost recovery charges for 2018
21. Proposal for a Property Receipts Levy (22/15)
22. Proposal for the establishment of the Anglican Church Growth Trust
23. Responding to Domestic Abuse: Provisional Policy and Good Practice Guidelines / Domestic Violence (24/16)
24. Restructure of the investments of the Diocesan Endowment
25. Review of the Mission Property Committee / Membership structure of Mission Property Committee (21/16) / Resourcing the management and development of parish property (33/16)
26. Safe Ministry Board and Professional Standards Unit Annual Report
27. Statement of Funding Principles and Priorities 2019-2021
28. Stipends, Allowances and Benefits for 2018 (2/05)
29. The Same-Sex Marriage Debate
30. Explanatory statements and reports on Bills"

#### **Synod Service and Bible studies**

The opening service on the first day of Synod was held in St Andrew's Cathedral with the Rev Ed Vaughan preaching. Bible studies on the subsequent days of Synod were given by Mr Vaughan.

#### **Actions taken under the *Parishes Ordinance 1979***

The Synod assented to the reclassification of Kangaroo Valley as a parish.

#### **Petitions**

There were no petitions received by the Synod.

## Questions under business rule 6.3

### 1. Land sale ordinances

Mr Peter M.G. Young asked the following question –

What (briefly) were the circumstances surrounding the seven land sale ordinances passed by Standing Committee since 31 October 2016?

To which the President replied –

I am informed that the answer is as follows –

The 7 land sales since 31 October 2016 concerned the parishes of –

Brighton/Rockdale,  
Dural District,  
Camden,  
Huskisson,  
St Ives,  
Watsons Bay, and  
St Andrew's Cathedral.

In summary, the reasons for the sale of land were:

- selling a residence to purchase a replacement residence, and
- selling land to purchase other land or undertake developments where strategic opportunities have arisen, such as acquiring land adjoining an existing church site or a new site for ministry use.

Summaries of the circumstances surrounding each of the 7 land sales are as follows –

The *Brighton/Rockdale Land Sale Ordinance 2016* authorised the sale of the land known as 431-431A Princes Highway Rockdale, being the site of St John's church and hall. The land was proposed to be sold to allow acquisition of space within a proposed development which would secure a 'fit for purpose' building in the Rockdale area which will provide new ministry opportunities.

The *Dural District Land Sale Ordinance 2016* authorised the sale of the land known as 5 St Jude's Terrace Dural, being the site of a residence. The proposal arose from the adjoining lot to the parish coming onto the market and the parish's desire to purchase the land. Following this, the rectory would be sold and a new rectory built on a different plot of land held on trust for the parish.

The *Camden Land Sale Ordinance 2017* authorised the sale of the land known as 22 Menangle Road Camden being the site of a rectory, and the land known as 22 Menangle Road Camden being the site of a vacant plot, and the land known as 43 Alpha Road Camden and the site of a residence. The sale was proposed for a number of reasons – the current rectory would require a sum in excess of \$1,000,000 to be brought to a satisfactory standard for a rectory and the vacant paddock is a large sloping block that would be difficult to develop and is currently under-utilised. The sale proceeds will be used to build a new 400 seat Worship Centre to better provide for the mission of the Parish.

The *Huskisson Land Sale Ordinance 2017* authorised the sale of the land known as 17 Hawke Street Huskisson being the site of Holy Trinity Church, a hall and rectory and the land at Paradise Beach Road, Sanctuary Point being the site of St Peters Sanctuary Point. This ordinance is one part of a complex plan to build a new multi-purpose church centre, requiring the sale of the current 2 church sites, purchase of a new site, and the construction of a church, together with the potential purchase of a rectory.

The *St Andrew's Cathedral Land Sale Ordinance 2017* authorised the sale of the land known as 27B Pemberton Street, Strathfield West being the site of a residence. After resolving the question of long term housing for the Dean, it was concluded that the land was not in an optimal position as a residence for someone who was in ministry at the Cathedral and the property was intended to be sold with sale proceeds used to purchase one or more residences considered more suitable for housing a minister, assistant minister or person employed by the Chapter.

The *St Ives Land Sale Ordinance 2017* authorised the sale of the land known as 20 Edgewood Place St Ives being the site of a residence. An assessment was made by the wardens and Parish Council on whether the Edgewood Place property was suitable for future ministry needs, and they have determined that it would be a better strategic decision to sell the land and buy another which is able to service our current needs better as well as having more flexibility for the future. Some of the relevant factors were that the dwelling was small and unsuitable for hospitality ministry and council regulations prevented the property from being extended. The sale proceeds will be used to acquire a new property more suitable as a ministry residence.

The *Watsons Bay Land Sale Ordinance 2017* authorised the sale of 32B Fitzwilliam Road, Vaucluse, being the site of the Wentworth Memorial Church. The primary reason for the sale was the compelling opportunity to convert this currently unproductive asset into an income-generating property/investment for the parish as well as for diocesan church-building enterprise on a greater scale in an area of need. The Parish Council is mindful of the needs of the diocese, especially with respect to the New Churches for New Communities (NCNC) project in the context of Mission 2020, and is committed to equitably sharing proceeds of the prospective sale in support of the NCNC.

## 2. Disposal of interest in St Andrew's House Corporation

Mr Peter M.G. Young asked the following question –

Is the Endowment of the See considering the disposal of its interest in St Andrew's House Corporation for similar reasons to that of the Diocesan Endowment?

To which the President replied –

I am informed that the answer is as follows –

One half share in St Andrew's House Trust is owned by the Property Trust and is held for the purposes of the EOS Capital Fund. Neither the EOS Committee nor the Property Trust has given any consideration to disposing of this interest.

St Andrew's House Corporation is an independent body corporation, established by ordinance and managed by a board appointed in accordance with the ordinance. The Board of St Andrew's House Corporation has arranged to make a presentation to Standing Committee seeking Standing Committee's opinion on a long term strategy for St Andrew's House.

## 3. References to Appellate Tribunal

Dr Robert Tong AM asked the following question –

With reference to item 6.7 of the Supplementary Report of the Standing Committee "Participation in References to the Appellate Tribunal" and in respect to each reference –

- (a) What is the text of the questions referred to the Appellate Tribunal?
- (b) Who made the references?
- (c) Were the references made at the request of a person or body?
- (d) If yes, who is the person or body who made the request?

To which the President replied –

I am informed that the answer is as follows –

- (a) There are two references to the Appellate Tribunal which are referred to in the Supplementary Report of the Standing Committee.

The full text of the questions for each reference will be posted with this answer on the notice board in the foyer.

The first reference concerns the consecration of bishops in a church that is not a member of the Anglican Communion or in communion with the Anglican Church of Australia. The reference is expressed as being in the context of the Rt Rev Richard Condie and my attending the consecration of Bishop Andy Lines as a bishop for Europe in the Anglican Church of North America (ACNA).

The second reference concerns the affiliation of non-Anglican Churches with our Diocese under the provisions of the *Affiliated Churches Ordinance 2005*.

- (b) The Primate of the Anglican Church of Australia, Archbishop Philip Freier.  
 (c) Yes.  
 (d) The ACNA reference was made at the request of:  
     The Rt Rev'd Andrew Curnow, Bishop of Bendigo  
     The Rt Rev'd Bill Ray, Bishop of North Queensland  
     The Rt Rev'd Kay Goldsworthy, Bishop of Gippsland  
     The Rt Rev'd John Stead, Bishop of Willochra.

The Affiliated Churches reference was made at the request of the Rt Rev'd Peter Stuart, Administrator of the Diocese of Newcastle, on behalf of that Diocese.

#### 4. Theology of Christian assembly

Dr David Oakenfull asked the following question –

What steps have been taken to implement Resolution 16 passed by the 2015 session of Synod requesting the Diocesan Doctrine Commission to revisit its report “A theology of Christian assembly” (4 September 2008), noting that this report makes no reference to prayer or worship?

To which the President replied –

I am informed that the answer is as follows –

The Resolution was brought to the attention of the Doctrine Commission on 2 November 2015. At that time, the Doctrine Commission was working on the following reports –

- (a) Human sexuality and the ‘Same Sex Marriage’ Debate,  
 (b) Community and Catholicity,  
 (c) A Theology of Gender and Gender Identity, and  
 (d) Domestic Violence

and as a consequence, the Doctrine Commission has not yet had a chance to provide a response.

#### 5. Impact of proposed Property Receipts Levy

The Rev Michael Armstrong asked the following question –

- (a) (i) Noting that “trusts” are included within the proposal for a Property Receipts Policy (point 35), and the rationale of trusts given at point 7, does this mean that all trusts, including those with specified purposes, will be included in this proposal?

- (ii) If the answer to the above is yes, will this require the trustees to change each Trust by Ordinance, and if so will, as per current practice, each Parish have the opportunity for its members to respond to such a change?
- (iii) If the answer is yes, has any research been conducted or modelling been undertaken into any impact there may be upon the establishment of trusts in the future, especially should potential donors understand that a trust may be varied in such a way?
- (b) Has research been carried out, data collected or modelling done on the impact upon current mission and ministry within Parishes, particularly the impact upon those who may fund mission and ministry from property income and/or trusts? If so, could this information be distributed to the Synod?
- (c) Has research been carried out, data collected or modelling done, on any potential impact upon current staffing across the Diocese, especially positions such as Assistant Clergy and Youth and Children's Ministers? Did Standing Committee consider allowing such ministry positions to be "offset" against the levy in order to ensure there is no net loss of ministry in "urban" areas? If so, could this information be distributed to the Synod?
- (d) It is noted that those who lease buildings for worship (39b) are able to "offset" these costs against their income, while Parishes which own their buildings in which worship is conducted are unable to offset such property costs (43). Has Standing Committee conducted any research or modelling upon what impact this may have on Parishes who currently do not lease facilities and are seeking to revitalise their urban plant, especially those who may have aged or heritage buildings that often have higher costs than those who lease? If so, could this information be distributed to the Synod?

To which the President replied –

I am informed that the answer is as follows –

- (a)
  - (i) No. The levy will apply to income from a trust only when it is received by the parish. This will not require the alteration of parish trusts.
  - (ii) Not applicable.
  - (iii) Not applicable.
- (b) The modelling provided in the report is based on data from the 2015 Annual Financial Statements from parishes. This is necessarily incomplete, because the proposed Property Receipts Levy allows deductions for various property-related expenses that were not separately captured in 2015 parish returns. The expectation of the Committee is that actual contributions under the levy will be materially less than the data as modelled, once these deductions are taken into account. The Annual Financial Statements will be changed for 2017 parish returns, so that more accurate modelling can be undertaken in 2018. Given the highly provisional nature of the indicative parish contributions provided in Appendix 4 and the Committee's expectation that actual contributions under the levy will be materially less, no detailed modelling has been done on the impact upon current mission and ministry within parishes.
- (c) No research has been carried out on the potential impact upon current staffing across the Diocese. Standing Committee considered allowing a range of parish ministry costs to be admitted as offsets under the levy proposal, but did not proceed on the basis that these were inconsistent with the 'equality' principle as detailed in the report in paragraphs 21 to 22. Where a parish has special needs or is unfairly burdened by the levy, it has the option of the provision made available for all parishes, as detailed at paragraphs 47 to 49 of the report, to seek relief by promotion of an ordinance to Standing Committee.
- (d) The rationale for not allowing ministry facility costs as offsets under the levy proposal are set out in the report in paragraph 43. On this basis, no modelling has been provided. A parish with special building needs (for example, Heritage) has the option of promoting an ordinance to Standing Committee to vary the impact of the Property Receipts Levy, as explained in the report in paragraphs 47 to 49.



**6. Payment from Diocesan Endowment to support NO campaign**

Archdeacon Deryck Howell asked the following question –

- (a) How much of the \$1,000,000 allocated by Standing Committee from the Diocesan Endowment to support the NO campaign in the Marriage Survey has already been spent?
- (b) What reasons were given for how the figure of \$1,000,000 was arrived at?
- (c) To whom is the spending organisation or person(s) accountable for the way the money is spent?
- (d) Will the Synod receive a report as to how the money will have been spent?

To which the President replied –

I am informed that the answer is as follows –

- (a) The full amount has been transferred to Coalition for Marriage and has been spent or committed to secure television and other media buys.
- (b) The diocesan contribution was a reflection of the expenses of running a national advertising campaign.
- (c) Coalition for Marriage Limited is accountable to its members. Each of the 4 founding member organisations appoint 1 director to the Board of the Company. Bishop Michael Stead has been appointed by our Diocese as a director. He is also chairman of the Board. Strict accounting and other controls are in place to ensure that all funds are used for the purposes for which they have been given.
- (d) No.

**7. Support of “No” case and response to proposed legislation**

Mr Roger Collison asked the following question –

- (a) How much money has/will be spent by the Sydney Diocese supporting the “No” case?
- (b) What will our response be if the proposed legislation gets up?

To which the President replied –

I am informed that the answer is as follows –

- (a) The Standing Committee authorised expenditure of \$50,000 for the production and distribution of the booklet *What has God Joined Together?*. The Sydney Diocese also made a contribution of \$1,000,000 to Coalition for Marriage in support of the ‘No’ campaign, funded by a one-off draw down in the Diocesan endowment. It is not anticipated that there will be further funding from diocesan sources for the ‘No’ case.
- (b) The ‘No’ campaign has successfully raised awareness of the consequences of same-sex marriage for freedom of speech and freedom of religion. While it is hoped that this will result in a majority ‘No’ vote, the alternative outcome does not mean that our participation in the ‘No’ campaign was in vain. In the event of a majority ‘Yes’ vote, both major political parties are now acknowledging the need for any legislation to include protections for freedom of speech and freedom of religion. We are in a better position to argue for robust protections as a result of the ‘No’ campaign.

**8. Part-time incumbents**

Mr Matthew Robson asked the following question –

- (a) Are any incumbents of full parishes (i.e. not provisional parishes) in the Diocese licensed or otherwise authorised by the Archbishop to discharge their responsibilities for the cure of souls in the parish on a part-time basis?
- (b) For each incumbent so licensed or authorised –

- (i) who are the incumbents and which are their parishes?
- (ii) what proportion of their time are they expected to be working in their parish?
- (iii) what other role or ministry are they authorised to undertake?
- (iv) what impact do such incumbents have on Parish Cost Recoveries for their parishes? and
- (v) what impact do such arrangements have on the incumbents Long Service Leave, Insurance and Superannuation?

To which the President replied –

I am informed that the answer is as follows –

- (a) The licences for incumbents of parishes do not specify whether the appointment is full time or part time.
- (b) Not applicable.

During the vacancy in a parish the Rector of an adjacent parish may be appointed as the Acting Rector of the neighbouring parish. Alternatively the Regional Bishop may be appointed as the Acting Rector. In both these cases there are no PCR or leave entitlements accruing because of the appointment as Acting Rector.

There are some parishes which do not have the financial resources to pay their Rector a full stipend and allowances. The Parish and Rector then agree that the appointment is for a fixed proportion of days based on a 6 day week. In these circumstances the remuneration, PCR, leave and superannuation is calculated based on the agreed proportion of a 6 day week.

## 9. Understanding proposed property receipts levy

Ms Lyn Bannerman asked the following question –

In order to help Synod members to understand and prepare for debate on this matter, could clarification be provided this week on the following matters –

- (a) What does the word “property” mean in this paper?
  - (i) Just income from buildings and land?
  - (ii) Or, also income from all investments, including bank accounts as paragraph 3(c)(iii) and paragraph 35 imply?
  - (iii) But not income from regular giving, donations and bequests as paragraph 3(c)(i) implies?
- (b) If the answer to question (a)(iii) above is yes, does that mean that any income from investments (bank or other) held across financial year(s) from regular givings, donations or bequests will be exempted on an ongoing basis from the proposed Property Receipts Levy (e.g. in the case of a very generous bequest, all or some of which the parish wishes to hold in investment for a time for future needs/plans)?
- (c) If the answer to question (b) above is yes, how will this be managed/accounted for over years if a parish, say, wishes to enhance interest to be received, by combining this unlevied income with invested income from other sources, that is to be levied?
- (d) If the answer to question (b) above is no, what is the justification for that?
- (e) Appendix 4 of the paper shows the indicative impact on parishes of the possible three models, against 2015 data for “property income”. What “property income” does that column for each parish include?
  - (i) Just income from buildings and land,
  - (ii) Or (i) combined with some or all investments?
- (f) There are some parishes who receive income from running their own businesses (in some cases doing so rather than leasing out a building to other companies to run a business). Possible examples are child care, book publishing etc. Why is income, after reasonable expenses, from such parish-run businesses apparently not included in this levy proposal, and how is this justified?

To which the President replied –

I am informed that the answer is as follows –

- (a) Property means assets under the control of a parish that generate income for the parish, including liquid assets such as bank accounts. This is further explained in paragraph 35 of the report.
- (b) Any property or investment income received by a parish and returned in its annual financial returns would be subject to the levy provisions.
- (c) If investment income is capitalised and not received as income by a parish then that income would not be subject to the levy provisions.
- (d) If investment income is received by a parish and returned as income on its annual financial return then it would be subject to the levy provisions. I note that the proposed levy does not touch the underlying value or corpus of the investments but only the income from the capital that is received by the parish.
- (e) The property income listed in Appendix 4 includes all income from buildings, land, bank accounts and investments that parishes included in their 2015 annual financial return. The Committee is aware that the data presented in Appendix 4 due is incomplete, because the proposed Property Receipts Levy allows deductions for various property-related expenses that were not separately captured in 2015 parish returns.
- (f) Any non-personal income that a parish returns in its annual financial return would be subject to the proposed levy. This would include the net income – i.e. profit – generated by a parish-run business such as a child-care centre.

#### 10. Parish contributions by ordinance

Ms Lyn Bannerman asked the following question –

In 2015, Synod, in answer to Question 17, was provided with information on those parishes then contributing, via Ordinances, to Diocesan funds, Diocesan organisations, other organisations and for some other unspecified purposes. Could Synod please be given a revised list including all parishes which currently contribute monies, via an Ordinance, to the Diocese, its organisations and/or other organisations, including –

- (a) the name of the parish,
- (b) the recipients of the monies from each parish, and
- (c) the amount specified in each Ordinance to be allocated to each recipient?

If the information cannot be provided in answer to either point (b) or (c) above, please explain why the Ordinance was not specific about these matters.

To which the President replied –

I am informed that the answer is as follows –

An answer to this question cannot be readily compiled in the time available as there is no register of the parishes that contribute via ordinance to diocesan funds, diocesan organisations, other organisations or other unspecified purposes.

The parishes that contribute via ordinance to Synod are listed in Note 2 to the Synod Funds – Amalgamated Annual Financial Report for 2016 (on page 23 of Book 1).

There are a number of reasons the answers to parts (b) and (c) of the question are not straightforward –

- (a) The recipient specified in the ordinance may not be the ultimate recipient. For example, the *Hunters Hill (Woolwich Sale Proceeds) Ordinance 2016* specified that "...15% of the balance remaining be paid to the capital of the Sydney Diocesan Synod Fund" and that "... the sum of \$25,000 to be paid to the Northern Region Council" but in 2017 Standing Committee passed the *Synod Appropriations and Allocations Ordinance 2017* which

accepted that the surplus from the sale of surplus property in established areas of Sydney would be more appropriately used to help establish churches in new growth areas of Sydney and accordingly redirected the 15% of net proceeds (some \$379,000) to the capital of the funds managed by New Churches for New Communities.

- (b) The ordinance may specify the allocation of funds not by amount but by reference to a percentage of the balance remaining after other amounts have been calculated.

#### 11. New residence for the Archbishop

The Rev Philip Bradford asked the following question –

- (a) Since Bishops court was sold, what progress has there been in buying a new residence for the Archbishop? Are the sale proceeds still being held in investment for the express purpose of purchasing a new one? When is it anticipated that a new residence will be purchased?
- (b) Is it true that, in the last 20 years, other properties owned by the Diocese and being used as residences for Bishops have been sold? If so, which ones and what were the total proceeds from these? Also, if true, why were these residences sold?
- (c) How many Bishops are now living in Diocesan owned properties and, where they are not, how many live in their own home and how many in property rented by the Diocese?
- (d) Does the Diocese plan to acquire residences again for the purpose of housing our Bishops or does it intend to continue renting in the foreseeable future? If there is not a clear intention to acquire our own property for this purpose, why not?
- (e) Is there any thought that the proposed Property Receipts Levy will be used for such purposes?

To which the President replied –

I am informed that the answer is as follows –

- (a) In my Presidential Address yesterday I announced the arrangements which have been made to provide a future residence for the Archbishop. The whole of the net proceeds from the sale of Bishops court at Darling Point are invested by the Property Trust and are earning income. The sale ordinance provided for the sum of \$7 million to be set aside to fund the acquisition of the new residence to pay costs of providing interim accommodation and other expenses. After payment of rent plus removal and other costs, and with the addition of income earned the sum of \$6,914,477 was available as at 31 August 2017.
- (b) In the time available it has not been possible to find all the information requested, however the information for the last 10 years is set out below. If the questioner needs to know the details of property sales from 1997 to 2006 it would be best to contact the Property Trust to seek this information.

Over the past 20 years the Property Trust has sold the following EOS residences, each time in accordance with an ordinance passed by the Standing Committee:

Kieraville	\$555,000
Bellevue Hill	\$3.2 million
Greenacre	\$843,000
Chatswood	\$1.668 million

In each case the residence was sold because it was considered that the property no longer suited the purposes for which it had been owned.

- (c) Bishop Ivan Lee lives in a house in the Western Sydney Region which is owned by the EOS Capital Fund.

Bishop Peter Hayward lives in a house he owns in the Wollongong Region. He is provided with a housing allowance.

Bishop Chris Edwards lives in a house he owns in the Western Sydney Region. He is provided with a housing allowance. On 1 September 2017, the Property Trust exchanged contracts to purchase a house in the Northern Region to become the residence for the Bishop of North Sydney. The purchase is awaiting settlement. In due course Bishop Edwards will move into this house and he will no longer be provided with a housing allowance.

Bishop Peter Lin lives in a house in the Georges River Region which is the Rectory for the parish where he was formerly the Rector. The EOS pays rent to the parish for this house. Before a new Rector is appointed to the parish Bishop Lin will move from his current home.

Bishop Michael Stead lives in a house he owns in the North Sydney Region. He is provided with a housing allowance. For family reasons the Archbishop and Bishop Stead came to an arrangement for Bishop Stead to live outside the South Sydney Region for the initial years of his appointment. This was disclosed to the Standing Committee at the time it was considering giving consent to Bishop Stead's appointment. The EOS Committee expects to acquire a residence in the South Sydney Region in due course for Bishop Stead.

- (d) The EOS Committee has a long term plan to own a residence for the relevant Regional Bishop in each of the five regions of the diocese. It is expected that funds will be available to provide for a residence for the Bishop of North Sydney and the Bishop of South Sydney. Additional money will need to become available to fund the two further residences to be acquired.
- (e) There has been no suggestion that the proposed Property Receipts Levy be used to fund the acquisition of residences for Regional Bishops.

## 12. Parish Funds

Mr Peter Hanson asked the following question –

Regarding Parish Funds 951, 952, 953, 954, and 955 –

- (a) What was the maximum aggregate cash balance held in these funds in the period 1 January to 31 December 2016 (to the nearest \$100,000) and in what month was this?
- (b) What was the minimum aggregate cash balance held in these funds in the period 1 January to 31 January 2016 (to the nearest \$100,000) and in what month was this?
- (c) What was the maximum aggregate cash balance held in these funds in the period 1 January to 30 September 2017 (to the nearest \$100,000) and in what month was this?
- (d) What was the minimum aggregate cash balance held in these funds in the period 1 January to 30 September 2017 (to the nearest \$100,000) and in what month was this?
- (e) Does the \$2.2 million average cash balance in these funds earn less than 1.00% -  $\$17,658 / ((\$2,318,074 + \$2,124,484) / 2)$ ?
- (f) What is the purpose of holding between \$1.785 million and \$1.839 million in Equity in these funds?
- (g) Has the Standing Committee Finance Committee asked any questions regarding these funds since January 2016? How have these questions altered the management of these funds?

To which the President replied –

I am informed that the answer is as follows –

- (a) \$2,318,000 in December 2016.
- (b) \$740,000 in February 2016.
- (c) \$1,814,000 in September 2017.
- (d) \$899,000 in February 2017.

- (e) Yes, prior to July 2017 the majority of these funds were held in Glebe Income Accounts earning 1%, although since July 2017 the funds have been transferred to the Diocesan Cash Investment Fund which is currently earning in excess of its benchmark of 1.56%.
- (f) This amount is required for working capital. The balance reaches a peak at end of the calendar year, drops in January and February and grows through the rest of the year.
- (g) There have been no questions in the period, however there was extensive work in the establishment of the levels. It is measured back to the projected cashflow on a quarterly basis by the Finance Committee on behalf of the Standing Committee.

### 13. Synod Funds

Mr Peter Hanson asked the following question –

Regarding Synod Funds 127, 128, 129, 130, 131, 132, 133, 153 and 189 –

- (a) What was the maximum aggregate cash balance held in these funds in the period 1 January to 31 December 2016 (to the nearest \$100,000) and in what month was this?
- (b) What was the minimum aggregate cash balance held in these funds in the period 1 January to 31 January 2016 (to the nearest \$100,000) and in what month was this?
- (c) What was the maximum aggregate cash balance held in these funds in the period 1 January to 30 September 2017 (to the nearest \$100,000) and in what month was this?
- (d) What was the minimum aggregate cash balance held in these funds in the period 1 January to 30 September 2017 (to the nearest \$100,000) and in what month was this?
- (e) Does the \$1.5 million average cash balance in these funds earn only 1.25% -  $\$18,215 / ((\$1,659,003 + \$1,451,727) / 2)$ ?
- (f) What is the reason in 2016 for Appropriations in Fund 129 exceeding Receipts by \$205,000?
- (g) What is the purpose of holding between \$1.351 million and \$1.546 million in Equity in these funds?
- (h) Has the Standing Committee Finance Committee asked any questions regarding these funds since January 2016? How have these questions altered the management of these funds?

To which the President replied –

I am informed that the answer is as follows –

- (a) \$1,791,000 in February 2016.
- (b) \$1,574,000 in January 2016.
- (c) \$2,748,000 in April 2017.
- (d) \$1,823,000 in January 2017.
- (e) Yes, prior to July 2017 the majority of these funds were held in Glebe Income Accounts earning 1%, although since July 2017 these funds have been transferred to the Diocesan Cash Investment Fund which is currently earning in excess of its benchmark of 1.56%.
- (f) Principally, it is due to a special application of funds in this year to meet the cost of responding to the Royal Commission into Institutional Responses to Child Sexual Abuse.
- (g) The Synod Funds group of funds includes Fund 131 known as the Synod Diocesan Synod Fund. Standing Committee has determined as a matter of policy, to establish a holding fund for the purpose of holding a 'risk reserve' of a suitable minimum amount.
- (h) There have been no questions in the period, however there was extensive work in the establishment of the levels. It is measured back to the projected cashflow on a quarterly basis by the Finance Committee on behalf of the Standing Committee.

### 14. Business case for proposed property receipts levy

Mr Wesley Fairhall asked the following question –

- (a) Paragraph 56 of the proposal for a Property Receipts Levy states that it was outside the terms of reference of the drafting committee to develop a detailed proposal for the use of the additional funds raised from the levy. It also states that the funds to be raised (estimating around \$2.5million in 2018) are to be “additional” to existing funding arrangements. Who asked the committee to draw this proposal up; what did that person/group have in mind would be the main purpose of these funds so raised; and did that person/group indicate to the drafting committee the level of funding needed to be met by this levy?
- (b) Paragraph 56 further states that the funds raised by this Levy should be used to build the “capital base” of the Diocese, and in existing urban areas. Does this mean both buildings, and land? Where is the business case that demonstrates this need in 2018, and on into future years (noting that this amount is far in excess of the needs identified in brownfields in one year by the Mission Property Committee of \$500,000)?
- (c) Why has Synod never been presented with the business case for the funds to be raised by this levy, including a justified target based on that business case over the foreseeable future?
- (d) Should not a business case first be prepared, before any new funding levy is imposed on parishes for capital purposes, including an analysis of the impact of decline in church attendance, current occupation rate (attendance etc) in existing parishes, the capacity of transport for people to travel to church buildings in neighbouring parishes (public transport; car parking etc) etc?

To which the President replied –

I am informed that the answer is as follows –

- (a) A Synod resolution 22/15, based on input from parishes during multiple consultation sessions with parish representatives, determined that a levy on non-offertory income may be preferable to the existing Large Property Receipts Policy. Some of the reasons for this are listed in the report in paragraphs 10 and 27 to 31. The following year, Synod resolution 4/16 asked the committee to model a proposal that provides significant additional funding for ministry initiatives. This resolution is reproduced in paragraph 15 of the report. In order to maintain the integrity of the current Synod budget, and to honour the stated desire of the four parishes that currently between them contribute an average of \$1.31m every year to the Synod Fund for them to be included in levy proposal along with other parishes, it was necessary to set contribution rates that would raise more than \$1.31m p.a.
- (b) To set contribution rates at a level that would raise only this sum would shift the burden of funding from our wealthiest parishes to all other less well-endowed parishes. This was seen as a violation of the biblical principles of equality and stewardship as set out in the report at paragraphs 21 to 24, as well as a disregarding of the mind of Synod expressed in motions 22/15 and 4/16.
- (c) The capital base of the Diocese includes both land and buildings. As all parishes contribute to the expansion of the land component of the diocesan capital base via the Greenfields levy, the committee considered investment in the buildings component of the diocesan capital base as an appropriate and complementary application of levy proceeds. There is evidence-based research that indicates that one of the key blockers to churches growing in size is the inability to invest in their buildings. The case for brownfields investment will be made by the movers of the levy application motion.
- (d) See the previous answer.
- (e) The committee has prepared the Property Receipts Levy in response to multiple requests from the Synod to do so.

#### 15. Gender balance on Governing Board of Moore Theological College

Ms Holly Raiche asked the following question –

In the light of strong community expectations about female representation on Boards, and also Moore College’s own statements, in Synod papers, in recent years, including this year, that it has question of gender balance on the Board “under active consideration” –

- (a) Why is there only one female member out of 16 members, being the student elected representative, currently on the Board (according to the College's website as of 30 September 2017)?
- (b) What does the College mean by "under active consideration"?
- (c) What precisely does the College do to actively seek out suitable female members?
- (d) What would be a "suitable" female member, in the Board's view?
- (e) Does complementarian theology impact on the ability to achieve greater gender balance on the Board, and if so, in which way?
- (f) Does the fact that women may not be appointed as Rectors in the Diocese impact on the ability to achieve greater gender balance on the Board, and if so, in which way?
- (g) Can the Board advise on any other specific factors which might, or do, get in the way of low female representation on the Board?
- (h) How often has the Board considered this matter in the last 12 months?

To which the President replied –

I am informed that the answer is as follows –

- (a) There are currently two female members of the Moore College Governing Board (Dr D Warren and Miss T Khatchoyan). The position to be filled by a nominee of Anglican Deaconess Ministries is currently vacant and a woman has been approached to fill this post.
- (b) The question of Board composition has been discussed at various points, most recently in connection with a proposed revision of the Moore College Ordinance.
- (c) The College pursues suitably qualified candidates from its contacts in the Diocese and in the academic sector. The principal concerns are for members who share the College's vision and values, are able to sign the statement of faith, and who have the requisite skill for a Board seeking to provide good governance to a twenty-first century Higher Education Provider.
- (d) A suitable female member of the Governing Board would be someone with knowledge of theological education at a tertiary level, who is enthusiastic about the College's vision and values, is able to sign the statement of faith, and who has the specific skills necessary at the time the vacancy occurs on the Board. This is the same whether the prospective member was male or female.
- (e) No.
- (f) No. The Moore College Ordinance specifies that at least three persons elected by the synod as members of the Council (and so members of the Governing Board) must be incumbents of parishes within the Diocese. Including the Archbishop, this means that the Ordinance requires only 4 members (out of 16) to be male.
- (g) No.
- (h) There have been at least three conversations about Board composition at meetings of either the Governing Board or its Executive in the past twelve months.

## 16. Loquat Valley School

Mr Rick Stevens asked the following question –

Concerning the Anglican Schools Corporation Report to Synod 2017 –

- (a) Did the former Loquat Valley School exist in its own right as a school of the Anglican Schools Corporation until the end of June 2016?
- (b) If the answer to the above question is "yes", was Loquat Valley School listed in the report, naming the Principal (Mr Keith Dalleywater) and the members of the School Council?
- (c) Was Mr Keith Dalleywater the Principal of Loquat Valley School until the end of June 2016?
- (d) If the answer to the above question is "yes" was Mr Dalleywater acknowledged anywhere in the report for his contributions to the school and to the corporation?



To which the President replied –

I am informed that the answer is as follows –

In answer to the specific questions –

- (a) Yes
- (b) No
- (c) Yes
- (d) No

At the end of term 2, 2016, Mr Keith Dalleywater ceased to act as the principal of Loquat Valley Anglican School Pittwater and the school effectively became a campus of St Luke's Grammar School, Dee Why. For the purposes of registration only, the school became a campus of St Luke's Grammar School at the end of 2016. Reference is made to the Loquat Valley/Bayview Campus of St Luke's in the St Luke's Grammar School Report.

The Anglican Schools Corporation Report to Synod is also used by the Corporation in communications with other parties, such as the Commonwealth and State education ministers and education departments and will be used until September 2018. The view was taken that it was appropriate to include the school in this manner.

That said, the Chairman of the Board of the Corporation acknowledges that a separate report reflecting the whole year of operation for Loquat Valley School including the departure of Mr Dalleywater would have been beneficial and apologises on behalf of the Board for this oversight.

#### 17. Diocesan Year Book

The Rev Caitlin Hurley asked the following question –

Noting that –

- (a) the Diocesan Year Book has been published annually for the last 150 or so years, and
- (b) the last Diocesan Year Book was published in 2015,

Is there a plan to publish a hardcopy version in 2017 or 2018 and/or is there any plan to make the information contained therein available online?

If so, is it intended that the diocesan statistics, obituaries, ordinations, and presidential addresses of the years from 2015 to 2017, which are currently not published in Year Books, also be included?

To which the President replied –

I am informed that the answer is as follows –

Generally a Year Book has been published annually although there was a combined Year Book for the years 2013 and 2014 and at various times in the past.

Since early 2016 the Diocesan Registry and SDS have been developing and implementing a new database which is being used to record clergy licences, lay minister authorities and other information. Casual staff have been employed to enable a detailed review to be undertaken of the relevant information in the new database with a view to most of the content of Year Books being produced automatically. The new system will also provide a facility for individuals and parish authorities to update information online. It had been hoped that a combined 2016 – 2017 Year Book would be produced before the end of this year but this now seems unlikely. The current plan is to issue a combined Year Book in the first quarter of 2018. This will include the diocesan statistics, obituaries, ordinations, and presidential addresses since the 2015 Year Book was produced. My 2017 Presidential Address is available on the [sydneyanglicans.net](http://sydneyanglicans.net) website and the Presidential Addresses for previous sessions of Synod are available on the SDS website.

**18. Gender balance on diocesan boards and committees**

The Rev Dr Andrew Ford asked the following question –

Given the Diocesan *Governance Policy for Diocesan Organisations* which calls for gender balance of its members (Appendix 1, F(a)(i)), could the President inform the Synod of –

- (a) the percentage of current Synod members who are women,
- (b) the percentage of women members of the previous Standing Committee,
- (c) the percentage of the anticipated members of Standing Committee following this session of Synod who are women,
- (d) the percentage of members of Standing Committee sub committees, whether formal or ad hoc, that are women,
- (e) the number and percentage of these Standing Committee sub committees, whether formal or ad hoc, that are chaired by women,
- (f) the overall percentage of Standing Committee elected positions on boards, councils and committees currently held by women,
- (g) the overall percentage of Synod elected positions on boards, councils and committees held by women following the elections at the beginning of the 50<sup>th</sup> Synod,
- (h) the overall percentage of Synod elected positions on boards, councils and committees that are expected to be held by women following this session of Synod,
- (i) any plans or strategies to increase the representation of women on these elected bodies, and
- (j) any plans or strategies to increase the representation of women on other bodies within the Diocese called together on an ad hoc basis?

To which the President replied –

I am informed that the answer is as follows –

- (a) 18.7%
- (b) 16.7%
- (c) 20.4%
- (d) The percentage of members of formal Standing Committee subcommittees that are women is 22.3%. Ad hoc committee membership is less certain and a percentage cannot be determined at this time.
- (e) The percentage of members of formal Standing Committee subcommittees that are chaired by women is 9.1%. Some committees do not have Chairs, and these have been excluded. Ad hoc committee membership is less certain and a percentage cannot be determined at this time.
- (f) 24.6%
- (g) 19.5%
- (h) 23.3%
- (i) The Synod's strategy to increase the representation of women on bodies to which it elects members is largely reflected in changes made to the Synod Elections Ordinance in 2013 and in the Governance Policy passed by the Synod in 2014.

Under its Governance Policy (paragraph F(a)(i)), the Synod's expectation is that each diocesan board must develop effective processes to ensure, among other things, that the gender balance of its members is adequate. This policy builds on amendments made to the Synod Elections Ordinance in 2013 which require that where a Synod elected vacancy on the board arises, the chair or other responsible officer of the board is to be invited to provide a statement to the Synod or the Standing Committee as to whether the gender balance on the board is adequate, among other things. Members of the Synod and the Standing Committee are able to take such statements into account in identifying and nominating suitable candidates to fill the vacancy.

It is fair to say that the chairs of many boards do not take up the opportunity to provide such statements. I would encourage them to do so.

In the time available, it has not been possible to survey each diocesan board to determine whether each has developed effective processes to ensure adequate gender balance. However, it would not be unreasonable to infer from the information provided earlier in this answer, that there is still some work to do in this area.

- (j) I believe there are a number of members of the Standing Committee who are already pursuing such plans and strategies.

**19. Faithfulness in Service and family and domestic violence**

Ms Sue Radkovic asked the following question –

Can you confirm that in November 2016, the General Synod Standing Committee made amendments to *Faithfulness in Service*, which included adding the following sentence at the end of paragraph 6.3: “Abuse in a family or domestic context is commonly known as “family and domestic violence”?”

To which the President replied –

Yes, in November 2016, the General Synod Standing Committee made amendments to *Faithfulness in Service*, which included adding the following sentence at the end of paragraph 6.3: “Abuse in a family or domestic context is commonly known as “family and domestic violence”?” The separate report of Standing Committee on these amendments did not comment specifically on this in its report, but did recommend its adoption among the changes tabled in Appendix 4 of its report. The Synod adopted these changes yesterday.

**20. Stipendiary lay workers**

The Rev Dr David Höhne asked the following question –

With regard to the employment of stipendiary lay workers within the context of a Parish of the Diocese, could the President inform the house of –

- (a) Under what legislative framework are stipendiary lay workers within a parish context employed?
- (b) Who employs the stipendiary lay worker within the parish?
- (c) If the employment of a stipendiary lay worker is terminated, who would write the letter of termination?
- (d) What guidance is given to the employers of stipendiary lay workers with respect to the employment responsibilities and obligations under the relevant legislation (asked about in (a))?

To which the President replied –

I am informed that the answer is as follows –

The question is out of order under business rule 6.3(4)(f) as it seeks a legal opinion.

Nonetheless I make the following comments.

Stipendiary lay workers are under the general legislative framework that is applicable to employees in New South Wales. The principal legislation is the *Fair Work Act 2009 (Cth)*, though there are many other legislative instruments that also regulate their employment.

Under rule 3.13A of the *Parish Administration Ordinance 2008*, the wardens appoint lay ministers with the concurrence of the rector of the parish. The wardens are the employer if they sign the employment contract. The standard-form of employment contract recommended by SDS provides for the wardens to sign as employer. It also stipulates that the lay minister is responsible to the rector for the day to day performance of the duties associated with the position, but responsible to the wardens in relation to all administrative matters.

A lay minister must also hold an authority from the Archbishop under the *Authorisation of Lay Ministry Ordinance 2015* in order to exercise the office of lay minister in a parish. The standard-form letter of appointment makes the offer of employment conditional upon the authority being granted.

A letter of termination would be signed by the employer, typically the wardens. However under the *Parish Administration Ordinance 2008*, a decision to remove a lay minister from their position must be made with the concurrence of the rector, so the rector will be involved in the termination, though not necessarily a signatory to the termination letter.

SDS publishes *Employment Relations Guidelines*, including standard-form employment contracts for parish staff and other resources. These are available through the Parishes Extranet. The standard-form contracts are also available on the main SDS website.

## 21. Model Parish Trust Ordinance

Professor Bernard Stewart asked the following question –

- (a) In respect of the Model Parish Trust Ordinance that has been adopted by particular parishes, have any such Ordinances varied from the Model in respect of –
  - (i) the Parish (through the Wardens) rather than the Anglican Church Property Trust (ACPT), receiving income from the hire of a church hall (as specified under 6(1)(c) as included in the Trust Property?, and
  - (ii) payment to the ACPT of 30% of the net income from the hire of such a hall(s)?
- (b) In respect of payments made for rates, taxes and charges payable, together with the requirement of the ACPT for any parish hall under the Model Ordinance presently adopted, which the following services and consequential charges be made prior to any funds being provided to the Parish –
  - (i) a property manager (in respect of repairs and maintenance), and
  - (ii) an administrative charge for services rendered through the ACPT (in respect of rates, taxes).

To which the President replied –

I am informed that the answer is as follows –

- (a) Yes, however the general practice is for parishes to administer leases and licences at the local parish level in any case. This involves receiving the lease or licence income, either directly or through a managing agent, if one has been appointed.  
It is assumed that the reference to “30% of the net income” in the question is a reference to the capitalisation provision in the Model Parish Trust Ordinance. This does not apply to lease or licence income, only investment income which is not invested in the Property Trust’s Long Term Pooling Fund.
- (b) The Property Trust does not deduct amounts from lease and licence income on account of rates, taxes or charges.  
If a managing agent has been appointed by the Property Trust at the request of the relevant parish, the agent will deduct a management fee from the lease or licence income in accordance with the applicable agency agreement before passing it on to the parish.  
Parishes are responsible remitting amounts on account of any rates, taxes or charges that are payable in connection with the real property of the parish trust fund.

## 22. Parishes subject to a Parish Trust Ordinance

Professor Bernard Stewart asked the following question –

How many Parishes are now subject to a Parish Trust Ordinance as propounded by the Manager, Legal Services to all parishes on 21 December 2012, and

- (a) What proportion of all Parishes in the Diocese does this number represent?
- (b) Given that 12 new Trust Ordinances are listed as Ordinances passed by Standing Committee in the year to 30 August 2017 (p117, Report of Standing Committee, Book 1), at this rate of progress, when will all Parishes in the Diocese be subject to such an Ordinance?

To which the President replied –

I am informed that the answer is as follows –

- (a) 120 parishes currently have a Parish Trust Ordinance, being 44% of the Parishes of the Diocese.
- (b) At a rate of 12 trust ordinances per year, it would take a further 12.5 years for all parishes to have a trust ordinance put in place.

**23. Census and diocesan data concerning population**

Mr Paul Fitzpatrick asked the following question –

Would the President please provide the Synod with –

- (a) the average population per parish in each of the five diocesan regions, and
- (b) the average population per active parish clergy in each of the five diocesan regions, in the years 2001, 2011 and 2016 according to census and diocesan data from these years (where active parish clergy is taken to mean all ordained ministers on the paid staff of a parish within that region)?

To which the President replied –

I am informed that the answer is as follows –

Population data has been sourced from the Australian Bureau of Statistics Estimated Resident Population by Local Government Area dataset rather than the census.

The figures are set out in tabular form and will be posted on the notice board in the foyer –

- (a) Average Population per Parish by Region

Region	2001	2006	2011	2016
South Sydney	13,600	14,100	16,400	18,000
Northern	11,900	12,100	12,800	13,700
Wollongong	16,800	16,500	16,800	16,800
Western Sydney	20,700	20,200	21,300	23,500
Georges River	19,400	21,300	23,600	26,200

- (b) Average Population per Active Parish Clergy

Region	2001	2006	2011	2016
South Sydney	10,200	10,200	9,100	10,900
Northern	7,800	7,600	6,200	6,500
Wollongong	10,700	10,100	8,800	8,400
Western Sydney	12,400	11,800	10,700	11,100
Georges River	16,400	17,200	14,400	15,400

**24. Vacancy on Trinity Grammar School**

The Rev Jason Ramsay asked the following question –

In the schedule of elections sent out on August 9, it was noted that a vacancy was created on the Trinity Grammar School Council due to a resignation which took effect on 31/12/16. Why did Standing Committee not fill that vacancy during 2017?

To which the President replied –

The vacancy was the result of a resignation by Mr John Rudd, effective on 31 December 2016. However, the Diocesan Secretary was not notified of this vacancy at that time. The Diocesan Secretary became aware of the vacancy on 3 July 2017 as a result of the advice from the Council of Trinity regarding positions on the Council to be elected by Synod at this session. A vacancy was declared at the Standing Committee meeting held on 31 July 2017. At that same meeting, as is its practice, the Standing Committee agreed to defer consideration of the vacancy until after Synod, allowing Synod to fill the vacancy through the elections process.

**25. Diocesan land affected by any proposed land transport corridor to Badgerys Creek Airport**

Mr Peter M G Young asked the following question –

Is any diocesan land directly affected by any proposed land transport corridor to or from Badgerys Creek Airport?

To which the President replied –

I am informed that the answer is as follows –

Yes.

The Anglican Schools Corporation owns land at Rossmore that is adversely affected by the proposed South West Rail Link extension corridor.

The various diocesan land holdings at Oran Park and the Mission Property Committee sites at Rossmore and Bringelly are not directly affected but will all benefit by being within walking distance of proposed railway stations for the South West Rail Corridor to serve Badgerys Creek Airport. St James Luddenham and the Mission Property Committee site at Austral are also not directly affected but will benefit from proposed road upgrades at the Northern Road and Bringelly Road respectively.

**26. Domestic Violence and the understanding of ‘submission’**

Mr Tom Mayne asked the following questions –

- (a) Why, during the pre-Synod briefing, did Archdeacon Kara Hartley representing the Domestic Violence Task Force, decline to mention ‘female submission’ when asked by the Diocesan Secretary to comment on complementarianism? Is belief in female submission no longer a pre-requisite for dealing with Domestic Violence?
- (b) Is belief in female submission a pre-requisite of the diocese for addressing Domestic Violence as stated in clause (b) of the original Canon Grant motion passed by Synod in 2013?

To which the President replied –

I am informed that the answer is as follows –

- (a) Part (a) of the question is out of order under business rules 6.3(4)(a) and (d) as it makes assertions and inferences. The questioner may wish to speak to Archdeacon Hartley about the matter.
- (b) While the answer is No, this part of the question is also out of order under business rule 6.3(4)(a) and (d) because it contains an assertion and makes an imputation, which on the evidence is plainly false, since resolution 33/13, moved by Canon Grant and passed by the Synod, made no reference to ‘female submission’. On the contrary, the relevant part of the resolution reads –

...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 or counselling – is not easily twisted as a cover for abuse.

**27. Deductibility of costs associated with a ministry centre purchased with proceeds from the sale of property**

Ms Nicky Fortescue asked the following question –

With regard to the Property Receipts Levy, if a church owns a property of some form that could be sold for the purposes of a much-needed building project for a ministry centre (where church gatherings would take place, administration, etc.) would the costs associated with this centre be deductible against the income earned?

To which the President replied –

I am informed that the answer is as follows –

The proposed property receipts levy would not apply to the proceeds from the sale of property, as per paragraph 33 of the Committee's report. However, any income earned on the investment of sale proceeds, would be subject to the proposed levy. That said, because the sale of church property requires an ordinance, a parish may consider relying on the process outlined in paragraph 48 of the report and seek relief from the policy as it would apply to those investment earnings when it brings its sale ordinance to Standing Committee.

**28. Carrying over of expenses to subsequent years, under the proposed Property Receipts Levy**

Ms Nicky Fortescue asked the following question –

With regard to the Property Receipts Levy –

- (a) In the situation that in any given year expenses for maintenance and repair of a given property exceeds receipts, was it considered that costs of property maintenance and improvement could be carried over to following years as deductible expenses?
- (b) If yes, what was considered and why was it not included in the proposal?
- (c) If no, could this please be considered?

To which the President replied –

I am informed that the answer is as follows –

It was considered that costs associated with an income-generating property might be offset against income from other income-generating property, but rejected for the same reasons marshalled in society against negative gearing, namely that this financial advantage is available only to the wealthy.

The possibility of a net loss in any one year from an income-generating property being carried forward to a future year as a deductible expense against future income generated by that property was considered by the committee. When the committee considered the costs of administering such a provision, it was rejected in light of the provision available to parishes to seek relief under ordinance.

**29. Consideration of socio-economic diversity of parishes under the proposed Property Receipts Levy**

Ms Nicky Fortescue asked the following question –

With regard to the Property Receipts Levy, what consideration has been given to the socio-economic diversity of parishes?

To which the President replied –

I am informed that the answer is as follows –

In responding to the requests of Synod for a property receipts levy, the biblical principal of stewardship, referenced in paragraphs 23 and 24 of the report, influenced the committee's decision to recommend a progressive scale of contribution bands for the proposed levy. This ensures that the more property income a parish earns, the greater will be their contribution under the proposed levy.

**30. Moore Theological College report regarding risk management**

The Rev Dr James Collins asked the following question –

The Moore Theological College Ordinance 2009, at clause 25.3, reads “The Council is to provide at least once in each year a report, to the Synod together with an income and expenditure account and a balance sheet duly audited and such other information as may be required from time to time by resolution of the Synod. The report is to include a report on high level outcomes as required by the Commonwealth including a report on risk management within the College.”

- (a) Could Synod be given a copy of the Risk Management Report for 2016, noting that Synod has been advised to see the website of the Australian Charities and Not-for-Profits Commission for the financial report but the risk management report is not provided at that web link?
- (b) Could this report be provided to all Synod members by way of hard copy distribution or by email to all members, during this Synod session?
- (c) If not, why not?

To which the President replied –

I am informed that the answer is as follows –

Due to an oversight, the annual report to Synod for 2016 does not include a report on risk management within the College. This will be rectified in the report for 2017.

The Governing Board of Moore Theological College has responsibility to assess and manage risks that may arise in the life of the College. In doing so it has appointed a Risk and Compliance subcommittee of the Governing Board. This subcommittee reviews reports prepared by College management on risk and compliance. The Governing Board retains oversight of these issues by a standing agenda item at each meeting.

**31. Progress of the Diocesan Doctrine Commission regarding the request of resolution 6/15**

The Rev Simon Flinders asked the following question –

What progress, if any, has been made by the Diocesan Doctrine Commission in producing the report on the purpose and nature of episcopal leadership requested by the Synod in 2015 (in motion 6/15)? If other matters have necessarily taken precedence, when might the Synod now reasonably expect this report?

To which the President replied –

I am informed that the answer is as follows –

The Doctrine Commission expects to provide this report within the period of the 51<sup>st</sup> Synod.

**32. Syrian and Iraqi refugee response**

Mr Malcolm Purvis asked the following question –

Regarding the Syrian and Iraqi refugee response mentioned in the presidential address –



- (a) To what services has the funding been allocated, and how much has been allocated to each service?
- (b) What have been the results of the Anglicare Refugee Training Program, specifically –
  - (i) How many people has Anglicare trained?
  - (ii) How many of those have gone on to participate in providing help to refugees?
  - (iii) Of those who have gone on to provide help to refugees, how many were directly linked by Anglicare to parishes?
- (c) In light of the Diocesan vision of seeing Christ honoured as Lord and Saviour in every community, what impact has the project had on the ministry of the parishes in areas where these refugees have settled?

To which the President replied –

I am informed that the answer is as follows –

- (a) There were two appeals as part of the Syrian Iraqi Refugee Response. The General appeal raised \$571,000 and a major donor appeal to specifically to Early Learning Through Play programs targeted towards Syrian and Iraqi Refugees raised \$179,000. In addition, Anglicare provided \$200,000 bringing the total funding for the response to \$946,000.

The funding has been allocated up until July, 2018 in the following ways –

- \$137,000 for a Project Manager;
- \$370,000 directed to Early Learning Through Play programs;
- \$150,000 directed to trauma and relationship counselling;
- \$84,000 directed to community settlement;
- \$65,000 directed to community engagement;
- \$63,000 directed to funding a program communications officer; and
- \$72,000 directed to client support services (the provision of food, clothing and essentials cards etc.)

- (b)
  - (i) 450 church volunteers have been trained to date and there are more volunteers registered for sessions later this year in 2018.
  - (ii) Anglicare are currently working on a report to analyse how many people who have been trained have been involved in working or supporting refugees.

However, to date there have been –

- Volunteer opportunities have been communicated through the Sydney Anglicans website;
- Volunteers have been contacted via phone and email directly from the training list and have been placed in church based programs such as ESL and Mobile Community Pantries;
- Volunteers have attended a refugee picnic event in Cabramatta; and
- Many Volunteers have been followed up and have organised donations of food, clothing, heaters that have then been distributed to refugee families.

- (iii) Anglicare will incorporate this information into the aforementioned report that is being produced on the response.
- (c) As there has been significant Syrian and Iraqi refugee settlement in the Georges River Region we have seen churches in that region working actively to reach out to connect with Syrian and Iraqi communities.

Local church initiatives to connect include –

- The Bankstown, Fairfield, and Liverpool parishes which have all commenced new food ministry initiatives to connect with their communities;
- Hoxton Park Anglican Church which has been supported in their Arabic ministry;

- The distribution of over 1000 Arabic/English bibles provided by the Bible Society; and
- Bankstown, Ashbury, Parramatta and Newton parishes have all established an Early Learning Through Play ministries targeted towards vulnerable refugee children.
- Some of these initiatives were also supported by micro-grants from Anglican Deaconess Ministries.

Anglicare is still keen to hear from parishes who wish to become involved with refugees in their local communities or supporting the initiatives of other parishes who already have established programs serving refugees.

**33. Constitution and membership of the Anglican residential University Colleges in Sydney**

Mr Mark Boyd asked the following question –

- (a) How are each of the three Anglican residential University Colleges in Sydney, being St Paul's College at the University of Sydney, New College at the University of NSW and Robert Menzies College at Macquarie University, constituted?
- (b) Does the Synod of the Diocese or the Archbishop elect or appoint any of the members of the Governing Boards of any of these Colleges? If so, how?
- (c) Do any of these three Colleges have membership as of right on the Synod of the Diocese of Sydney? If so, how are they represented?

To which the President replied –

I am informed that the answer is as follows –

- (a) St Paul's College is constituted and incorporated under the *Saint Paul's College Act 1854*, an Act of the NSW Parliament. New College and Robert Menzies College are companies limited by guarantee.
- (b) In the case of St Paul's College, no. In the case of both New College and Robert Menzies College, the Standing Committee elects 8 members of the governing board and the Archbishop is also a member. The remaining member on each board is appointed by the relevant university.
- (c) Yes. The Warden of St Paul's College and two qualified members of the College Council who are elected by the Council. Neither New College nor Robert Menzies College have membership on Synod as of right.

**34. Membership and terms of reference of the Finance Committee of the Standing Committee**

Mr Peter Hanson asked the following question –

- (a) Who were/are the members of the Standing Committee Finance Committee in –
  - (i) 2016?
  - (ii) 2017?
- (b) What is the charter/terms of reference for the Standing Committee Finance Committee?
- (c) When did the Finance Committee meet in –
  - (i) 2016?
  - (ii) 2017?
- (d) What subjects were discussed in each year?
- (e) What were the tangible outcomes from these meetings?

To which the President replied –

I am informed that the answer is as follows –

- (a) The membership for both 2016 and 2017 comprised: Mr Rodney Cosier, Mr James Flavin (Chair), Mr Doug Marr, Mr John Pascoe (Deputy Chair), Mr Mark Robinson, Mr Ian Steward and Ms Nicola Warwick-Mayo. The membership of the Finance Committee is set out on the SDS website.
- (b) The Finance Committee's terms of reference are –
  - (i) reporting on matters of a financial nature affecting the Synod,
  - (ii) prudential oversight of the Synod funds (including the parish cost recovery group) and liaising with the external auditors of the Synod Fund, and
  - (iii) exercising powers delegated by Standing Committee under numerous ordinances.

The delegations to the Finance Committee are set out on the SDS website.
- (c) In 2016 and 2017, the Finance Committee generally met 10 days prior to each meeting of the Standing Committee.
- (d) In summary, the Finance Committee considered matters directly affecting the financial affairs of the Synod and Standing Committee, Diocesan Organisations, and parishes. Any action taken under delegated authority was reported to the next meeting of the Standing Committee. From time to time the Finance Committee brought recommendations to the Standing Committee in relation to matters falling within its terms of reference. The Finance Committee also responded to specific requests from the Standing Committee.
- (e) It is not practical to list out the outcomes from all meetings of the Finance Committee over a 2 year period. The information is available to Synod members in the Finance Committee's reports to the Standing Committee which are contained in the minutes of the Standing Committee.

**35. Distribution made by St James' Hall to Synod funds in 2016**

Mr James Balfour asked the following question –

- (a) Why is the distribution of more than \$200,000 made by St James' Hall to Synod funds in 2016 not recorded in the table on page 18 of the financial report, nor in note 2 on page 23?
- (b) Where is this significant receipt recorded in the accounts?

To which the President replied –

I am informed that the answer is as follows –

Beginning in 2016 the distribution from the parish of St James is being deposited with the Property Trust in a central fund along with similar funds from other parishes before being released to Synod the following year. The effect is that the money has been received and will be made available to Synod, but the particular distribution from St James Hall in 2016 will appear as part of the total coming from the Property Trust in the 2017 financial statements of the Synod. The distribution will be detailed in note 2 and identified as being from St James Hall.

**36. Proposed Property Receipts Levy option for a parish to continue under ordinance**

Mr Doug MacLennan asked the following question –

- (a) My understanding is that Parishes currently under an Ordinance for the purpose of receiving a share of income with the Diocese from property leasing agreements, will not be affected by the introduction of the 'Proposed Property Receipts Levy' and that such ordinances will remain in force until the expiry date of such ordinances. Is this correct?
- (b) My understanding is that Parishes currently under an Ordinance for the purpose of receiving a share of income with the Diocese from property leasing agreements, will have the option to either –
  - (i) renegotiate a new ordinance at the expiry of their current ordinance or

- (ii) elect to accept the terms and conditions of the 'Proposed Property Receipts Levy'.

Is this correct?

To which the President replied –

I am informed that the answer is as follows –

- (a) Yes. Paragraph 48 of the report proposes that parishes receiving property income under ordinance will not be impacted by the proposed levy.
- (b) Yes.

### 37. Powers delegated to the Standing Committee with respect to passing ordinances

Professor Bernard Stewart asked the following question –

With respect to the procedure anticipated in the report 'Proposal for a Property Receipts Levy' whereby Synod requests Standing Committee to pass an Ordinance with respect to property income (clause 3e of the report), please advise in respect of the content of relevant Ordinances, and without reference to legal opinion or inference –

- (a) Is this procedure provided for in any Ordinance determining the operation of Standing Committee, and if so what is laid down?
- (b) Irrespective of any information provided under (a), is the procedure applicable to all Ordinances (apart from Canons of the Anglican Church of Australia) which might otherwise be addressed by Synod, and if not, what limitations apply?
- (c) Can all or some of the limitations specified under (b) be suspended by the Standing Committee in respect of any particular Ordinance by passage of a motion to that effect and which Ordinance provides for this?

To which the President replied –

I am informed that the answer is as follows –

This question is out of order under business rule 6.3(4)(f) as it seeks a legal opinion.

Nonetheless I make the following comments for the education of the Synod on this matter.

- (a) Yes. The *Standing Committee Ordinance 1897* and the *Delegation of Powers Ordinance 1998* give the Standing Committee broad functions and powers to make ordinances for the order and good government of the church in the Diocese of Sydney pursuant to powers of delegation contained in the Acts of Parliament that constitute the Anglican Church of Australia in the Diocese of Sydney.
- (b) Clause 5 of the *Delegation of Powers Ordinance 1998* provides that during the recess of the Synod, the Standing Committee may exercise all or any of certain powers and functions of the Synod set out in these Acts of Parliament, subject to certain limitations.

In summary, the Standing Committee's ordinance-making power is equivalent to that of the Synod except that the Standing Committee may not make –

- Ordinances dealing with cases of incapacity or inefficiency in the discharge of ministerial duty by clergy.
- Ordinances determining the cases in which the licence of a member of clergy may be suspended or revoked.
- Ordinances determining the membership of the Synod or rules for the conduct of the business of Synod.

In addition, the Standing Committee may not make an ordinance authorising the sale of land held for the sole benefit of a particular parish unless the majority of the parish council of that parish have consented in writing to the ordinance.

The Delegation of Powers Ordinance also provides that any ordinance proposed to be made by the Standing Committee can be referred to the Synod by the Archbishop or upon a request in writing from any 3 members of the Standing Committee.

(c) No.

**38. Decision to contribute to the Coalition for Marriage**

The Rev Greg Burke asked the following question –

Can the President please inform the Synod about the process and rationale behind the decision to contribute \$1 million to the Coalition for Marriage’s Same Sex Marriage advertising campaign?

To which the President replied –

The Archbishop answered the question by reading the following letter dated 11 October 2017 to the members of the Synod.

“11 October 2017

Dear brothers and sisters

On 16 August, I wrote to Sydney Anglicans to advise you that the Diocese of Sydney had committed to being a lead partner in the Coalition for Marriage, and encouraged you to consider helping this Coalition by signing up as a volunteer and providing financial support. Now that the campaign has reached the final phase, I am writing again to urge those who have not yet participated to become involved, and to correct some misperceptions about our involvement in the campaign.

The campaign was always going to be difficult for us as Christians, who always wish to engage graciously with the world, and yet at the same time should stand firmly for God’s good plan for marriage in a world that has increasingly abandoned that plan. This difficulty was exacerbated by the way in which the debate has been framed, implying that anyone who opposes a ‘yes’ vote is a hater and a homophobe.

This is not a debate of our choosing. I am sure that we would prefer to spend our energies telling people about God’s loving message of salvation through Jesus Christ, but in God’s providence, this is the point of engagement with our culture at this time.

Since 2011 the Synod, by resolutions on five separate occasions, has asked Sydney Anglicans to engage in respectful advocacy in the public square for the legal definition of marriage to remain unchanged. The decision to be a lead partner in the Coalition for Marriage, and the Standing Committee’s support for this, is an outworking of those resolutions.

Reflecting this consistently expressed view of our Synod, I said in my Presidential Address this week –

*I therefore make no apology for encouraging all Australians, especially Anglicans, to vote ‘No’ in this postal survey. I believe that a change in the definition of marriage is unwarranted, not just because it is in opposition to the teaching of Scripture and our Lord himself in Matthew 19, but because I believe marriage, traditionally understood as a union of one man and one woman, is a positive good for our society, where marriage and the procreation of children are bound together as the foundational fabric of our society, notwithstanding the sad reality that not all married couples are able to conceive. Moreover, I consider the consequences of removing gender from the marriage construct will have irreparable consequences for our society, for our freedom of speech, our freedom*

*of conscience and freedom of religion. It is disingenuous to think otherwise, given the evidence to the contrary in Canada, the US and the UK.*

At its meeting on 18 September, the Standing Committee voted to support the diocesan involvement in the Coalition for Marriage by means of a million dollar contribution from the Diocesan Endowment. This contribution comes from the Synod's own funds which it uses for the operation of the Diocese, and does not come from parishioners' donations. The rationale for this financial contribution was provided to Synod members in the Supplementary Report from Standing Committee, and the contribution was announced in my Presidential Address.

Some have questioned whether the money would have been better spent on social justice issues (feeding the poor, Sydney's homeless, refugees etc.). The reality is, however, that our participation in the Coalition for Marriage is not at the expense of our commitment to social justice, but because of it. We believe that the best way for Anglicare and other Christian agencies to serve the social good is for them to be able to operate on the basis of a Christian ethos, and to recruit Christian staff and volunteers. A legal recognition of same-sex marriage will significantly affect Anglican bodies who wish to maintain and promote a Christian understanding of marriage in opposition to the law of the land. Overseas experience indicates that same-sex marriage leads to government funding and recognition of charitable status being increasingly tied to "equality compliance". Christian agencies overseas have been required by law to hire staff who do not support the Christian ethos of the organisation. Our Anglican bodies make a real difference to Australian lives, worth hundreds of millions of dollars. Compare that with an investment of just one million dollars to help ensure that this vital work continues in the future.

I know that some of us take the view that same-sex marriage is inevitable and have questioned whether spending this amount of money was a waste of our resources. This is misguided on two counts. Firstly, because the result is by no means certain. The latest figures from the ABS indicate that only 62.5% of Australians have returned their postal surveys, meaning that 37.5% of people have not yet voted. The outcome literally hangs in the balance. Opinion polls have been notoriously inaccurate. Secondly, even if the 'no' vote does not prevail, the diocesan contribution came at a critical moment which allowed the 'no' campaign to raise awareness of the consequences of same-sex marriage for freedom of speech and freedom of religion. Both major political parties are now acknowledging the need for any proposed legislation to include protections for freedom of speech and freedom of religion. We are in a better position now to argue for robust protections, in the event of legislation being passed to enable same-sex marriage.

It is for these reasons that I encourage those who are already supporting the 'no' campaign to maintain their efforts to the very end of the postal survey period, and to encourage those who are not already involved to become so.

The voluntary postal survey has been called a referendum on religious freedom and freedom of speech, and it is very important we all make our voices heard. As Australians, we are not imposing our views on others, rather we are expressing our views as citizens of the country. As Christians, we are to follow our Lord's instruction to be salt and light in the world. We should not be ashamed to stand up for our convictions, whatever the cost.

Grace and peace

Glenn N Davies  
Archbishop of Sydney

**39. Financial assistance for spouses of clergy who have separated due to domestic violence**

The Rev Mark Tough asked the following question –

Is financial assistance available from the Diocese to spouses of clergy who have separated from their spouses due to domestic abuse and are struggling to make ends meet as a result?

To which the President replied –

I am informed that the answer is as follows –

When domestic abuse in a clergy marriage becomes known, the relevant Regional Bishop and the Archdeacon for Women’s Ministry are usually involved in ministering to one or both people. The most immediate need is for the provision of accommodation, usually for the wife and any children.

The Regional Bishop usually comes to an arrangement with the parish for the wife and children to remain in the parish residence for an initial period and helps to arrange the available government finance support.

The Archbishop has access to some money which can be used at his discretion but the available funds are limited and can only provide short term assistance.

**40. Potential further donations to other social issues**

Ms Joanna Hayes asked the following question –

Should Synod expect Standing Committee to make donations of a similar size to the ‘no’ campaign on other vital social issues such as Domestic Violence, Climate Change, response to Aboriginal Rights, and if not, why not?

To which the President replied –

I am informed that the answer is as follows –

It is not possible to speculate on what the Standing Committee may do in the future, as all matters are dealt with on a case-by-case basis.

**41. Amounts received and spent in association with the Greenfield levy**

Mr Jonathan Miller asked the following question –

Since its adoption by Synod, what is the total amount received and spent, to date, of the ‘Greenfield’ levy?

To which the President replied –

I am informed that the answer is as follows –

The total amount received from the Greenfield land acquisition levy since its establishment in 2013 to date is \$10,104,970 million. All funds have been exhausted to purchase land at Riverstone (\$2.6 million) and Marsden Park (\$3 million) in North West Sydney, and Leppington (\$2.75 million) and Bringelly (\$4.65 million) in South West Sydney. The levy raises approximately \$2 million p.a. The levy funds have been supplemented by \$2.9 million raised through land sales to complete the acquisition of these 4 properties which cost a total of approximately \$13 million. The Mission Property Committee is currently searching for suitable land in other identified growth corridors so that it is ready to make further acquisitions as soon as funds become available.

**42. Salaries of SDS staff**

Mr Jonathan Miller asked the following question –

Is it possible for the salaries of the SDS staff of all levels, by sufficient grouping/banding to provide meaningful analysis and enabling personal anonymity, be made available?

To which the President replied –

I am informed that the answer is as follows –

SDS provides in its annual financial reports to Synod the aggregate compensation paid to its key management personnel (namely, the CEO, CFO, and Head of Diocesan & Corporate Services). This reflects the disclosure requirements that apply to listed companies which SDS has adopted despite not being a listed company.

Given the relatively small number of SDS staff, it is not appropriate to disclose more information about staff salaries than what has currently been disclosed. However, Synod can be assured that the SDS Board's policy in setting staff salaries, is implemented with some care, by which staff positions are remunerated to an externally referenced benchmark for equivalent positions in Sydney, subject to some variation to reflect individual performance.

#### **43. Availability of annual reports for Synod members**

Mr Allan Piper asked the following question –

On Monday, 39 annual reports were tabled under Item 14.1 of Monday's Business Paper. Of these, the five Regional Council reports are included in Book 1, and two other reports have been mailed out to Synod members. To my knowledge, the other 32 reports have not been explicitly made available to Synod members.

In the interests of transparency and accountability, is it possible in future years for all annual reports to be made available to Synod members, either by inclusion in one of the Synod books, circulation of web links, or some other electronic means?

To which the President replied –

I am informed that the answer is as follows –

The obligations that apply to Regional Councils in providing their annual reports to Synod under clause 9(2) of the *Regions Ordinance 1995* are different to those that apply generally to diocesan organisations in providing their annual reports to Synod under the *Accounts, Audits and Annual Reports Ordinance 1995*.

The Regional Council reports are to be included in the report of the Standing Committee to the Synod for that year. In contrast, the reports provided under the Accounts Ordinance are to be tabled by the Standing Committee at the next ordinary session of Synod.

Some of the annual financial reports tabled at Synod are also publicly available from the website of the Australian Charities and Not-for-profits Commission. The availability of such information is indicated on the business paper for the first day of the session.

Some diocesan organisations voluntarily publish their annual reports and financial statements online, for example SDS and GAB.

However there remains a number of diocesan organisations whose annual reports are not made available beyond being tabled at Synod.

Under the Synod's Governance Policy (in Governance Standard (D)(d)), members of the Synod must have reasonable access to the annual reports of diocesan organisations tabled at Synod. It is recognised that reviewing the tabled annual reports on the Synod stage while the Synod is in session may not always be regarded as reasonable access. So, in order to give meaningful effect to the policy, members have for some years been able to arrange with the Diocesan Secretary a mutually convenient time during the Synod session to review the annual reports tabled at Synod.

#### **44. Property Trust policy on the simultaneous sale and purchase of property**

Mr Colin Adams asked the following question –



- (a) Given the President's comments, referring to the Anglican Church Property Trust, that "there is always room for improvement" in how the Property Trust fulfils its role as "a servant of the parishes rather than a master", does the Property Trust have a policy on the simultaneous sale and purchase of property?
- (a) Has the Property Trust considered, as a matter of policy, allowing the wardens or members of a parish to provide an indemnity to cover any timing differences between the exchange of contracts for purchase and the settlement of sale?

To which the President replied –

I am informed that the answer is as follows –

- (a) Yes.

The issue of simultaneous sale and purchase of property for a given parish does arise on rare occasions. On the most recent occasion, the Property Trust was asked to execute a contract for the purchase of land where the ability to settle the contract required clear funds to be available from the sale of another property. The Property Trust's policy requires cash sufficient to meet the contractual obligation to settle a property purchase, or a combination of cash or clear funds, an unconditional and irrevocable bank guarantee or an unconditional irrevocable offer of finance from an APRA regulated financial institution to be held by the Property Trust before the Property Trust will execute a purchase contract.

- (b) The Property Trust has considered giving the option of a guarantee and indemnity being obtained from the members of the parish council of the parish for whom the acquisition is being made as an alternative. On balance, the Property Trust decided against introducing this option as the Property Trust was very uneasy about potentially needing to contemplate legal action against the members of a parish council in the event a settlement could not proceed due to insufficient funds.

#### 45. Chinese-language ministry in the Diocese

The Rev Bruce Stanley asked the following questions –

- (a) (Approximately) How many Chinese-speaking Rectors are there currently in the Sydney Diocese?
- (a) (Approximately) How many Chinese-speaking congregations are currently operating in the Diocese on a weekly basis?
- (b) How many of these Chinese speaking services occur in Parishes with a non-Chinese speaking Rector?
- (c) How many Parishes employ more than one full time Chinese-speaking clergy?

To which the President replied –

I am informed that the answer is as follows –

The following numbers are approximate, based on the best information that could be gathered in the time period.

- (a) 8
- (b) 37
- (c) 18
- (d) Parishes do not employ clergy. However there are 3 parishes which have more than one licensed Chinese-speaking member of clergy as a rector or assistant minister.

#### 46. Regional mission in the Western Region

The Rev Alistair Seabrook asked the following question –

Are there any plans for a regional mission in the Western Region in 2018/2019?

To which the President replied –

There has been a recent discussion by the Archbishop and Regional Bishops about the possibility of regional missions over the next few years. The bishops of Western Sydney and South Sydney will be consulting with Mission Area leaders and rectors before any plans are made for missions in those regions.

**47. Online SRE accreditation training**

The Rev Alistair Seabrook asked the following question –

Are there any plans to make SRE accreditation training available online?

To which the President replied –

I am informed that the answer is as follows –

The 'Anglican Diocese of Sydney' is one of over 100 organisations approved by the NSW Department of Education to provide special religious education in public schools in NSW. Consequently each year I sign an 'Annual Assurance Letter' on behalf of the Diocese as one of these providers. The letter includes a declaration that the Diocese has a complying training program in place for SRE teachers.

I have delegated responsibility for SRE training and accreditation within the Diocese to Anglican Youthworks. At present there are no firm plans to make SRE training and accreditation available online for Sydney Anglican SRE Teachers. Face to face training provides the opportunity not only to pass on knowledge, but to also model the teaching principles and practices that we want SRE teachers to know and use in the classroom. Youthworks expansive and growing network of local and senior trainers build relationships between local trainers and teachers and enable the training to be contextualised to the local schools. Moreover, our local and senior trainer system provide a cost effective method of providing SRE training across the diocese.

Youthworks SRE curriculum resources are also used in regional NSW, Queensland, Western Australia and New Zealand. Youthworks is investigating the provision of online SRE training for providers outside the Diocese of Sydney.

**48. Net increase in income under the proposed Property Receipts Levy**

The Rev Andrew Katay asked the following question –

Noting the answer by the President to question 5 asked on 9 October, namely that the modelling provided to Synod in its papers of the proposed Property Receipts Levy was necessarily incomplete because the proposed Property Receipts Levy allows deductions for various property-related expenses that were not separately captured in 2015 parish returns; what is the best estimate of the net increase in income if the proposed levy were to be adopted, over the existing arrangements of ordinance income under the current Large Receipts Policy?

To which the President replied –

I am informed that the answer is as follows -

The best available estimate of the net increase in income if the proposed levy were to be adopted, over the existing arrangements of ordinance income under the current Large Receipts Policy is not less than \$500,000 per annum.

**49. Contribution to the Coalition for marriage**

The Rev Greg Burke asked the following question –

- (a) Was any consideration given to advising the parishes of the diocese of the decision to contribute \$1 million to the Coalition for Marriage’s advertising campaign either before or after the decision was taken (and before the Presidential Address)?
- (b) Was any consideration given to alternatives such as making a smaller “seed funding contribution” and asking parishes and individual Anglicans to make voluntary contributions to the campaign if they wished?

To which the President replied –

I am informed that the answer is as follows -

- (a) The timeline of events in the same-sex marriage postal survey meant that it was not possible to consult with parishes before the decision was made by Standing Committee. Like the postal survey itself, our contribution was “urgent and unforeseen” until early September. There was no certainty that the postal survey would go ahead until the High Court dismissed the legal challenge on 6 September. The report proposing a contribution to Coalition for Marriage was written after this date, and circulated to Standing Committee members on 12 September for the Standing Committee meeting on 18 September. The decision of the Standing Committee was made public to Synod members soon thereafter, in the report on pages 272-284 of the Supplementary Report of the Standing Committee. This report was distributed to all Synod members on 22 September, that is, 4 days after the decision was made.
- (b) The Archbishop wrote a letter to all Sydney Anglicans on 16 August advising that the Diocese of Sydney had committed to being a lead partner in the Coalition for Marriage, and to encourage Sydney Anglicans to make voluntary contributions to the campaign. The Archbishop made direct contact with a number of individual Sydney Anglicans to invite them to contribute. The diocesan contribution was intended to be in addition to these individual contributions.

**50. Proposed redress scheme arising out of the Royal Commission into Institutional Child Sexual Abuse**

The Rev Martyn Davis asked the following question –

Are there currently any details available about the proposed redress scheme arising out of the Royal Commission into Institutional Child Sexual Abuse?

- (a) If so –
  - (i) Are there any indications about our responsibilities and obligations in this matter?
  - (ii) Are there any projections of the financial costs to the Sydney diocese to meet these obligations and how is it envisaged that these costs will be covered?
- (b) If not, is there any indication of when these kinds of details will become available?

To which the President replied –

I am informed that the answer is as follows –

The Federal Government has announced that a Commonwealth Redress Scheme will commence on 1 July 2018. The Scheme will be limited to child sexual abuse which occurred prior to that date.

Institutions will be invited to voluntarily opt into the Scheme by written agreement.

The Scheme will operate on the basis that each participating responsible entity meets the cost of the claims attributable to the entity which are processed through the Scheme. Participating entities will need to meet the following costs:

- redress costs comprising a monetary payment, direct personal response, and psychological counselling;
- contribution to the cost of a survivor’s legal advice to a capped amount; and
- administration costs.

Many details are still unknown. However it is anticipated that an exposure draft of the proposed legislation to establish the Scheme will soon be made publicly available by the Government.

Once further details are made available it may be possible to determine an approximate cost for an average claim. However it is difficult to estimate how many survivors of abuse committed in our Diocese may wish to apply to have their claims assessed under the Commonwealth Redress Scheme. At the recent session of General Synod, Commissioner Robert Fitzgerald from the Royal Commission indicated that only 34% of survivors of abuse in Anglican institutions attending private sessions had reported the abuse to the relevant institution.

The Royal Commission Working Group of the General Synod is in active discussion with the Honourable Christian Porter MP, Minister for Social Services in respect to the proposed redress scheme. Two members of our Synod, Mr Garth Blake SC and the Rev Dr Andrew Ford are members of the Working Group. The matter is also under active consideration by our Diocesan Royal Commission Steering Committee on behalf of the Standing Committee.

#### **51. General Synod Assessments and cost of attendance**

Canon Tom Harricks asked the following question –

- (a) What was the amount of General Synod Assessments last year?
- (b) What was the cost of sending Sydney's delegation (including airfares, accommodation, meals) to General Synod 2017?

To which the President replied –

I am informed that the answer is as follows –

- (a) The General Synod Assessment for 2016 was \$459,008.
- (b) Noting that travel costs for General Synod members (such as airfares and airport transfers) are paid by the General Synod Office from the Assessments contributed from each diocese, it is expected that the final cost (excluding travel costs) will be approximately \$68,000. This figure includes the cost of accommodation and meals, meeting room hire, the travel costs for the Archbishop's Media Advisor and known miscellaneous expenses.

#### **52. Directors and Officers Insurance**

Ms Alison Woof asked the following question –

- (a) Do all persons elected to Committees and Boards by the Synod have appropriate Directors and Officers Insurance?
- (b) If not, does the diocese formally indemnify all such persons?
- (c) Where the answer to the above two questions is not 'yes', which Committees and Boards are not so covered?

To which the President replied –

I am informed that the answer is as follows –

- (a) The Property Trust arranges a program of insurance for parishes and a number of diocesan organisations. This program includes Directors and Officers insurance. Diocesan organisations arrange their insurance independently. In the time available it has not been possible to ascertain whether diocesan organisations not covered by the Program have Directors and Officers insurance.
- (b) No. However the ordinance of a diocesan organisation may specify an indemnity against the assets of the organisation or the organisation may have entered into deeds of indemnity with its board members.

- (c) As many diocesan organisations arrange their own insurance it is not known which, if any, do not have Directors and Officers insurance.

**53. Diocesan insurance program**

Mr Jeremy Freeman asked the following question –

Has Standing Committee, within the last fifteen years, reviewed the policy decisions and management of the diocesan insurance program? If so, when and what was the scope of the review?

To which the President replied –

I am informed that the answer is as follows –

The Synod has given responsibility for the insurance program to the Property Trust through the *Church Insurances Ordinance 1981*.

The Property Trust obtains independent advice from the insurance broker, Marsh Pty Ltd as to the adequacy of the insurance program. The Property Trust also obtains the concurrence of the boards of those diocesan organisations covered by the Program as to the adequacy of the insurance. Over recent years many of those organisations have obtained independent professional advice in order to inform the feedback they provide to the Property Trust.

Periodically, since 2007, the Property Trust has obtained an independent professional actuarial report about the adequacy of insurance policies and related cover provided under the Program. These reports have been provided to the Finance Committee of the Standing Committee.

**54. Synod membership of Lay Ministers and Assistant Ministers**

Mr Jeremy Freeman asked the following question –

- (a) Does the Synod membership ordinance provide for Authorised Lay Ministers to be represented on Synod? How many members of Synod are Lay Ministers? What is this number as a proportion of the total membership?
- (b) Does the Synod membership ordinance provide for Assistant Ministers to be represented on Synod? How many members of Synod are Assistant Ministers? What is this number as a proportion of the total membership?

To which the President replied –

I am informed that the answer is as follows –

- (a) Lay ministers can be members of Synod if they are elected by the parish under Part 5, or appointed by Standing Committee or the Sydney Anglican Indigenous Peoples' Ministry Committee under Part 8 and 8A of the Synod Membership Ordinance 1995. There are 16 lay ministers who are members of the 51st Synod and this represents 1.99% of the total membership.
- (b) Assistant Ministers may be members of Synod if they are appointed as an alternate by their rector, or appointed by the Archbishop under Part 7. There are 15 Assistant Ministers who are members of the current session of the 51<sup>st</sup> Synod and this represents 1.86% of the total membership.

**55. Participation in the General Synod Viability and Structures Taskforce**

Mr Jeremy Freeman asked the following question –

What is the Diocese's ongoing participation in the General Synod Viability and Structures Taskforce process?

To which the President replied –

I am informed that the answer is as follows –

The Viability and Structures Steering Group was set up at the 2014 General Synod and had its goal to make some transformative recommendations that every diocese could support and pursue collaboratively. The Sydney Diocese made representations to the Steering Group and a member of our clergy was the NSW Provincial Representative.

The Final Report of the Steering Group was received by the 2017 General Synod and there are five main recommendations that can be found in the report in Book 2 of the General Synod Papers available on the General Synod website.

The final recommendations of the Steering Group report requested the General Synod Standing Committee to take further action on the recommendations.

## **56. Accountability of diocesan organisations**

Mr Jeremy Freeman asked the following question –

How are the diocesan organisations held accountable to the Synod?

To which the President replied –

I am informed that the answer is as follows –

There are four main ways in which diocesan organisations are accountable to the Synod.

Firstly, members of the boards of diocesan organisations are elected by the Synod.

Secondly, the constitutions of diocesan organisations are set out in an ordinance and can be amended by the Synod or Standing Committee. These ordinances set out the governance arrangements of the organisations, including their purposes, membership, functions and powers.

Thirdly, the *Accounts, Audits and Annual Reports Ordinance 1995* requires all diocesan organisations to provide an annual report to the Synod, which includes certain information in respect to their governance, finances and operations.

And fourthly, Synod members have the opportunity to ask questions of the President about the work of diocesan organisations at each session of the Synod.

## **57. Reporting of contributions under the proposed Property Receipts Levy**

Mr Jeremy Freeman asked the following question –

If the proposed Property Receipts Levy is adopted by the Synod, under current accounting arrangements will parish payments made in accordance will the levy be transparently reported to Synod? What will be transparently reported to Synod?

To which the President replied –

I am informed that the answer is as follows –

Synod can expect details of all parish payments made in accordance with the proposed property receipts levy to be reported each year to the Synod in the Annual Financial Reports, most likely in a way similar to the transparent annual reporting of payments by parishes to the Synod Fund (see pages 18 and 23 of the Synod Funds - Amalgamated Annual Financial Report for 2016). However the final arrangements for reporting will be determined in the ordinance establishing the levy if it is passed by the Synod.

**58. Incumbents with a less than full time appointment**

Mr Matthew Robson asked the following question –

Regarding incumbents of full parishes where arrangements have been made for the incumbent's appointment to be less than full time –

- (a) What are the parishes where such an arrangement exists?
- (b) What is the variation in Parish Cost Recoveries (both fixed and variable) for each of those parishes due to such arrangements?

To which the President replied –

I am informed that the answer is as follows –

- (a) There is no requirement for the Diocesan Registry or other central authority to be notified when an incumbent and parish authorities come to an arrangement for the incumbent to be less than full time so it is not possible to provide this information. The Regional Bishops are aware of special arrangements applying in 4 parishes.
- (b) In each of these 4 cases known to the Regional Bishops, there is no variation in the Parish Cost Recoveries and the incumbent receives 100% of the long service leave and other benefits under the PCR system.

**59. Opening, Closure, Merger or Takeover of Schools Corporation Schools**

Mr Rick Stevens asked the following question –

Concerning the Synod Business Paper 17 October 2016: Motion passed at Item 6.15 – Opening, Closure, Merger or Takeover of Schools Corporation Schools (acknowledging the Supplementary Report, page 203, Book 2, of the current Synod) –

- (a) When can Synod expect to receive a report from the Standing Committee with regard to reviewing the Anglican Schools Ordinance as requested in the above motion?
- (b) Has the Schools Corporation board reviewed its internal processes and procedures as requested in the above motion?

To which the President replied –

I am informed that the answer is as follows –

- (a) The Standing Committee received a response from the Anglican Schools Corporation in relation to this matter at its August 2017 meeting. However by reason of the pressing nature of other business, the Standing Committee was unable to consider the response prior to this session of the Synod. The Synod can expect to receive a report concerning this matter as part of the Standing Committee's annual report in 2018.
- (b) Yes. The outcome of the review has been provided to the Standing Committee.

**60. Church attendance statistics**

Mr Ken West asked the following question –

With regard to the church attendance statistics which parishes regularly supply to the Diocese, please advise –

- (a) What was the aggregate church attendance across the Diocese in each of the years 2011 to 2016 and 2017 to date?
- (b) How do these numbers correlate with the metrics gathered as part of *Mission 2020*?
- (c) Do these statistics offer any insights into the success or direction of *Mission 2020*?

To which the President replied –

I am informed that the answer is as follows –

- (a) Early in each year parishes are asked to advise the Registry of their attendance statistics for the previous calendar year. The Archbishop's Office makes significant effort to collect these statistics but the response rate varies from year to year.

The total attendance numbers provided by parishes for the years requested are:

2011	53,162
2012	52,947
2013	53,297
2014	54,468
2015	55,028
2016	51,533

I regret to inform the Synod that 26 parishes have not provided their attendance statistics for 2016. Attendances for 2017 will not be available until early 2018.

- (b) & (c) This data is consistent with the concern that was expressed in the Strategic Research Group presentation on Mission 2020 that indicated a plateau or decreases on a number of measures.

## 61. Diocesan Endowment

Mr Peter Hanson asked the following question –

Regarding the Diocesan Endowment –

- (a) Who are the Trustees?
- (b) What was the surplus of the Diocesan Endowment in 2016 and are there any significant changes anticipated in 2017?
- (c) What percentage of the Surplus from the Diocesan Endowment is paid into Synod Funds (i.e. what percentage of the total surplus from the Endowment was the \$4.3 million in 2016 and what is the percentage budgeted for 2017)?
- (d) What, if any, discretion did the Trustees of the Diocesan Endowment have in responding to the request from Standing Committee for the \$1 million funding given to the No to Same Sex Marriage campaign?
- (e) Did the Ordinance demanding the extra \$1 million distribution from the Diocesan Endowment vary any of the terms of the Endowment Deed to allow a distribution for this purpose?
- (f) Where was the \$1,000,000 paid from – was it from the earnings of the Endowment in 2017 or was it from the Capital or from the Accumulated Funds built up over past years?
- (g) Given Bishop Michael Stead's speech to synod in 2016 regarding the lack of wisdom in plundering the Capital and Accumulated Funds of Diocesan Endowment for worthy purposes, what effect will the \$1 million taken from the Endowment have on its ability to pay a greater share of its income towards Synod Funds in future years?
- (h) How much was taken from the Diocesan Endowment to feed the hungry, clothe the naked, give the thirsty something to drink, welcome asylum seekers and refugees, house the homeless, cure the sick, and visit those in prison (see Matthew 25:31-46) in each of –
- (i) 2016; and
- (ii) Year to date 2017?

To which the President replied –

I am informed that the answer is as follows –

- (a) The Glebe Administration Board.
- (b) The surplus in 2016 was \$13.7 million. The surplus in 2017 is expected to be significantly lower due to the transfer on 1 September 2017 of the half share in St Andrew's House from the Diocesan Endowment to the Synod. It is not possible to predict the amount of the surplus for 2017 with any significant level of precision as a



large proportion of the assets of the Diocesan Endowment are invested in assets which vary in value with changes in investment markets.

- (c) Distributions are not determined by reference to the surplus earned by the Diocesan Endowment. Under the *Diocesan Endowment Trust Ordinance 2016*, the GAB is required to advise the Standing Committee each year of the amount which may prudently be distributed from the Diocesan Endowment in the following year. GAB gives this advice having regard to modelling provided by its Asset Consultant, Mercer. GAB's principal consideration is having a high level of confidence that the real value of the Diocesan Endowment will be maintained over time, as required by the *Diocesan Endowment Trust Ordinance 2016*.
- (d) The Standing Committee has authority under delegations from the Synod to make special appropriations from the Diocesan Endowment. However, as a matter of courtesy, the Standing Committee has adopted a policy to consult with the GAB before consideration is given to making any special appropriation. The GAB was consulted in accordance with this policy. For the purpose of the consultation, GAB obtained advice from Mercer about the impact that payments of various amounts up to \$1,000,000 from the Diocesan Endowment would have on GAB's ability to maintain the real value of the Diocesan Endowment and on future distributions to the Synod. Based on that advice the Standing Committee was persuaded that a \$1 million payment was appropriate in all the circumstances.
- (e) No
- (f) The \$1 million was paid from the accumulated funds of the Diocesan Endowment.
- (g) Based on the modelling from GAB's Asset Consultant, Mercer, GAB was advised that a payment of \$1 million from the Endowment in 2017 is expected to have no impact on the absolute levels of projected distributions to the Synod over the next 20 years. The effect of the \$1 million payment was in terms of risk. That is, the probability of the Diocesan Endowment maintaining its real value over the next 20 years would drop marginally if a \$1 million payment was made but would remain well above the confidence level required by GAB to maintain expected levels of distributions to the Synod.
- (h) Distributions from the Diocesan Endowment are paid to Synod Fund 129 and combined with distributions from a number of other funds. Payments from Synod Fund 129 are made for a range of purposes to the organisations specified in the annual Synod Appropriations and Allocations Ordinances. It is not possible to specify the particular use of the amounts applied from the Diocesan Endowment since the amounts allocated for spending are made from a pool of funds.

## 62. Aims of the Archbishop for the Diocese

Mr Peter Hanson asked the following question –

- (a) Does the Archbishop recall stating in his acceptance speech to his election as Archbishop, that one of the aims of his Arch-episcopacy was along the lines that he wanted the Diocese of Sydney to become “as well known for its love as it is for its doctrinal purity”?
- (b) Is that still one of his aims?
- (c) Is he measuring progress towards the achievement of this goal?
- (d) What progress has been made towards its achievement?
- (e) Has he measured the effect that –
  - (i) The active participation of the Diocese in the No campaign for Same Sex Marriage; and
  - (ii) His participation in the consecration of a bishop in a church not in communion with the Anglican Communion worldwide, has had on the achievement of this goal?

To which the President replied –

- (a) Yes.
- (b) Yes.

- (c) Yes.
- (d) Though it is not easy to measure such progress, in my view the manner in which debates are conducted in the Synod, bears testimony to the manner in which our mutual respect and love for one another is displayed. However, this has been confirmed by a recently received and unsolicited email from a newish member of our Synod who has experienced Synods in other dioceses.

“I feel greatly privileged to be a member of the Sydney Synod. I'm struck by the way in which we give ourselves to serious matters with thoughtfulness, prayerfulness, humility and a deeply biblical form of engagement. I'm struck by how we disagree peaceably and fruitfully. Without putting too fine a point on it, I am not used to Synods of such reverence, seriousness and love.”

- (e)
  - (i) While there has been a few cases of ungodly behaviour in the 'No' campaign, I am not aware of any that may be attributed to Sydney Anglicans. On the contrary, I believe that our own booklet, *What has God joined together?*, and its good reception among Sydney Anglicans has borne fruit in providing a winsome and sensitive approach to putting the case for voting 'No'.
  - (ii) I believe that my participation in the consecration of Canon Andy Lines as a bishop in the Church of God, has not deflected either my goal or the progress of my goal. It is not well known that although the Archbishop of Canterbury may not consider ACNA as a member of the Anglican Communion, the Church of England does recognise his episcopal orders, as they do all ACNA orders. This is a strange anomaly, but part of the unusual nature of the Anglican Communion. Furthermore, at the consecration in Chicago in June the largest number of Anglican bishops in living memory gathered in fellowship and prayer to set apart a godly man for episcopal ministry. Not only that, the number of Primates, Archbishops and Diocesan Bishops represented more than 2/3 of the worldwide membership of the Anglican Communion. To consider such a consecration with this representation by bona fide bishops as improper or illegal ignores the voice of Anglicans from around the world who say otherwise. That I stand alongside Athanasius, who ordained orthodox men in provinces where heretical bishops of Arian theology presided, and alongside our own former Archbishop Donald Robinson, who consecrated Dudley Foord for the Church of England in South Africa (also not recognised by the Archbishop of Canterbury as part of the Anglican Communion) in St Andrew's Cathedral in 1984, is I believe a mark of honour from which I do not resile. As the apostle Paul so eloquent describes standing for the truth of the gospel: 'the only thing that counts is faith working through love' (Galatians 5:6).

### 63. Questions at Synod

Mr Peter M.G. Young asked the following question –

- (a) How soon can we ask questions of the diocese for the next ordinary session of Synod?
- (b) How can such questions be answered prior to the first day of the ordinary session of Synod?
- (c) Can written answers be issued before such day and if so how?
- (d) To whom should we address questions to the diocese, as Synod representatives, during the year?
- (e) Do answers to questions at Synod currently have to be oral?
- (f) Is there a procedure at meetings of the Standing Committee, whereby Standing Committee representatives may ask questions of the diocese?

To which the President replied –

I am informed that the answer is as follows –

- (a) A member can give notice of a question for a session of Synod to the Secretary at any time. However, the question must formally be asked as part of the business of the Synod at the session.
- (b) A question asked as part of the business of the Synod cannot formally be answered prior to the session of the Synod.
- (c) No.
- (d) Outside the proceedings of a session of the Synod members may not always be entitled to receive answers to questions about diocesan organisations and the affairs of the Diocese generally. However, the staff of SDS and the Archbishop's Office are willing to assist with reasonable questions from Synod members during the year and will provide answers to the extent they are able. If members use the Contact Form on the SDS website, the question will be allocated to the relevant member of staff. Members can also ask questions through the Secretary.
- (e) Under Synod business rule 6.3(2), a question is asked by making a brief statement informing the Synod of the subject matter of the question when called upon by the President, and handing the full text of the question to the Secretary. To this extent, questions must be oral.
- (f) There is no formal procedure allowing members of the Standing Committee to ask questions of the President on matters affecting the Diocese generally. However there are certain bodies that provide regular reports to the Standing Committee and these reports provide a context for asking questions. A member also has the ability to move a motion requesting the provision of a report or information by a diocesan body.

#### 64. Safe Ministry Training

The Rev Steven Layson asked the following question –

In the light of the excellent presentation on online Safe Ministry Training, could the Archbishop please let us know how many (if any) clergy and/or bishops are not up to date with their Safe Ministry Training? What, if anything, is planned to be done to ensure our church leaders lead by example in this important matter?

To which the President replied –

I am informed that the answer is as follows –

The Archbishop and the five Assistant Bishops are all up to date with their Safe Ministry Training. The Faithfulness in Service Conference this year did not contain a component to update Safe Ministry Training so the Archbishop and Assistant Bishops made sure they attended a refresher course before their 3 year period expired. It is expected that all licensed clergy and authorised lay ministers have done the same. If not, then they should immediately take steps to undertake a refresher course. I suggest the new online safe ministry training be used.

No central records are maintained of the Safe Ministry Training status of clergy. All these records are maintained by the relevant parish or employer. In the context of recent and expected future changes in requirements for Safe Ministry Training, the Professional Standards Unit and Registrar are examining the possibility of a system being developed to enable parishes to be offered an efficient centralised record of safe ministry information.

Rule 7.2(4) of Schedule 1 of the *Parish Administration Ordinance 2008* gives the Archbishop power to direct that parish clergy undertake the required training. It is my intention to obtain information on the status of clergy safe ministry training and to issue directions to any clergy who are not up to date.

#### 65. Patron saints of parishes

Dr David Oakenfull asked the following question –

Is it now official diocesan policy for patron saints of parishes to be given redundancy notices?

To which the President replied –

I am informed that the answer is as follows –

There is no ordinance giving any diocesan authority the power to give redundancy notices to patron saints.

Relevant clauses in the *Parish Administration Ordinance 2008* are –

**5.2 Name of a church**

- (1) The name of a church is that specified in the licence or sentence of consecration.
- (2) The name of a church may only be changed by the Archbishop at the request of the minister and wardens, if any.

**9.1 Name of parish**

- (1) The name of the parish is that last designated by the Archbishop.
- (2) The name of the parish may only be changed by the Archbishop at the request of the minister and parish council.

From time to time the Archbishop receives requests from the relevant parish authorities to change the name of a church or parish. After considering each request, the Archbishop decides whether he agrees with the proposal.

In recent times there has been one occasion when the long standing name of a parish was changed and the name was subsequently changed back to the original name.

**66. Parish of Beacon Hill**

Mr Peter Yates asked the following question –

- (a) What is the status of the Parish of Beacon Hill in the North Sydney Region?
- (b) Why were the Parish's Nomination Rights not restored to it some years ago, following the Parish's agreement to go into partnership with the Parish of Narrabeen and, after the ending of that partnership by the Senior Minister of the Narrabeen Parish?
- (c) Why has the Parish been given neither Nomination Rights nor been declared a Provisional Parish?
- (d) Will the Bishop of North Sydney, as the Acting Rector of the Parish, undertake to hold discussions with the few remaining stalwarts of the parish's congregations (and with past members of the parish who still have an interest) about future alternatives for the Parish?
- (e) Were the Regional Bishop and the Archbishop aware of the decision taken by the then Parish Council, at the insistence of the current Acting Incumbent, to sell the Christian Pre-School Kindergarten that leased the Parish's Church Property, which lease provided, but its rentals, substantial funds to allow the Parish to remain financially viable?
- (f) Is it correct that because of the closure of the Christian Pre-School Kindergarten, together with the departure to other neighbouring parishes of a significant number of longstanding Beacon Hill Church Members, mainly because of that closure, the parish is struggling financially?
- (g) Is it correct that the Archbishop's wife, Dianne, had much of her childhood upbringing in the Parish of Beacon Hill, and that her parents were faithful servants of the Lord Jesus in the Parish for many years?
- (h) Is it correct that the Archbishop, as the previous Regional Bishop of North Sydney, when opening the Parish's new Rectory at Oxford Falls some years ago, encouraged both the then clergy and parishioners of the parish to persevere because the parish had a vital role for Christian growth on the Northern Beaches of Sydney?
- (i) What future does the Diocese see for the Parish of Beacon Hill? Before any decision is taken, will the Regional Bishop of North Sydney undertake to discuss alternative options for the Parish with all of the Church's parishioners who have an interest?

To which the President replied –

I am informed that the answer is as follows –

- (a) It is a parish, not a provisional parish that has been vacant since the resignation of the Rev David Lakos on 10 October 2010.
- (b) A request was received from the parish nominators with the support of the then Regional Bishop to suspend the nomination process for twelve months until 9 September 2011. A further extension was sought from the parish nominators with the support of the then Regional Bishop for a two year period until 19 July 2013. No further extension was sought.
- (c) To be declared a provisional parish, the parish needs to have failed the local revenue test for 3 consecutive years. This has not occurred. The Parish's nomination rights have lapsed because they did not seek an extension.
- (d) The Bishop of North Sydney has, as recently as two weeks ago, met with the Acting Minister, the Rev Rick Mason, and a warden of the Parish and will continue discussions with the Wardens and the Assistant Minister about the future plans for the Parish.
- (e) The decision in 2015 not to renew the lease to the preschool was made by the Parish Council. The incumbent, namely the Regional Bishop, placed no pressure on the Parish Council with respect to any decision regarding the preschool. Rather he worked hard to broker an agreeable compromise. The Parish Council and Wardens were of the mind that the preschool was not aligned with the ministry purposes of the Parish.
- (f) In its most recent times the preschool was not advertised as a Christian preschool and its chair was not attending any church. Some of the teachers were Christians and they faithfully witnessed to Christ through their work but the preschool was not part of the ministry of the parish and its objects were more aligned with being a community preschool. The financial returns from the parish for the year following the closure of the preschool passed the diocesan test for parish status to be maintained.
- (g) True, but not relevant.
- (h) Yes.
- (i) The Regional Bishop has for some time been in discussions with the wardens and the Parish Council about the future of the Parish and they will be bringing some suggestions to the Parish as a whole in due course.

**67. Recruitment of candidates for Anglican ordination**

The Rev Peter Tong asked the following question –

What strategies does the Diocese have in order to recruit candidates for Anglican ordination? If this is done regionally, what strategies does each Region have?

To which the President replied –

I am informed that the answer is as follows –

The local church is the primary location for recruiting men and women for ordination. Our ministers are our primary recruiters.

As ministers live in community with, serve with and equip the saints for the work of ministry (Ephesians 4) they are able to identify who has the potential convictions, character and competencies to consider full-time ministry and to encourage such people to pursue training and ordination.

Ministry Training and Development seeks to support this recruiting by speaking at churches about ordained ministry when invited, meeting with people individually and visiting Moore College and Regional Conferences to promote and discuss ordained ministry.

**68. Part-time incumbents**

The Rev Peter Tong asked the following question –

- (a) If an incumbent is licensed on a full-time basis, is it purely a matter between the incumbent and his parish council if the incumbent is to take up other positions outside the parish?
- (b) Does the diocese provide any guidelines to help incumbents and parish councils come to part-time arrangements?
- (c) Is this the same process for Assistant Ministers?

To which the President replied –

I am informed that the answer is as follows –

- (a) A rector is not required to work a set number of hours as part of the office that they hold in the parish. However in most parishes clergy work a 6 day week. It is expected that any proposed deviations from this would be discussed with the Archbishop (or relevant regional bishop) and the parish council.  
Habitual and wilful neglect of duty after written admonition is an offence under the *Offences Ordinance 1962*, and will also be a ground of misconduct under the *Ministry Standards Ordinance 2017*. If a member of clergy neglected the duties of their office by taking up another position without the agreement of the Archbishop (or relevant regional bishop) and the parish council they could, depending on the circumstances, be subject to a professional standards process.
- (b) No.
- (c) No. Assistant Ministers are under the direction of the Rector in respect to their ministry duties. An Assistant Minister who is ordained also does not work a set number of hours. Their duties are determined by the Rector, and therefore any position that would require the Assistant Minister allocating time to another pursuit would need to be agreed with the Rector. Depending on the nature of the position, this may involve a commensurate change to the stipend, benefits and allowances paid to the Assistant Minister. The wardens and parish council should therefore also be involved in any such decision.

## Elections

### Uncontested elections

In accordance with rule 4.1(1) of the Schedule to the *Synod Elections Ordinance 2000*, I hereby certify that the following nominations of persons do not exceed the number of persons to be elected for the offices shown –

1.	<p><b>ANGLICAN CHURCH PROPERTY TRUST DIOCESE OF SYDNEY</b> (Anglican Church Property Trust Diocese of Sydney Ordinance 1965)</p> <p><b>2 members of the clergy, elected for 6 years.</b></p> <p>Canon Christopher A Allan</p> <p>The Rev Andrew J H Schmidt</p> <p><b>1 person, elected for 6 years.</b></p> <p>Mr Roger Z A Collison</p>
2.	<p><b>ANGLICAN COMMUNITY SERVICES (ANGLICARE)</b> (Anglican Community Services Constitution Ordinance 1961)</p> <p><b>1 member of the clergy, elected for 3 years.</b></p> <p>The Rev Dr Margaret A Powell</p> <p><b>1 lay person, elected by the Synod for 3 years.</b></p> <p>Mr Martyn Mitchell</p>
3.	<p><b>ANGLICAN EDUCATION COMMISSION</b> (Anglican Education Commission Ordinance 2006)</p> <p><b>2 persons, elected for 3 years.</b></p> <p>Bishop Chris Edwards</p> <p>Dr Julie Mathews</p>
4.	<p><b>ANGLICAN SCHOOLS CORPORATION</b> (Anglican Schools Corporation Ordinance 1947)</p> <p><b>1 member of clergy, elected for 3 years.</b></p> <p>The Rev Kerrie Newmarch</p> <p><b>2 persons, elected for 3 years.</b></p> <p>Bishop Chris Edwards</p> <p>The Rev Jennifer M Everist</p>

5.	<p><b>THE ARCHBISHOP OF SYDNEY'S ANGLICAN AID</b>          (The Archbishop of Sydney's Anglican Aid Ordinance 2011)</p> <p><b>2 persons, elected for 3 years.</b></p> <p>Canon Peter Rodgers</p> <p>The Rev Robert J Stewart</p>
6.	<p><b>ARDEN ANGLICAN SCHOOL COUNCIL</b>          (Arden Anglican School Council Ordinance 1962)</p> <p><b>1 clergyman, elected for 2 years.</b></p> <p>The Rev Paul Sampson</p> <p><b>4 persons, elected for 3 years.</b></p> <p>Mr Santino J Dimarco</p> <p>Mr Ross W Lamb</p> <p>Mr Lachlan May</p> <p>Mr David Sietsma</p>
7.	<p><b>BOARD OF ENQUIRY</b>          (Discipline Ordinance 2006)</p> <p><b>1 member of the clergy, elected for 3 years.</b></p> <p>Canon Phillip J Colgan</p> <p><b>2 lay persons, elected for 3 years.</b></p> <p>Mr Ian C Miller</p> <p>Dr Laurence A Scandrett</p>
8.	<p><b>BOARD OF SYDNEY DIOCESAN SUPERANNUATION FUND</b>          (Sydney Diocesan Superannuation Fund Ordinance 1961)</p> <p><b>3 persons who are representatives of employers, elected for 6 years.</b></p> <p>Mr Roger Z A Collison</p> <p>Mr James W Flavin</p> <p><b>3 persons who are representatives of employees, elected for 6 years.</b></p> <p>The Rev David Ould</p> <p>Mrs Juliet Wenden</p>



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9.	<p><b>THE COUNCIL OF ABBOTSLEIGH</b> (Abbotsleigh Ordinance 1924)</p> <p><b>1 clergyman, elected for 1 year.</b></p> <p>The Rev Antony G Barraclough</p>
10.	<p><b>COUNCIL OF ANGLICAN YOUTH AND EDUCATION DIOCESE OF SYDNEY (YOUTHWORKS)</b> (Anglican Youth and Education Diocese of Sydney Ordinance 1919)</p> <p><b>1 member of the clergy, elected for 3 years.</b></p> <p>Canon Stephen R Gibson</p> <p><b>1 lay person, elected for 3 years.</b></p> <p>Mrs Naomi Wilkins</p>
11.	<p><b>THE COUNCIL OF BARKER COLLEGE</b> (The Barker College Ordinance 1978)</p> <p><b>1 member of the clergy, elected for 2 years.</b></p> <p>The Rev Kate Snell</p>
12.	<p><b>COUNCIL OF ST CATHERINE'S SCHOOL, WAVERLEY</b> (St Catherine's School Waverley Ordinance 1922)</p> <p><b>2 lay persons, elected for 3 years.</b></p> <p>Ms Danusia Cameron</p> <p>Ms Kim Parish</p>
13.	<p><b>COUNCIL OF TARA ANGLICAN SCHOOL FOR GIRLS</b> (Tara Anglican Girls' School Ordinance 1956)</p> <p><b>3 persons, elected for 3 years.</b></p> <p>Ms Nola Haig</p> <p>Dr Sue Sook Peng Ng</p> <p>Ms Margaret Stuart</p>

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14.	<p><b>THE COUNCIL OF THE ILLAWARRA GRAMMAR SCHOOL</b> (The Illawarra Grammar School Ordinance 1958)</p> <p><b>1 clergy man, elected for 4 years.</b></p> <p>The Rev Robert Stubbs</p> <p><b>1 lay person, elected for 1 year.</b></p> <p>Mr Paul Vassallo</p> <p><b>2 lay persons, elected for 4 years.</b></p> <p>Mrs Linda Ozols</p> <p>Mr Roger B Summerill OAM</p>
15.	<p><b>THE COUNCIL OF THE KING'S SCHOOL</b> (The King's School Council Constitution Ordinance 1922)</p> <p><b>2 clergy men, elected for 6 years.</b></p> <p>Archdeacon Ken P Allen</p> <p>The Rev Martin B Robinson</p> <p><b>1 lay person, elected for 3 years.</b></p> <p>Mr Mark Turner</p> <p><b>2 lay persons, elected for 6 years.</b></p> <p>Mrs Rosemary A Abrahams</p> <p>Mr Anthony E D Mobbs</p>
16.	<p><b>COUNCIL OF TRINITY GRAMMAR SCHOOL</b> (Trinity Grammar School Constitution Ordinance 1928)</p> <p><b>1 clergyman elected for 1 year.</b></p> <p>The Rev David R Mears</p> <p><b>2 clergymen, elected for 3 years.</b></p> <p>The Rev Christopher S Braga</p> <p>The Rev Alan J M Lukabyo</p> <p><b>2 lay persons, elected for 3 years.</b></p> <p>Dr Margaret Chu</p> <p>Dr Robert C Claxton</p>

17.

**DIOCESAN REPRESENTATIVES ON GENERAL SYNOD**

(General Synod Representation Ordinance 1986)

**35 members of the clergy, elected for 3 years.**

The Rev Marshall S Ballantine-Jones

The Rev Scott M Blackwell

The Rev Andrew R Bruce

Canon Phillip J Colgan

Bishop Chris Edwards

The Rev Dr Andrew L Ford

The Rev Nigel E J Fortescue

Canon Stephen R Gibson

Canon Andrew Grant

The Rev Dr Rajeev Gupta

The Rev Kate Haggart

The Rev James E H Harricks

Archdeacon Kara L Hartley

Bishop Peter L Hayward

The Rev Dr David A Hohne

The Rev Caitlin Hurley

Bishop Ivan Y Lee

Bishop Peter R Lin

The Rev Timothy Mildenhall

The Rev Kerrie Newmarch

The Rt Rev Ross Nicholson

The Rev David Ould

The Rev Gavin E Parsons

The Rev Gavin M Poole

Dean Kanishka Raffel

The Rev Jason L Ramsay

The Rev Simon J Roberts

The Rev Craig W Roberts

Bishop Michael R Stead

The Rev Canon Dr Mark D Thompson

The Rev Peter M Tong

The Rev Danielle E Treweek

The Rev Zachary Veron

The Rev James C B Warren

The Rev Catherine Wynn Jones

**35 lay persons, elected for 3 years.**

Mr Rowen Atkinson

Mr Garth O Blake SC

Mr Lachlan Bryant

Mrs Kirsten Bucknell

Mrs Gillian Davidson

Mr Michael Easton

Mr Clive G Ellis

Ms Michelle T England

Mr James W Flavin

Miss Jennifer S Flower

Mr Philip C Gerber

Mr Daniel Glynn

Mr Gregory N Hammond OAM

Mr Steven Lucas

Mr Douglas S Marr

Mr Michael K Meek SC

Mr Ian C Miller

Mr Craig A Moore

Mrs Michele Morrison

Dr Barry C Newman

Mrs Emma Penzo

Mr Malcolm J Purvis

Dr Laurence A Scandrett

Mrs Fiona E Smark

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Dr Claire S Smith

Dr Karin N Sowada

Ms Emma Thornett

Mr Stephen N Tong

Dr Andrew R Tong

Dr Robert Tong AM

Ms Jane Tooher

Mr Gilbert van der Jagt

Ms Nicola V Warwick-Mayo

Mr Robert J Wicks

The Hon Peter W Young AO QC

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18.

**DIOCESAN REPRESENTATIVES ON PROVINCIAL SYNOD**

(Provincial Synod Representation Ordinance 1986)

**12 members of the clergy, elected for 3 years.**

The Rev Marshall S Ballantine-Jones

The Rev Scott M Blackwell

The Rev Nigel E J Fortescue

The Rev Dr Rajeev Gupta

Archdeacon Deryck K Howell

The Rev Caitlin Hurley

Bishop Ivan Y Lee

The Rev David Ould

Bishop Michael R Stead

The Rev Canon Dr Mark D Thompson

The Rev Peter M Tong

The Rev Matthew A B Whitfield

**12 lay persons, elected for 3 years.**

Mr Lachlan Bryant

Dr Rodney K James

Mr Steven Lucas

Mr Douglas S Marr

Mr Grant Millard

Mr Ian C Miller

Mr Glenn R Murray

Dr Laurence A Scandrett

Dr Karin N Sowada

Dr Robert Tong AM

Mr Robert J Wicks

The Hon Peter W Young AO QC

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19.	<p><b>DIOCESAN TRIBUNAL</b> (Discipline Ordinance 2006)</p> <p><b>5 members of the clergy, being clergy for not less than 10 years, elected for 3 years.</b></p> <p>The Rev Mark D Charleston</p> <p>The Rev Dr Hugh T Cox</p> <p>Canon Stephen R Gibson</p> <p>The Rev Jacqueline E Stoneman</p> <p>The Rev Canon Dr Mark D Thompson</p> <p><b>5 lay persons, elected for 3 years.</b></p> <p>Mr Timothy Breakspear</p> <p>Mrs Victoria Brigden</p> <p>Miss Stephanie M Cole</p> <p>Dr Cassandra Sharp</p> <p>Dr Robert Tong AM</p> <p><b>Note:</b> <b>The members of the Diocesan Tribunal elected by the Synod must include at least two experienced lawyers and at least two men and two women.</b></p>
20.	<p><b>EVANGELISM AND NEW CHURCHES</b> (Department of Evangelism and New Churches Ordinance 2010)</p> <p><b>1 member of the clergy, elected for 3 years.</b></p> <p>The Rev Simon Gillham</p> <p><b>1 lay person, elected for 3 years.</b></p> <p>Mr Andrew J Mitchell</p>

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21.	<p><b>GEORGES RIVER REGIONAL COUNCIL</b> (Regions Ordinance 1995)</p> <p><b>1 minister from St George Mission Area, elected for 3 years by the regional electors of the Georges River Region.</b></p> <p>The Rev Jason Veitch</p> <p><b>1 minister from St George West Mission Area, elected for 3 years by the regional electors of the Georges River Region.</b></p> <p>The Rev Dr Stephen Anderson</p> <p><b>1 minister from Bankstown Mission Area, elected for 3 years by the regional electors of the Georges River Region.</b></p> <p>The Rev Dr Margaret A Powell</p> <p><b>1 lay person from the St George Mission Area, elected for 3 years by the regional electors of the Georges River Region.</b></p> <p>Mrs Lisa Bateup</p> <p><b>1 lay person from the Liverpool Mission Area, elected for 3 years by the regional electors of the Georges River Region.</b></p> <p>Mr Michael J Toull</p> <p><b>1 lay person from the Marrickville Mission Area, elected for 3 years by the regional electors of the Georges River Region.</b></p> <p>Dr David G Power</p> <p><b>1 lay person from the Bankstown Mission Area, elected for 3 years by the regional electors of the Georges River Region.</b></p> <p>Mrs Amanda Boyce</p>
22.	<p><b>MACARTHUR ANGLICAN SCHOOL COUNCIL</b> (Macarthur Anglican School Ordinance 1982)</p> <p><b>2 persons, elected for 3 years.</b></p> <p>Mrs Annabel L Michie</p> <p>Mrs Catherine A Rich</p>
23.	<p><b>MINISTRY TRAINING AND DEVELOPMENT</b> (Ministry Training and Development Council Ordinance 1989)</p> <p><b>1 rector of a parish, elected for 3 years.</b></p> <p>The Rev John Lavender</p> <p><b>1 lay person, elected for 3 years.</b></p> <p>Mr Allan M Dodd</p>



24.	<p><b>THE MISSION TO SEAFARERS, SYDNEY PORT COMMITTEE</b> (Synod Resolution 10/63)</p> <p><b>5 persons, elected for 3 years.</b></p> <p>The Rev Philip J Bradford</p> <p>Mr Jeremy G Freeman</p> <p>The Rev Justin M Moffatt</p>
25.	<p><b>MOORE THEOLOGICAL COLLEGE COUNCIL</b> (Moore Theological College Ordinance 2009)</p> <p><b>2 members of the clergy (being incumbents of parishes within the Diocese), elected for 3 years.</b></p> <p>The Rev Gary Koo</p> <p>The Rev Jason L Ramsay</p> <p><b>1 lay person, elected for 3 years.</b></p> <p>Dr William J Hurditch</p>
26.	<p><b>NOMINATION BOARD</b> (Nomination Ordinance 2006)</p> <p><b>2 members of the clergy being members of Synod, elected for 3 years.</b></p> <p>The Rev Terence R Bowers</p> <p>The Rev Mark D Charleston</p> <p><b>1 member of the clergy being a member of Synod, elected as an alternate member for 3 years.</b></p> <p>The Rev Philip J Wheeler</p> <p><b>2 lay persons being members of Synod, elected for 3 years.</b></p> <p>Mr Stephen W Hodgkinson</p> <p>Dr Robert Tong AM</p> <p><b>1 lay person being a member of Synod, elected as an alternate member for 3 years.</b></p> <p>Dr Barry C Newman</p>

27.	<p><b>NORTHERN REGIONAL COUNCIL</b> (Regions Ordinance 1995)</p> <p><b>1 minister from the Warringah Mission Area, elected for 3 years by the regional electors of the Northern Region.</b></p> <p>The Rev Robin Kinstead</p> <p><b>1 minister from the Upper North Shore Mission Area, elected for 3 years by the regional electors of the Northern Region.</b></p> <p>The Rev Ian A Millican</p> <p><b>1 lay person from the Warringah Mission Area, elected for 3 years by the regional electors of the Northern Region.</b></p> <p>Mr Bruce W Ginn</p> <p><b>1 lay person from the Upper North Shore Mission Area, elected for 3 years by the regional electors of the Northern Region.</b></p> <p>Mr Ian J Steward</p> <p><b>1 lay person from the Lower North Shore Mission Area, elected for 3 years by the regional electors of the Northern Region.</b></p> <p>Mr Frederick J Chilton</p> <p><b>1 lay person from the Ryde Mission Area, elected for 3 years by the regional electors of the Northern Region.</b></p> <p>Miss Stephanie M Cole</p>
28.	<p><b>PARISH RELATIONSHIPS ORDINANCE APPEAL GROUP</b> (Parish Relationships Ordinance 2001)</p> <p><b>5 members of the clergy, elected for 3 years (who are or have been incumbents).</b></p> <p>The Rev Neil A Flower</p> <p>Canon Andrew Grant</p> <p>The Rev Peter J Hutchinson</p> <p>The Rev Stuart G E Smith</p> <p><b>5 lay persons, elected for 3 years (who are or have been wardens for at least 2 years).</b></p> <p>Mr Frederick J Chilton</p> <p>Mr Clive G Ellis</p> <p>Mr Stephen W Hodgkinson</p> <p>Miss Alicia J Watson</p>

29.	<p><b>PARISH RELATIONSHIPS ORDINANCE LICENSING REVIEW GROUP</b> (Parish Relationships Ordinance 2001)</p> <p><b>4 members of the clergy (at least 2 in presbyter's orders), elected for 3 years.</b></p> <p>The Rev Jennifer M Everist</p> <p>The Rev Michael G Robinson</p> <p><b>4 lay persons, elected for 3 years.</b></p> <p>Mrs Deborah L Blackwell</p> <p>Miss Stephanie M Cole</p> <p>Mr Ian C Miller</p> <p>Ms Naomi M Spencer</p>
30.	<p><b>PARISH RELATIONSHIPS ORDINANCE PANEL</b> (Parish Relationships Ordinance 2001)</p> <p><b>4 persons, elected for 3 years.</b></p> <p>Mrs Deborah L Blackwell</p> <p>Canon Andrew Grant</p> <p>The Rev Michael G Robinson</p>
31.	<p><b>SOUTH SYDNEY REGIONAL COUNCIL</b> (Regions Ordinance 1995)</p> <p><b>1 minister from the Inner West Mission Area, elected for 3 years by the regional electors of the South Sydney Region.</b></p> <p>The Rev Dominic Steele</p> <p><b>1 minister from the Sydney City Mission Area, elected for 3 years by the regional electors of the South Sydney Region.</b></p> <p>The Rev Mark Wormell</p> <p><b>1 minister from the Eastern Suburbs Mission Area, elected for 3 years by the regional electors of the South Sydney Region.</b></p> <p>The Rev David J Rogers</p> <p><b>1 lay person from the Sydney City Mission Area, elected for 3 years by the regional electors of the South Sydney Region.</b></p> <p>Mr Robert J Freeman</p> <p><b>1 lay person from the Eastern Suburbs Mission Area, elected for 3 years by the regional electors of the South Sydney Region.</b></p> <p>Miss Alicia J Watson</p>

32.	<p><b>ST ANDREW'S CATHEDRAL CHAPTER</b> (Cathedral Ordinance 1969)</p> <p><b>1 member of clergy licensed or authorised to act or officiate by the Archbishop, who is not a member of clergy appointed by the Chapter, elected by the clerical members of the Synod for 3 years.</b> The Rev Canon Dr Mark D Thompson</p> <p><b>1 lay person, elected by the lay members of the Synod for 3 years.</b> Mr John S Pascoe</p>
33.	<p><b>ST JOHN'S PARRAMATTA ENDOWMENT FUND</b> (St John's Parramatta Endowment Fund Ordinance 1930)</p> <p><b>1 person, elected for 5 years.</b> Mr Hok Teng Sasmita</p>
34.	<p><b>ST JOHN'S REGIONAL CATHEDRAL PARRAMATTA CHAPTER</b> (St John's Regional Cathedral Parramatta Ordinance 1969)</p> <p><b>2 clerical canons being licensed by the Archbishop to a specific ministry in the Western Sydney Region, elected for 3 years by the regional electors of the Region.</b> Canon Thomas G Harricks</p> <p><b>2 lay canons being residents or parishioners of a Parish in the Western Sydney Region, elected for 3 years by the regional electors of the Region.</b> Mr Allan L Piper Mrs Gwenda Williams</p>
35.	<p><b>ST MICHAEL'S REGIONAL CATHEDRAL WOLLONGONG CHAPTER</b> (St Michael's Regional Cathedral Wollongong Ordinance 1969)</p> <p><b>2 clerical canons being licensed by the Archbishop to a specific ministry in the Wollongong Region, elected for 3 years by the regional electors of the Region.</b> Canon Stephen R Gibson Canon Sean W Heslehurst</p> <p><b>2 lay canons being residents or parishioners of a Parish in the Wollongong Region, elected for 3 years by the regional electors of the Region.</b> Dr Michelle Gajus Read Mr Anthony J Willis</p>

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36.	<p><b>STANDING COMMITTEE - PERSONS ELECTED BY SYNOD</b> (Standing Committee Ordinance 1897)</p> <p><b>4 qualified ministers, who are not ex-officio members of Standing Committee, elected for 3 years by the members of Synod.</b></p> <p>The Rev Nigel E J Fortescue</p> <p>Canon Stephen R Gibson</p> <p>The Rev Craig W Roberts</p> <p>The Rev Philip J Wheeler</p> <p><b>8 qualified lay persons, elected for 3 years by the members of the Synod.</b></p> <p>Mr Michael Easton</p> <p>Mr Stephen W Hodgkinson</p> <p>Dr Robert Mackay</p> <p>Mr John S Pascoe</p> <p>Dr Laurence A Scandrett</p> <p>Dr Claire S Smith</p> <p>Dr Robert Tong AM</p> <p>The Hon Peter W Young AO QC</p>
37.	<p><b>STANDING COMMITTEE - PERSONS ELECTED BY GEORGES RIVER REGION</b> (Standing Committee Ordinance 1897)</p> <p><b>2 qualified ministers, who are not ex-officio members of Standing Committee, elected for 3 years by the regional electors of the Georges River Region.</b></p> <p>Canon Phillip J Colgan</p> <p>The Rev Zachary Veron</p> <p><b>4 qualified lay persons, elected for 3 years by the regional electors of the Georges River Region.</b></p> <p>Mr Clive G Ellis</p> <p>Mr James W Flavin</p> <p>Mrs Jeanette Habib</p> <p>Mrs Tara Sing</p>

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38.	<p><b>STANDING COMMITTEE - PERSONS ELECTED BY NORTHERN REGION</b> (Standing Committee Ordinance 1897)</p> <p><b>2 qualified ministers, who are not ex-officio members of Standing Committee, elected for 3 years by the regional electors of the Northern Region.</b> The Rev Gavin E Parsons</p> <p>The Rev Craig J Schafer</p> <p><b>4 qualified lay persons, elected for 3 years by the regional electors of the Northern Region.</b></p> <p>Mr John Driver</p> <p>Miss Jennifer S Flower</p> <p>Mr Phillip R Shirriff</p> <p>Ms Nicola V Warwick-Mayo</p>
39.	<p><b>STANDING COMMITTEE - PERSONS ELECTED BY SOUTH SYDNEY REGION</b> (Standing Committee Ordinance 1897)</p> <p><b>4 qualified lay persons, elected for 3 years by the regional electors of the South Sydney Region.</b></p> <p>Mrs Gillian Davidson</p> <p>Ms Michelle T England</p> <p>Mr Gavin Jones</p> <p>Dr Karin N Sowada</p>
40.	<p><b>STANDING COMMITTEE - PERSONS ELECTED BY WESTERN REGION</b> (Standing Committee Ordinance 1897)</p> <p><b>2 qualified ministers, who are not ex-officio members of Standing Committee, elected for 3 years by the regional electors of the Western Region.</b> The Rev Dr Rajeev Gupta</p> <p>The Rev Gavin M Poole</p> <p><b>4 qualified lay persons, elected for 3 years by the regional electors of the Western Region.</b></p> <p>Mr Jeremy G Freeman</p> <p>Mrs Patricia Jackson</p> <p>Mr Malcolm J Purvis</p> <p>Mr Lyaall A Wood AM RFD</p>

41.	<p><b>STANDING COMMITTEE - PERSONS ELECTED BY WOLLONGONG REGION</b> (Standing Committee Ordinance 1897)</p> <p><b>2 qualified ministers, who are not ex-officio members of Standing Committee, elected for 3 years by the regional electors of the Wollongong Region.</b> Canon Andrew Grant</p> <p>The Rev Stephen Semenchuk</p> <p><b>4 qualified lay persons, elected for 3 years by the regional electors of the Wollongong Region.</b></p> <p>Mr Peter J Evans</p> <p>Dr David P Nockles</p> <p>Mrs Emma Penzo</p> <p>Mr Anthony J Willis</p>
42.	<p><b>FINANCE AND LOANS BOARD</b> (Finance and Loans Board Ordinance 1957)</p> <p><b>1 member of the clergy, elected for 3 years.</b></p> <p>The Rev Stephen Cook</p> <p><b>2 lay persons, elected for 3 years.</b></p> <p>Mr Mark Boyd</p> <p>Mr Michael D Jones</p>
43.	<p><b>SYDNEY CHURCH OF ENGLAND GRAMMAR SCHOOL COUNCIL (SHORE)</b> (The Sydney Church of England Grammar School Constitution Consolidation and Amendment Ordinance 1923)</p> <p><b>3 clergy men, elected for 6 years (in presbyters orders).</b></p> <p>The Rev Matthew P Heazlewood</p> <p>The Rev Michael L Kellahan</p> <p>The Rev Gavin Perkins</p> <p><b>3 lay persons, elected for 6 years.</b></p> <p>Mr Adrian Blake</p> <p>Mr Roger Z A Collison</p> <p>Dr Elizabeth B Cope</p>

44.	<p><b>SYNOD POOL</b> (Parish Disputes Ordinance 1999)</p> <p><b>1 member of the clergy, being an incumbent, elected by clerical members of the Synod, for 1 year</b></p> <p>The Rev Gavin M Poole</p>
45.	<p><b>TERTIARY EDUCATION MINISTRY OVERSIGHT COMMITTEE</b> (Synod Resolution 2/15)</p> <p><b>3 persons, elected for 3 years.</b></p> <p>The Rev Patrick C Benn</p> <p>The Rev Robert J Copland</p> <p>The Rev Stephen T Gooch</p>
46.	<p><b>WESTERN SYDNEY REGIONAL COUNCIL</b> (Regions Ordinance 1995)</p> <p><b>1 minister from the Hawkesbury Mission Area, elected for 3 years by the regional electors of the Western Sydney Region.</b> The Rev Gregory Peisley</p> <p><b>1 minister from the Blacktown Mission Area, elected for 3 years by the regional electors of the Western Sydney Region.</b> Canon Mark H Williamson</p> <p><b>1 lay person from the Blue Mountains Mission Area, elected for 3 years by the regional electors of the Western Sydney Region.</b> Mrs Vicki A Brasington</p> <p><b>1 lay person from the Hawkesbury Mission Area, elected for 3 years by the regional electors of the Western Sydney Region.</b> Mr Ken Fairfax</p> <p><b>1 lay person from The Hills Mission Area, elected for 3 years by the regional electors of the Western Sydney Region.</b> Mr Ross W A Pendlebury</p> <p><b>1 lay person from the Penrith Mission Area, elected for 3 years by the regional electors of the Western Sydney Region.</b> Dr Rodney K James</p>
47.	<p><b>WILLIAM BRANWHITE CLARKE COLLEGE COUNCIL</b> (William Branwhite Clarke College Ordinance 1987)</p> <p><b>1 member of the clergy, elected for 2 years.</b></p> <p>The Rev Paul Lucas</p> <p><b>1 member of the clergy, elected for 3 years.</b></p> <p>The Rev Sarah A Plummer</p>



48.

**WOLLONGONG REGIONAL COUNCIL**

(Regions Ordinance 1995)

**1 minister from the Camden-Campbelltown Mission Area, elected for 3 years by the regional electors of the Wollongong Region.**

The Rev Craig T Hooper

**1 minister from the Sutherland Mission Area, elected for 3 years by the regional electors of the Wollongong Region.**

The Rev Stephen J Carlisle

**1 minister from the Wollongong Mission Area, elected for 3 years by the regional electors of the Wollongong Region.**

The Rev Robert J Copland

**1 minister from the Shoalhaven Mission Area, elected for 3 years by the regional electors of the Wollongong Region.**

The Rev Anthony W Douglas

**1 minister from the Southern Highlands Mission Area, elected for 3 years by the regional electors of the Wollongong Region.**

The Rev Matthew Jacobs

**1 lay person from the Wollongong South Mission Area, elected for 3 years by the regional electors of the Wollongong Region.**

Mr Adam Ellis

**1 lay person from the Camden-Campbelltown Mission Area, elected for 3 years by the regional electors of the Wollongong Region.**

Mrs Elizabeth White

**1 lay person from the Sutherland Mission Area, elected for 3 years by the regional electors of the Wollongong Region.**

Mrs Amanda Garlato

**1 lay person from the Wollongong Mission Area, elected for 3 years by the regional electors of the Wollongong Region.**

Mr Mark A Cottom

**1 lay person from the Shoalhaven Mission Area, elected for 3 years by the regional electors of the Wollongong Region.**

Mr Jeff Reilly

**1 lay person from the Southern Highlands Mission Area, elected for 3 years by the regional electors of the Wollongong Region.**

Mr Peter J Evans

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D M GLYNN  
Returning Officer

21 September 2017  
Date

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I confirm the persons named in election 17 to have been validly elected to the offices listed.

M R Thearle  
Deputy Returning Officer

21 September 2017  
Date

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I HEREBY DECLARE the persons named above to be elected to the offices shown.

G N DAVIES  
Archbishop of Syd

9 October 2017  
Date

## Contested elections

To the President, Archbishop Glenn Davies

In accordance with rule 5.4(6)(b) of the Schedule to the Synod Elections 2000, I hereby report as follows –

- (i) The following is a complete list of names of the nominees for the office, together with the number of votes recorded for each nominee, and indicates the name of the person or persons to be declared elected, and
- (ii) The number of formal and informal ballot papers in the election is as shown below.

### 9. THE COUNCIL OF ABBOTSLEIGH

(Abbotsleigh Ordinance 1924)

Formal ballot papers	359
Informal ballot papers	24
<b>Total</b>	<b>383</b>

Votes Recorded

#### **1 layman, elected for 1 year**

Mr Christopher Janssen	241
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#### **Not elected**

Mr Colin Anderson	118
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### 39. STANDING COMMITTEE - PERSONS ELECTED BY SOUTH SYDNEY REGION

(Standing Committee Ordinance 1897)

Formal ballot papers	129
Informal ballot papers	1
<b>Total</b>	<b>130</b>

Votes Recorded

#### **2 qualified ministers, who are not ex-officio members of Standing Committee, elected for 3 years by the regional electors of the South Sydney Region.**

The Rev Justin M Moffatt	89
The Rev Andrew P Katay	80

#### **Not elected**

The Rev Andrew R Bruce	48
Canon Kevin M Kim	39

D GLYNN  
Returning Officer

11 October 2017  
Date

I HEREBY DECLARE the persons named above to be elected to the office shown.

G N DAVIES  
Archbishop of Sydney

11 October 2017  
Date

## Resolutions

### 1/17 Amendments to Faithfulness in Service

Synod, noting the report “Amendments to *Faithfulness in Service* approved by the General Synod Standing Committee”, adopts the amendments to *Faithfulness in Service* as set out in Attachments 2 and 4 of the report.

(Mr Doug Marr 9/10/2017)

### 2/17 Statement of Funding Principles and Priorities 2019-2021

Synod approves the “Statement of Funding Principles and Priorities 2019-2021”.

(Bishop Peter Hayward 9/10/2017)

### 3/17 Coordinating the planting of churches

Synod, noting –

- (i) the report Proposal for the Establishment of the Anglican Church Growth Trust, and
- (ii) the report Review of the Mission Property Committee in response to Synod resolution 21/16 and 33/16 (the “MPC Report”),

requests the Standing Committee to consider –

- (a) ways to facilitate appropriate coordination between the Mission Property Committee, Evangelism and New Churches, and New Churches for New Communities, in supporting church planting and revitalisation throughout the diocese, and
- (b) amending the *Mission Property Ordinance 2002* to implement the recommendations in the MPC Report in relation to the composition of the Mission Property Committee,

and notes with gratitude the long-standing efforts of the retiring Chair of the Mission Property Committee, Mr Geoff Kyngdon.

(Dr Robert Mackay 9/10/2017)

### 4/17 Workload related burnout

This Synod –

- (a) notes the impact workload related burnout has on ministries within our parishes,
- (b) commends our theological and training organisations in their continued education in recognising burnout in all its forms,
- (c) congratulates Ministry, Training and Development in its creation of the Lifelong Ministry Development Guidelines,
- (d) requests Ministry, Training and Development to investigate online self-assessment tools that permit Ordained and Stipendiary Lay Workers to measure their workloads to alleviate or prevent burnout, and
- (e) continues to pray fervently for those in all pastoral ministry.

(Mr Matthew Robson 9/10/2017)

### 5/17 NSW Bill on Euthanasia and Assisted Dying

Synod –

- (a) consistent with its previous resolutions (17/16, 32/14 and 38/10), reaffirms that all human life is precious in God’s sight, and that the Bible prohibits the purposeful killing of innocent people,
- (b) re-iterates its opposition to patient-assisted suicide and doctor-assisted euthanasia,

- (c) recognises that there are no adequate legal safeguards possible for any proposed legalisation of euthanasia or assisted suicide that can protect the vulnerable and frail aged,
- (d) calls on Anglicans in the Diocese of Sydney to engage in the public debate on euthanasia/assisted suicide in an informed way which recognises the social, ethical and medical consequences of any new legislation, and
- (e) calls on the NSW Parliament –
  - (i) to reject the Voluntary Assisted Dying Bill 2017, and
  - (ii) to continue to prioritise the improvement of palliative care services.

(Dr Karin Sowada 9/10/2017)

### **6/17 Affirmation of all types of church planting**

Synod –

- (a) notes the urgency of reaching all people with the saving message of the death and resurrection of Jesus,
- (b) notes that the Australian Bureau of Statistics estimates the Australian population to be 24.7million people, and increasing at the net rate of one person every 1 minute and 24 seconds,
- (c) notes the Mission 2020 goal to plant 15 new churches in Greenfield areas, as well as two new churches per mission area, and
- (d) accordingly affirms the efforts of all types of church planting that seeks to reach and save the lost with the gospel of Jesus Christ as a means to see more people saved from death to life.

(The Rev Dr Raj Gupta 10/10/2017)

### **7/17 National Schools Chaplaincy Program**

As 2017 is the 10<sup>th</sup> anniversary of the Federal Government's National Schools Chaplaincy Program, this Synod –

- (a) thanks God for the 438 faith-based chaplains serving in the public schools of NSW, and
- (b) thanks the Federal Government for its ongoing support of the program.

(Mr James Flavin 10/10/2017)

### **8/17 Statement of Anglican doctrine of marriage**

Synod –

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

(Canon Sandy Grant 10/10/2017))

### **9/17 NCLS Community Social Profiles**

Synod –

- (a) expresses its gratitude to NCLS Research for their long-term partnership with our Diocese and parishes, especially through provision of Church Life Profiles and Community Social Profiles (CSPs),
- (b) encourages NCLS Research to offer updated parish-specific CSPs to all parishes in our Diocese again, as soon as practically possible with the data from the 2016 Australian census,
- (c) commends CSPs to all parishes as an extremely valuable aid for understanding their local mission context, and
- (d) encourages every parish to consider utilising their Community Social Profile once it becomes available.

(The Rev Dr Andrew Ford 10/10/2017)

### **10/17 Retirement of Dr Bryan Cowling**

Synod acknowledges, with thanks to God, the outstanding service given to the education of children by Dr Bryan Cowling over the past 50 years. Bryan has recently retired after 10 years as the Executive Director of Anglican EdComm, the Anglican Education Commission.

Dr Cowling served in education first as a classroom teacher in government schools and then as a school inspector and within the senior leadership of the NSW Department of Education; as a curriculum developer, consultant and trainer, and as an Honorary Associate in the Faculty of Education at the University of Sydney. Prior to joining EdComm, Dr Cowling was the founding Principal of Thomas Hassall Anglican College, one of the Anglican Schools Corporation schools. Throughout his care Bryan Cowling has been committed to education that is biblically shaped, concerned for the welfare of the whole child and Christ honouring. Dr Cowling has also served as a member of the Standing Committee of the Diocese for the past 15 years.

We thank God that Bryan has recovered from life-threatening infection and major surgery in 2016 and 2017. We pray that Bryan and his wife Megan may enjoy a fruitful and fulfilling retirement within the circle of their family and friends.

(Professor Chris Bellenger 10/10/2017)

### **11/17 Appointment of Mr Stephen Kinsella as next Executive Director of Anglican EdComm**

Synod notes that Mr Stephen Kinsella will commence as Executive Director of EdComm, the Anglican Education Commission, early in 2018, welcomes him to this new role in the Diocese and prays that his work through EdComm will strengthen the work and Christian ministry of Anglican schools and of Christian teachers generally throughout the Diocese.

Stephen Kinsella BCom, DipEd, MEdStud, MACE, FAICD has been Headmaster of The Illawarra Grammar School (TIGS) since 2006 and before that was Principal of Kormilda College in Darwin. He has served as a teacher in both government and independent schools over four decades and he is well connected within several independent schools associations.

Mr Kinsella is married and he and his wife Gay have two adult children. He is a parishioner of St Mark's Anglican Church, West Wollongong.

(Professor Chris Bellenger 10/10/2017)

### **12/17 Church planting work of Evangelism and New Churches**

This Synod gives thanks to God for the work of Evangelism and New Churches (ENC) and progress in planting churches across the Diocese, in particular, for –

- (a) two new plants under ENC at Leppington (starting February 2017 under the Rev Luther Symons) and at Wollondilly (beginning October 2017 lead by the Rev Jim Dayhew),
- (b) Grace Anglican “graduating” from ENC to become a parish in the Diocese (merging with Roseville East with the Rev Alby Lam appointed Rector in August 2017),
- (c) Church Planting Guidelines for the Diocese to assist parishes, mission leaders, potential planters in to continue planting churches and achieve of mission goals of 15 new churches in greenfield areas and at least two church plants in each mission areas by 2020.

This Synod urges all in the Diocese to pray fervently to the Lord of the harvest to raise up many more evangelists and planters and call many to repentance and faith in the Lord Jesus while there is still time.

(The Rev Joseph Wiltshire 10/10/2017)

### 13/17 Community Chaplains

This Synod, noting –

- (a) the 2016 Census data revealing less people than ever identifying as Christian (52% down from 74% in 1991),
- (b) the hundreds of thousands of Sydney-siders who have little or no contact with our network of churches, or other Christian churches and so are highly unlikely to be invited to or come to a church service,
- (c) the increasing numbers of residents in our city from cultural backgrounds with little or no knowledge of Christ and Christian teaching (21% of homes have a language other than English with Mandarin, Arabic and Cantonese being the next most common spoken, 18% of migrants to Australia have come since 2012),
- (d) the alarming decrease in the numbers of newcomers in our churches (down from 12% in 2001 to 8% in 2016),

thanks God for the vision of people from ENC, Anglicare, CMD and Mary Andrews College and many parishes to raise up 1000 community chaplains to go out to the lost, to the tribes and deserts in our city and proclaim Christ by word and deed. We praise God for these lay urban evangelist who speak of Christ in sporting clubs, men’s sheds, factory floors, nursing homes, mental health facilities, social clubs and the like humbly and prayerfully seeking to win many for Jesus. We urge all parishes to identify the tribes, deserts, sub cultures in their area to identify lay evangelists who have a heart and vision to reach these people. We encourage parish leaders and interested lay members to increase their engagement in this, and to join the Community Chaplains Training Workshop (at MAC Level 1 St Andrew’s House) on Saturday 11 November 2017 (details on ENC website) and increase the missional contact with their communities for the sake of Christ and the salvation of many.

(The Rev Joseph Wiltshire 10/10/2017)

### 14/17 Forum of Synod

Synod requests Standing Committee to review the arrangements for the Diocesan Synod and report to the next Synod in relation to –

- (a) the logistics of contracting the meeting time from the current format which comprises 5 afternoon and evenings,
- (b) possible alternative arrangements in relation to the convening of Synod in so far as they relate to the times and where Synod meets.

In preparing a report for the next Synod, Standing Committee should consider the reports, resolutions and learnings which came from *Resolution 40/99 Weekend Meetings of the Synod*.

(Mrs Gillian Davidson 10/10/2017)

### **15/17 The Rev Canon David Wong**

Synod thanks God for the work of the Rev Canon David Wong and Evangelism and New Churches (ENC) in developing Chinese ministry and consulting with churches across the Diocese to minister effectively to the increasing numbers of Chinese background people. We thank God for David and for the churches and individuals who financially support this work and are thankful for the many opportunities there are to reach Chinese speaking people across Sydney.

We are particularly thankful that almost 40 churches across the Diocese now have specific ministries such as ESL, playgroups, investigating bible study groups, and congregations reaching Chinese background people. This Synod commends ENC and the Archbishop's Chinese Ministry Advisory Board for this initiative and encourages parishes to make use of David and others engaged in this work to see Christ honoured in every community.

(Bishop Peter Lin 10/10/2017)

### **16/17 Implementation of the Domestic Abuse Response**

Synod, noting –

- (i) the report 24/16 Domestic Violence (the "Report"), and
  - (ii) the accompanying document Responding to Domestic Abuse: Provisional Policy and Good Practice Guidelines (the "Domestic Abuse Response"), and
  - (iii) the *Provisional Sydney Anglican Policy on Responding to Domestic Abuse* (set out in Section 1 of the Domestic Abuse Response) (the "Provisional Policy") –
- (a) commends the Provisional Policy to all clergy and parish councils for use in churches,
  - (b) invites clergy and church members to provide comments and feedback on the Domestic Abuse Response (including the Provisional Policy) to Standing Committee by 30 April 2018,
  - (c) requests that the Standing Committee bring to the Synod session in 2018 proposed amendments to the Provisional Policy, and
  - (d) requests the Standing Committee to consider and, if thought fit, act on the recommendations referred to in the Report.

(Archdeacon Kara Hartley 10/10/2017)

### **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)

### **18/17 Appointment of Mr Robert Wicks as Chief Executive Officer of Sydney Diocesan Secretariat**

Synod, noting the appointment of Mr Robert Wicks to the position of Chief Executive Officer of the Sydney Diocesan Secretariat, warmly congratulates Mr Wicks on this appointment and expresses our deep affection for him, and gratitude to God for his tireless and faithful service to this house over many years as Secretary of Synod. We particularly give thanks for his thorough preparation for every session of Synod, his encyclopaedic knowledge, and love, of all things procedural; his ability to explain and simplify complex processes to assist Synod in our decision-making; and the wisdom, wit and humour



which are hallmarks of his contribution. We pray for Rob as he takes on this new role, and ask God to fill him with the wisdom, courage, humility, strength and patience that he will need. We further pray that in all things, Rob will continue to seek God's will, and that God will be glorified through him.

(Dr Erica Sainsbury 11/10/2017)

### **19/17 Retirement of Mr Geoffrey Kyngdon**

Synod gives thanks for the ministry and work of Mr Geoffrey Kyngdon over the past 25 years in the Wollongong Region and broader Diocese, including: Member General Synod; Member Provincial Synod; Member Sydney Synod; Member Standing Committee of Sydney Synod; Member and Chairman of Diocesan Mission Property Committee; Diocesan Reader; Assistant to Bishop of Wollongong; Member Wollongong Regional Council; Member Macarthur Anglican School; Member Anglican Schools Corporation; Lay Canon St Michael's Cathedral; Churchwarden Oak Flats; Treasurer Oak Flats; Parish Secretary Oak Flats; Synod Representative Oak Flats.

We give thanks to God for Geoff's passion to share the Scriptures and to defend the truth of the gospel. He has enthusiastically supported the expansion of gospel work through the provision of new ministry opportunities in our schools, through the acquisition of more sites upon which God's people will gather, and through the many important yet unseen administrative tasks within the life of our Diocese. We wish Geoff and Marilyn God's blessing in their retirement and for their continued ministry in Oak Flats.

(Bishop Peter Hayward 11/10/2017)

### **20/17 General Synod – Safe Ministry to Children Canon 2017 Adopting Ordinance 2017**

This Synod, having passed the General Synod – Safe Ministry to Children Canon 2017 Adopting Ordinance 2017 calls upon the Standing Committee to –

- (a) prioritise the preparation, drafting and other work needed on aspects of Part 2 of the Second Schedule of the Canon, which it considers would make the standards in this Part more suitable and workable within the Diocese of Sydney,
- (b) promptly engage in the consultation process required in order to present proposed changes to the General Synod Standing Committee meeting on the 8 – 9 December 2017,
- (c) take all necessary steps to make preparations within the Diocese for the implementation of this Canon, and
- (d) where possible consider implementing those aspects of the Canon (and its Schedules) that are not subject to the processes in part (a) and (b) of this motion.

(The Rev Dr Andrew Ford 11/10/2017)

### **21/17 150<sup>th</sup> Anniversary of Scripture Union**

Recognising that this year marks the 150<sup>th</sup> anniversary of Scripture Union internationally, Synod gives thanks to God for the work of Scripture Union in our Diocese, working with the churches to make God's good news known to children, young people and families and encouraging people of all ages to meet God daily through the Bible and prayer.

The Synod recognises that many Sydney Anglicans, including many of our leaders, have found opportunities to serve the kingdom and opportunities to grow in leadership in the context of SU's ministries. So we pray that God will continue to bless the work of Scripture Union, especially their missions, camps, and the ISCF and SUPA groups in public schools.

(Mr Andrew McLachlan 11/10/2017)

### **22/17 Appointment of assistant ministers and stipendiary lay workers**

Synod hereby resolves to request Standing Committee to appoint a committee to review and report to the next session of Synod on the appropriate terms and conditions for appointment of assistant ministers and stipendiary lay workers to parishes and other church organisations including, inter alia, the following matters –

- (a) the applicability of a probationary period,
  - (b) circumstances where a fixed term contract may apply,
  - (c) appropriate review mechanisms for performance,
  - (d) appropriate mechanisms for transition from being a Deacon to a Presbyterian in the case of assistant ministers,
  - (e) terms and conditions for the appointment of assistant ministers and stipendiary lay workers,
  - (f) terms and conditions in relation to the termination of assistant ministers and stipendiary lay workers,
  - (g) appropriate dispute resolution mechanisms in the event of a breakdown in relationship between the Senior Minister and the Assistant Minister or the stipendiary lay worker,
  - (h) comparison of these matters with any relevant employment legislation, and
- such other matters as the Committee may consider appropriate for consideration by Synod.

(The Rev Dr David A Höhne 11/10/2017)

### **23/17 Gender Identity Initial Principles of Engagement**

Synod, noting the Gender Identity Report –

- (a) agrees to approve in principle the Initial Principles of Engagement at 9.1 of the Gender Identity Report as a policy of the Synod, and
- (b) in particular affirms –
  - (i) The promise of the gospel is that all who trust in Christ are assured of everlasting peace and wholeness in the resurrection life of the new creation.
  - (ii) All those who have faith in Christ are loved by God and belong to the body of Christ, including those whose personal trials and afflictions in this life include gender identity issues or gender incongruence.
  - (iii) Those who experience gender identity issues or incongruence deserve our compassion, love, and care.
  - (iv) In the beginning, God made humanity male and female, and, in his creative purposes, biological (bodily) sex determines gender.
  - (v) Human nature was damaged and distorted by the Fall but not destroyed. All people continue to be made in the image of God. The experience of incongruence between objective biological sex and subjective gender identity is one consequence of that damage and distortion but in no way diminishes a person's full humanity.
  - (vi) The human person is a psychosomatic unity, where body and soul come into being at the same time and, in this life and the next, exist together. Embodiment is integral to human identity, and biological sex is a fundamental aspect of embodiment. Preserving the integrity of body and soul, and honouring and protecting the biologically sexed body that God has given are necessary for human flourishing.
  - (vii) The binary distinctions of male and female are to be embraced and upheld in the lives of Christian men and women respectively, and expressed in culturally appropriate ways that conform to Scripture.
  - (viii) We deeply regret that, in the past, some gender non-conforming people have experienced rejection or lack of compassion in our churches and ministries.
  - (ix) Churches, schools, and other Anglican organisations are to be places where all people, including those who experience gender identity issues and incongruence, are welcomed, loved, supported and helped to live in obedience to Christ.

(Dr Claire Smith 11/10/2017)

**24/17 Development of a final form of diocesan policy for gender identity issues**

Synod commends the Gender Identity Report ('the Report') to all Synod members, Anglican schools and other agencies in the Diocese which are called upon to care for people with gender identity issues and asks the governing boards and councils, and the heads and chief executive officers of such schools and agencies, as well as Synod members, to –

- (a) provide comments and feedback to Standing Committee on the Initial Principles of Engagement approved in principle as a policy of the Synod at its session in 2017 by 30 April 2018, and
- (b) ensure any policies, guidelines and procedures which they draft to address this issue are consistent with those Initial Principles of Engagement, and
- (c) consult with the Archbishop about the final form of such policies, guidelines and procedures before they are published, and
- (d) commit to reviewing such policies, guidelines and procedures in light of any revised form of policy adopted by the Synod following its session in 2017,

and requests that the Standing Committee bring to the Synod session in 2018 a revised form of the Initial Principles of Engagement with a view to the revised form being adopted as a policy of the Synod.

(Dr Karin Sowada 11/10/2017)

**25/17 Appearance of the Archbishop on the ABC's Q&A**

Synod –

- (a) notes that the President is to appear on the ABC television program Q&A on Monday 23 October 2017; and
- (b) gives thanks to God for this opportunity for the Archbishop to appear on national television; and
- (c) encourages members of Synod to call upon God in prayer for his help, provision and sovereign over-ruling in these circumstances, and further encourages Synod members to consider attending as a member of the audience; and
- (d) commends the Archbishop to God in prayer that he may give an answer for the hope we have in Christ and do so with gentleness, respect and a clear conscience.

(The Very Rev Kanishka Raffel 16/10/2017)

**26/17 Pastoral Supervision Working Party and Rector Training Review Group**

Synod thanks the members of the Pastoral Supervision Working Party and Rector Training Review Group for the time and energy they have committed to discussing proposals concerning professional development and reflective practice.

(The Rev Phillip Wheeler 16/10/2017)

**27/17 Gender representation on Diocesan boards and committees**

Synod requests Standing Committee to bring a report to the next Synod which outlines the composition of the various Diocesan boards, committees and councils in so far as they reflect the gender participation of those groups.

Synod requests the report to include –

- (a) the numbers and percentages of women and men on the Synod Diocesan boards, committees and councils,
- (b) goals or targets that the Diocesan organisation could work towards to ensure greater balance of diverse representation of Diocesan boards, committees and councils,
- (c) recommendations as to how to improve participation by women, and
- (d) a summary of any theological considerations involved in reaching their decisions.

(The Rev Dr Andrew Ford 16/10/2017)

### **28/17 Exploring New Church Models**

Synod –

- (a) Thanks God for, and notes the Report “Mark Bilton Consultancy – Sydney Diocese, Report to Rectors on Central Support Services”, that came to Rectors in May 2017. In 2016 over 100 rectors across the Diocese, met in 10 meetings with Mark Bilton and different challenges facing us were identified, as we seek to reach the lost and build them up in Christ. The Report, just noted, is our bishops’ response to those findings.
- (b) Encourages Rectors to read the Report if they haven’t already.
- (c) Calls particular attention to Area 2 in this Report “Exploring New Church Models: A Call for an openness to, and exploration of, new and innovative models of ‘church’”, as ways of reaching more with the gospel and building them up in Christ. We need to continue to explore what it means to be all things to all people, so that by all possible means we might save some (1 Corinthians 9:22, 23).
- (d) Encourages Rectors and existing Churches, and Mission Areas therefore, to be open to new ways of doing ‘church’, to note all the items indicated in the report, including that Evangelism and New Churches and the Strategic Research Group are exploring and considering new models, and therefore to consult with them in their endeavours to reach the lost and build them up in Christ.

(The Rev Craig Hooper 16/10/2017)

### **29/17 Passing the leadership baton at Youthworks**

Synod gives thanks for the ministry of the Rev Zac Veron as CEO of Anglican Youthworks and acknowledges, with thanks to God, the outstanding service given by Zac to the Youth and Children’s ministry in our Diocese and beyond in churches, schools, SRE training, Youthworks College, Year 13, Christian Education Publications and outdoor education and camping ministry.

We pray for Zac and his wife Sheree in their new parish ministry leading St David’s Arncliffe.

Synod welcomes the appointment of the Rev Craig Roberts as the next CEO of Anglican Youthworks. Synod notes that Craig will commence as new CEO of Anglican Youthworks at the end of 2017 in this important role of leading and facilitating Youth and Children’s ministry in our Diocese.

We also pray for Craig and his wife Libby in this new ministry.

We also give thanks to God for the sterling efforts of Dr Laurie Scandrett as our Interim CEO throughout 2017.

(Canon Stephen Gibson 16/10/2017)

### **30/17 Fellowship of Confessing Anglicans Australia**

Synod notes that –

- (a) the Fellowship of Confessing Anglicans Australia (FCA) as part of the GAFCON movement aims to guard and proclaim the unchanging truth in a changing world by standing with and supporting brothers and sisters in the worldwide Anglican Communion who remain orthodox and faithful to Biblical principles,
  - (b) FCA’s Annual General Meeting will be held on Wednesday 29 November 2017 at 7.00 pm in the Chapter House of St Andrew’s Cathedral, Sydney,
  - (c) the keynote speaker at the FCA AGM will be the Rev Michael Kellahan from Freedom For Faith on the topics of Religious Freedom and Christian Mission in Australia in the 21<sup>st</sup> Century,
- and encourages members of Synod to support FCA by praying for FCA, joining FCA and attending the AGM.

(Mr Philip Gerber 16/10/2017)

**31/17 Assistance for authorised employees in parish ministry**

This Synod –

- (a) commends Mr Martin Thearle, Mr Robert Wicks, the President and Standing Committee in the development of the Clergy Assistance Program,
- (b) thanks the Standing Committee for the 12 month review,
- (c) is encouraged that feedback received to date has been very positive,
- (d) notes that the program is presently available only to clergy and their spouses,
- (e) recognises that many of the “presenting issues” such as stress, employment, anxiety and parish conflict on paragraph 15 of the 12 month review may be present in the lives of authorised employees in parish ministry, and
- (f) requests the Standing Committee to bring to the next ordinary session of the Synod, a report examining the feasibility of expanding the eligibility criteria of the program to allow authorised employees in parish ministry to gain access to assistance.

(Mr Matthew Robson 16/10/2017)

**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)

**33/17 Licensing of incumbents interim report**

Synod, noting the Second Interim Report of the Licensing of Incumbents Review Committee –

- (a) requests the Standing Committee to amend the Ministry Training and Development (“MT&D”) Ordinance Objects to provide an approved accreditation system for clergy Professional Development,
- (b) requests MT&D to develop and distribute a resource to assist nominators who are involved in interviewing prospective rectors, that includes recommendations to discuss the prospective rector’s future professional development,
- (c) requests Standing Committee to amend the parish Prescribed Financial Statement to include an expense line for Professional Development and to ask the Stipends and Allowances Committee to make a recommendation of an appropriate amount per clergy to be included in annual parish budgets for professional development,
- (d) endorses the concept of Voluntary Relinquishment of Incumbency as a mechanism to assist Rectors who are choosing, or being encouraged to leave a parish, and requests Standing Committee to determine how it is to be implemented and report to Synod in 2018,
- (e) notes the draft Healthy Parish Relationships guidelines, invites members to provide feedback to the Committee and endorses the Committee’s attention to this area, and
- (f) requests the Standing Committee to bring a bill to the next Synod that would constitute as misconduct “unreasonable and persistent failure to attend the triennial *Faithfulness in Service* training” and “unreasonable and persistent failure to complete the triennial Safe Ministry training”.

(The Rev Phillip Wheeler 16/10/2017)

**34/17 Proposal for a Property Receipts Levy**

Synod, noting the report “Proposal for a Property Receipts Levy” –

- (a) affirms the principle that the proposed levy should apply only to parish property income,
- (b) agrees that a property levy should be applied against net, rather than gross, property income because of the theological principle of “a sharing out of surplus”,
- (c) agrees in principle, that –
  - (i) offertory income (including regular giving, donations, bequests etc) should be used to meet the stipend, allowances and benefits of the minister of the parish and, to the extent possible, other recurrent ministry expenditure of the parish (including maintenance of non-income producing property),
  - (ii) property income should first be used to meet property expenditure, including the maintenance of buildings and adequate provision for future capital expenditure on commercial property before it is used to support recurrent ministry expenditure, and
  - (iii) a proportion of a parish’s surplus property income (i.e., non-offertory income) should be shared with the wider Diocese,
- (d) supports in principle a Property Receipts Levy (“PRL”) as outlined in the report and attached schedule subject to –
  - (i) a deduction being provided for bank and financial statutory charges, taxes and assessments on finance income, and
  - (ii) the Standing Committee being restricted from increasing any percentage or modifying any monetary thresholds without authorisation from the Synod,
  - (iii) parishes with net receipts of \$120,000 or less being totally excluded from this levy, and
- (e) requests the Standing Committee to pass an ordinance to implement a PRL with respect to property income from 2018.

(The Rev Craig Roberts 16/10/2017)

**35/17 Freedom to uphold marriage as a union between one man and one woman**

Synod –

- (a) affirms the Bible's teaching that marriage is a life-long union voluntarily entered into between one man and one woman,
- (b) commends the brave women (Cella White, Dr Pansy Lai and Heidi McIvor) who appeared in the first "You can Say No" television advertisement authorised by the Coalition For Marriage, for speaking about some of the consequences for children if same sex marriage is legalised in Australia,
- (c) expresses its sadness at the barrage of abuse, threats and intimidation these women, and others, have been subjected to for exercising their democratic right to speak and voice an opinion,
- (d) requests the Archbishop to write to these three women to encourage them and convey the support and thanks of this Synod,
- (e) encourages all Australians to consider the implications for children's education and the teaching of gender ideology in Australian schools should same sex marriage become law, and
- (f) encourages all churches to urge their members to speak to friends and neighbours about the impact on future generations of children should the "yes" campaign succeed.

(The Rev Zac Veron 17/10/2017)

**36/17 Legal equality for LGBTI couples**

Synod –

- (a) noting that the Federal Government's comprehensive Same-sex Relationships reforms in 2008 removed every piece of legal discrimination against gay men, lesbians and same sex couples in Federal legislation, giving LGBTI couples the same legal rights as heterosexual de-facto couples, and
- (b) noting that there are state-based Registers of Civil Unions, Relationships Registers or equivalent that provide for recognition and registration of de-facto relationships in all states and Territories (except Western Australia and the Northern Territory), which provide de-facto couples with substantively the same legal rights as married couples,
- (c) but also noting that these systems for recognition and registration of de-facto relationships are not consistent across Australia,
- (d) affirms that the appropriate way for Australia to address the remaining areas of inequality or inconsistency for LGBTI couples is via a national system for the recognition of same-sex unions, similar to the Civil Partnership Act 2004 (UK), and
- (e) urges the Federal Government and state and territory governments to work together to implement a nationally consistent legislative approach to this end.

(Mr Jim Campbell 17/10/2017)

**37/17 Promotion and protection of religious freedom**

Synod notes the growing public conflicts over religious freedom in the context of the postal survey, and requests the Standing Committee consider –

- (a) how an ongoing positive public case might be made to promote freedom of religion and belief for all, and
- (b) how to publicly protect freedom of belief where it is being challenged.

Synod commends the ongoing religious freedom work Freedom for Faith are doing for the Diocese.

(The Rev James Warren 17/10/2017)

### **38/17 Luther and other Reformers**

This Synod, noting that the end of this month marks 500 years since Martin Luther nailed his 95 theses to the door of the castle church in Wittenberg, thus beginning the European Reformation, gives thanks to God for his mercy in bringing Luther to a life of repentance and faith, his wisdom in bringing Luther and other Reformers to a firm understanding of the great truths of the Scriptures and his providence in ordering the circumstances of history in order that the ideas of the Reformers could take root and spread. In particular, Synod praises God for –

- (a) the recovery of the doctrine that we are justified by faith alone,
- (b) the reminder that we are saved by the free gift of God's grace alone,
- (c) the great news that Christ alone has done all that needs to be done for our salvation,
- (d) the Reformation principle that the Scripture should be accessible to all, and that no Christian's conscience should be bound other than by Holy scripture, and
- (e) the fact all this is for the glory of God alone.

Synod calls on all churches to hold out this great news to a world which does not know Christ and asks churches in our Diocese to promote knowledge of the Reformation as a key part of our heritage. Synod further calls on all parishes to emulate our Reformation forebears by regularly and prayerfully reviewing its ministries, conduct of services, and strategic-planning practices, to ensure that these Reformation principles are magnified rather than diluted in our churches.

(The Rev Jason Ramsay 17/10/2017)

### **39/17 Anglicare's Housing Assistance program**

Synod gives thanks to God for Anglicare's commitment to the provision of accommodation to older people at risk of homelessness through their Housing Assistance program and –

- (a) encourages Anglicare to continue their expansion of this ministry; and
- (b) encourages parishes in which Housing Assistance programs are planned to be located to partner with Anglicare in reaching out to build relationships with the programs' residents through which they may hear and respond to the gospel.

(The Rev Ray Robinson 17/10/2017)

### **40/17 Kangaroo Valley: Reclassification as a Parish**

Synod assents to the reclassification of Kangaroo Valley as a parish with effect from 1 January 2018.

(The Rev Andrew Paterson 17/10/2017)

### **41/17 Lifelong Ministry Development Guidelines**

Synod, noting the report Lifelong Ministry Development guidelines –

- (a) thanks MT&D for their attention to this important area,
- (b) recognises the significance of last year's Synod survey research that –
  - (i) 42% of respondents do not believe that rectors are looked after in a way that gives them the best opportunity to improve and grow over time,
  - (ii) 8% of rectors do not believe that they are currently "well suited" to their position,
  - (iii) 30% of rectors report a low level of energy,
  - (iv) 21% of rectors significantly struggle with depression or anxiety,
- (c) encourages all clergy to participate in LMD being operated by MT&D,
- (d) recognises that a culture of professional development will be best achieved if confidentiality is maintained in relation to the personal information of participants in LMD, other than disclosing the name of a participant to a person who has pastoral responsibilities in respect to the participant,



- (e) urges parish councillors and lay Synod representatives to support their minister's commitment of time and resources to professional development and reflect this in their parish budget, and
- (f) asks the diocesan members of the Nomination Board, when considering a prospective rector, to discuss with the parish nominators the prospective rector's involvement in professional development.

(The Rev Gary O'Brien 17/10/2017)

#### **42/17 Application of funds from the Property Receipts Levy**

Synod, noting the report "Application of funds from the proposed Property Receipts Levy" –

- (a) supports the creation of a Parish Property Development Fund ("PPDF") as outlined in the report at paragraph 21(A), funded by the first \$500,000 of additional proceeds raised by the Property Receipts Levy ("PRL") each year, noting that the criteria in 21(A)(v) do not indicate any priority, and subject to projects with a solid ministry case (without potential for revenue generation) also benefitting from the PPDF and doing so from its inception, and
- (b) supports the creation of a development grant administered by the Mission Property Committee as outlined in the report at paragraph 21(B), funded by any additional proceeds raised by a PRL in excess of those required by the PPDF, and
- (c) requests the Standing Committee to pass an ordinance to implement the PPDF and the development grant in conjunction with the implementation of the PRL.

(The Rev Dr Raj Gupta 17/10/2017)

#### **43/17 Composition, purpose and role of Synod**

Synod asks the Standing Committee to bring a report to the October 2018 session of Synod on the composition, purpose and role of Synod.

(Mr Doug Marr 17/10/2017)

#### **44/17 Proposed review of the Standing Committee Ordinance 1897**

Synod asks the Standing Committee to review the *Standing Committee Ordinance 1897* particularly in respect to the inconsistency between the definition of a "Regional Elector" in clause 1(1) and the definition of a "Qualified Lay Person" in clause 1(2)(b), and any other inconsistencies it may find in the Ordinance.

(Mr John Pascoe 17/10/2017)

#### **45/17 Consecration of Bishop Andy Lines**

Synod gives thanks to God for the leadership of our Archbishop in representing our Diocese and participating in the consecration of Bishop Andy Lines as the Anglican Church in North America ("ACNA") Missionary Bishop to Europe in Chicago on 30 June 2017. The announcement of Bishop Lines' consecration, within hours of the Scottish Episcopal Church announcing its amendment of canon law on marriage in order to allow same sex marriages on 8 June, was a message of hope to Scottish Episcopalians and others who have been left without faithful episcopal oversight for these stranded Christians and we rejoice that three Australian bishops (Archbishop Davies, Bishop Richard Condie and Bishop Gary Nelson) were among the consecrators. We note with gratitude that the Archbishop took this step with the unanimous support of the Standing Committee. We commit to continuing in prayer for Bishop Lines and all faithful Anglicans who stand for biblical truth and faithful Christian discipleship.

(The Rev Canon Dr Mark Thompson 17/10/2017)

**46/17 Scottish Episcopal Church**

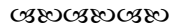
Synod –

- (a) notes with regret that the Scottish Episcopal Church has amended their Canon on Marriage to change the definition that marriage is between a man and a woman by adding a new section that allows clergy to solemnise marriage between same-sex couples as well as couples of the opposite sex,
- (b) declares that this step is contrary to the doctrine of Christ and the doctrine of our Church, and therefore inconsistent with the Fundamental Declarations of our Churches,
- (c) notes with sadness that the Scottish Episcopal Church has thereby put itself out of fellowship with the wider Anglican Communion,
- (d) expresses our support for those Anglicans who have left or will need to leave the Scottish Episcopal Church because of its redefinition of marriage, or who struggle to remain in good conscience, and
- (e) prays that the Scottish Episcopal Church will return to the doctrine of Christ in this matter and be restored to communion with faithful Anglicans around the world.

(The Very Rev Kanishka Raffel 17/10/2017)

## 2017 Report of the Standing Committee

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### 1. Introduction

#### 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, and
- (b) acting as a council of advice to the Archbishop (the "Archbishop-in-Council"), and
- (c) considering and reporting upon matters referred to it by the Synod and carrying out the Synod's resolutions, and
- (d) deliberating and conferring upon all matters affecting the interests of the Church, and
- (e) making ordinances under delegated powers, and
- (f) preparing and administering parochial cost recoveries and Synod appropriations and allocations, and
- (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 Heath Centre, Level 5, St Andrew's Cathedral School, St Andrew's House. Mail should be addressed to "The Diocesan Secretary, Standing Committee of Synod, PO Box Q190, QVB Post Office NSW 1230" (telephone (02) 9265 1555; email [rjw@sydney.anglican.asn.au](mailto:rjw@sydney.anglican.asn.au)). Office hours are 9 am to 5 pm.

A report on each meeting is published a few days after the meeting on the website of Sydney Diocesan Secretariat ("SDS") at [www.sds.asn.au](http://www.sds.asn.au).

#### 1.3 Meetings and members

Since October 2016 we have met 10 times. The names of the members will be listed in the 2017 Diocesan Year Book and on the website of SDS at [www.sds.asn.au](http://www.sds.asn.au).

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

- A vacancy arose in the position of a lay person elected by the whole of Synod upon the resignation of Dr Neil Cameron. We elected Dr Robert Mackay to fill the vacancy.
- Mr Mark Payne ceased to be a member *ex-officio* as the Chief Executive Officer of the SDS upon his resignation as CEO.

Additionally, Mrs Lis Boyce, Mr Robert Bradfield, Dr Bryan Cowling, Mr Geoff Kyngdon and the Rev Mat Yeo retired as members of the Standing Committee at the end of their term of office in October 2017.

#### 1.4 Management and structure

Each meeting of the Standing Committee is like a small Synod meeting. Our permanent subcommittees are –

Affiliated Churches Committee	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 Socially Disadvantaged Areas Committee	Stipends and Allowances Committee
Minute Reading Committee	Strategic Research Group

Ordinance Reviewers and Panels  
Professional Standards Oversight Committee

Work Outside the Diocese Committee

The terms of reference and the membership of our permanent subcommittees are posted at [www.sds.asn.au](http://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.

#### **1.4A Retirement of Mrs Lis Boyce**

We noted the retirement of Mrs Lis Boyce after 13 years of service on the Standing Committee and thanked her for her dedicated service, particularly as an ordinance reviewer.

#### **1.4B Retirement of Dr Bryan Cowling**

We noted the retirement of Dr Bryan Cowling after 15 years of service on the Standing Committee, thanked him for his service and for his wider contribution to Christian education.

#### **1.4C Retirement of Mr Geoff Kyngdon**

We noted the resignation of Mr Geoff Kyngdon after 22 years of service, including as a member and chair of the Mission Property Committee. We wished Geoff God's blessing in his retirement from the Standing Committee.

#### **1.4D Retirement of Mr Robert Bradfield and the Rev Mat Yeo**

We noted the retirement of Mr Robert Bradfield and the Rev Mat Yeo and thanked them for their service.

#### **1.5 Resignation of Dr Neil Cameron**

We noted the resignation of Dr Neil Cameron as a member of the Standing Committee after a tenure of nearly 47 years. We recorded our profound thanks to Dr Cameron for his long and unselfish service to the Diocese chiefly through its governance structures, including the Legal Committee of the Standing Committee, the Inner-City Committee, the Moore College Council and the Anglican Church Property Trust. Dr Cameron also served as a Diocesan Advocate and represented the Diocese on General Synod's Standing Committee and Canon Law Commission.

#### **1.6 Resignation of Mr Mark Payne as CEO of the Sydney Diocesan Secretariat**

We noted the resignation of Mr Mark Payne as CEO of the SDS and that as a consequence of his resignation, he ceased to be a member of Standing Committee. We thanked Mr Payne for his 25 years of service to the Standing Committee and Synod of this Diocese. We noted that Mr Robert Wicks had been appointed as Acting CEO.

#### **1.7 The Rev Dr Raj Gupta**

We congratulated the Rev Dr Raj Gupta on being awarded a Doctor of Ministry from Trinity Evangelical Divinity School, with his thesis entitled "Why do Sydney Anglican Churches struggle to grow beyond 200?".

#### **1.8 Election of Bishop Geoff Smith as Archbishop of Adelaide**

We congratulated Bishop Geoff Smith on his appointment as the next Archbishop of Adelaide and extended our prayers and best wishes to Geoff as he commenced in this role.

#### **1.9 Death of Justice Richard Gee**

We noted with sadness the death of Justice Richard Gee on 2 January 2017 at the age of 73. Justice Gee was active in the Diocese, being a lay reader, serving as a lay representative on Synod for various parishes from 1969 until 2004, and on Standing Committee from 1973 to 1976. Following his retirement from the bench in 1999, he became a member of the Council of Anglicare and in 2002 an Executive Member of the NSW Council of Churches.

#### **1.10 Appointment of next Chief Executive Officer of Youthworks**

We congratulated the Rev Craig Roberts on his appointment as the next Chief Executive Officer of Youthworks (Council of Anglican Youth and Education Diocese of Sydney). We recognised the importance of ministry to children and young people and assured Craig of our ongoing prayers as he undertakes this new role.

#### **1.11 Appointment of Mr Garth Blake SC as the Chair of the Safe Church Commission**

We congratulated Mr Garth Blake SC on his appointment as Chair of the Anglican Communion's Safe Church Commission.

## 1.12 Appointment of Mr Stephen Kinsella as the next Executive Director of the Anglican Education Commission

We congratulated Mr Stephen Kinsella on his appointment as the second Executive Director of the Anglican Education Commission and extended our prayers and best wishes to Stephen as he commences in this ministry.

## 2. Actions with the Archbishop

### 2.1 Strategic Research Group

The Strategic Research Group (“SRG”) comprises the following members –

Archbishop Glenn Davies (Chair)	Mr Graham Murray
The Rev Dr Raj Gupta	The Rev Craig Schafer
The Rev Andrew Katay	The Rev Hayden Smith
Bishop Peter Lin	The Rev Andrew Robson
Mr Peter Mayrick	Ms Nicola Warwick- Mayo

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

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

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

The SRG typically meets quarterly for full day meetings. Since the last Synod, the SRG has met 4 times and has partnered with Mission Area Leaders (“MALs”) for a joint conference on 3 May 2017. The conference with MALs has been held annually since 2015 and usually includes members of the SRG updating the MALs regarding the work of the Group, and the MALs sharing insights from ministry in their Mission Areas while suggesting matters that the SRG may research or consider in order to further support ministry in the Diocese. The most recent conference also included a presentation of the initial results from the National Church Life Survey (“NCLS”) conducted in 2016.

In early 2016 the SRG began consideration of how rectors may be better equipped for the leadership aspects of their ministries. A sub-committee of the SRG partnered with representatives of Ministry Training and Development and Evangelism and New Churches to develop a Ministry Development Plan (“MDP”) for voluntary use by Rectors on an ongoing basis. The SRG also provided a proposal and recommendations to the Licensing of Incumbents Review Committee as that committee coordinated the development of proposals relating to, or arising from, the licensing of clergy (resolution 9/15).

The SRG has reviewed and analysed church attendance data on an ongoing basis using both self-reported data (from parishes) and attendance figures determined through the NCLS. The attendance data is useful both at a parish and diocesan level for analysis of trends and identification of opportunities.

In early 2017, the Standing Committee asked the SRG to evaluate the possibility that increases in the absolute numbers of church attenders have been offset by decreasing frequency of attendance among these people. The research of the Group found that, among other things, trends over the past 20 years in self-reported frequency of attendance (measured through the NCLS) do not appear to support the hypothesis, as the data had remained relatively stable over that period. However anecdotal observations of decreasing frequency of attendance among regular attenders may be consistent with a lower frequency of attendance measured among 30 and 40 year old attenders compared with other age groups.

In addition to these key projects, the SRG has –

- (a) reviewed progress against *Mission 2020* goals (and will present a progress report to Synod),
- (b) provided recommendations regarding proposed changes to Standing Committee policies on sale proceeds,
- (c) determined a recommendation for Synod with regard to the allocation of additional funds from the proposed Property Receipts Levy, and
- (d) provided recommendations to the Diocesan Resources Committee regarding funding principles and priorities for the next triennium, in light of the priorities in *Mission 2020*.

The SRG is planning a retreat in early 2018 to focus specifically on matters of high level vision, strategy and structure within the diocese.

## 2.2 Estate of Late M. A. Grant (Sisters' Endowment)

The Archbishop-in-Council appropriated \$40,000 from this Estate for distribution by the Archbishop to assist clergy, clergy widows and clergy children or orphans who are in need.

## 2.3 Parish of Glenquarie

The parish of Glenquarie became vacant during the year but the Archbishop was unable to declare that the parish had complied with clause 5 of the *Nominations Ordinance 2006*. The matter was referred to the Archbishop-in-Council who determined that, in the circumstances, the parish should not have the benefits under the Ordinance.

## 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. As this year is the first ordinary session of a Synod, the reports also include a statement which assesses an organisation's compliance with the Synod's governance policy and explains any areas of non-conformity.

The reports must be lodged by 30 June each year. A later lodgement date has been approved for two organisations, Anglican Community Services and 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 and Parish Funds

The annual financial statements for the Amalgamated Synod Funds and Amalgamated Parish Funds have been prepared and reported on according to an agreed review of procedures instead of an audit.

These reports are printed separately.

### 3.3 Ordination training fund

In 2017 this Fund received a Synod allocation of \$40,000 (2016 \$40,000) which it used to provide a book allowance of \$1,000 to first year candidates studying through Moore Theological College or Youthworks College for ordination in Sydney, and to meet a number of specific costs associated with preparing candidates for ordination. In exceptional cases the Fund may also provide bursaries or financial assistance to some of the students.

### 3.4 Ordinances

The following table shows the number of ordinances passed and assented to in 2011 to 2016 and in 2017 up to 20 September 2017 –

	2011	2012	2013	2014	2015	2016	2017
Standing Committee	40	53	60	42	46	53	27
Synod	10	3	6	7	6	4	0
	50	56	66	49	52	57	27

A separate report lists the ordinances passed by us since the 2016 session of the Synod. There are 14 ordinances of particular interest.

The *Synod Appropriations and Allocations Ordinance 2016* gave effect to the Synod's general intention with respect to the appropriation and allocation of Synod funds for 2017. The ordinance also allocated the additional income from parish trusts in accordance with the recommendations of the Diocesan Resources Committee.

The *Anglican Youth and Education Diocese of Sydney Ordinance 1919 Amendment Ordinance 2017* removed the Chief Executive Officer of Youthworks as a member of its Council.

The *Investment of Church Trust Property Ordinance 1990 Amendment Ordinance 2017* updated the list of permitted investments for persons who and organisations which hold church trust property.

The *Evangelism and New Churches Incorporation Ordinance 2017* provided for the members of the Department of Evangelism and New Churches to be incorporated as a body corporate and changed its name to “Evangelism and New Churches”.

The *Synod Appropriations and Allocations Ordinance 2015 Amendment Ordinance 2017* reallocated \$110,000 from “Membership/affiliation – General Synod” to instead fund the development of online Safe Ministry training by the Professional Standards Unit.

The *Regions Ordinance 1995 Amendment Ordinance 2017* inserted a provision setting out the purpose of regional councils and reduced the frequency of required meetings of regional councils.

The *St Andrew’s House Trust (Variation of Trusts) Ordinance 2017* varied the trusts of the 50% interest held by the Diocesan Endowment in the St Andrew’s House Trust to enable the interest to be held directly for the general purposes of the Anglican Church in the Diocese of Sydney.

The *Sydney Diocesan Secretariat Ordinance 1973 Amendment Ordinance 2017* updated the constitution of the SDS to ensure that it better complies with modern standards and practices for corporate governance, current legislative requirements and the Synod’s Governance Policy for Diocesan Organisations.

The *Sydney Church of England Finance and Loans Board Ordinance 1957 Amendment Ordinance 2017* updated the constitution of the Board to ensure that it better complies with modern standards and practices for corporate governance, current legislative requirements and the Synod’s Governance Policy for Diocesan Organisations.

The *Cathedral Ordinance 1969 Amendment Ordinance 2017* amended the *Cathedral Ordinance 1969* to update the governance arrangements for the Cathedral Chapter and the Cathedral School Council.

The *Synod Appropriations and Allocations Ordinance 2017* provided for the distribution of Synod funds during 2018.

The *Broadway Variation of Trusts for Archbishop’s Residence Ordinance 2017* varied the trusts of land previously held for the purposes of the parish of Broadway so that the land is held for the purposes of the Endowment of the See Capital Fund to enable a residence and function centre for the Archbishop to be built on the site.

The *St Andrew’s Cathedral Trust Ordinance 2016 Amendment Ordinance 2017* authorised a long-term lease of the Upper Chapter House to the Council of the St Andrew’s Cathedral School.

The *Marriage (Special Appropriation) Ordinance 2017* authorised the payment of \$1million from the Diocesan Endowment for the purposes of contributing to the “no” campaign led by the Coalition For Marriage to oppose any change in the law to permit same-sex couples to marry.

### 3.5 Parochial cost recoveries – arrears

The following table compares the arrears of cost recovery charges as at 30 June 2017 and 2016 –

	2017	2016
Guildford with Villawood	6,505	-
Longueville	4,720	-
Norfolk Island	1,498	-
Picton	2,946	-
Richmond	2,985	-
St George	-	2,237
St Marys	-	2,071
	<u>\$18,654</u>	<u>\$4,308</u>

We also approved the remission of arrears of \$6,214 of Parochial Cost Recovery charges for 2016 owing by the parish of St Marys in accordance with clause 8(3) of the *Cost Recoveries Framework Ordinance 2008*. We did this because the amount related to the 2014 offertory received by the Ropes Crossing congregation which became an Evangelism and New Churches Fellowship from 1 July 2015.

### 3.6 Annual financial statements from parishes

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

As at 30 April 2017, 84 parochial units (31%) had not lodged a set of prescribed financial statements (compared with 82 at the same time in 2016). By 30 June 2017 this had improved so that only 15 parochial units had not lodged their financial statements, although some others had only lodged incomplete or

unsigned financial statements.

The Finance Committee has processes in place to remind parochial units of their obligations under the Ordinance, to assist with any enquiries and to review the statements lodged. The Finance Committee also works with the Regional Bishops to investigate and report to us on the status of the audited financial statements for parochial units that are late in lodging the required information.

### **3.7 Local revenues test for parish status**

The parishes of Bankstown, Bellevue Hill, Canterbury with Hurlstone Park, Glenquarie, Greystanes-Merrylands West, Mt Druitt, Mulgoa, Watsons Bay and Waverley had local revenue below the requisite amount in 2016. In the case of Bankstown, this was the third consecutive year of revenue below the threshold and accordingly this parish will revert to provisional status on 31 December 2017 unless the Georges River Regional Council exercises its discretion under clause 8(1A) of the *Parishes Ordinance 1979*. The other parishes have been advised of the importance of ensuring their 2017 and future revenues meet the relevant threshold figures in order to retain their parish status.

### **3.8 Stipends, allowances and benefits for 2018**

A report on stipends, allowances and benefits for 2018 is printed separately.

### **3.9 Stipend Continuance Insurance renewal**

We authorised SDS to calculate and charge the Stipend Continuance Insurance (“SCI”) component of the Parochial Cost Recovery (“PCR”) charge for 2017 by –

- (a) taking into account the expected cost of the SCI premium calculated on the basis of the AMP tender for 1 year with a continuation of the current basic benefit design,
- (b) utilising \$100,000 of the balance in the SCI Fund 952 to reduce the impact of the increased premium,
- (c) assuming an expected population of 550 clergy at 1 January 2017 (in parishes, participating organisations and the Episcopal team), and
- (d) recovering a \$90 per person fee to cover SDS’s costs of administering the program.

### **3.10 Work Outside the Diocese**

In the 6 months to 30 June 2017, the Work Outside the Diocese Committee had applied \$117,826 from a total Synod allocation in 2017 of \$221,000. It is expected that further amounts will be applied during the 6 months to 31 December 2017 from the 2017 allocation, and the opening reserves of \$43,052.

### **3.11 Recommended distribution from the Diocesan Endowment for 2018**

We noted the advice of the Glebe Administration Board that, for the purposes of clause 5(1) of the *Diocesan Endowment Ordinance 1984*, \$4.69 million could prudently be distributed from the Diocesan Endowment for spending by the Synod in 2018 (2017: \$4.4 million).

### **3.12 Parish cost recovery charges for 2018**

A report about the cost recovery charges for 2018 is printed separately.

### **3.13 Statement of Funding Principles and Priorities for 2019-2021**

Under clause 3(3) of the *Synod Estimates Ordinance 1998* we are required to prepare for the 1<sup>st</sup> ordinary session of the 51<sup>st</sup> Synod a Statement of Funding Principles and Priorities to guide estimates for 2019 to 2021 of –

- 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
- the amount which, in our opinion, should be granted to organisations under the control of Synod or to other organisations, and
- 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(3A) 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.

### **3.14 Clergy Assistance Program**

A report on a 12 month review of the Clergy Assistance Program is printed separately.



### 3.15 Clergy Contact Persons

We approved a 12 month trial of a Clergy Contact Person program. The aim of the program is to provide parish clergy and the spouses of parish clergy who are experiencing particular difficulties associated with parish ministry with face to face confidential assistance in developing and implementing a plan to address those difficulties.

The Archbishop nominated 9 persons to be appointed as Clergy Contact Persons. A training day was held for the Contact Persons in April 2017 with a follow-up session in May 2017. This coincided with a letter sent by the Archbishop to all rectors and co-ordinators of clergy spouse support groups advising of this new initiative.

### 3.16 Costs associated with attendance of General Synod

We authorised the allocation of \$30,000 from Synod Fund Contingencies to Synod Fund 130 as additional funding support for our General Synod representatives. This additional support was, in part, necessary due to an increase in the total number of General Synod Representatives from 66 to 70.

### 3.17 Freedom For Faith

We authorised the annual payment of \$20,000 for the affiliation fee for Freedom For Faith from 2017 onward and requested that the Diocesan Resources Committee consider including an affiliation fee of \$20,000 in the Synod budgets for 2018 and following.

### 3.18 Safe Ministry Training

Due to a rebate provided in respect to the General Synod statutory assessment in 2017, we agreed that the estimated cost of \$110,000 to develop online Safe Ministry training material for use from 2018 be funded from a reallocation of \$110,000 from the amount of \$484,000 presently allocated to “Membership/affiliation – General Synod” for the General Synod statutory assessment for 2017.

See item 6.3.

### 3.19 Review of the Management Fee of the Anglican Church Property Trust

We approved a non-standard ACPT management fee of 2.5% pa of the rental income to be received by ACPT on behalf of the parish of Darlinghurst in relation to a lease over part of the parish property that is subject to a long term ground lease to HammondCare.

### 3.20 Review of the finances of the Sydney Diocesan Secretariat

We requested the following be undertaken before the revenue of the SDS from Synod sources is set for the 2019-2020 Triennium –

- (a) a review of SDS’ customers be performed, to ensure that expectations are met and services are delivered with satisfactory levels of price,
- (b) a review of current SDS processes, to identify those where SDS has insufficient scale to perform effectively and may be better outsourced to others within the “Anglican family”,
- (c) a review of staffing levels and distribution in line with the response in (a) and (b) above,
- (d) a review of SDS policies to ensure where the term “comparable” or similar is used, as in “comparable role” or “comparable organisation”, that the definition of “comparable” includes “other Anglican”, “other Protestant” or “other Faith-based” as appropriate, and
- (e) SDS commit to a set positive percentage of surplus over each Triennium.

### 3.21 Ethical Investment Policies

We noted that the Glebe Administration Board and the Anglican Church Property Trust had both revised their ethical investment policies to seek to reduce the carbon intensity of all their investments in listed companies (whether held directly, or indirectly through an actively managed fund which hold securities in listed companies). Previously the goal of the policies in progressively reducing carbon intensity applied only to investments in Australian listed companies.

## 4. General Administration

### 4.1 Elections

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

From November 2016 to July 2017, 71 such positions were filled (44 for the same period in 2015 – 2016).

## **4.2 Membership of the Synod**

Under Part 7 of the *Synod Membership Ordinance 1995*, the Archbishop is entitled to nominate a number of ministers to be members of the 51<sup>st</sup> Synod. The maximum number of ministers who may be nominated cannot exceed 10% of the total number of “parochial ministers” (as defined in the Ordinance) determined on 1 January 2017. The Registrar has advised that this number is 25.

The Archbishop advised that he intends nominating 25 ministers as members of the 51<sup>st</sup> Synod under Part 7.

For every nominated minister proposed to be nominated by the Archbishop, we can elect a lay person to be a member of the 51<sup>st</sup> Synod under Part 8 of the Ordinance. We have elected 25 lay persons to be members under Part 8.

In addition, under Part 6 of the *Synod Membership Ordinance 1995*, we may declare up to 5 diocesan boards, departments or organisations to be “nominated organisations” for the purposes of the 51<sup>st</sup> Synod. The effect of such declaration is that the Chief Executive Officer of the nominated organisation is a member of the 51<sup>st</sup> Synod. We have declared the following organisations to be “nominated organisations” –

- Anglican Community Services (Anglicare)
- Anglican Media
- Anglican Schools Corporation
- Anglican Youth and Education Diocese of Sydney (Youthworks)
- Evangelism and New Churches

## **4.3 Reports from Regional Councils**

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

## **4.4 Review of the services of Sydney Diocesan Secretariat to the Synod and Standing Committee**

We undertook a review of the services provided by the SDS during 2016. We confirmed that the services had been provided in a satisfactory manner and commended SDS for the high standard of services provided to the Standing Committee and Synod.

## **4.5 Diocesan Research Officer**

We noted the high standard of service provided by the Diocesan Research Officer in 2016, and recognised that the Diocesan Research Officer role is a necessary part of the Diocese. We recommended to the Diocesan Resources Committee that funding be provided in the next funding triennium for the ongoing services of a Diocesan Research Officer.

## **4.6 Attendance in Sydney Anglican churches between 2002 and 2015**

We received a discussion paper relating to attendances in Sydney Anglican Churches from 2002-2015 and requested the Strategic Research Group (“SRG”) to evaluate the possibility that increases in the absolute numbers of church attenders have been offset by decreasing frequency of attendance among these people.

The SRG report indicated, among other things, that trends over the past 20 years in self-reported frequency of attendance (measured through the NCLS) do not appear to support the hypothesis, as the data has remained relatively stable over this period. However anecdotal observations of decreasing frequency of attendance among regular attenders may be consistent with a lower frequency of attendance measured among 30 and 40 year old attenders compared with other age groups.

## **4.7 Regulation for assessing the strategic value of retaining parish property for the purposes of the Diocesan Mission**

We amended our regulations for “Assessing the strategic value of retaining parish property for the purposes of the Diocesan Mission”. The amendments enable a parish, which is seeking an ordinance to authorise the sale of parish property or a lease of parish property for more than 20 years, to obtain from the Mission Property Committee its recommendation as to whether the retention of the property has strategic value for the purposes of the Diocesan Mission. Previously such recommendations could only be given upon the referral of the proposal to the Mission Property Committee by the Regional Bishop.

## **4.8 Proposed amendment to the Constitution of SCEGGS Darlinghurst Ltd**

We approved amendments to the Constitution of SCEGGS Darlinghurst Ltd. The amendments were intended to bring the constitution into line with modern constitutions and the requirements of *the Australian Charities and Not for Profit Commission Act 2012*. They did not affect any provisions of the constitution of relevance to the relationship between the Company and the Diocese.

#### 4.9 Amendment to the Terms of Reference for the Social Issues Committee

We amended the Social Issues Committee's Terms of Reference to, among other things, provide the appropriate authority for the SIC to publish articles or blogs on current social issues (in accordance with its 2nd object). Prior to the amendment, the SIC would require the approval of Standing Committee or the Archbishop for each article produced.

#### 4.10 Amendment to the Terms of Reference for the Strategic Research Group

We agreed to amend the Terms of Reference of the Strategic Research Group ("SRG") to require an annual report to Synod with a six month interim report to Standing Committee. Previously, the SRG was required to report "no less than quarterly to the Standing Committee".

#### 4.11 Amendments to the Governance Policy for Diocesan Organisations

We agreed to modify the Governance Policy for Diocesan Organisations with regard to the role of the Archbishop in relation to diocesan organisations.

Previously the guidelines provided that the Archbishop should not usually be a board member of a diocesan organisation but should be entitled to receive board papers on request, attend board meetings, and to address the board on any pastoral or policy issue concerning the Anglican Church of Australia as it applies to the organisation including the appointment of its chief executive officer.

The modification rendered neutral the question of whether the Archbishop should be a board member of a diocesan organisation. Instead it provided that –

- (a) if the Archbishop is a member of a diocesan organisation, he should be entitled to chair board meetings of the organisation, and
- (b) if the Archbishop is not a member, he should retain the entitlements already in the policy in relation to the receipt of board papers (on request), attendance at board meetings, and addressing the board on any pastoral or policy matter concerning the Anglican Church of Australia.

#### 4.12 Amendments to Diocesan Policy Statement on Education

We amended the Diocesan Policy Statement on Education to provide that the form of Statement of personal faith to be signed before a person is elected or appointed to the board of a diocesan organisation is set out in Appendix 3 of the Synod's Governance Policy for Diocesan Organisations, rather than the form included in the Education policy itself. This amendment was made to avoid confusion as to the correct form of the Statement to sign.

#### 4.13 Publication in Spanish of *Masters of the English Reformation* by Sir Marcus Loane

We agreed to allocate \$2,000 from the Publishing Reserve Fund to fund the publication of *Masters of the English Reformation* in Spanish.

#### 4.14 Affiliated Churches

We declared Hunter Bible Church, Newcastle and Coast Evangelical Church, Forster to be affiliated with the Diocese under the *Affiliated Churches Ordinance 2005*.

#### 4.15 Guidelines for Remuneration of Parish Ministry Staff in 2018

We approved guidelines for the remuneration of parish ministry staff in 2018.

#### 4.16 Evangelism and New Churches and The Sanctuary Project

We noted that Evangelism and New Churches ("ENC") had accepted The Sanctuary Project as a project within ENS in the expectation that, by the end of 2018, the project would be continued by a separate legal entity and subject to the Standing Committee supporting ENC's sponsorship of the project. We indicated our support of ENC's commitment to sponsor this project.

### 5. Relations with Government

#### 5.1 Social Issues Committee

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

Dr Karin Sowada (Chair)	The Rev Dr Michael Jensen
Dr Megan Best	Mr Darren Mitchell
The Rev Dr Andrew Ford	Dean Kanishka Raffel
Dr Chase Kuhn	

The SIC provides advice to the Archbishop on issues which are referred to by him. It also provides advice on issues referred to it by the Standing Committee or at the request of the Synod. When resources allow the SIC also identifies and initiates the study and discussion of social issues and matters of public policy

among Anglicans in the Diocese and interacts with Government and other external organisations through submissions to parliamentary and public inquiries. The SIC is often the first point of contact for community groups and other organisations wishing to engage with the Diocese on matters of public policy.

Since the last Synod, the SIC has met 6 times and has devoted the bulk of its time to the production of reports relating to gender identity. This work was initially provided to the Heads and Chairs of Anglican Schools through the preparation of an Archbishop's Gender Briefing Paper. A more substantial report is expected to be available for inclusion in the Synod 2017 papers. The SIC also commissioned a mixed method gender identity research project based on an online "Lived Experiences" survey.

This work has been undertaken in conjunction with the Gender Identity subcommittee established by the SIC in 2016, which now comprises –

Dr Claire Smith (Chair)	The Rev David Ould
Dr Megan Best	The Rev Nicholas Moll
Dr Patricia Weerakoon	

Mrs Emma Penzo also served as a member of the Subcommittee during the year.

Gender-related issues are expected to increase in profile. Further work may need to be undertaken by parties outside the SIC including the development of school policy and pastoral care guidelines. The SIC will continue to monitor and respond to legislative and executive developments in this space.

In response to resolutions of the 2016 Synod the SIC has progressed work on reports on "Consumerism" and "Diversity and Inclusion". The Committee now expects this work to be submitted to the 2018 Synod.

With the support of Standing Committee the SIC has also partnered with Dr Louise Gosbell in researching "The Experiences of People with Disability in the Sydney Diocese of the Anglican Church". The primary aim of the project is to measure the impact of Synod resolution 34/09 *People Affected by Disability*. The project is yet to receive Human Research Ethics Committee approval.

Through meetings and formal correspondence the Committee has been engaged in advocacy relating to –

- (a) online gambling using credit card facilities,
- (b) public holiday and weekend penalty rates, and
- (c) the plight of refugees, detainees and those in off-shore detention.

Submissions have been provided to –

- (a) the Joint Standing Committee on Foreign Affairs, Defence and Trade Inquiry into the Status of the Human Right to Freedom of Religion or Belief, and
- (b) the NSW Parliamentary Working Group on Assisted Dying.

The SIC also prepared a letter on behalf of the Archbishop to Members of the NSW Legislative Council regarding the Abortion Law Reform (Miscellaneous Acts Amendment) Bill 2016.

The Committee expressed gratitude for the services of Mrs Emma Penzo, who finished as part-time Diocesan Researcher in March 2017. Mrs Leonie Russell was appointed to the role, starting in May 2017.

For reports, submissions and briefings on current and archived matters, please refer to its web site <http://www.socialissues.org.au>.

## **5.2 Royal Commission into Institutional Responses to Child Sexual Abuse**

We approved an allocation from the Synod Fund and requested the Property Trust to provide an equal amount, to meet the increased needs of the Royal Commission Steering Committee.

We received a report from the Registrar following the conclusion of the Royal Commission into Institutional Responses to Child Sexual Abuse public hearing referred to as Case Study 52. The hearing ran from Friday 17 March to Wednesday 22 March 2017 and its purpose was "to inquire 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.

The Archbishop, Registrar and staff of the PSU attended the whole of each hearing day and several witnesses were associated with the Diocese of Sydney. The Royal Commission Steering Committee ("RCSC") had appointed Ms Michelle England with Ms Alexandra Rose, instructed by Mr Steve Lucas, to act for the Diocese of Sydney, Archbishop Glenn Davies, the Rev Archie Poulos, the Rev Dr Andrew Ford, Ms Jacqueline Dawson and Mr Lachlan Bryant.

We thanked Ms Michelle England and also Ms Alexandra Rose together with Mr Steve Lucas and the PSU staff for all their assistance with Case Study 52 of the Royal Commission.

### **5.3 Submission to the Joint Parliamentary Inquiry into the Status of the Human Right to Freedom of Religion or Belief**

Our Religious Freedom Reference Group and Social Issues Committee made a joint submission on behalf of the Diocese of Sydney to a Parliamentary inquiry being conducted by the Joint Standing Committee on Foreign Affairs, Defence and Trade into the protection and promotion of the human right to freedom of religion or belief worldwide, including in Australia.

## **6. The International, National and Provincial Church**

### **6.1 17<sup>th</sup> session of the General Synod of the Anglican Church of Australia**

The 17<sup>th</sup> session of the General Synod was held at the Novotel Twin Water Resort, Maroochydore, Queensland on 3 – 8 September 2017.

A report on the proceedings of the General Synod is printed separately. In addition we agreed to promote a number of bills to the Sydney Synod to adopt canons made at the General Synod session. The bills and accompanying explanatory material are also printed separately.

### **6.2 General Synod Special Assessment**

In response to a letter from the General Secretary of the General Synod, we confirmed that the position of the Diocese of Sydney in respect to payment of the General Synod Special Assessment has not changed, and accordingly declined to make any payment in respect of the Special Assessment.

### **6.3 General Synod Statutory Assessment rebate**

We noted that due primarily to a one-off rebate from the General Synod's Statutory Fund, a total of \$178,531 that had been allocated for "Membership/affiliation – General Synod" was no longer required for that purpose.

### **6.4 Amendments to Faithfulness in Service**

We noted a letter from the General Secretary concerning amendments to *Faithfulness in Service* approved by the General Synod Standing Committee in November 2016. The amendments concerned the definition of bullying as well as other changes concerning definitions of "grooming", "sexual abuse of a child", "sexual assault" and "sexual harassment".

We appointed a committee to consider the proposed amendments to the definition of "bullying" and requested the Director of Professional Standards to consider the other amendments set out in the letter. Following receipt of these recommendations, we asked that a motion be moved at the forthcoming session of Synod.

A report about this matter is printed separately.

### **6.5 GAFCON Primates Communique April 2017**

We welcomed the communique of the GAFCON Primates of 29 April 2017 and the intention of the Primates to consecrate a missionary bishop, who would be tasked with providing episcopal leadership for faithful Anglicans who find themselves outside the structures of any Anglican province, especially in Europe, but desire episcopal leadership. We strongly encouraged the Archbishop to participate in the consecration of such a missionary bishop as a sign of solidarity with the GAFCON Primates and those seeking such episcopal leadership.

### **6.6 Appellate Tribunal determination concerning membership of the General Synod House of Bishops**

The Diocese of Newcastle referred the following 3 questions to the Appellate Tribunal for consideration –

- (a) Whether a person appointed bishop administrator of a diocese for the purposes of section 8 of the Constitution of the Anglican Church of Australia ("the Constitution") or otherwise is, under section 16 of the Constitution or otherwise, a member of the House of Bishops.
- (b) Whether if a person so appointed as bishop administrator of a diocese is a member of the House of Bishops the diocese for which he or she is appointed is entitled to appoint another person to be a member of General Synod.
- (c) Whether the answers to the preceding questions are different depending upon whether or not the person so appointed as bishop administrator is a duly consecrated bishop of the Anglican Church of Australia and, if so, in what respect.

We submitted that the Appellate Tribunal should answer these questions as follows –

- (a) No.

- (b) Not applicable.
- (c) No.

The Appellate Tribunal agreed with our submission.

### **6.7 Participation in references to the Appellate Tribunal**

In August 2017, references were made to the Appellate Tribunal concerning –

- (a) our Affiliated Churches Ordinance, and
- (b) the participation of the Archbishop and other Australian bishops in the consecration of a bishop of the Anglican Church of North America.

We expressed a wish to intervene in, and thereby become a party to, these proceedings.

## **7. Sydney Synod Matters**

### **7.1 41/10 Amendments to the Anglican Church of Australia Trust Property Act 1917**

By resolution 41/10, the Synod requested that we pursue with the NSW Government certain amendments to the *Anglican Church of Australia Trust Property Act 1917* (the “Act”) to improve the governance of the Anglican Church Property Trust. Despite attempts over many years, we have been unable to secure the agreement of all other dioceses in the Province of NSW to these changes. Until such agreement is obtained, the NSW Government will not agree to promote the changes in Parliament.

In the circumstances, we concurred with the resolution of the Anglican Church Property Trust not to pursue any changes to the Act at this time.

#### **7.1A 25/14 Theology of Communion and Catholicity**

By resolution 25/14, the Synod requested the Sydney Diocesan Doctrine Commission to prepare a report on the theology of communion and catholicity with special reference to contemporary Anglicanism in Australia.

The report of the Doctrine Commission is printed separately.

#### **7.2 13/15 Study into Effective Church Planting**

By resolution 13/15, among other things, Synod –

- (a) noted the *Study into Effective Church Planting in the Anglican Diocese of Sydney*,
- (b) encouraged rectors and parish councils to consider how they could initiate church planting in their parishes, and
- (c) requested that Evangelism and New Churches (“ENC”) provide recommendations regarding the practice of church planting.

ENC developed the Church Planting Guidelines in cooperation with several other groups based on the *Study into Effective Church Planting in the Anglican Diocese of Sydney*.

We authorised an allocation of \$3,000 from Synod Fund Contingencies in order to fund a concept design for the Church Planting Guidelines.

#### **7.3 22/15 Proposal for a Property Receipts Levy**

By resolution 22/15, among other things, the Synod agreed that a Property Receipts Levy may be preferable to a Large Property Receipts Policy. The Synod therefore requested the Standing Committee to collect the necessary financial data from parishes, and undertake the necessary modelling and further consultation to bring to the Synod no later than its session in 2020 a proposal for a Property Receipts Levy to be considered as an alternative to a Large Property Receipts Policy.

A report about this matter is printed separately together with a further report which sets out a proposal from the Strategic Research Group for applying any additional proceeds raised from a Property Receipts Levy.

#### **7.4 34/15 Diocesan Doctrine Commission report on Human Sexuality**

By resolution 34/15, among other things, Synod requested the Standing Committee to continue its work of developing pastoral guidelines for pastors as they minister to Christians experiencing same-sex attraction, their family and friends, and their churches; and that a committee be formed of sufficient size, breadth of experience, and expertise to accomplish this, to report to Synod in 2017.

The committee we constituted to address this request has made significant progress but has not yet completed its work. We expect a report for Synod in 2018.

### **7.5 35/15 Review of Regional Councils**

By resolution 35/15, Synod requested the Standing Committee to conduct a review of the purpose and effectiveness of Regional Councils.

We surveyed the regional councils and following consideration of the responses, amended the *Regions Ordinance 1995* to reduce the frequency of required meetings of regional councils and insert a provision setting out the purpose of regional councils as follows –

- ‘The purpose of a regional council is to advance the purposes of the Anglican Church in the Diocese of Sydney by –
- (i) conceiving, planning, implementing and resourcing regional ministry strategies,
  - (ii) supporting the regional bishop in the leadership of the region,
  - (iii) undertaking the governance tasks delegated to them by Synod and Standing Committee, and
  - (iv) receiving and considering grant applications and distributing grant funding as available from time-to-time.’

We also recognised that the effectiveness of a regional council to convene, plan, implement and resource regional ministry strategies is constrained when there are limited funds available.

### **7.6 4/16 Funding church planting in urban areas**

By resolution 4/16, among other things, Synod requested the Large Property Receipts Policy Committee, when presenting the proposed Property Receipts Levy, to include in its modelling an option that provides significant additional funding for ministry initiatives.

This matter is dealt with in the report of the Large Property Receipts Policy Committee referred to at item 7.3.

### **7.7 6/16 Protestant Reformation**

By resolution 6/16, among other things, the Synod requested the Standing Committee, the Chapter of St Andrew’s Cathedral, Moore Theological College, Youthworks College, Mary Andrews College, and Anglican Deaconess Ministries to consider ways in which they might contribute to a diocesan wide celebration of our Reformation heritage during 2017.

We endorsed the Reformation celebration events planned by Moore Theological College and the Cathedral in 2017, and alerted rectors to these and other events to celebrate the Reformation planned by the organisations referred to in the resolution. We also authorised the application of \$7,000 from Synod Fund contingencies to publish a calendar of events regarding Reformation celebration.

### **7.8 9/16 Equipping rectors for their task of leadership**

By resolution 9/16, among other things, Synod asked the Strategic Research Group (“SRG”) to establish a committee (in consultation with MT&D, CMD and other appropriate instruments) to explore and report back to the Synod in 2017 on what action is required and how it may be implemented to better equip rectors for their task of leadership.

The SRG had already been considering this matter, and had established a working group in partnership with representatives from Evangelism and New Churches and Ministry Training and Development. The working group developed a Ministry Development Plan (“MDP”) for voluntary use by Rectors on an ongoing basis. The MDP has been piloted through new rectors (in the Developing Rectors Program) and through voluntary testing in Mission Area Groups.

The SRG is supportive of the Developing Rectors program launched by Moore College’s Centre for Ministry Development (“CMD”). This course has been developed by CMD with the assistance of the Bishops.

The SRG also provided a proposal and recommendations to the Licensing of Incumbents Review Committee as that committee coordinated the development of proposals relating to or arising from the licensing of clergy.

### **7.9 10/16 Licensing of incumbents interim report**

By resolution 10/16, among other things, Synod encourages the Committee reviewing the licensing of incumbents, to continue to meet and provide a final report with recommendations and proposed ordinances for consideration by the Synod in 2017.

A further interim report from the Committee is printed separately together with a report from Ministry Training and Development concerning *Lifelong Ministry Development Guidelines*.

### **7.10 14/16 Funding for Urban Renewal**

By resolution 14/16, among other things, Synod requested that Standing Committee consider the recommendations of the "Funding for Urban Renewal" report against other funding needs and opportunities in the preparation of the "Statement of Funding Principles" report for the 2017 Synod for potential inclusion in the triennium funding ordinances for 2019-2021. The Synod also requested that Standing Committee assess factors other than building grants that may induce growth in established areas, and establish a priority list for the disbursement of funds for the purpose of growing evangelistic ministry in urban areas.

We conveyed the terms of this resolution to the Diocesan Resources Committee ("DRC") to ensure that the recommendations of the "Funding for Urban Renewal" report were considered against other funding needs and opportunities in the preparation of the Statement of Funding Principles.

At our request the Strategic Research Group provided us with a report which assessed factors for growth. This report was also shared with the DRC so that it could be taken into account in preparing the Statement of Funding Principles.

### **7.11 16/16 Diversity and Inclusion Policies**

By resolution 16/16, among other things, Synod requested the Diocesan Doctrine Commission or the Social Issues Committee ("SIC") to provide a report on the biblical understanding of "diversity and inclusion" so as to assist our organisations in the formulation of such policies, and to report back to the next session of Synod.

The SIC agreed to take an initial lead in producing this report. The SIC has not yet completed its work.

### **7.12 21/16 Membership structure of Mission Property Committee**

By resolution 21/16, among other things, the Synod requested Standing Committee to review the membership structure of the Mission Property Committee in consultation with its chairman and deputy chairman.

We appointed a committee to undertake the work requested in the resolution. A report about this matter is printed separately.

See item 7.16.

### **7.13 24/16 Domestic Violence**

By resolution 24/16, among other things, the Synod –

- (a) gave thanks for the work of the Domestic Violence Response Task Force (the "Task Force") and called 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,
- (b) called 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,
- (c) asked 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, and
- (d) requested the Task Force to report again, no later than this Synod.

A further report from the Task Force is printed separately together with an accompanying document *Responding to Domestic Abuse: Provisional Policy and Good Practice Guidelines*.

### **7.14 26/16 Debate concerning same-sex marriage Archbishop's Task Force on Same-Sex Marriage Plebiscite**

By resolution 26/16, among other things, the Synod –

- (a) commended for consideration the booklet prepared by the Archbishop's Plebiscite Task Force *What Has God Joined Together?* as a resource to assist Sydney Anglicans and others prepare for and engage in public debate on this issue,
- (b) called on Rectors in the Diocese to incorporate teaching on marriage, human sexuality and religious freedom in the teaching program of their parish,
- (c) encouraged all Christians to participate fully in the democratic processes open to us in this country to seek to persuade our nation of the goodness and wisdom of ensuring the legal definition of marriage in the Marriage Act 1961 remains aligned with its inherent meaning, and



- (d) urged all Christians to engage lovingly and respectfully in the debate about marriage, and condemns any vilification, bigotry or other expressions of hatred or fear directed against anyone, not exclusively but especially members and supporters of the gay, lesbian, bisexual, trans or intersex (LGBTI) community.

We authorised expenditure from the Publishing Reserve of up to \$50,000 for the printing and distribution (including digital distribution via a website) of the booklet *What Has God Joined Together?*.

We also –

- (a) noted that Freedom For Faith, working in cooperation with the Coalition for Marriage, is preparing written and video materials highlighting the significant threat that same-sex marriage poses to freedom of religion and conscience, and
- (b) agreed to such materials being distributed to parishes and diocesan organisations at the discretion and with the approval of the Archbishop.

A report about the “No” campaign led by the Coalition For Marriage to oppose any change to the law to permit same-sex couples to marry is printed separately.

#### **7.15 30/16 Culture of consumerism**

By resolution 30/16 the Synod requested the Social Issues Committee (“SIC”) to report on the culture of consumerism and its impact on our society and churches with recommendations on how we can respond better to the challenges it presents.

The SIC has not yet completed its work.

#### **7.16 33/16 Resourcing the management and development of parish property**

By resolution 33/16, among other things, Synod requested that the Standing Committee establish an appropriate task-force or committee (made up of people with relevant expertise) to serve as a resource to parishes in managing and developing parish property for gospel benefit.

We noted that pursuant to clause 9(1)(e) of the *Mission Property Ordinance 2002* the Mission Property Committee (“MPC”) is already responsible for providing advice and support to parochial units which seek to acquire land, sell or otherwise realise land, construct or renovate ministry buildings, develop land, or rationalise or better utilise their land (and has been doing so for a number of years).

We requested the committee responsible for undertaking the review of the membership structure of the MPC under Synod resolution 21/16 to take into account the responsibilities of MPC under clause 9(1)(e) in conducting its review. We also requested the committee to determine the resources that would be necessary to allow the MPC to –

- (a) develop some generic guidelines to assist parishes in determining the priorities for facilities development, and
- (b) be more proactive with regards to the development of the facilities of existing parishes.

A report about this matter is printed separately together with a further report from the Mission Property Committee setting out a proposal to provide guidance to parishes undertaking development projects.

#### **7.17 34/16 Opening, closure, merger or takeover of Schools Corporation schools**

By resolution 34/16, among other things, Synod requested that –

- (a) the Standing Committee review the Anglican Schools Corporation Ordinance, especially regarding the interaction between the Corporation Board, individual school councils and broader stakeholders regarding the opening, closure, merger or takeover of Corporation schools, and
- (b) the Schools Corporation Board review its internal processes and procedures regarding consultation and the sharing of information concerning the opening, closure, merger or takeover of Corporation Schools (or other similarly major decisions) with broader stakeholders, including school councils and local parishes.

The Anglican Schools Corporation has provided its response however we have not yet considered it.

#### **7.18 39/16 Business rules for moving amendments to motions**

By resolution 39/16, among other things, the Synod, requested Standing Committee to re-examine the *Conduct of the Business of Synod Ordinance 2000*, with respect to –

- (a) whether the President should be given permission to waive the application of rule 4.6 on similar grounds to the relief offered in rule 4.9.8,
- (b) whether the ordinance should require Synod’s practice of allowing movers of amendments to speak prior to those wishing to speak for or against the principal motion, or otherwise,

- (c) whether the ordinance should provide a rule regarding “set piece” debates, in particular for looking at the right of reply by both sides,
- (d) whether to provide for a considerably shorter time limit for the mover of an amendment, while providing for the mover of the amendment to speak one more time in the debate, and
- (e) any other matters that might improve the effectiveness of Synod’s business rules as they apply to the debate of a motion,

and to bring to the session of Synod in 2017 a report and any such amending ordinance as is required to give effect to its findings.

A report about this matter is printed separately.

#### **7.19 40/16 Safe learning environment for all students**

By resolution 40/16, among other things, Synod acknowledged the work of the Gender Identity Subcommittee of the Social Issues Committee, including the development of possible resources, and looked forward to receiving the Committee’s report at the 2017 Synod.

A report from the Gender Identity Subcommittee is printed separately.

#### **7.20 Synod and Standing Committee membership**

We requested that a bill for the *Synod and Standing Committee Membership Amendment Ordinance 2017* be promoted to the Synod to make a number of changes to the membership of the Synod and the Standing Committee.

A bill and an accompanying explanatory report are printed separately.

#### **7.21 Resolutions made by the Synod in 2016 and not mentioned in this report**

Circulars were sent to parishes and organisations about the matters arising from the 2016 Synod session. Copies of Synod resolutions were sent to appropriate persons and organisations.

#### **7.22 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.

ROBERT WICKS  
*Diocesan Secretary*

20 September 2017

## Synod Funds – Amalgamated

### Annual financial report – 31 December 2016

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
Fund 132	Social Issues Committee Fund
Fund 133	Diocesan Research Fund
Fund 153	The Archbishop's Professional Standards Unit
Fund 189	Ordination Training Fund

### Discussion and Analysis report for the year ended 31 December 2016

The Synod Funds' (the Fund) Discussion and Analysis report provides an overview of the Fund's financial activities for the calendar year ended 31 December 2016. 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 18.

The Fund is an amalgamation of the individual funds listed below. At 31 December 2016 the Synod Funds comprised of 9 funds (2015: 9 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
Fund 132	Social Issues Committee Fund
Fund 133	Diocesan Research Fund
Fund 153	The Archbishop's Professional Standards Unit
Fund 189	Ordination Training Fund

The main sources of funds during 2016 were distributions from the Diocesan Endowment (DE) and various parish ordinances. A distribution from the Diocesan Endowment of \$4,300,000 (2015: \$4,000,000) was made available to the Fund for spending in 2016. The amount distributed to the Fund by various parish ordinances totalled \$1,024,602 (2015: \$1,110,282). The Professional Standards Unit received \$350,000 (2015: \$820,944) as proceeds of claims from the ACPT Church Insurance Fund 0799. The Fund also received contributions under the Parochial Cost Recoveries (PCR) Ordinance to support the Professional Standards Unit, 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 Glebe Administration Board.

The Fund's total revenues increased by \$41,533 or 0.6% to \$6,735,584 (2015: \$6,694,051). A number of the income components were markedly higher, such as DE distributions up \$300,000 (7.5%) ACPT distributions up \$143,820 (16.3%) and PCR contributions up \$331,823 or 51%. The PCR contributions were increased as PSU required higher operational funding. Counteracting this growth was the introduction of a new procedure directing receipt of St James Hall distributions to the ACPT first for distribution to the Synod in the following year. As 2016 was the initial year for the new process there was a lower distribution income of \$229,500. Claim proceeds received from the ACPT Insurance Fund for the Care and Assistance program were lower by \$470,944 or 57.3%.

The application of funds is divided between:

- grants appropriated by the Standing Committee in the Synod Appropriations and Allocations Ordinance 2015,

- grants as appropriated under the delegations of the various committees of the comprising funds, and
- administrative and Care and Assistance Scheme expenses of the Professional Standards Unit.

The Fund's total outgoings fell \$292,421 or 4.3% to \$6,539,585 (2015: \$6,832,006). This decrease reflects a reduced quantum of payments for professional standards matters through both the Care and Assistance Scheme and Synod Fund 131 than paid in 2015.

The Net Assets of the Fund increased by 14.5% to \$1,546,336 (2015: \$1,350,697) principally due to the lower levels of outgoings related to professional standards matters. 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 will receive \$300,000 during 2017 from the Synod Appropriation Fund 129. As such Fund 131 will achieve the target equity of \$1,000,000, depending whether any settlements are paid.

There are no matters that have arisen since 31 December 2016 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 18 May 2017.

**Standing Committee of Synod - Synod Funds**

**Income Statement for the 12 months ended 31 December 2016**

	Fund 127 Work Outside the Diocese Fund	Fund 128 Mission Areas Fund	Fund 129 Synod Approp. & Allocation Fund	Fund 130 Sydney Reps at General Synod	Fund 131 Sydney Diocesan Synod Fund	Fund 132 Social Issues Committee Fund	Fund 133 Diocesan Research Fund	Fund 153 Archbishop's PSU	Fund 189 Ordination Training Fund	Elimination	Total	Actual 12 Months ending 31 December 2015
	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
<b>Income</b>												
Distributions - Diocesan Endowment	-	-	4,300,000	-	-	-	-	-	-	-	<b>4,300,000</b>	4,000,000
Distributions - Anglican Church Property Trust - Refer to Note 2	-	-	1,024,602	-	-	-	-	-	-	-	<b>1,024,602</b>	880,782
Distributions - St James Hall	-	-	-	-	-	-	-	-	-	-	-	229,500
Interest	988	1,774	1,807	445	12,132	257	156	172	484	-	<b>18,215</b>	18,973
PCR Contributions	-	-	-	-	90,132	-	-	891,449	-	-	<b>981,581</b>	649,758
Synod Grants	218,000	-	-	50,000	288,000	-	-	-	40,000	(596,000)	-	-
Other Income	-	-	50,135	-	-	-	-	360,000	1,051	-	<b>411,186</b>	915,038
<b>Total income</b>	<b>218,988</b>	<b>1,774</b>	<b>5,376,544</b>	<b>50,445</b>	<b>390,264</b>	<b>257</b>	<b>156</b>	<b>1,251,621</b>	<b>41,535</b>	<b>(596,000)</b>	<b>6,735,584</b>	<b>6,694,051</b>
<b>Expenses</b>												
Staff & Related	-	-	-	-	-	-	25,460	482,811	-	-	<b>508,271</b>	445,945
Professional Fees	-	-	171,046	-	1,133	40	-	104,884	1,991	-	<b>279,094</b>	182,334
SDS Fees	12,000	3,000	816,000	15,000	3,000	-	6,000	36,996	3,000	-	<b>894,996</b>	877,910
Computer & Software	-	-	-	-	-	-	-	2,493	-	-	<b>2,493</b>	12,110
Rent & Occupancy	-	-	-	-	-	-	-	27,988	-	-	<b>27,988</b>	27,528
Printing & Stationery	-	-	-	-	-	159	-	4,216	-	-	<b>4,375</b>	4,987
Entertainment & Travel	-	-	-	-	-	-	-	10,138	5,367	-	<b>15,505</b>	7,729
Depreciation	-	-	-	-	-	-	-	2,654	-	-	<b>2,654</b>	2,251
Advertising	-	-	-	-	-	-	-	9,480	-	-	<b>9,480</b>	11,397
Office	753	-	-	-	-	-	-	6,158	-	-	<b>6,911</b>	5,078
Miscellaneous	-	-	1,581	-	-	-	-	34,696	-	-	<b>36,277</b>	43,459

continued...

continued...	Fund 127 Work Outside the Diocese Fund	Fund 128 Mission Areas Fund	Fund 129 Synod Approp. & Allocation Fund	Fund 130 Sydney Reps at General Synod	Fund 131 Sydney Diocesan Synod Fund	Fund 132 Social Issues Committee Fund	Fund 133 Diocesan Research Fund	Fund 153 Archbishop's PSU	Fund 189 Ordination Training Fund	Elimination	Total	Actual 12 Months ending 31 December 2015
	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
Grants	233,000	9,620	4,593,081	-	-	-	-	489,000	23,200	(596,000)	<b>4,751,901</b>	5,206,278
Bad Debts (Recovery)	-	-	-	-	-	-	-	-	-	-	-	-
Fund reserves	-	-	-	-	-	-	-	(360)	-	-	<b>(360)</b>	5,000
<b>Total Expenses</b>	<b>245,753</b>	<b>12,620</b>	<b>5,581,708</b>	<b>15,000</b>	<b>4,133</b>	<b>199</b>	<b>31,460</b>	<b>1,211,154</b>	<b>33,558</b>	<b>(596,000)</b>	<b>6,539,585</b>	<b>6,832,006</b>
<b>Net Surplus/(Deficit)</b>	<b>(26,765)</b>	<b>(10,846)</b>	<b>(205,164)</b>	<b>35,445</b>	<b>386,131</b>	<b>58</b>	<b>(31,304)</b>	<b>40,467</b>	<b>7,977</b>	<b>-</b>	<b>195,999</b>	<b>(137,955)</b>

## Standing Committee of Synod - Synod Funds

### Balance Sheet as at 31 December 2016

	Fund 127 Work Outside the Diocese Fund	Fund 128 Mission Areas Fund	Fund 129 Synod Approp. & Allocation Fund	Fund 130 Sydney Reps at General Synod	Fund 131 Sydney Diocesan Synod Fund	Fund 132 Social Issues Committee Fund	Fund 133 Diocesan Research Fund	Fund 153 Archbishop's PSU	Fund 189 Ordination Training Fund	Elimination	Total	Actual 31 December 2015
	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
<b>Assets</b>												
Cash	43,024	173,154	220,104	76,258	932,781	33,572	8,696	119,735	51,679	-	<b>1,659,003</b>	1,451,727
Receivables	-	-	734	-	81	-	-	-	-	-	<b>815</b>	1,714
Fixed Assets	-	-	-	-	-	-	-	4,200	-	-	<b>4,200</b>	6,854
Other	28	-	1,645	-	-	-	-	668	-	-	<b>2,341</b>	8,165
<b>Total assets</b>	<b>43,052</b>	<b>173,154</b>	<b>222,483</b>	<b>76,258</b>	<b>932,862</b>	<b>33,572</b>	<b>8,696</b>	<b>124,603</b>	<b>51,679</b>	-	<b>1,666,359</b>	<b>1,468,460</b>
<b>Liabilities</b>												
Payables	-	-	14,451	-	-	159	-	48,572	2,709	-	<b>65,891</b>	70,781
Provisions	-	-	-	-	-	-	-	54,132	-	-	<b>54,132</b>	46,982
<b>Total liabilities</b>	-	-	<b>14,451</b>	-	-	<b>159</b>	-	<b>102,704</b>	<b>2,709</b>	-	<b>120,023</b>	<b>117,763</b>
<b>Net assets</b>	<b>43,052</b>	<b>173,154</b>	<b>208,032</b>	<b>6,258</b>	<b>932,862</b>	<b>33,413</b>	<b>8,696</b>	<b>21,899</b>	<b>48,970</b>	-	<b>1,546,336</b>	<b>1,350,697</b>
<b>Equity</b>												
Capital	-	-	-	-	985,000	34,186	-	-	-	-	<b>1,019,186</b>	1,019,186
Reserve	-	-	-	-	-	-	-	4,640	-	-	<b>4,640</b>	5,000
Accumulated Funds	69,817	184,000	413,196	40,813	(438,269)	(831)	40,000	(23,208)	40,993	-	<b>326,511</b>	464,466
Current year	(26,765)	(10,846)	(205,164)	35,445	386,131	58	(31,304)	40,467	7,977	-	<b>195,999</b>	(137,955)
<b>Total Equity</b>	<b>43,052</b>	<b>173,154</b>	<b>208,032</b>	<b>76,258</b>	<b>932,862</b>	<b>33,413</b>	<b>8,696</b>	<b>21,899</b>	<b>48,970</b>	-	<b>1,546,336</b>	<b>1,350,697</b>

**Notes to the financial report for the year ended 31 December 2016****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 Secretariat, 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.

**(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 PSU to meet projected Domestic Violence Task Force expenditure.

**(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 Secretariat 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 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)

	2016	2015
	\$	\$
Narellan (Elderslie) Land Sale Ordinance 1980	21,561	23,953
Ryde (Kirkby Gdns. & Archbold) Ordinance 2000	463,124	425,663
Sydney St Phillip (Resumption) Ordinance 19/1983	4,153	4,594
Church Hill Trust (No1 York Street)	243,854	225,784
Manly Leasing and Variation of Trusts Ordinance 2006	241,866	143,166
South Sydney Variation of Trusts Ordinance 50/97	6,050	8,976
Wollongong Parish Leasing and Licensing Property Fund	28,869	29,156
Retained net income from ACPT Fund 0400 for year ended 31/12/2014	15,125	19,490
	1,024,602	880,782

### 3. Current liabilities – Provisions

	2016	2015
<b>Current</b>	<b>\$</b>	<b>\$</b>
Employee benefits - annual leave	35,894	33,153

### 4. Non-current liabilities – Provisions

	2016	2015
<b>Non-current</b>	<b>\$</b>	<b>\$</b>
Employee benefits - long service leave	18,238	13,829
<b>Provisions</b>	<b>\$</b>	<b>\$</b>
Provisions - Current	35,894	33,153
Provisions - Non-current	18,238	13,829
Balance 31 December	54,132	46,982

### 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. 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 2016.

The financial statements were authorised for issue on 18 May 2017 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 18 to 23:

- (a) comply with the accounting policies summarised in note 1;
- (b) give a fairly presented view of the Fund's financial position as at 31 December 2016 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.

JAMES FLAVIN  
Member

RODNEY COSIER  
Member

18 May 2017

## Synod Funds Amalgamated

### Report of factual findings to the members of the Finance Committee of the Standing Committee

Agreed upon procedures for the 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
Fund 132	Social Issues Committee Fund
Fund 133	Diocesan Research Fund
Fund 153	The Archbishop's Professional Standards Unit
Fund 189	Ordination Training Fund

We have performed the procedures agreed with you to report factual findings for the purpose of assisting you in assessing, in combination with other information obtained by you, the validity, accuracy and authorisation of the selected transactions for the entities listed in Appendix 1 and Appendix 2 below [*not reproduced here*]. The procedures performed are detailed in the terms of the engagement dated 10 October 2016 and described below Appendix 1 and Appendix 2 with respect to the validity, accuracy and authorisation of the selected transactions for the entities listed in Appendix 1 and Appendix 2.

### The responsibilities of the members of the Finance Committee of the Standing Committee of the Synod of the Anglican Church Diocese of Sydney for the procedures agreed

The members of the Finance Committee of the Standing Committee of the Synod of the Anglican Church Diocese of Sydney ("the Finance Committee") are responsible for the adequacy or otherwise of the procedures agreed to be performed by us. You are responsible for determining whether the factual findings

provided by us, in combination with any other information obtained, provide a reasonable basis for any conclusions which you wish to draw on the validity, accuracy and authorisation of the selected transactions for the entities listed in Appendix 1 and Appendix 2.

### **Assurance Practitioner's Responsibility**

Our responsibility is to report factual findings obtained from conducting the procedures agreed. We conducted the engagement in accordance with Standard on Related Services *ASRS 4400 Agreed-Upon Procedures Engagements to Report Factual Findings*. We have complied with ethical requirements equivalent to those applicable to Other Assurance Engagements, including independence.

Because the agreed-upon procedures do not constitute either a reasonable or limited assurance engagement in accordance with AUASB standards, we do not express any conclusion and provide no assurance on validity, accuracy and authorisation of the selected transactions of the entities listed in Appendix 1 and Appendix 2. Had we performed additional procedures or had we performed an audit or a review of the entities listed in Appendix 1 and Appendix 2 in accordance with AUASB standards, other matters might have come to our attention that would have been reported to you.

### **Factual findings**

The procedures were performed solely to assist you in evaluating the validity, accuracy and authorisation of the selected transactions for the entities listed in Appendix 1 and Appendix 2. Please refer to Appendix 1 and Appendix 2 [*not reproduced here*] for the procedures performed and the factual findings obtained.

### **Restriction on Distribution and Use of Report**

This report is intended solely for the use of the members of the Finance Committee of the Standing Committee of the Synod of the Anglican Church Diocese of Sydney for the purpose set out above. As the intended user of our report, it is for you and other intended users to assess both the procedures and our factual findings to determine whether they provide, in combination with any other information you have obtained, a reasonable basis for any conclusions which you wish to draw on the validity, accuracy and authorisation of the selected transactions for the entities listed in Appendix 1 and Appendix. As required by ASRS 4400, distribution of this report is restricted to those parties that have agreed the procedures to be performed with us and other intended users identified in the terms of the engagement (since others, unaware of the reasons for the procedures, may misinterpret the results). Accordingly, we expressly disclaim and do not accept any responsibility or liability to any party other than the members of 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.

PricewaterhouseCoopers

FRANCOIS BRUDER  
Principal

Sydney  
8 May 2017

## Parish Funds – Amalgamated

### Annual financial report – 31 December 2016

Incorporating –

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

### Discussion and Analysis report for the year ended 31 December 2016

The Parish Funds' Discussion and Analysis provides an overview of the Parish Funds' financial activities for the calendar year ended 31 December 2016. The Discussion and Analysis should be read in conjunction with the unaudited annual report for the same period beginning on page 27.

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 2016 the Parish Funds amalgamation is comprised of 5 funds (2015: 5):

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

The source of funds during 2016 were mainly from Parochial Cost Recoveries Charges on Parochial units as determined in the *Parochial Cost Recoveries and Church Land Acquisitions Levy Ordinance 2015* passed by the Synod of the Diocese of Sydney on 13 October 2015, and signed by the Archbishop of Sydney on 19 October 2015. A distribution is received from ACPT Fund Moorebank Estate for the purposes of the Clergy Removal Fund. Interest is earned on cash held on deposit with the Glebe Administration Board through at-call Glebe Income Accounts. Significant monies are also received from the Long Service Leave Fund and Stipend Continuance Insurer in respect to individual claims.

The Parish Funds total revenues increased by \$1,594,525 or 10.3% to \$17,091,315 (2015 \$15,496,790). This reflects increased parochial network costs, such as the annual parish property and liability insurance program and the Professional Standards Unit, recovered from parishes. Recoveries for ministry costs were also higher, particularly Stipend Continuance Insurance. These charges were increased in 2016 to smooth the transition to much higher premiums from January 2017.

There were also increases in the level of receipts for clergy related activity: Claims on insurers via the Stipend Continuance Fund were up \$273,931 or 28.6%. At 31 December 2016 there were 11 clergy receiving stipend continuance claims (2015: 10). LSL claims rose \$427,469 or 45.6%. Clergy with large LSL balances were encouraged to use their entitlements during 2016.

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

Under the *Parochial Cost Recoveries and Church Land Acquisitions Levy Ordinance 2015* parochial network costs during 2016 were principally comprised of –

- the property and liability insurance program,
- the parish risk management program,
- the parish related work of the Professional Standards Unit,

- the safe ministry program,
- the Church Land Acquisition levy, and
- a contribution towards the costs of the Diocesan archives.

Funds were also applied to expenses such as Sydney Diocesan Secretariat administration fees. The Parish Fund total outgoings increased by \$1,458,363 or 9.44%, to \$16,901,274 (2015: \$15,442,911).

The Net Assets of the Parish Funds increased by 10.3% (2016: \$2,028,727, 2015 \$1,838,686) with the stronger earning result. The stronger earnings reflect the anticipation of higher Stipend Continuance Insurance premiums. The assets of the Parish Funds are composed of cash 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. The principal component of working capital is in Fund 951. It is required to provide liquidity for the timing differences between payment of ministry costs (principally superannuation) and receipts of Parish Costs Recoveries (PCR) monies.

The Stipend Continuance insurance premium is paid in advance based on estimates of the number of clergy eligible for cover and stipend rates. After the conclusion of the year the underwriter (AMP) calculates the premium due and an adjustment premium is invoiced. An amount of \$60,000 is accrued as a payable in anticipation of the premium adjustments for 2015 and 2016.

There are no other matters that have arisen since 31 December 2016 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 18 May 2017.

### Standing Committee of Synod – Parish Funds

#### Amalgamated income and expenditure statement for the period ending 31 December 2016

	FUND 951 PARISH COSTS RECOVERY	FUND 952 STIPEND CONTIN- UANCE FUND	FUND 953 LONG SERVICE LEAVE	FUND 954 SICKNESS & ACCIDENT	FUND 955 CLERGY REMOVALS FUND	ELIMIN- ATIONS	TOTAL	Dec-15 TOTAL
	\$	\$	\$	\$	\$	\$	\$	\$
<b>INCOME</b>								
Parochial Network Costs recoveries								
PCR Variable Charge Recovery	3,705,999	-	-	-	-	-	3,705,999	3,500,000
PCR Professional Standards Unit Recovery	842,357	-	-	-	-	-	842,357	546,637
PCR Risk Management Recovery	221,353	-	-	-	-	-	221,353	217,251
PCR Safe Ministry Recovery	139,224	-	-	-	-	-	139,224	103,121
PCR Administration Fee	194,314	-	-	-	-	-	194,314	190,019
PCR Archives Recovery	68,109	-	-	-	-	-	68,109	68,079
PCR SAPAS Recovery	-	-	-	-	-	-	-	11,009
PCR Relief or Remission Recovery	10,012	-	-	-	-	-	10,012	20,023
PCR Clergy Assistance Program	63,981	65,178	-	-	-	(63,981)	65,178	-
Parochial Network Costs recoveries Sub-total	5,245,349	65,178	-	-	-	(63,981)	5,246,546	4,656,139
Clergy Support Cost recoveries								
PCR Superannuation Recovery	5,291,818	-	-	-	-	-	5,291,818	5,073,146
PCR LSL Recovery	739,206	-	739,206	-	-	(739,206)	739,206	688,011
PCR LSL - Admin Fees	39,427	-	39,427	-	-	(39,427)	39,427	39,407
LSL - Organisations	-	-	140,511	-	-	-	140,511	146,209
LSL - Organisations - Admin Fees	-	-	7,544	-	-	-	7,544	46,856
PCR Stipend Continuance Recovery	725,901	725,901	-	-	-	(725,901)	725,901	586,030
PCR Stipend Continuance Admin Fees	38,487	38,487	-	-	-	(38,487)	38,487	76,727
Stipend Continuance Organisations	-	74,264	-	-	-	-	74,264	68,603
Stipend Continuance Orgs - Admin Fees	-	4,001	-	-	-	-	4,001	4,217
PCR S&A Recovery	61,602	-	-	61,602	-	(61,602)	61,602	49,235
Clergy Support Cost recoveries Sub-totals	6,896,441	842,653	926,688	61,602	-	(1,604,623)	7,122,761	6,778,441
PCR Church Land Acquisition Levy	2,024,630	-	-	-	-	-	2,024,630	1,995,582
AMP Stipend Continuance receipts	-	1,232,462	-	-	-	-	1,232,462	958,531
LSL - Buy-backs	-	-	60,347	-	-	-	60,347	125,509
LSL - Claims - Anglican LSL Fund	-	-	1,364,805	-	-	-	1,364,805	937,336
Interest on cash	11,088	822	1,980	3,128	640	-	17,658	17,527
Moorebank Estate - Distribution	-	-	-	-	20,850	-	20,850	21,026
Sundry Income	1,256	-	-	-	-	-	1,256	6,699
<b>TOTAL INCOME</b>	<b>14,178,764</b>	<b>2,141,115</b>	<b>2,353,820</b>	<b>64,730</b>	<b>21,490</b>	<b>(1,668,604)</b>	<b>17,091,315</b>	<b>15,496,790</b>

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	FUND 951 PARISH COSTS RECOVERY	FUND 952 STIPEND CONTIN- UANCE FUND	FUND 953 LONG SERVICE LEAVE	FUND 954 SICKNESS & ACCIDENT	FUND 955 CLERGY REMOVALS FUND	ELIMIN- ATIONS	TOTAL	Dec-15 TOTAL
	\$	\$	\$	\$	\$	\$	\$	\$
<b>EXPENSES</b>								
Parochial Network Costs								
PCR Insurance	3,700,000	-	-	-	-	-	3,700,000	3,500,000
Professional Standards Unit	842,357	-	-	-	-	-	842,357	546,637
Parish Risk Management Program	221,353	-	-	-	-	-	221,353	217,251
Safe Ministry Training Program	139,224	-	-	-	-	-	139,224	103,121
Accounting & Secretarial Fees	195,996	48,000	48,000	12,000	5,304	-	309,300	299,653
PCR Archives Charges	68,109	-	-	-	-	-	68,109	68,079
PCR SAPAS Charges	-	-	-	-	-	-	-	11,663
PCR Clergy Assistance Program	63,981	22,973	-	-	-	(63,981)	22,973	-
Parochial Network Costs Sub-total	5,231,020	70,973	48,000	12,000	5,304	(63,981)	5,303,316	4,746,404
Clergy Support Cost contributions								
PCR Superannuation	5,291,818	-	-	-	-	-	5,291,818	5,073,146
PCR LSL	778,633	-	-	-	-	(778,633)	-	-
LSL - Payments to the Anglican LSL Fund	-	-	939,903	-	-	-	939,903	936,532
PCR Stipend Continuance	764,388	-	-	-	-	(764,388)	-	-
Stipend Continuance Insurance Expense	-	680,264	-	-	-	-	680,264	670,056
PCR S&A	61,602	-	-	-	-	(61,602)	-	-
Clergy Support Cost contributions Sub-total	6,896,441	680,264	939,903	-	-	(1,604,623)	6,911,985	6,679,734
Church Land Acquisition Levy	2,024,630	-	-	-	-	-	2,024,630	1,995,582
Claims Paid	-	1,233,187	1,364,805	26,420	15,343	-	2,639,755	1,989,754
Audit Fees	12,144	-	-	-	-	-	12,144	11,808
Bad Debts Expense	6,214	-	-	-	-	-	6,214	-
Consulting Costs	-	2,630	-	-	-	-	2,630	5,100
Operating Costs	398	202	-	-	-	-	600	515
Sundry Expenses	-	-	-	-	-	-	-	14,014
<b>TOTAL EXPENSES</b>	<b>14,170,847</b>	<b>1,987,256</b>	<b>2,352,708</b>	<b>38,420</b>	<b>20,647</b>	<b>(1,668,604)</b>	<b>16,901,274</b>	<b>15,442,911</b>
<b>NET SURPLUS/(DEFICIT)</b>	<b>7,917</b>	<b>153,859</b>	<b>1,112</b>	<b>26,310</b>	<b>843</b>	<b>-</b>	<b>190,041</b>	<b>53,879</b>

**Amalgamated Balance Sheet as at 31 December 2016**

	FUND 951 PARISH COSTS RECOVERY	FUND 952 STIPEND CONTIN- UANCE FUND	FUND 953 LONG SERVICE LEAVE	FUND 954 SICKNESS & ACCIDENT	FUND 955 CLERGY REMOVALS FUND	ELIMIN- ATIONS	TOTAL	Dec-15 TOTAL
	\$	\$	\$	\$	\$	\$	\$	\$
<b>Assets</b>								
Cash	1,171,055	295,154	415,483	362,597	73,785	-	2,318,074	2,124,484
PCR Receivables - Parishes	-	-	-	-	-	-	-	19,541
Organisations Receivable	-	521	-	-	-	-	521	-
Other receivables	3	-	-	-	5,175	-	5,178	12,734
<b>TOTAL Assets</b>	<b>1,171,058</b>	<b>295,675</b>	<b>415,483</b>	<b>362,597</b>	<b>78,960</b>	<b>-</b>	<b>2,323,773</b>	<b>2,156,759</b>
<b>Liabilities</b>								
LSL Fund Payable	-	-	217,699	-	-	-	217,699	214,164
Other Payables	12,267	65,061	19	-	-	-	77,347	103,909
<b>TOTAL Liabilities</b>	<b>12,267</b>	<b>65,061</b>	<b>217,718</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>295,046</b>	<b>318,073</b>
<b>Net Assets</b>	<b>1,158,791</b>	<b>230,614</b>	<b>197,765</b>	<b>362,597</b>	<b>78,960</b>	<b>-</b>	<b>2,028,727</b>	<b>1,838,686</b>
<b>Equity</b>								
Accumulated Surplus - Prior Year	1,150,874	76,755	196,653	336,287	78,117	-	1,838,686	1,784,807
Net Surplus/(Deficit) - Current Year	7,917	153,859	1,112	26,310	843	-	190,041	53,879
<b>TOTAL Equity</b>	<b>1,158,791</b>	<b>230,614</b>	<b>197,765</b>	<b>362,597</b>	<b>78,960</b>	<b>-</b>	<b>2,028,727</b>	<b>1,838,686</b>

**Notes to the financial report for the year ended 31 December 2016****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 statement of income 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) 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.



**(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) 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.

**(i) 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.

**(j) Goods and Service Tax (GST)**

The funds are members of the Sydney Diocesan Secretariat 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 balance sheet.

**(k) 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 2016.

The financial statements were authorised for issue on 18 May 2017 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 27 to 30 –

- (a) comply with the accounting policies summarised in note 1;
- (b) give a fairly presented view of the Fund's financial position as at 31 December 2016 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, tests 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.

JAMES FLAVIN  
Member

RODNEY COSIER  
Member

18 May 2017

## Parish Funds Amalgamated

### Report of factual findings to the members of the Finance Committee of the Standing Committee of the Synod of the Anglican Church Diocese of Sydney

Agreed upon procedures for the following funds –

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

We have performed the procedures agreed with you to report factual findings for the purpose of assisting you in assessing, in combination with other information obtained by you, the validity, accuracy and authorisation of the selected transactions for the entities listed in Appendix 1 and Appendix 2 below [*not reproduced here*]. The procedures performed are detailed in the terms of the engagement dated 10 October 2016 and described below Appendix 1 and Appendix 2 with respect to the validity, accuracy and authorisation of the selected transactions for the entities listed in Appendix 1 and Appendix 2.

### The responsibilities of the members of the Finance Committee of the Standing Committee of the Synod of the Anglican Church Diocese of Sydney for the procedures agreed

The members of the Finance Committee of the Standing Committee of the Synod of the Anglican Church Diocese of Sydney ("the Finance Committee") are responsible for the adequacy or otherwise of the procedures agreed to be performed by us. You are responsible for determining whether the factual findings provided by us, in combination with any other information obtained, provide a reasonable basis for any

conclusions which you wish to draw on the validity, accuracy and authorisation of the selected transactions for the entities listed in Appendix 1 and Appendix 2.

### **Assurance Practitioner’s Responsibility**

Our responsibility is to report factual findings obtained from conducting the procedures agreed. We conducted the engagement in accordance with Standard on Related Services *ASRS 4400 Agreed-Upon Procedures Engagements to Report Factual Findings*. We have complied with ethical requirements equivalent to those applicable to Other Assurance Engagements, including independence.

Because the agreed-upon procedures do not constitute either a reasonable or limited assurance engagement in accordance with AUASB standards, we do not express any conclusion and provide no assurance on validity, accuracy and authorisation of the selected transactions of the entities listed in Appendix 1 and Appendix 2. Had we performed additional procedures or had we performed an audit or a review of the entities listed in Appendix 1 and Appendix 2 in accordance with AUASB standards, other matters might have come to our attention that would have been reported to you.

### **Factual findings**

The procedures were performed solely to assist you in evaluating the validity, accuracy and authorisation of the selected transactions for the entities listed in Appendix 1 and Appendix 2. Please refer to Appendix 1 and Appendix 2 [*not reproduced here*] for the procedures performed and the factual findings obtained.

### **Restriction on Distribution and Use of Report**

This report is intended solely for the use of the members of the Finance Committee of the Standing Committee of the Synod of the Anglican Church Diocese of Sydney for the purpose set out above. As the intended user of our report, it is for you and other intended users to assess both the procedures and our factual findings to determine whether they provide, in combination with any other information you have obtained, a reasonable basis for any conclusions which you wish to draw on the validity, accuracy and authorisation of the selected transactions for the entities listed in Appendix 1 and Appendix. As required by ASRS 4400, distribution of this report is restricted to those parties that have agreed the procedures to be performed with us and other intended users identified in the terms of the engagement (since others, unaware of the reasons for the procedures, may misinterpret the results). Accordingly, we expressly disclaim and do not accept any responsibility or liability to any party other than the members of 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.

PricewaterhouseCoopers

FRANCOIS BRUDER  
Principal

Sydney  
8 May 2017

## Regional Councils' Annual Reports for 2016

(A compilation of the annual reports from 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 2016 for the purposes of clause 9(2). 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*.

### Georges River Regional Council

4. The Regional Council had four meetings in 2016 plus a half day conference and all were held in parishes within the Region. At the meetings, the Rector of the parish was invited to give a Bible study and then report on the activities within the parish. This gave the Council a good indication of the challenges facing the parish and highlighted that different strategies had to be implemented to face some of the challenges of a changing society.
5. Our meetings over the year were largely occupied with an overview of the region, understanding its opportunities and challenges, and how the Council could assist and advise the Bishop in his strategies for the region.
6. Though not flushed with funds, the Council also gave much thought to the best use of the funds for gospel ministry, now and into the future.
7. The Region continued to support the vital and unique ministry of the Rev Margaret Powell amongst women. We are thankful to God for the financial and prayer support given to Margaret Powell from Anglican Deaconess Ministries, parishes in the diocese and individual donors that support this work.
8. During the year the Rev Steve Frederick resigned following his appointment as an Assistant Minister at St Andrew's Cathedral and thereby moving out of the region. The Council is grateful for his wise and thoughtful contribution during his time with us.

### **Northern Regional Council**

9. Since 31 December 2015 the following people resigned from the Council – the Rev Terry Bowers, the Rev Ernest Chau, the Rev Peter Tong and the Rev Malcolm York.

10. The Council met formerly three times during the year. A scheduled meeting in November 2016 was cancelled with urgent business dealt with by a circular resolution.

11. Each of the Council's meetings were held in different church of the region – on each occasion we sought to meet in a church that had recently undergone major building works so that the Council could inspect what can be achieved through major upgrades of church facilities.

12. Our meetings 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. Following work commenced in 2015, the Council issued a questionnaire to parishes to aid its consideration of how it can assist parishes and develop regional strategies. The Council is continuing to consider the implications of the survey report.

13. In May 2016, the Council hosted the Northern Region Conference at St Stephen's Normanhurst. Over 150 people attended, mostly clergy from the region. The conference covered a number of topics including domestic violence, use of psychometric testing to assist staff recruitment and resilience in ministry. Presenters included Nicola Lock, Rob Smith, Kirsty Bucknell, Matt Bond and Chris Edwards.

14. In August 2016, the Council facilitated a lecture by Don Carson at Abbotsleigh School that was attended by approximately 350 people. Our thanks to Abbotsleigh for the use of their facilities. The Council hopes to hold a similar event this year with Hugh Palmer as the visiting speaker.

15. In response to a request from the Standing Committee, the Council provided a detailed report on the role of regional councils. Amongst other things we noted the current Regions Ordinance does not provide a defined role for the Regional Council, rather it, and a number of other ordinances, provide a range of functions and tasks.

16. In accordance with its authority under relevant ordinances the Council approved the amalgamation of Gladesville and Putney Parishes and agreed to a proposal to amend the Parish boundary between St Marks' Anglican Church Ermington and Dundas Telopea Anglican Church.

### **South Sydney Regional Council**

17. The South Sydney Regional Council is a charitable organisation which exists for the purposes of advancing religion among children, elderly people, ethnic groups and men, women and youth from the general community of Australia. It pursues these aims through making grants to churches, assisting with administrative and structural changes throughout its designated area in New South Wales. The Region comprises the CBD of Sydney and is bordered the Tasman Sea, Parramatta River, Cooks River and Rookwood Cemetery.

18. It is worth noting that 26% of people in the region were born in a Non-English Speaking Country, with the highest proportion coming from China. Also, 31% speak a language other than English at home. Chinese is the fastest growing language group in the region, with over 33,000 speaking Mandarin and 24,000 speaking Cantonese. It is estimated that over 37,000 people in the region do not speak English well or at all in the region.

19. In 2016, the SSRC continued to provide financial support for ministries at Norfolk Island Living Waters (Indigenous Ministry), and the Green Square church plant from South Sydney (One1Seven).

### **Western Sydney Regional Council**

20. The main committees are the Executive Committee, the Ordinance Review Panel and the Architectural Panel.

21. The Council met on 4 occasions during 2016 at St Peter's, Seven Hills. The main areas of consideration included Mission 2020, the reclassification of Westmead as a full parish, support of ordinands, partnership between parishes, Chinese church planting, greenfields church sites, Mark Bilton consultancy, relocation of the Dundas parish sites, mission and ministry updates, ordinance reviews, building projects, parish vacancies and consultancies.

### **Wollongong Regional Council**

22. Bishop Peter Hayward and the Regional Council worked closely to further support ministry across the Region. This included –

- financial support for the ministries at Oran Park, Gregory Hills, Leppington and Wilton
- financial support with subsidised rectories at Sussex Inlet and Leppington

- financial support with subsidised demountable at Helensburgh and Denham Court
  - planning with MPC for the new ministries at Leppington
  - meeting with and support of Mission Area leaders
  - support for Rectors
  - specific regional training for Rectors and Wardens
  - 3 day Regional Ministry conference with Rev Phillip Jensen
  - Support of the Gong Men's Day and SWITCH Women's Conference
  - ongoing support for ESL English classes –
    - ESL classes were delivered in 13 Parishes across the Region
    - Support through provision of office space for the Regional ESL Coordinator, Mrs Sue Radkovic
  - ongoing support for Indigenous Ministries –
    - Pastor Michael Duckett linked with St Peter's Campbelltown in partnership with the SAIPMC
    - Mr Phil Miles linked with All Saints Nowra in partnership with the SAIPMC.
23. During 2016 funding from the Region's assets was allocated to the specific ministry in the South West growth sector.

<b>Ministry</b>	<b>Purpose</b>	<b>Allocation</b>	<b>Total</b>
Oran Park	Housing Support	\$16,500	
Leppington	Church Plant	\$70,000	
Gregory Hills	Church Plant	\$60,000	
Wilton Junction	Ministry Support	\$40,000	\$186,500

24. The three day Wollongong Regional Ministry Conference continues to be a "high point" in the life of the Region. This enables clergy and lay parish staff to meet together for mutual fellowship and teaching. Various guest speakers and Diocesan organisations join in the conference.

25. The Council received reports from Bishop Hayward and the Assistant to the Bishop at each meeting. For and on behalf of the Standing Committee.

ROBERT WICKS  
*Diocesan Secretary*

31 August 2017

## Amendments to *Faithfulness in Service* approved by the General Synod Standing Committee

(A report from the Standing Committee.)

### Key Points

- In 2016, the General Synod Standing Committee (the “GSSC”) approved certain amendments to *Faithfulness in Service: A national code of personal behaviour and the practice of pastoral ministry by clergy and church workers*.
- One of these amendments concerned a new definition of “bullying”. Our Standing Committee (the “SC”) considered the definition to be problematic in a number of respects and raised concerns with the GSSC.
- The GSSC subsequently approved an amended definition of “bullying” addressing these concerns, other than in one minor respect.
- Other amendments concern the definitions of “grooming”, “sexual abuse of a child”, “sexual assault” and “sexual harassment”. These are helpful improvements of the meaning of these terms in *Faithfulness in Service* and take into account feedback provided by our Safe Ministry Board.
- These amendments to *Faithfulness in Service* do not have force and effect in the Diocese of Sydney unless they are adopted by the Synod.

### Purpose

1. The purpose of this report is to make recommendations to the Synod in respect to amendments to *Faithfulness in Service* that have been approved by the General Synod Standing Committee.

### Recommendation

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

‘Synod, noting the report “Amendments to Faithfulness in Service approved by the General Synod Standing Committee” adopts the amendments to *Faithfulness in Service* set out in Attachments 2 and 4 to the report.’

### Background

4. On 13-14 May 2016, the General Synod Standing Committee (the “GSSC”) approved amendments to the definition of “bullying” in the national form of *Faithfulness in Service*.

5. In September 2016, the Standing Committee of the Diocese of Sydney (the “Standing Committee”) received a report from Bishop Chris Edwards, as Chair of the Subcommittee that had been appointed by Standing Committee to consider the amendments. The Subcommittee identified a number of concerns with the new definition and recommended that the amendments not be referred to the Synod. The GSSC was notified of these concerns and encouraged to give further consideration to the definition.

6. On 18-19 November 2016, the GSSC determined to revise its amendments to the definition of “bullying” in the model form of *Faithfulness in Service*. The GSSC also approved further amendments to *Faithfulness in Service* at that meeting. These principally involve inserting new definitions for “grooming”, “sexual abuse of a child”, “sexual assault” and “sexual harassment”.

### Definition of “bullying” in *Faithfulness in Service*

7. The full text of the current definition of “bullying” in force in the Diocese of Sydney and the definition approved by the GSSC on 18-19 November is set out in Attachments 1 and 2 respectively.

8. The Standing Committee’s primary concerns with the amendments to the definition of “bullying” in *Faithfulness in Service* approved by the GSSC on 13-14 May 2016 and the GSSC’s response to those concerns in the revised definition are shown in the table below.

Standing Committee's Concern	GSSC's Response
Omission of the word "inappropriately" as a qualification to "ignoring or excluding" someone.	The word "inappropriately" has been reinserted in the fifth bullet point under "Bullying can include".
Excluded conduct appeared under the description "reasonable management action" and did not sufficiently account for <i>Faithfulness in Service</i> having application in non-workplace contexts, in particular it would mean the exclusions could not be applied to allegations of peer-to-peer bullying and other pastoral contexts.	The term "reasonable management action" has been removed and replaced with "Bullying does not include lawful conduct of clergy or church workers carried out in a reasonable manner, such as".
The use of subjective terms such as "fair" in the descriptions of excluded conduct undermines the reliability of the exclusions.	The term "fair" has been removed from the first and fourth bullet points of excluded conduct.
Inserting a new exclusion for "giving information about inappropriate behaviour in an objective and confidential way" will arguably make it harder for a person to assert that their behaviour was reasonable if the disclosure is not kept confidential. There are times in pastoral ministry when information about inappropriate behaviour needs to be made public, or at least disclosed to other office holders in a parish.	The requirement for confidentiality has been removed.
The qualification that "disagreement or criticism" be "honest" (1st and 4th bullet points describing behaviour that does not constitute bullying) has some merit, but the word "truthful" is preferable to make clear that this does not require that the basis for criticism or disagreement must be disclosed.	The amended definition of "bullying" retains the word "honest".

9. The GSSC has adopted each of the amendments recommended by Standing Committee, except that the word "honest" has been retained in the first and fourth bullet points of excluded conduct instead of the word "truthful". As indicated in the table, the Standing Committee was concerned that the word "honest" may require openness about the basis for the disagreement or criticism to be disclosed. Such disclosure may not be appropriate or helpful in some circumstances. However the word "honest" can be read as having a similar meaning to "truthful" in the context and does not necessary require disclosure of the basis for criticism or disagreement. The intention would appear to be that there must be a genuine reason for the disagreement or criticism and that it not be undertaken for an improper purpose.

#### Other definitions

10. The Safe Ministry Board of the Diocese (the "SMB") has considered the proposed new definitions of "grooming", "sexual abuse of a child", "sexual assault" and "sexual harassment" and supports them. The SMB provided some drafting comments to the Professional Standards Commission of the General Synod which were incorporated into the amendments that were considered by the GSSC.

11. The proposed new definition of "grooming" places emphasis on the intentional influencing of a person for a sexual purpose, whereas the current definition focuses on the manipulation of a relationship. The proposed definition also includes adults as potential recipients of grooming behaviour in addition to children. Further commentary is also proposed to be included in section 5 of *Faithfulness in Service* to provide further detail about the nature of grooming.



12. The proposed new definition of “sexual abuse of a child” does not change the headline definition, but the list of matters that it may include is expanded to include sexual advances made using any form of communication and the giving of goods, money, attention or affection as inducements for sexual activities.

13. The proposed new definition of “sexual assault” is identical to the current definition, except that it also includes attempting to commit a sexual assault.

14. The proposed new definition of “sexual harassment” reflects the definition in the *Sex Discrimination Act 1984 (Cth)*. The current definition in *Faithfulness in Services* is based on whether it is reasonable in the circumstances for a person to feel offended, belittled or threatened by unwelcome conduct of a sexual nature. The new test is whether a reasonable person would have anticipated that the other person would be offended, humiliated or intimidated by their sexual advance or conduct of a sexual nature.

For and on behalf of the Standing Committee

BISHOP CHRIS EDWARDS

4 August 2017

## **The definition of “bullying” in *Faithfulness in Service* currently in force in the Diocese of Sydney**

“**bullying**” means repeated and unreasonable behaviour directed to a person or persons which a reasonable person, 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.

Behaviour which is not bullying includes:

- respectfully disagreeing with or criticising someone’s beliefs or opinions or actions;
- setting reasonable performance goals, standards or deadlines;
- giving reasonable instructions, feedback or assessments of someone’s conduct;
- taking legitimate disciplinary action.

**The amended definition of “bullying” in *Faithfulness in Service* approved by the GSSC on 18-19 November 2016**

“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 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.

## The definitions of “grooming”, “sexual abuse of a child”, “sexual assault” and “sexual harassment” in *Faithfulness in Service* currently in force in the Diocese of Sydney

**grooming** is the manipulative cultivation of a relationship in order to initiate or cloak sexual abuse of an adult or a child. In the case of child sexual abuse, an offender may groom not only the child, but also those who exercise authority over the child, including the child’s parents or guardians, and clergy and church workers.

**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:

- exposing oneself indecently to a child;
- having vaginal or anal intercourse with a child;
- penetrating a child’s vagina or anus with an object or any bodily part;
- sexually touching or fondling a child;
- kissing, touching, holding or fondling 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;
- exposing a child to any form of sexually explicit or suggestive material;
- forcing a child to sexually touch or fondle another person;
- forcing a child to perform oral sex;
- forcing a child either to masturbate self or others, or to watch others masturbate; and
- forcing a child 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;
- age appropriate consensual sexual behaviour between peers (i.e. the same or a similar age); or
- inquiries by clergy and church workers with pastoral responsibility for a child or investigation responsibility into complaints that may involve sexual abuse.

**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 vaginal or anal intercourse with a person without their consent;
- penetrating another person’s vagina or anus with an object or any bodily part without that person’s consent;
- sexually touching and fondling a person without their consent;
- kissing another person without their consent;
- holding another person in a sexual manner without their consent;
- forcing a person to sexually touch or fondle another person; and
- forcing a person to perform oral sex.

**Sexual harassment** means unwelcome conduct of a sexual nature, whether intended or not, in relation to an adult where the person reasonably feels in all circumstances offended, belittled or threatened. 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;

**The amended definitions of “grooming”, “sexual abuse of a child”, “sexual assault” and “sexual harassment” in *Faithfulness in Service* approved by the GSSC on 18-19 November 2016, and other amendments consequential or incidental thereto.**

1. The following amendment be made in section 1 “About this Code”:
  - (a) delete the number “3” and substitute the number “5” in the last sentence of the section with the heading “Format and presentation”
  
2. The following amendment be made in section 2 “Key Terms”:
  - (a) delete the definition of “grooming” and substitute the following definition:
 

“**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.”
  - (b) delete the definition of “sexual abuse of a child” and substitute the following definition:
 

“**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).”

(c) delete the definition of “sexual assault” and substitute the following definition:

“**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.”

(d) delete the definition of “sexual harassment” and substitute the following definition:

“**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.”

3. The following amendments be made in section 5 “Children”:

(a) add the following paragraph after of the first paragraph of the educational material with the heading “Characteristics and effects of child abuse” under paragraph 5.16:

“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.”

4. The following amendments be made in section 6 “Personal behaviour”:
  - (a) add the following sentence at the end of paragraph 6.3:

“Abuse in a family or domestic context is commonly known as “family and domestic violence”.



## A Theology Of Gender And Gender Identity

(A report from the Sydney Diocesan Doctrine Commission.)

### Terms of reference

The Standing Committee –

(a) received the following report –

“In April 2016 the Social Issues Committee agreed to establish a subcommittee to address issues related to gender and gender identity. The subcommittee has now met, and recognised the need for position paper outlining a theology of gender and gender identity, to inform its work. Following consultation with the chair of the Diocesan Doctrine Commission it is agreed the Doctrine Commission is best placed to provide such a paper. Given the desire for the Gender subcommittee to report to synod in 2017, the Doctrine Commission has suggested its own report be provided to Standing Committee in June 2017.”, and

(b) requested the Diocesan Doctrine Commission *prepare a position paper providing a Theology of Gender and Gender Identity, which includes issues related to Gender Dysphoria*, for the Standing Committee meeting June 2017.

### 1. Introduction

- 1.1. Over the past decade, there has been a dramatic rise in social awareness and public discussion of the phenomenon of transgenderism. This has been driven by two distinct developments. The first is an increased appreciation of the fact that some people experience a profound sense of gender incongruence (that is, a mismatch between their biological sex and their psychological sense of gender identity). This heightened appreciation has provoked considerable discussion about the appropriate clinical and pastoral response to such a condition, particularly in the light of the possibilities occasioned by medical and surgical developments. Second, the therapeutic discussion has become intertwined with an ideological discussion about the nature and reality of gender itself. The development of Gender Theory (explained below), which is far from ideologically neutral, has given further impetus to this discussion.
- 1.2. However, there are real (and often unacknowledged) points of tension between these two discussions. For example, most forms of contemporary Gender Theory hold (i) that gender is not binary, but occurs on a broad spectrum and (ii) that gender is not fixed, but fluid. Many of those who identify as transgender, however, are convinced that there are only two genders, but that, in their case, their gender does not match their biological sex. Notwithstanding these inconsistencies, the theory that gender is non-binary and changeable is being promoted as both the explanation of and appropriate response to gender incongruence. It is important, therefore, to disentangle these two discussions. This will help us to make a wise and compassionate response to those who experience genuine gender incongruence, without having to embrace the claims of contemporary Gender Theory.
- 1.3. Christian engagement with these issues draws on the biblical doctrines of creation, including its corruption and disorder as a result of the human fall into sin, redemption through Christ and the eschatological hope of renewal and restoration. It takes seriously the value of each human being as one created in the image of God, and the biblical imperatives to gentleness and love, and the need to live by faith in Christ in humble obedience to the word of God. Our starting point as believers is the goodness and benevolence of God, which underpins the truthfulness and life-nourishing character of his word. Our desire is to exhibit the compassion of Christ to a needy and broken world, and so to take seriously the deeply personal and often painful gender identity struggles experienced by some fellow human beings.

### 2. Key terms and their meanings

- 2.1. Before turning to the relevant biblical material, it will be helpful to define a number of key terms that are an essential part of this discussion.
- 2.2. *Biological sex*: This refers to the physical or physiological characteristics that help us differentiate between what is male and what is female: chromosomes, hormones, gonads, genitals, and secondary sex characteristics – e.g., body shape, voice pitch and hair distribution. Biological sex is often simply referred to as sex.

- 2.3. *Gender*: Historically, the terms sex and gender have often been used interchangeably. Even today drawing a distinction between them is not universal. Where a distinction is made, however, gender is “often intended to emphasize the social and cultural, as opposed to the biological, distinctions between the sexes.”<sup>1</sup> As such, the term usually encompasses three aspects: gender identity, gender expression and gender roles.
- 2.4. *Gender identity*: This refers to the way individuals perceive themselves and wish to name and identify themselves. When a person’s subjective gender identity conforms to their objective biological sex, as is the case for most people, they may be referred to *cisgender* (cis = on this side of).<sup>2</sup> When there is a clash, however, then they are commonly referred to as *transgender* (trans = on the other side of). See further paragraph 2.9. below.
- 2.5. *Gender expression*: This refers to the psychological and social aspects of how masculinity and femininity are presented in things like dress and demeanour, social roles and conventions and other cultural gender norms. These vary from culture to culture, if not from person to person.
- 2.6. *Gender roles*: This refers to the commonly accepted expectations of maleness or femaleness, including social and behavioural expectations. Some roles (e.g., who cooks the meals or who manages the finances) vary from person to person, household to household, or culture to culture, others are biologically determined (e.g., pregnancy and breastfeeding).
- 2.7. *Gender bending*: This refers to the intentional crossing, bending or blending of accepted gender roles or behaviours, perhaps by adopting the dress, mannerisms or behaviours of the alternative binary gender (often referred to as transvestitism), or through the attempt to obscure one’s gender and to appear as either asexual, agender, pansexual, omnigender or androgynous.
- 2.8. *Gender dysphoria*: This is the latest diagnostic term for the distress experienced by those whose psychological or emotional gender identity differs from their biological sex.<sup>3</sup> It replaces the former term, *Gender Identity Disorder*, which saw the mismatch itself as a psychiatric disorder.<sup>4</sup> Now, however, it is only the distress that is (usually) caused by the mismatch that is regarded as a disorder, not the mismatch itself. For this reason we will usually use the language of gender incongruence to describe the experience of mismatch throughout this report.
- 2.9. *Intersex*: This is a general term that covers a range of rare ‘disorders of sex development’ (or ‘disorders of sex differentiation’) where there is some biological ambiguity in a person’s genitalia or gonads or, more rarely still, in their chromosomes. Except in very rare instances, a person’s biological sex can be known from their DNA. Because intersex conditions are medically identifiable deviations from the sexual binary norm they are not regarded as constituting a third sex. Because they are biologically (rather than psychologically) based, some intersex people do not wish to be associated with the LGBTQ movement.<sup>5</sup>
- 2.10. *Transgender*: This is an umbrella term for people who are born either male or female, but whose gender identity differs from their biological sex (to varying degrees), and who want to express the gender with which they identify through cross-dressing, and/or cross-hormone therapy, and/or ‘sex reassignment surgery’. The term transsexual is sometimes used interchangeably with transgender, and sometimes used only of those who seek medical assistance to transition. Because of its breadth, the transgender umbrella also includes those who identify as bigender, pangender, omnigender, gender fluid, gender diverse or agender.
- 2.11. *Heteronormativity*: This term communicates the three ideas: (i) that biological sex is either male or female (sexual binarism), (ii) that sex and gender are meant to go together (cisheteronormativity), and (iii) that only sexual orientation toward and sexual relations with a member of the opposite sex is normative. It is used by the LGBTQ movement as a pejorative term.

### 3. Biblical and Theological Considerations

- 3.1. We turn now to explore the way in which the Bible’s teaching speaks to the issues raised by current gender ideology (in general) and to the phenomenon of gender incongruence (in particular).

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<sup>1</sup> J. A. Simpson & E. S. C. Weiner (eds.), *Oxford English Dictionary* (Oxford: Clarendon Press, 1989).

<sup>2</sup> This term cisgender emerged in the 1990s as part of the development of transgender ideology. Although, in itself, it is a neutral descriptor, it is often employed in order to normalise transgender experience; i.e., to convey the idea that it is just as natural for some to be transgender as it is for others to be cisgender.

<sup>3</sup> See, for example, the *Diagnostic and Statistical Manual of Mental Disorders: Fifth Edition* (Washington, DC/London: American Psychiatric Publishing, 2013), pp. 451-459 (usually referred to as DSM-5), published by the American Psychiatric Association.

<sup>4</sup> DSM-4 (1994).

<sup>5</sup> For this reason, we will use the acronym LGBTQ, rather than LGBTIQ, throughout this report.

*Creation and its Implications*

- 3.2. The basic, binary and sexually dimorphic nature of humanity is revealed in Genesis 1 and then repeated (after humanity's Fall) in Genesis 5.<sup>6</sup>

<sup>26</sup> Then God said, "Let us make man (Heb. 'adam) in our image ..."

<sup>27</sup> So God created man (Heb. 'adam) in his own image,

in the image of God he created him;

male (Heb. *zakhar*) and female (Heb. *neqevah*) he created them. (Gen 1:26-27)

<sup>1</sup> ... When God created man (Heb. 'adam), he made him in the likeness of God. <sup>2</sup> Male (Heb. *zakhar*) and female (Heb. *neqevah*) he created them, and he blessed them and named them Man (Heb. 'adam) when they were created. (Gen 5:1b-2)

The implication of these texts is clear: God did not create a third sex. This point is underlined by Jesus in answer to the Pharisees' question about divorce.

He answered, "Have you not read that he who created them from the beginning made them male and female." (Matt 19:4; cf. Mark 10:6)

The biblical account of creation thus indicates that God has created each human being as either male or female. We are given no encouragement to consider male and female as two extremes at either end of a broad continuum, or to consider those with an intersex condition as intended from the beginning as a third sex.<sup>7</sup>

- 3.3. This maleness and femaleness of humanity is portrayed in Genesis 1-2 not just as a physical characteristic of the bodies of the man and the woman, but as part of their relational nature as beings made in the image and likeness of God. The man's sexed identity is intimately connected to the woman who is flesh of his flesh (Gen 2:23), and to whom he holds fast (2:24) and with whom he shares the responsibility of ruling the world under God. Likewise, the woman's sexed identity and purpose as God's image-bearer is intimately connected to the man, out of whom she is taken (2:23), and whom she helps in their mutual task of dominion (1:28; 2:20-21). The man-ness of Adam makes no sense without the woman-ness of Eve as his counterpart, and vice versa. Each is defined in distinction from but in relation to the other.
- 3.4. The binary reality of human sexuality revealed in Genesis 1 is both emphasised and developed in Genesis 2. Here we move from humanity being described in terms of the adjectival nouns 'male' (Heb. *zakhar*) and 'female' (Heb. *neqevah*) – which are not unique to humans but also apply to animals (e.g., Gen 6:19) – to the nouns 'man/husband' (Heb. *ish*) and 'woman/wife' (Heb. *ishshah*), as these are applied to Adam and Eve.

<sup>24</sup> Therefore a man (Heb. *ish*) shall leave his father and his mother and hold fast to his wife (Heb. *ishshah*), and they shall become one flesh. <sup>25</sup> And the man (Heb. 'adam) and his wife (Heb. *ishshah*) were both naked and were not ashamed. (Gen 2:24-25)

The implication of this, contrary to current gender theory, is that biological sex is inseparable from both gender identity and gender roles. Human males grow into men (and potentially husbands and fathers) and human females grow into women (and potentially wives and mothers). Indeed such 'heteronormativity' is what makes human marriage, human family and human flourishing possible. This is, once again, confirmed by Jesus, as he brings Genesis 1 and 2 into the closest possible connection.

<sup>6</sup> But from the beginning of creation, "God made them male and female." <sup>7</sup> "Therefore a man will leave his father and mother and hold fast to his wife, <sup>8</sup> and the two shall become one flesh." (Mark 10:6-8a)

The implication is once again clear: men and woman are not two poles at either end of a gender spectrum. Gender, like sex and because it is an extension of sex, is binary. There is thus no space in biblical anthropology – either before or after the Fall – for additional genders.

<sup>6</sup> All Bible references are taken from the English Standard Version, Permanent Text Edition© (2016), unless otherwise indicated.

<sup>7</sup> In fact, the eunuchs of Scripture are all presented as male (as is indicated by the use of masculine nouns, verbs and pronouns), but are presumably unable to function sexually or reproductively (Esth 2:3, 14-15; Isa 56:3), either because of a birth defect or due to human interference. In other words, Scripture resists diluting the sex/gender binary, even though some do not fit neatly into it.

*The Fall and its Implications*

- 3.5. That is not to say that human sexuality and gender identity are straightforward in a post-Fall world. Clearly this is not so for everyone and, to some degree, not for anyone. The Bible has much to say about the effects of the Fall on every aspect of our humanity, including our sexual expression and gender identity. Furthermore, sin and death have impacted every part of human existence and the whole created order has been subjected to frustration. Consequently, various forms of disease, disorder and disability are part of human experience. In other words, things go wrong with us not only relationally and behaviourally, but psychologically (with respect to our minds) and physiologically (with respect to our bodies and even to the level of our chromosomes).
- 3.6. One of the many ways that the Bible acknowledges the reality of physiological disability is by introducing us to the category of the eunuch – a term which generally referred to a castrated or otherwise impotent male. Indeed, in Matthew 19, following his discussion of the nature of marriage and the legitimate grounds for divorce, Jesus distinguishes between three types of eunuchs: two literal and one metaphorical or spiritual.

For there are eunuchs who have been so from birth, and there are eunuchs who have been made eunuchs by men, and there are eunuchs who have made themselves eunuchs for the sake of the kingdom of heaven. Let the one who is able to receive this receive it. (Matt 19:12)

Jesus' first two categories were, no doubt, informed by the Jewish distinction between "eunuchs of the sun" – i.e., those who have been eunuch from birth – and "eunuchs of man" – whether made so by accident or design. The first of these categories, most likely, would have included conditions that today would be regarded as disorders of sex development. However, as we've already noted, Scripture nowhere presents eunuchs as a third sex.<sup>8</sup>

- 3.7. But what about those whose bodily sex is unambiguous, and yet who claim to have been born in the wrong body; e.g., a male who is convinced he is a woman or a female who is convinced she is a man? How should we think about such a condition?<sup>9</sup> To answer this question we need to consider what Scripture reveals about the relationship between the physical (or corporeal) and nonphysical (or incorporeal) aspects of the human person. Scripture displays a range of ways of speaking about both the corporeal and incorporeal aspects of human existence.<sup>10</sup> What is consistently taught in both testaments is a dichotomous or dipartite view.<sup>11</sup> That is, human beings consist of body/flesh and soul/spirit. Furthermore, although the body perishes at death, and so can be separated from the soul, this is a consequence of sin and, therefore, an 'unnatural disruption'. God's ultimate purpose, therefore, is for body and soul to be reunited in resurrection at the last judgment, so that our eternal experience (whether it be of salvation or damnation) will be a 'psychosomatic' one. Therefore, Jesus can speak in the following way:

And do not fear those who kill the body (Gk. *sōma*) but cannot kill the soul (Gk. *psychē*). Rather fear him who can destroy both soul and body (Gk. *psychē kai sōma*) in hell. (Matt 10:28)

- 3.8. At the same time, however, the biblical authors view the human person as an integrated whole. This means that "[b]iological processes are not just functions of the body as distinct from the soul or spirit, and mental and spiritual capacities are not seated exclusively in the soul or spirit. All capacities and functions belong to the human being as a whole, a fleshly-spiritual totality."<sup>12</sup> Otherwise put, Scripture

<sup>8</sup> It is also important to note that certain intersex conditions may contribute to gender dysphoria in the person with the condition. For this reason DSM-5 distinguishes between gender dysphoria without a disorder of sex development (p. 455) and gender dysphoria with a disorder of sex development (p. 456).

<sup>9</sup> It has been suggested that a different kind of physiological ambiguity may lie behind this condition: that it is the result of brain-body mismatch. However, the scientific evidence supportive of such a theory is negligible at best. As Drs Lawrence S. Mayer and Paul R. McHugh write: "the current studies on associations between brain structure and transgender identity are small, methodologically limited, inconclusive, and sometimes contradictory. Even if they were more methodologically reliable, they would be insufficient to demonstrate that brain structure is a cause, rather than an effect, of the gender-identity behaviour." See Lawrence S Mayer and Paul R. McHugh, "Sexuality and Gender: Findings from the Biological, Psychological, and Social Sciences," *The New Atlantis* 50 (Fall 2016), p. 104: [http://www.thenewatlantis.com/docLib/20160819\\_TNA50SexualityandGender.pdf](http://www.thenewatlantis.com/docLib/20160819_TNA50SexualityandGender.pdf).

<sup>10</sup> For example, "Inner man", 'spirit', 'soul', 'mind', 'heart', – all do duty for the incorporeal part of man and different functions thereof. 'Outer man', 'flesh', 'body', 'members', 'mouth', 'face', and several metaphors do similar duty for the corporeal part of man." Robert H. Gundry, *Sōma in Biblical Theology: With Emphasis on Pauline Anthropology* (Grand Rapids: Zondervan, 1987), p. 156.

<sup>11</sup> There are two texts that suggest a distinction between 'soul' and 'spirit' (1 Thess. 5:23; Heb. 4:12), which some see as evidence for a trichotomous or tripartite view. In whatever way these texts may be best understood, they do not disturb the general, two-fold distinction between the inner and outer person.

<sup>12</sup> John W. Cooper, *Body, Soul & Life Everlasting: Biblical Anthropology and the Monism-Dualism Debate* (Grand Rapids: Eerdmans, 1989), p. 78.

understands “human beings holistically as single entities which are psychosomatic unities.”<sup>13</sup> Scripture, therefore, presents us with an anthropological ‘both-and’, a ‘dualistic holism’: i.e., an ontological duality (a distinct body and soul) within a functional holism (a single integrated person).

- 3.9. The soul is the soul of the body and the body is the body of the soul. As King David writes: “For you formed *my* inward parts; you knitted *me* together in my mother’s womb” (Ps 139:13). The sex of the body, therefore, both determines and reveals the gender of the person. Christian ethicist, Oliver O’Donovan teases out the implications of this fact with both clarity and compassion.

The sex into which we have been born (assuming that it is physiologically unambiguous) is given to us to be welcomed as a gift of God. The task of psychological maturity – for it is a moral task, and not merely an event which may or may not transpire – involves accepting this gift and learning to love it, even though we may have to acknowledge that it does not come to us without problems. Our task is to discern the possibilities for personal relationship which are given to us with this biological sex, and to seek to develop them in accordance with our individual vocations ... Responsibility in sexual development implies a responsibility to nature – to the ordered good of the bodily form which we have been given. And that implies that we must make the necessary distinction between the good of the bodily form as such and the various problems that it poses to us personally in our individual experience. This is a comment that applies not only to this very striking and unusually distressing problem [i.e., gender incongruence], but to a whole range of other sexual problems too.<sup>14</sup>

So notwithstanding the fact that all kinds of things can and do go wrong with us, both physiologically and psychologically, biblical anthropology leaves no room for the idea that one can *actually be* a man trapped in a woman’s body or a woman trapped in a man’s body. That may well be a person’s subjective feeling, but it is not an objective fact.

- 3.10. The Bible is also unambiguous in its condemnation of a number of behaviours that best fall under the rubric of ‘gender bending’. The first of these behaviours is that of cross-dressing, which is directly prohibited in Deuteronomy 22:5.

A woman (Heb. *ishshah*) shall not wear a man’s (Heb. *gever*) garment, nor shall a man (Heb. *gever*) put on a woman’s (Heb. *ishshah*) cloak, for whoever does these things is an abomination (Heb. *to’evah*) to the LORD your God.

There can be little doubt that this text condemns cross-dressing in the strongest terms. This is clear from the use of the Hebrew word *to’evah*, which is a word applied to any act that is “excluded by its very nature” or is “dangerous or sinister.”<sup>15</sup> It is thus the word applied elsewhere to homosexual intercourse (Lev 18:22; 20:13) and various idolatrous practices (Deut 7:5; 13:14). But why should cross-dressing be seen in such a light and condemned in such terms? Some commentators have assumed a link with either homosexuality or pagan religious practices. This is possible, but there is nothing in the immediate context to suggest as much.<sup>16</sup> More likely, “[t]he immediate design of this prohibition was not to prevent licentiousness, or to oppose idolatrous practices ... but to maintain the sanctity of that distinction of the sexes which was established by the creation of man and woman, and in relation to which Israel was not to sin.”<sup>17</sup> Therefore, while care is needed in applying old covenant commands to our situation under the new covenant, the abiding ethical principle behind Deuteronomy 22:5 is straightforward: “this injunction seeks to preserve the order built into creation, specifically the fundamental distinction between male and female.”<sup>18</sup>

- 3.11. Moving to the New Testament, the second of the behaviours that Scripture condemns is sexual effeminacy; that is, a man playing the part of a woman (by being the ‘receiver’) in homosexual intercourse. Those who engage in such a practice are included in Paul’s vice list in 1 Corinthians 6:9-10.

<sup>13</sup> Ibid.

<sup>14</sup> Oliver O’Donovan, *Begotten or Made?* (Oxford: OUP, 1984), pp. 28-29.

<sup>15</sup> Ernst Jenni and Claus Westermann, *Theological Lexicon of the Old Testament* (Peabody: Hendrickson, 1997), p. 1429.

<sup>16</sup> See the arguments of P.J. Harland, “Menswear and Womenswear: A Study of Deuteronomy 22:5,” *ExpTim* 110 (1998), pp. 74-75.

<sup>17</sup> Carl Friedrich Keil and Franz Delitzsch, *Commentary on the Old Testament*, Vol. 1 (Peabody: Hendrickson, 2002), p. 945.

<sup>18</sup> Daniel I. Block, *The NIV Application Commentary: Deuteronomy* (Grand Rapids: Zondervan, 2012), p. 512. The issues of intention and effect also require consideration. That is, it may be possible to engage in cross-dressing for (say) the purpose of entertainment (e.g., Dame Edna) without the intention or effect of confusing either self or others or blurring established boundaries. But there are risks. While intentions can be innocuous, effects are much harder to gauge and impossible to control.

<sup>9</sup> Or do you not know that the unrighteous shall not inherit the kingdom of God? Do not be deceived; neither fornicators, nor idolaters, nor adulterers, nor the effeminate (Gk. *malakoi*), nor homosexuals (Gk. *arsenokoitai*), <sup>10</sup> nor thieves, nor the greedy, nor drunkards, nor revilers, nor swindlers, shall inherit the kingdom of God. (NRSV)

Paul's assessment of homosexual behaviour derives from the absolute prohibitions found in Leviticus 18:22 and 20:13, and so (like Deut 22:5) is ultimately grounded in the creation theology of Genesis 1-3.<sup>19</sup> His use of the two distinct terms highlighted above (*malakoi* and *arsenokoitai*) reveals that he is censuring all who willingly play either the passive or the active roles in homosexual acts.<sup>20</sup> His reference to the *malakos* ("soft man"), therefore, is aimed at those who actively feminize themselves by (and for the purposes of) playing a passive homosexual role.

- 3.12. The third of the behaviours that the Bible opposes is gender ambiguity; that is, the attempt to blur the lines between man and woman by one's gender expression. This is Paul's chief concern in 1 Corinthians 11:2-16 and why he challenges his readers accordingly.

<sup>4</sup> Every man who prays or prophesies with his head covered dishonors his head. <sup>5</sup> But every woman who prays or prophesies with her head uncovered dishonors her head—it is the same as having her head shaved ... <sup>13</sup> Judge for yourselves: Is it proper for a woman to pray to God with her head uncovered? <sup>14</sup> Does not the very nature of things teach you that if a man has long hair it is a disgrace to him, <sup>15</sup> but that if a woman has long hair, it is her glory? For long hair is given to her as a covering. (1 Cor 11:4-5, 13-15, NIV)

While there is a number of complexities in the passage in which these verses appear, what is clear is that Paul desires men and women to both maintain and celebrate the gender distinctions that reflect our God-given sex, and not take steps to either deny or diminish them.<sup>21</sup> This is why he "expresses no less disquiet (probably indeed more) about men whose style is effeminate with possible hints of a quasihomosexual blurring of male gender than about women who likewise reject the use of signals of respectable and respected gender distinctiveness."<sup>22</sup>

- 3.13. Both the Bible's creation theology and its post-Fall prohibitions against the abuse and misuse of our God-given sex and gender lead to the same conclusion: all human beings have been created as either male or female, and it is God's will for us to embrace his good gift even though this can be complex in a sin-cursed world. We can further conclude that however best we categorise the painful experience of gender incongruence, from a biblical point of view, it involves a significant misperception of created reality.
- 3.14. However, it is important to emphasise that this does not mean that sufferers of gender incongruence are necessarily culpable for their condition. The critical factor, morally speaking, is how one responds to such a condition. Unlike wilful gender bending or deliberate gender erasing (which, as we've seen, are clearly prohibited in Scripture), the experience of gender incongruence would appear to be a largely non-volitional affliction and, to that extent, a condition for which sufferers are not culpable.<sup>23</sup> Consequently, our first response to those who struggle with their gender identity ought to be compassion and care, not condemnation or censure.
- 3.15. The more difficult question is what a person suffering from gender dysphoria should do to resolve it. The biblical teaching we have reviewed suggests that attempts to obliterate, disguise or live at odds with one's God-given sex/gender are contrary to God's will and against human good. Consequently, any attempt to do so, no matter how well intentioned, is unlikely to bring the lasting relief that sufferers are seeking and may bring them even greater distress.<sup>24</sup>

<sup>19</sup> See Gordon J. Wenham, "The Old Testament Attitude to Homosexuality," *ExpTim* 102 (1990-91), pp. 359-63.

<sup>20</sup> Roy E. Ciampa and Brian S. Rosner, *The First Letter to the Corinthians* (Grand Rapids: Eerdmans, 2010), p. 241.

<sup>21</sup> *Ibid.*, p. 503.

<sup>22</sup> Anthony C. Thiselton, *The First Epistle to the Corinthians* (Grand Rapids: Eerdmans, 2000), p. 805.

<sup>23</sup> We say "largely" because, as Robert Gagnon notes, it's impossible to disentangle the "complex interplay of nature, nurture, environment, and choices. Incremental choices made in response to impulses may strengthen the same impulses." See R.J. Gagnon, "How Should Christians Respond to the Transgender Phenomenon." *First Things* (October 16, 2015): <https://www.firstthings.com/web-exclusives/2015/10/how-should-christians-respond-to-the-transgender-phenomenon>.

<sup>24</sup> Not surprisingly, the instance of 'sex-change regret' is disturbingly high (and little publicised) and, tragically, the experience of undergoing 'gender transition' seems to do little to address the high attempted-suicide rate of transgender people (over 40%). See, for example, Cecilia Dhejne, Paul Lichtenstein, Marcus Boman, Anna L. V. Johansson, Niklas Långström, and Mikael Landén, "Long-Term Follow-Up of Transsexual Persons Undergoing Sex Reassignment Surgery: Cohort Study in Sweden," *PLoS One* 6:2 (22 February, 2011): <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC3043071>.

*Redemption and its Implications*

- 3.16. First, at the heart of the Christian gospel is the stunning claim that all who confess Jesus as Lord and believe in their hearts that God raised him from the dead are not only justified from sin, but brought to new birth by the Holy Spirit and given a new identity as sons and daughters of the living God. “Therefore,” writes Paul, “if anyone is in Christ, he [or she] is a new creation. The old has passed away; behold, the new has come” (2 Cor 5:17). This vital, spiritual union is necessarily determinative of a whole new self-understanding. As Paul writes elsewhere: “It is no longer I who live, but Christ who lives in me” (Gal 2:20a). In short, no Christian is what they once were (1 Cor 6:11); we have come to fullness in him in whom the whole fullness of deity dwells bodily (Col 2:9-10).
- 3.17. Second, this new life entails a new lifestyle. Those in Christ are called to “no longer live for themselves but for him who for their sake died and was raised” (2 Cor 5:15). This does not mean the removal of all temptations, trials and afflictions (not, at least, in this age), but it does mean there is a new power at work in us (that of the Holy Spirit) to help us “put off the old self with its practices and have put on the new self, which is being renewed in knowledge after the image of its creator” (Col 3:9-10). This call to mortification and vivification has profound implications for what we do with and to our bodies, for the Christian’s body is now a temple of the Holy Spirit. “You are not your own,” says Paul, “for you were bought with a price. So glorify God in your body” (1 Cor 6:19-20).
- 3.18. Third, among the vices of the “old self” that all believers are called to discard are covetousness (Col 3:5) and falsehood (Eph 4:25). These sins are particularly pertinent to the subject at hand. For many who struggle with gender identity issues are sorely tempted to desire a body other than the one they have been given. That is covetousness. Likewise, the aim of those who seek to transition gender is to “pass” as the opposite sex to what they actually are. This is falsehood. Such vices must be “put off.”<sup>25</sup> They are the opposites of contentment and truthfulness, and undermine godly relationships. Consequently, faithfulness to Christ cannot be separated from how a person with gender incongruence manages their condition.<sup>26</sup> Robert Gagnon puts it well: “while redemption is unmerited, an active pursuit of a ‘transgender’ life would be at odds with ... a claim to ‘faithfulness’ to Christ.”<sup>27</sup>
- 3.19. Fourth, as there are vices to be “put off,” so there are virtues that believers are called to “put on.” Four are of especial relevance to our subject: endurance, patience, joy and thanksgiving. The development of such Christ-like characteristics is repeatedly encouraged in Scripture. But these four are brought together in Colossians 1:11-12, where the apostle Paul speaks of believers

<sup>11</sup> being strengthened with all power, according to his glorious might, for all endurance and patience with joy; <sup>12</sup> giving thanks to the Father, who has qualified you to share in the inheritance of the saints in light.

Endurance and patience are vital for sufferers of gender incongruence, particularly for those whose cross-gender identification is strong and persistent. The distress caused by such a condition can be very painful, and the force of the temptation to alleviate it in destructive ways very real. The battle to be faithful can, therefore, be exhausting. However, resistance and obedience are possible, and much prayer is needed that strength be given to this end. But, more than that, joy and thanksgiving are also possible – if not for the affliction itself, for the sufficiency of God’s grace (2 Cor 12:9) and the fruit that suffering inevitably bears under the wise and sovereign hand of God (Rom 5:3-5; Jas 1:2-4).

- 3.20. Fifth, such a battle should never be fought alone. This is one of the reasons why the risen Christ has given his followers the gift of Christian brothers and sisters – not only that we might keep each other accountable, but that we might bear one another’s burdens. So Paul writes as follows to the Galatians.

<sup>1</sup> Brothers and sisters, if someone is caught in a sin, you who live by the Spirit should restore that person gently. But watch yourselves, or you also may be tempted. <sup>2</sup> Carry each other’s burdens, and in this way you will fulfill the law of Christ. (Gal 6:1-2, NIV)

<sup>25</sup> We appreciate that the person who is convinced they are ‘in the wrong body’ may wish to argue that their longing for a different body, or their attempts to disguise or change their body, are driven by a desire to present their ‘true selves’. Our argument is that the body reveals the ‘true self’.

<sup>26</sup> Contra Mark A. Yarhouse, “Understanding the Transgender Phenomenon,” *Christianity Today* (June 8, 2015): <http://www.christianitytoday.com/ct/2015/july-august/understanding-transgender-gender-dysphoria.html?share=7K2biduOkWQzqfy+4ihDhyipi09ikaJk3&paging=off>.

<sup>27</sup> Robert A. J. Gagnon, “Gender Dysphoria and ‘Practical Application’: A Rejoinder to Mark Yarhouse” (August 28, 2016): <http://www.robagnon.net/Yarhouse%20Rejoinder.htm>.

This text raises the important question: What counts as a “sin” and what counts as a “burden”? In our view, the experience of gender incongruence itself falls in the latter category (burden). Consequently, “there is a need for the church to be able to cope with the disclosure of gender incongruence among those who experience it and have the courage to share what they are going through.”<sup>28</sup> Nevertheless, from a biblical standpoint, attempts to alleviate gender dysphoria by gender transitioning (whether by social transitioning, cross-dressing, cross-hormone therapy or ‘sex change’ surgery) fall into the category of “sin.”<sup>29</sup>

- 3.21. Sixth, what will gentle restoration look like when such sin takes place? Here is where a range of factors will need to be taken into account: e.g., whether the person is a believer or a seeker, how old they are, whether they are spiritually mature or immature, the severity of the dysphoria, what steps they’ve taken, and whether they have other physical and/or mental health issues. Consequently, the nature and timing of restoration, and the kind of care and counsel required, will vary from person to person. Nevertheless, in light of the teaching of Scripture, it is clear that all forms of cross-gender identification are contrary to God’s will and the good of sufferers. Therefore, the goal of restoration will be to work toward an acceptance of one’s bodily sex as a true signifier of one’s gender.
- 3.22. Finally, alongside our concern for the welfare of the person suffering gender dysphoria, there is another important factor to be considered in our response. That is, the impact of the decisions we take or the strategies we adopt upon the church community. What message is being sent by a church that effectively condones that which Scripture condemns? What effect will this have on other members of the body – particularly those who are vulnerable and impressionable or struggling in other areas of life? Paul’s concern – “a little leaven leavens the whole lump of dough” (1 Cor 5:6) – is relevant here. That said, needlessly imposing rigid gender stereotypes is not helpful either. Provided believers are operating within accepted biblical norms and cultural expectations for gender roles and gender expression, not all men and women need to look, dress or act in precisely the same way.

#### *The Age to Come and its Implications*

- 3.23. The final piece of scriptural teaching relevant to our question has to do with what is revealed about the nature of our resurrection bodies. Admittedly, there is much we cannot know on this score (1 Cor 15:35-36). Nevertheless, in broad terms, the Bible affirms a principle of both continuity and transformation (1 Cor 15:42-44). That is, following the pattern of Jesus’ own resurrection, it is *this earthly body* that will be raised, but with *different qualities and capacities*. As Paul says, Christ “will transform our lowly body to be like his glorious body” (Phil 3:21).
- 3.24. Curiously, the prospect of transformation has led some to speculate about the possibility of our being raised as either androgynous or monosexual or asexual beings. Given that our bodies are sexed in this world, and that the risen Jesus remains a man (Acts 17:31), it would require a very clear statement of Scripture to create the expectation that we will be raised as something other than eternally sexed (and therefore gendered) beings. Certainly, when read in context Galatians 3:28 teaches no such thing, nor does 1 Corinthians 6:13-15.<sup>30</sup> Far from suggesting that sex distinctions disappear in Christ, the first of these passages simply makes the point that one’s sex is irrelevant to one’s standing in Christ (Gal 3:26-27). The second is affirming not the destruction of gender, but that our bodies will be raised just as the Lord’s body was raised (1 Cor 6:14). In being raised, we will, of course, be changed (1 Cor 15:51-52); but not changed from men or women into something else. Rather we will be changed from mortal to immortal, perishable to imperishable men and women (1 Cor 15:53-54).
- 3.25. The one passage that some have thought teaches that we will be raised as asexual is Matthew 22:30 (and parallels), where Jesus says: “For in the resurrection neither do they marry nor are they given in marriage, but are like the angels.” But while this passage clearly affirms that marriage belongs only to this age, it says nothing about the elimination of human sex distinctions. In fact, Jesus’ choice of words implies quite the opposite: as Augustine saw, “neither do they marry” is a reference to males and “nor are they given in marriage” is a reference to females. In other words, “[f]ar from saying that

<sup>28</sup> Mark A. Yarhouse, *Understanding Gender Dysphoria: Navigating Transgender Issues in a Changing Culture* (Downers Grove: IVP, 2015), p. 151.

<sup>29</sup> Yarhouse, therefore, is not to be followed when he suggests that some believers “may benefit from space to find ways to identify with aspects of the opposite sex, as a way to manage extreme discomfort.” Mark A. Yarhouse, “Understanding the Transgender Phenomenon,” *Christianity Today* (June 8, 2015): <http://www.christianitytoday.com/ct/2015/july-august/understanding-transgender-gender-dysphoria.html?paging=off>.

<sup>30</sup> See Richard Hove, “Does Galatians 3:28 Negate Gender-Specific Roles?” in Wayne Grudem, ed., *Biblical Foundations for Manhood and Womanhood* (Wheaton: Crossway, 2002), pp. 105-143. Daniel R. Heimbach, “The Unchangeable Difference: Eternally Fixed Sexual Identity for an Age of Plastic Sexuality,” in Wayne Grudem, ed., *Biblical Foundations for Manhood and Womanhood* (Wheaton: Crossway, 2002), p. 285.



there will be no distinctions of gender in the new creation, Jesus said in essence that those who are male in heaven will not take a wife, nor will those who are female be given in marriage.”<sup>31</sup> Human marriage will have fulfilled its purpose.

- 3.26. The glorious prospect of bodily resurrection as eternally sexed/gendered beings has two important implications. First, whatever disappointments and disabilities we may have to deal with in this life, it matters what we do with and to the bodies God has given us. In fact, even though Christians should be willing to spend and be spent in the cause of our Master, we are nonetheless to love our bodies. As Paul says, “no one ever hated his own flesh, but nourishes and cherishes it, just as Christ does the church” (Eph 5:29). What we do with our bodies is significant. The tragedy of self-rejection and self-mutilation needs to be seen in this light. This may well be an act of desperation but it is also an assault upon the body and so ultimately sinful. The intensity of the struggle and the temptation to think about ourselves in ways other than those God encourages and directs in his word does not convey legitimacy upon such responses. Instead we are called upon to take comfort in the Saviour who knows our weaknesses and is able not only to sympathise with them but to provide “grace to help in time of need” (Heb 4:16).
- 3.27. Second, in the resurrection on the last day every form of disease and disorder, sickness and sadness will be healed and banished once and for all (Rev 21:4). In fact, so wonderful will be the glory revealed both to us and in us that the sufferings of this present time will not be worth comparing with it (Rom 8:18). This is good news for all of God’s people, but particularly for those whose gender incongruence proves irresolvable in this life. Christians have a real hope that will not disappoint us. This is why we are called to wait for it with patience (Rom 8:25), fixing our eyes not on what is seen and transient but on what is unseen and eternal (2 Cor 4:18).

#### 4. Conclusion

- 4.1. How, then, should we think about gender incongruence and gender identity struggles where there is no disorder of sex development involved? In light of the Bible’s teaching, and in the absence of any certain biological cause, gender dysphoria (and the incongruence lying behind it) is best regarded as a psychiatric disorder. This is why it appears, and how it is classified, in the most recent edition of the *Diagnostic and Statistical Manual of Mental Disorders*.<sup>32</sup> In other words, despite what is sometimes claimed, there is no reason to believe that a person can have either the brain or the soul of one sex and the body of the other. Rather, it is a psychological pathology and, as such, one of the tragic effects of the Fall.
- 4.2. Such clarity may do little, in and of itself, to alleviate the distress of those who suffer from gender incongruence. This is why responding compassionately and constructively to such felt experiences remains a paramount concern of the Christian community. However, the conclusions we have reached do lay some important foundations upon which to build a biblically informed and medically responsible pastoral and therapeutic approach. It likewise provides a helpful interpretive grid through which we can evaluate current Gender Theory and make sense of the various social, political and ideological changes going on around us. For not only are the basic claims of Gender Theory false, but the goal of sex change is unrealisable.<sup>33</sup>
- 4.3. What, then, is the call of the gospel to those who are gender non-conforming? First, like all who are weary and burdened, they are to come to Jesus as they are. This means that in our evangelism we must not let the temporary overshadow the eternal. The greatest need of those who experience gender dysphoria or who identify as transgender or have undergone sex reassignment procedures is not for their identity issues to be resolved (as wonderful as that would be), or their attempts at transitioning to be reversed (which may not be possible), but to be reconciled to God and adopted as his beloved children. In other words, like the rest of us, transsexuals, the transgendered and the gender dysphoric need the gospel of Jesus Christ. For every human being has been created through and for Jesus Christ (Col 1:16), and will therefore be restless in heart unless and until they find their rest in him.<sup>34</sup> But rest is precisely what Jesus promises to all who come to him in faith (Matt 11:28) – irrespective of their past sins or present afflictions. This is the hope of the gospel: that true life, lasting peace and eternal comfort can be found in Jesus Christ.

<sup>31</sup> See Mark David Walton, “What We Shall Be: A Look at Gender and the New Creation,” *JBMW* 9:1 (Spring 2004), p. 19.

<sup>32</sup> The weakness of DSM-5 is that it is only the dysphoria or distress that is seen as the clinical problem, not the actual gender incongruence. However, there are equally good reasons for regarding gender incongruence itself (irrespective of the distress it may or may not cause) as a mental disorder. This was the strength of the category of ‘Gender Identity Disorder’ in DSM-4.

<sup>33</sup> As Paul McHugh writes: “Transgendered men do not become women, nor do transgendered women become men ... In that lies their problematic future.” See “Transgenderism: A Pathogenic Meme”, *The Public Discourse* (June 10, 2015): <http://www.thepublicdiscourse.com/2015/06/15145>.

<sup>34</sup> Augustine, *Confessions* I.1.1.

- 4.4. Second, while we are all invited to come to Jesus as we are, he is not content to leave any of us as we are. His goal is to restore us into his own image and teach us to discern and do the will of God (Rom 12:2). As we have seen, this will necessarily entail living, as far as is possible, in conformity with our God-given sex. For those who have gone down the path of transitioning, this will mean ceasing cross-hormone treatment,<sup>35</sup> cross-dressing and other forms of cross-gender identification. Some surgical steps and some of the effects of cross-hormone therapy may, of course, be irreversible. If so, the person may need to see themselves akin to one type of biblical eunuch; that is, as one wounded physically by past sin, but awaiting wholeness in the resurrection.<sup>36</sup> Whatever the case, sensitive pastoral care and strong congregational support will be essential for anyone who, in obedience to Christ, is seeking to de-transition.
- 4.5. Finally, how should Christians respond to the transgender tsunami that is currently sweeping the western world and impacting increasing numbers of churches, schools and homes? Our first response should always be genuine compassion towards those who experience the brokenness of the world in the form of gender incongruence or who are victims of the confusion created by current gender theory. Compassion and truth, however, ought not to be pitted against one another. We will need to speak truthfully to those who are struggling in this area and misled by Gender Theory. If we truly love our neighbours, we will also refuse to withdraw from discussion in the public square. We will, therefore, not only pray fervently but, where possible, publicly challenge the claims of Gender Theory. We will also advocate for a more responsible and coherent therapeutic approach to the treatment of gender incongruence and for truly 'safer' school education programs and policies that benefit and protect *all* children. We need to do all these things in a way that cannot itself be labelled simply 'ideological,' but rather arises from a profound humility before God and his word and a heartfelt concern for the welfare of fellow sinners and fellow sufferers.

For and on behalf of the Sydney Diocesan Doctrine Commission

M D THOMPSON  
*Chairman*

31 July 2017

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<sup>35</sup> Albeit under appropriate medical supervision.

<sup>36</sup> Russell Moore, "Joan or John? My Answer: Part Two," *Russell Moore* (May 26, 2009): <http://www.russellmoore.com/2009/05/26/joan-or-john-my-answer-part-two>.

## 39/16 Business rules for moving amendments to motions

(A report from the Standing Committee.)

### Key Points

- Concerns have been raised about the way the existing business rules of Synod regulate debate on motions and, in particular, debate on “long and complex” motions which are subject to multiple proposed amendments
- It is proposed to trial a modification to the business rules at the Synod session in 2017 to give priority consideration only to those amendments which appear on the day’s amendment sheet

### Purpose

1. The purpose of this report is to consider the matters raised in Synod resolution 39/16 (the “Synod resolution”) and to recommend amendments to the business rules of Synod to improve the process of considering amendments to motions.

### Recommendation

2. The Synod receive this report.

### Background

3. Synod passed resolution 39/16 in the following terms –

‘Synod, recognising that –

- (a) some of the motions brought before it can be long and complex;
- (b) on occasion, Synod has chosen to vary its business rules so as to enable a “set piece” debate;
- (c) the *Conduct of the Business of Synod Ordinance 2000* allows that –
  - (i) “a member may move a motion to amend a principal motion at any time before the close of debate.” (4.9.1);
  - (ii) “...for motions to amend a motion, a member may speak for up to 5 minutes” (4.6.1.c); and
  - (iii) the President is permitted to waive the application of rule 4.9 in order to enable the Synod to express its mind (4.9.8);
- (d) no such relief is given by the ordinance to the President in respect to rule 4.6; and
- (e) Synod’s practice has been to allow the movers of amendment to speak to their amendments prior to those wishing to speak for or against the principal motion, although this is not required by the *Conduct of the Business of Synod Ordinance 2000*,

is concerned for the possibility that a large number of amendments can have the effect of consuming the bulk of the time allocated for the debate of a particular motion, to the detriment of the Synod’s ability to debate the principal motion.

Accordingly, Synod requests Standing Committee to re-examine the *Conduct of the Business of Synod Ordinance 2000*, with respect to –

- (a) whether the President should be given permission to waive the application of rule 4.6 on similar grounds to the relief offered in 4.9.8;
- (b) whether the ordinance should require Synod’s practice of allowing movers of amendments to speak prior to those wishing to speak for or against the principal motion, or otherwise;
- (c) whether the ordinance should provide a rule regarding “set piece” debates, in particular for looking at the right of reply by both sides;
- (d) whether to provide for a considerably shorter time limit for the mover of an amendment, while providing for the mover of the amendment to speak one more time in the debate; and

- (e) any other matters that might improve the effectiveness of Synod's business rules as they apply to the debate of a motion,  
and to bring to Synod in 2017 a report and any such amending ordinance as is required to give effect to its findings.'

4. At its meeting on 14 November, the Standing Committee requested the Chancellor and the Diocesan Secretary (the "committee"), in consultation with the Archbishop, to undertake the work requested in the Synod resolution and report their findings to a future meeting of the Standing Committee with recommendations.

#### **Matters raised by resolution 39/16**

5. The Synod resolution raises various issues of concern about the way in which the existing business rules of Synod regulate debate on motions and, in particular, debate on "long and complex" motions which are subject to multiple proposed amendments.

6. Although various issues are raised, there are two main areas of concern which are addressed in this report.

7. The first is whether the business rules should be amended to include a rule for "set piece" debates, particularly through the provision of a right of reply for both sides of a debate on a contested motion.

8. The second is whether the business rules should be amended to better regulate debate on a motion which is subject to multiple proposed amendments by ensuring the debate is not comprised solely of speeches made by those moving the amendments, thereby providing greater scope for speeches by members who wish to speak for or against the motion but without moving a proposed amendment.

#### **Provision for set piece debates involving a nominated opposer**

9. The committee recognises that from time to time the Synod has made special provision for a "set-piece" debate involving a nominated opposer of a motion who is given a special right of reply (usually exercised just before the right of reply of the mover).

10. However the committee does not believe it is necessary or desirable to include a further rule in the business rules to provide for such set-piece debates.

11. There are three main reasons for this.

12. Firstly, a set-piece debate involving a nominated opposer with a right of reply is just one type of special arrangement for considering a motion. There are many other types of special arrangements that have been used for motions. As each one needs to be tailored to the particular circumstances of the motion, it would be counter-productive to "hard-wire" any of them into the business rules in advance. The flexibility currently afforded to the Synod through its ability to suspend its business rules (under rule 6.5) and put in place special arrangements which would otherwise be inconsistent with the business rules is sufficient.

13. Secondly, while the mover of a motion is easily identified, there is a practical problem of identifying who should be the opposer of a particular motion for the purposes of exercising a special right of reply in opposition. On occasion, the special arrangements agreed to by the Synod have permitted the Archbishop to nominate the opposer. However more commonly the name of the opposer is specifically identified in the special arrangements agreed to by the Synod. Again, any special arrangements need to be agreed to by the Synod on a case-by-case basis and are not susceptible to being "hard-wired" into the business rules in advance.

14. Thirdly, the basic model for considering a motion requires two members of Synod to support the motion by moving and seconding it and for debate on the motion to proceed only if at least one other member indicates a wish to speak against the motion or move an amendment to it. While subsequent debate may involve speeches both for and against the motion, the trigger for the debate means that the debate will tend to be a time of testing of the motion or at least of the form of motion moved by the mover. Consequently, in the ordinary course, it is procedurally fair for only the mover to have a right of reply at the end of the debate. Any injustice that might on occasion arise from these arrangements can be dealt with by the Synod as the need arises.

#### **Considering amendments to motions**

15. The committee accepts the contention in the Synod resolution that, in effect, a practice has emerged by which those moving amendments to a motion are generally given priority in the debate on the motion over those who simply wish to speak for or against the motion without moving an amendment. This practice is particularly evident in contested motions which are subject to multiple proposed amendments. As such the committee believes that consideration should be given to amending the business rules in a way which better regulates the consideration of amendments.

16. The committee is aware why the practice referred to above has developed and is arguably necessary even if not directly prescribed by the business rules. In short the problem is this. Debate will proceed on a motion only if a member wishes to speak against the motion or move an amendment to it. If debate on a motion proceeds because a member wants to move an amendment, then by direct implication, the member wishing to move the amendment will be called by the President to speak to the amendment. However other members may also wish to move amendments to the motion. This can occur at any time before the close of debate on the motion provided written copies of the amendments are handed to the President before the close of debate. In these circumstances the President is not strictly required to give the call to all who have given him a copy of a proposed amendment. However, practically, unless the President does so he will be open to potential criticism for picking and choosing the amendments he supports. Hence the practice has arisen of permitting all members who wish to move amendments to do so, usually in priority to those members who simply wish to speak for or against the motion without moving an amendment.

17. Another dimension of this problem arises from the general rule in business rule 4.7 that members, other than the mover, can only speak once to the same motion. This can lead to a member who speaks early in the debate on a principal motion in practice being precluded from speaking again to fresh matters raised in a subsequently moved amendment. Strictly, under the business rules amendments are separate motions and members are entitled to speak separately to both the principal motion and the amendment if called by the President to do so. However by reason of time limitations and the sheer number of Synod members who may wish to speak to a contested motion with multiple amendments, it is often impractical for the President to call a member to speak separately to both the principal motion and an amendment to the principal motion. The difficulty is compounded by the requirement under business rule 4.1(h) that all amendments are put to the Synod together with the principal motion, as amended, after the debate has concluded. While this requirement has many advantages, its disadvantage is that it obscures the "separateness" of the principal motion and any motion to amend the principal motion.

18. In many cases these problems can be dealt with satisfactorily from the chair, including through the use of the discretions for dealing with amendments in business rules 4.9(6) and (8). However the existence of the Synod resolution suggests that, on some occasions, even effective chairmanship and the existence of these discretions may not be sufficient.

19. In terms of possible amendments to the business rules to address these problems, there are no "magic bullet" solutions. Any amendment will be a matter of balance.

20. However the following modifications to the business rules are proposed to improve the Synod's consideration of motions which are subject to proposed amendments –

- (a) After a principal motion has been moved and seconded, any amendments which appear on the day's amendment sheet ("priority amendments") will be moved and seconded in the order determined by the President.
- (b) After any priority amendments have been moved and seconded, debate on the principal motion, including any priority amendments, will proceed in the following way –
  - (i) a member who wishes to speak in the debate on the principal motion or move an amendment to the principal motion or an amendment to an amendment may do so only if called by the President,
  - (ii) the mover of a priority amendment may speak again in the debate on the principal motion or move a further amendment to the principal motion or an amendment to an amendment only if called by the President to do so, and
  - (iii) if a member formally seconds a priority amendment, the member is not regarded as having spoken in the debate on the principal motion.
- (c) The business rule which provides that no member, other than the mover of the principal motion, may speak more than once to the same motion should be amended to exclude from this rule any speech made by a member in moving a priority amendment.

21. The above proposal introduces 2 main changes to the existing rules for considering motions and amendments.

22. The first change is to give priority to those amendments which have been prepared and submitted in time for inclusion on the day's amendment sheet. There are 2 advantages in this. Firstly, it encourages members to prepare and submit amendments in advance of the debate on the principal motion. While this is not always possible, in most cases it is desirable that amendments are not prepared on the run during the debate. Secondly, it enables such amendments to be presented to the Synod prior to the general debate on the principal motion commencing so that subsequent speeches either for or against the principal motion can also interact with these amendments.

23. The second change enables the mover of a priority amendment to speak again to the principal motion once all the other priority amendments have been moved – but only if called on by the President to do so. This effectively means that after the mover of a priority amendment has moved and spoken to his or her priority amendment, he or she is treated like any other member for the purposes of the general debate on the principal motion.

**Standing Committee's response**

24. The Standing Committee agreed in principle that the business rules of Synod should be amended as follows –

- (a) After a principal motion has been moved and seconded, any amendments which appear on the day's amendment sheet ("priority amendments") will be moved and seconded in the order determined by the President.
- (b) After any priority amendments have been moved and seconded, debate on the principal motion, including any priority amendments, will proceed in the following way –
  - (i) a member who wishes to speak in the debate on the principal motion or move an amendment to the principal motion or an amendment to an amendment may only do so if called by the President,
  - (ii) the mover of a priority amendment may speak again in the debate on the principal motion or move a further amendment to the principal motion or an amendment to an amendment only if called by the President to do so, and
  - (iii) if a member formally seconds a priority amendment, the member is not regarded as having spoken in the debate on the principal motion.
- (c) The business rule which provides that no member, other than the mover of the principal motion, may speak more than once to the same motion should be amended to exclude from the rule any speech made by a member in moving a priority amendment.

25. The Standing Committee requested the Diocesan Secretary to include in the business paper for the session of Synod in 2017 a procedural motion by which these proposed changes can be put to the Synod on a trial basis for that session with a view to amendments to the business rules being prepared for the Synod session in 2018 if that trial is considered successful.

For and on behalf of the Standing Committee

ROBERT WICKS  
*Diocesan Secretary*

MICHAEL MEEK SC  
*Chancellor*

31 August 2017

## Catholicity and Communion

### 25/14 Theology of Communion and Catholicity

(A report of the Sydney Diocesan Doctrine Commission.)

#### Introduction

1. In 2014 the Synod of the Diocese of Sydney passed the following resolution:

#### 25/14 Theology of Communion and Catholicity

In the light of the Primate's Address at the 16<sup>th</sup> General Synod of the Anglican Church of Australia in Adelaide and recent comments by the Archbishop of Canterbury on what constitutes membership of the Anglican Communion (in an interview with the editor of the *Church of Ireland Gazette*), this Synod requests the Sydney Diocesan Doctrine Commission to prepare a report on the theology of communion and catholicity with special reference to contemporary Anglicanism in Australia and to report back to the next session of this Synod.

2. Relevant comments from the Presidential Address of the Most Reverend Dr Phillip Aspinall, delivered on Monday 30 June 2014, include the following:

Over time increasing diversity has diminished and weakened our internal sense of coherence and belonging together ... That is, the character of the Church as catholic has found only the most muted expression in Australia. Local autonomy has trumped catholicity. (Proceedings of the Sixteenth General Synod, p. 22)

And so, at the international level, catholicity struggles with the autonomy of individual member churches and similar sorts of strengths and weaknesses of that arrangement are apparent internationally. (Proceedings, p. 23)

Reflecting on this situation some years ago, Ephraim Radner (2007) argued that local autonomy always seems to trump any notion of catholicity because the local is well defined legally and so is readily asserted. So the Anglican world has allowed political and legal considerations to displace serious thinking about belonging together.

In Radner's view, legal autonomy and juridical independence are stumbling blocks to the theological and scriptural notion of communion. Related to the metaphor of the body, communion requires much more serious thought than has yet occurred. A single member of the body is never autonomous (Radner, 2007, 3). The body metaphor means the members of the body are necessarily related. It implies the integration of the parts and that all sorts of things are common. Where communion is held as ideal, autonomy cannot be.

Radner (2007, 4 – emphasis in original) goes on to insist that 'communion is a **mission**, and not a static essence or characteristic of the Church.' Communion, he says, is 'an historical task that must define the shape of our conversion.' The mission of God is the Father sending the Son to die in love for the world and so to bring reconciliation. And the Son said to the infant church 'as the Father has sent me, even so I send you' (John 20.21). So communion is an immensely difficult vocation precisely because it involves dying for one another.

The burdens of the theological and scriptural idea of communion do not fit with the political idea of autonomy. Communion anticipates us bending our wills and giving up our lives for others beyond our local church; autonomy, on the other hand, involves us asserting ourselves over against the other.

We must give much more serious thought to communion, to catholicity, if we are to progress the mission which is our vocation. Unpacking the meaning and significance of communion might just give rise to legal and political possibilities for church life not previously entertained. (Proceedings, p. 23)

3. The comments of the Archbishop of Canterbury in his interview with Canon Ian Ellis of the *Church of Ireland Gazette* on Friday 3 October 2014 were:

... virtually everywhere I've gone the analysis is that the definition of being part of the Anglican Communion is being in communion with Canterbury. (Audio interview at 00:22–00:35. Online at <http://www.coigazette.net/buy-a-subscription-2/audio-interviews/interview-53-archbishop-justin-welby/>)

ACNA [Anglican Church in North America] is a separate church. It is not part of the Anglican Communion. (Audio interview at 03:04–03:08)

4. This report is in part a response to the former Primate's challenge to 'give much more serious thought to communion, to catholicity.' A response to the Archbishop of Canterbury's observations and comments is also provided. However, the report is first and foremost an attempt to do the constructive task of exploring a biblical and theological approach to catholicity and communion with due recognition of the historical factors which inform any such exploration at this point in our history. Following a definition of terms, the report proceeds in three major parts:

- Part I: Catholicity and Communion in Historical Perspective
- Part II: A Theological Outline of Catholicity and Communion
- Part III: Contemporary Application of this understanding of Catholicity and Communion

### Definition of Terms

5. **Catholicity** is an attribute, or quality, of God's Church. It can be used to describe:

- (1) the *fundamental truth* that there is one Church gathered by God from every nation and culture (universality or geographical extension);
- (2) the *practical expression* of that universality in terms of a set of common beliefs (orthodoxy or doctrinal purity);
- (3) a *derivative institutional application*, i.e., a structure for representing the universal nature of the Church (e.g., the Roman Catholic Church).

6. **Communion** is something the members of God's Church possess. It can be used to describe:

- (1) the *fundamental truth* of our fellowship in the Spirit of Christ;
- (2) the *practical expression* of that fellowship among a group or groups of believers in terms of a gospel-shaped common life;
- (3) a *derivative institutional application*: structures for representing that fellowship between groups of believers (e.g., the Anglican Communion).

7. For both sets of definitions, the first sense is strongly grounded in Scripture; the second follows naturally (and strongly in the case of communion); the third, however, is an extension of the biblical sense into a particular historical and institutional context. Extending these theological ideas from persons to institutions may create a theological foundation for extending authority from the spiritual to the institutional sphere. One purpose of this report is to find a way of thinking theologically about institutional communion and catholicity without distorting the biblical witness to these ideas. But we must not lose sight of the core truth that our fellowship is in Christ and his gospel alone, and institutional bonds, effective as they may be for creating relationships, generating action and fostering culture and identity, are 'Christian' bonds only to the extent that they embody Christ and his gospel. As far as its structures are concerned (6.3 above), the benefit of practical arrangements is measured solely by the gospel fruits they bear.

## Part I: Catholicity and Communion in Historical Perspective

8. Contemporary Anglican discussions of catholicity and communion occur within an ongoing discussion of this and related issues that goes back to the early church and continues on a wider front today. While only the biblical teaching is normative and theological reflection upon that teaching is the critical way forward in any discussion, that reflection is in various ways conditioned by the wider historical discussion and so it is important to outline this context rather than leave it as an unexamined background.

### The Early Church

9. The original idea of the word 'catholic' (Gk. *katholikos*) was that of geographical extension and diffusion – i.e., universality. This appears to be the meaning of the term as it first appears in chapter VIII of Ignatius' *Epistle to the Smyrnians*: 'Wherever the bishop appears, there let the people be; as wherever Jesus Christ is, there is the Catholic Church.' By 'the Catholic Church', Ignatius evidently means the aggregate of all the Christian congregations. Just as he sees the bishop as the centre of each individual church, so he sees Jesus Christ as the centre of the 'Catholic' (i.e., universal) Church. The word, therefore, highlights the scope of God's gospel purposes (i.e., the salvation of the world) and, by implication, the primary calling of his people (i.e., to make disciples of all nations).



10. While the word 'catholic' never lost this original sense, in the latter part of the 2<sup>nd</sup> century it began to include the sense of 'orthodox', as opposed to 'heterodox.' This was a natural development of the original meaning inasmuch as the Greek term *katholou* meant 'according to the whole' or 'all embracing.' The Catholic Church thus taught the 'whole' truth (the Catholic faith), whereas heresy was inevitably partial and local, exaggerating some aspect(s) at the expense of others. Consequently, the thought of *doctrinal purity and apostolic fullness* came to be seen as a mark of true Christian catholicity. This is the sense in which the term is used in the Muratorian fragment (c. 190-210 A.D.), which refers to certain heretical writings as 'not received in the Catholic Church.'

11. This dual sense of geographical extension and diffusion (on the one hand) and doctrinal purity and fullness (on the other) came naturally to refer to those who in every place named the name of Christ and adhered to 'the Catholic faith' – hence the rise of the expression 'the Catholic Church.' So, in the 4<sup>th</sup> century, for example, Cyril of Jerusalem wrote as follows: 'The Church is called catholic or universal because it has spread throughout the entire world, from one end of the earth to the other. Again, it is called catholic because it teaches fully and unflinchingly all the doctrines which ought to be brought to men's knowledge, whether concerned with visible or invisible things, with the realities of heaven or the things of earth' (*Catechesis* 18:23). The two senses had become inseparable by the middle of the fourth century. Nevertheless, the catholicity of the church did not determine the structural form of its unity; this varied from place to place and developed over time.

12. Alongside these developments, the writings of the early church fathers (i.e., from Ignatius to Augustine) reveal that the notion of 'the communion of the saints' (Lat. *communio sanctorum*) was understood as a way of expressing the Pauline concept of *koinonia*. In particular, it sought to capture the spiritual union of all who are 'in Christ', living or dead. Not surprisingly, in later thought, this communion was understood to comprise the church *militant* (on earth), the church *penitent* (in purgatory), and the church *triumphant* (in heaven). Consequently, both eastern and western churches have sometimes pointed to this doctrine in support of the practice of both praying *for the dead* (i.e., interceding for those in purgatory) and praying *to the dead* (i.e., asking the saints in heaven to intercede for us). Historically speaking, though, the key notion embedded in the idea of 'communion', has always been one of 'spiritual unity.'

13. Critical issues surrounding the nature of catholicity and the extent and boundaries of communion came to the fore in the Donatist controversy of the 4<sup>th</sup> and 5<sup>th</sup> centuries. At the heart of the controversy was the Donatists' belief that, because of compromises made by many clergy and laity during the Diocletian persecution, they alone were the 'pure remnant' of an apostate church. Those who had surrendered the Scriptures or in some other way denied the faith in order to avoid persecution were labeled *traditores* (Latin for 'the ones who had handed over') and any subsequent ministry undertaken by these people, after they had returned to the church, was considered invalid by the Donatists. Repentance alone was not considered sufficient to restore them to the Catholic Church. So, significantly, as well as rebaptising those who had lapsed in the face of persecution, they also rejected the ministry of anyone who had been ordained or consecrated by a *traditor*. Ultimately this resulted in a schism with two parallel Churches in North Africa.

14. The Donatist issue raised questions about what constituted sufficient grounds for excommunication and when schism was justified. Conversely, what was sufficient to enable restoration of one who has fallen from faith in one way or another? More particularly, the question of how sinful behaviour impacts the subsequent ministry of a person lay at the very heart of the controversy. Augustine's theological response to the Donatists was threefold: First, he argued that the unworthiness of a minister does not invalidate the sacraments he ministers, since their true minister is Christ. Second, using the metaphor of grain and chaff, he argued that the visible church contains both the saved and the unsaved and the final separation of these was reserved to the angels on the Last Day. With regard to the validity of ministry, this meant that '[s]ometimes he who is baptized by the grain is chaff, and he who is baptized by the chaff is grain' (*Tractate* VI:12). Third, Augustine argued that to rebaptise is not only to exorcise the Spirit and blaspheme the sacraments, but to break the unity of the Church and destroy its catholicity. He thus concluded that the schismatic claims of the Donatists should be regarded as a great evil.

15. What is critical to realise, however, is that both 'Catholics' and 'Donatists' agreed that unrepentant sin and a departure from biblical teaching remained appropriate grounds for separation. The repentant *traditores* should be welcomed back, argued the Catholics, but this did not mean that the church should tolerate false teaching or persistence in sin with a refusal to repent. This was a different matter.

### The Medieval Church

16. The emergence of Christendom following the conversion of Constantine and the increasing prestige of the bishop of Rome contributed to a more institutional approach to catholicity in the centuries that followed. The papal office began to determine who was to be considered inside and outside the church. The maxim 'outside the church there is no salvation' came to mean 'outside communion with the bishop of Rome there is no salvation', as evidenced by the excommunication and anathematization of the Patriarch of Constantinople by a legate of Pope Leo IX in 1054. Excommunications were issued by Popes throughout the medieval period, many of them motivated by political factors. Though opposed by some, including William of Ockham, John Wycliffe and Jan Hus, this institutional approach to communion and catholicity stood without serious challenge until the time of the Reformation.

17. At various points during the Medieval Period, orthodox individuals and groups (as well as heretics) were declared excommunicate because their teaching challenged the prevailing institutional consensus. Peter Waldo and the Waldensians were excommunicated in the twelfth century for advocating translation of the Scriptures, preaching in vernacular languages, a universal priesthood which fostered lay preaching, and voluntary poverty in the face of the ostentatious wealth of the Church of Rome. Two centuries later, John Wycliffe and the Lollards were similarly treated for teaching a universal priesthood, championing a vernacular Bible, and challenging the use of images, compulsory clerical celibacy and the recently propounded teaching of transubstantiation. Jan Hus and the Hussites in Bohemia also found themselves declared outside the sphere of salvation for their challenge, on biblical grounds, to the prevailing teaching of the church.

18. The issue raised by these movements was whether an individual or group teaching orthodox biblical doctrine could be removed from communion and considered to have breached the catholicity of the church by a decision of the institutional authorities. Who has the right to determine when communion has been severed and catholicity has been compromised? When the institution and its structures have departed from the faith of the New Testament and yet retain the levers of ecclesiastical and political power, who is to arbitrate between claims of the pontiff and the reformer?

19. The excommunication of Martin Luther in 1520 and his condemnation by the Imperial Diet in 1521 brought these questions into sharp relief. Luther at first appealed from 'the Pope ill-informed' to 'the Pope better informed', then to a General Council of the Church, and finally to Scripture as the sole arbiter of his claim to be teaching the catholic faith and to remain in fellowship with Christ and all true believers everywhere. Luther never considered himself to have separated from the church brought into being by the sacrifice of Christ, his resurrection and the donation of the Spirit at Pentecost. He believed instead that a corrupt institution had separated itself from the gospel and so was rightly challenged by those who remained 'captive to the word of God'. Believers were bound together by a common faith in Christ and a shared commitment to live under the impress of his word. All other bonds are incidental and when an institution demands a higher loyalty than that which is given to Christ and his teaching, it has ceased to be a true church.

### The Church of England

20. At the time of the Reformation, the Church of England adopted a position, more or less identical to that of the Eastern Church, which insisted upon the right of separate churches, whether national or otherwise, to be autonomous, while preserving the essentials of the Catholic faith of Christendom – geographical diffusion, doctrinal purity and the fellowship or communion that exists between all true believers. This is reflected in the *Book of Common Prayer* in such expressions as 'the Catholic Faith', 'the good estate of the Catholic Church', 'all who profess and call themselves Christians', 'all them that do confess Thy Holy Name', 'Thine elect in one communion and fellowship in the mystical body of Thy Son', and 'the holy Catholic Church.' It is also found in the 1604 Canon regarding '*The Form of a Prayer to be used by all Preachers before their Sermons*': 'Ye shall pray for Christ's holy Catholick Church; that is, for the whole Congregation of Christian People dispersed throughout the whole World' (LV).

21. The theological foundation of the Church of England's understanding of catholicity is the doctrine of the triune Godhead as it is expressed in the three Creeds and in Articles I-V of the *Thirty-Nine Articles of Religion*. This foundation necessarily includes the doctrines of Christ's incarnation, atoning death, resurrection from the dead, ascension, current reign and coming return. This foundation also includes the formal and material principles of the Reformation: the supreme authority of Holy Scripture and the doctrine of justification by faith alone. Insistence upon these truths was hardly a departure from true catholicity. Rather, as the 19<sup>th</sup> century Bishop of Lincoln, Christopher Wordsworth, once wrote: 'The Church of England ... reformed herself in order to become again *more* truly and soundly *Catholic*, both in doctrine and discipline' (*Theophilus Anglicanus*, 1850, p. 236).

22. This is further indicated by Cranmer's initial dream of a pan-European reformed confession that would improve on the Augsburg Confession and provide a more effective counter to the pronouncements being issued by the Council of Trent. As late as March 1552, Cranmer had written to Calvin proposing just such a confession, expressing their common cause and brotherhood. It was only after it proved too difficult to produce a common statement across the reformed churches that Cranmer pursued the only feasible alternative: an official doctrinal statement of what the Church of England believed. This led to the drafting of the Forty-two Articles, which would eventually become the Thirty-nine Articles of Religion.

23. The basis of all fellowship or communion both within and between churches is spelled out in Article XIX with its definition of the visible Church of Christ as 'a congregation of faithful men', and its two 'marks': the pure preaching of the word of God and the proper administration of the sacraments. Interestingly, the episcopal form of the Church and its ministry is not regarded as the only valid form of church government, but simply as an allowable form that, like *The Ordinal* itself (which 'contain all things necessary to such consecration and ordering'), does not contain 'anything that of itself is superstitious or ungodly' (Article XXXVI). According to the Anglican formularies, then, the episcopal form of the church was not understood to be an essential element of the Church's catholicity. This reflects the teaching of the New Testament, where there is no single divinely authorised form of church government.

24. It was for this reason that the English Reformers believed they were at liberty to sever ties with churches, like the Church of Rome, that 'have erred' in either their 'manner of ceremonies' or, most especially, in 'matters of faith' (Art. XIX). The reason for this was that the ultimate test of *catholicity* was *apostolicity* – that is, acceptance of and adherence to the teaching of the New Testament. In addition, the Church of England has also employed a *corroborative* test, that of *antiquity*. According to the Canons of 1571, for example, clergy are not to teach anything 'except it be agreeable to the doctrines of the Old or New Testaments, and whatever the Catholic Fathers and ancient Bishops have collected out of that very doctrine.' This does not mean that everything found in the Church Fathers is truly 'catholic' (i.e., orthodox), but simply that anything that is *not* found in them cannot be regarded as properly 'catholic' (i.e., universal). The corroborative test of antiquity has also proved useful in making distinctions between things *essential* (i.e., 'That which has been believed always, everywhere, and by all') and things *non-essential*. However, such a test is not infallible and needs to be subordinated to the supreme authority of Holy Scripture.

25. Ever since the Elizabethan Settlement, Puritans in the Church of England had been calling for further reform. While there was general agreement on the doctrines of authority and salvation (the 'Calvinist consensus'), many continued to dispute details of clerical vesture or various phrases in the *Book of Common Prayer* and protested the constraints imposed by *Act of Uniformity* (1558). By the early seventeenth century there were distinct groups within the Church of England, but rather than arguing for 'comprehensiveness', High Church Laudians, the Puritans, the Durham House faction and the Latitudinarians all sought to advance their own positions. The triumph of the Puritans, as a result of Cromwell's victory in the English Civil War, did not lead to comprehensiveness and toleration any more than the Anglicanism that preceded it. After the restoration of the English monarchy (1660), a new *Act of Uniformity* was introduced, and in a desire to produce outward conformity, Puritan dissenters were required to give 'unfeigned assent and consent to all and everything contained and prescribed' in the new *Book of Common Prayer*. Those who would not comply were thrown out of their vicarages, barred from any position in either church or state, forbidden to preach or teach by law and even from meeting in small groups in their homes. Rather than perjure themselves, over 1800 ministers (approximately 20 per cent of the English clergy) were forced to leave the Church of England on St Bartholomew's Day, 24 August, 1662. Comprehensiveness has always been a fraught concept in the Church of England.

### Formation of an 'Anglican Communion'

26. The Thirty-nine Articles of Religion did not envisage a global phenomenon of Anglicanism. Indeed, the Articles themselves insisted that 'It is not necessary that Traditions and Ceremonies be in all places one, or utterly like; for at all times they have been divers, and may be changed according to the diversities of countries, times, and men's manners, so that nothing be ordained against God's Word' (Article XXXIV). However, as England's (and then Great Britain's) worldwide colonial empire grew, it took with it the shape and essential character of the English church. In this sense, the idea of an Anglican communion arose *incidentally*. However, it also developed *intentionally* as societies began to be formed within the Church of England with a particular concern for not only the pastoral care of British colonists but also the evangelization of people in other lands — e.g., the Society for Promoting Christian Knowledge (1698), the Society for the Propagation of the Gospel (1701) and the Church Missionary Society (1799). The churches which grew in these colonies were bound by historical association, a common creed and more or less common liturgical practices. In their formative years, leadership was provided by the Church of England.

So, for example, it was the authorities in England who decided when the colony of New South Wales needed its own bishop and who that bishop would be.

27. In the eighteenth and nineteenth centuries the emergence of local leadership and the development of diocesan structures in many colonies and former colonies led to a further shift that raised very significant questions. What would the relationship of these churches be with the Church of England in the future? How would they continue to relate to the royal supremacy over the English church? How could an Anglican identity develop that was not quintessentially English? How would the various colonial churches relate to each other? Furthermore, growth towards a more local expression of a common faith and heritage was not uniform across the various spheres of British influence. The American episcopal churches soon sought their own identity in tandem with the new political realities following the War of Independence. Yet the Diocese of Sydney was technically part of the Church of England until 1961 and still looked to England to provide its archbishops right up until the mid 1960s. Different theological trajectories were taken, sometimes within the same national body (witness the different theological complexions of dioceses within Australia), certainly when different parts of the world are compared (compare The Episcopal Church in America with the Anglican Church in Australia).

28. In 1865, fearful that recent decisions in the Privy Council would lead to different laws being in force in the Church of England than were in force in the Canadian Church, the Synod of the Church of Canada petitioned the Archbishop of Canterbury to convene 'a national synod of the bishops of the Anglican Church at home and abroad.' The request and the concern that gave rise to it, both revealed the continuing sense of connection with, and to some extent dependence upon, the Church of England. The Archbishop of Canterbury did call the bishops together in 1867, but not before he stressed that this would be a consultation, not a synod, and it could not presume to make laws for all the churches. This first Lambeth Conference saw Anglican bishops from around the world consider how they might best maintain the faith and unity of this Anglican Communion and then address the situation that had arisen surrounding the deposition and excommunication of Bishop John Colenso of Natal, who, unsurprisingly, was an Englishman. Though motions were put forward, in keeping with the Archbishop's instructions prior to the conference, they were not resolutions binding on all the member churches. Nevertheless, a sense of fellowship, a common mission, and close ties in particular with the Archbishop of Canterbury, were strengthened by the conference.

29. To date there have been fourteen Lambeth Conferences, which bishops attend at the invitation of the Archbishop of Canterbury and which, while providing a means of expressing the mind of Anglican leadership worldwide, continue to have no legal or binding authority. The Lambeth Conference continues as an *expression* of connection and a means of mutual encouragement and advice, and is now treated as an *instrument* of unity (alongside the Archbishop of Canterbury himself and the Anglican Consultative Council). However, in recent decades the conference has been overshadowed by considerable disagreement on ethical and theological issues. The idea of a common mission has been put under considerable strain. In the past decade in particular it has become clear that resolutions of the Lambeth Conference can and will be totally disregarded by those national churches who disagree. The 1998 Lambeth Resolution 1.10, which affirmed (526 in favour, 70 against) that homosexual behaviour is incompatible with the teaching of Scripture, did not prevent The Episcopal Church of America from consecrating a practising homosexual man in 2003 and a practising homosexual woman in 2010.

30. In 2008, the stresses within the Anglican Communion came to a head. In the face of the behaviour of The Episcopal Church, and the decision of the Church of Canada to bless same-sex unions, invitations to the 2008 Lambeth Conference were issued, not to the homosexual bishop at the centre of the controversy, but to all other bishops, including those who had participated in the confirmation of his appointment and the subsequent consecration of the Bishop of New Hampshire. Invitations were not issued, either, to those bishops who had been consecrated in response to the crisis in order to provide oversight and spiritual refuge to parishes and ministries alienated by the developments in America and Canada. Consequently, a group of Primates and others convened their own conference in Jerusalem, the Global Anglican Future Conference (GAFCON), just a month before the Lambeth Conference, in order to strengthen each other for ministry and to stand with those who were suffering because of their stand for biblical truth and godly behavior. The GAFCON Primates reissued an earlier observation made by the Primates of the Anglican Communion that the Communion had been 'torn at the deepest level.' Nonetheless, the institutional structures of the Communion remained in place, though there was no longer a common mission nor a common understanding of the gospel at its heart. There was no willingness to be held accountable to the teaching of Scripture. The behaviour of the American and Canadian bishops, in defiance of warnings given from all around the world, raised again the question of the limits of fellowship, the meaning of catholicity and the true nature of communion.

31. Many of the concerns that arise in the contemporary discussion of catholicity and communion echo those at various points in this complex history. Conversely, this history, and the way in which theological and ecclesiastical concerns have been addressed in this history, may well provide resources for the contemporary discussion. At the very least it provides the background against which our biblical study of these topics, and the theological reflection that emerges from that study, takes place.

## Part II: A Theological Outline of Catholicity and Communion

### The Catholic Church: God's Scattered and Gathered People through History

32. God created humans to be his image in the world; however, without the life and wisdom that flows out from the presence of God in their midst (Gen 2) they can neither relate to each other nor rule in a God-glorifying way. God made humanity to be in his presence and to be channels of God's life and love to the rest of his creation, but this purpose was blighted by human rebellion. The road to the fulfilment of God's creative purpose must now pass through the fires of judgment (Gen 3:24).

33. After the flood God scattered his rebellious human creatures both for blessing (Gen 10) and for judgment (Gen 11), but God's intention was always to regather them around himself, beginning with Abraham and his seed (Gen 12). God's redemption of Israel from slavery was, in this sense, an act of new creation. At Sinai a nation was born, representing a new humanity, gathered around the mountain of God's presence. The divine gift of the tabernacle enabled Israel to continue living as a people gathered around God while they journeyed to the Promised Land (Exod 40). Their mission was to be a kingdom of priests (Exod 19), a channel of divine blessing to the nations.

34. The era of Israel's nationhood brought with it the divine gift of an anointed king, a human mediator of the rule of God over the nations (Ps 2), but through a gross failure of kingship the nation found itself scattered, exiled among the nations (as predicted in Deut 4:27). Faithless kings and false prophets led the people away from following the Lord, and the people eagerly followed, led by the sin engraved on their heart (Jer 17:1).

35. This dispersal was both for the judgment of Israel and for the blessing of the world, as the scattered people of God carried his word to the ends of the earth (Isa 66). But any future regathering would always be doomed to failure until the problem of sin-engraved hearts could be dealt with. The New Covenant, promised by the prophets and established at the ultimate cost of Jesus' shed blood (Matt 26:28), brought into existence a new people of God. This people would be transformed inwardly and individually by an act of forgiveness that cleansed the conscience from acts that lead to death (Heb 9:14). God's exalted Messiah would thus come to rule an eternal kingdom of the faithful; God's Second Adam would be the first member of a new humanity.

36. What is only hinted at in the Old Testament is made clear on the Day of Pentecost, as the risen Christ pours out his Spirit on the New Covenant people (Acts 2), and scatters them so they may gather a harvest for God from every nation. Just as a mixed multitude came out of Egypt with Israel (Exod 12:38), so the church God gathered around the Lamb will be drawn from every tribe and tongue and nation (Rev 5). At the consummation of God's original creation purpose, the nations, healed from the curse, will need no temple in which to serve the Lamb, for they will see the face of God (Rev 21-22). The Church already participates in this glorious future through the high priestly work of Jesus, who has gone ahead of us to the right hand of God (Heb 6:20; 12:2). We have already come to 'the assembly of the firstborn who are enrolled in heaven' (Heb 12:18-24).

37. The Church of God is manifest on earth today as a 'diaspora' of churches comprised of those born again into a living hope through the resurrection of Jesus Christ. In trials and grief God's power guards us through faith, stamps our common life with love and joy as we await our inheritance, the salvation to be revealed in the last time (1 Pet 1), and impels us into the world with a mission to reach the nations. There is but one Church, universal, militant, suffering and triumphant. Its God-graced unity is not dissolved by the reality of multiple congregations and denominations scattered across the globe. It is, after all, the Church of the risen Christ, gathered around him by God, not men, and united in the Spirit. Its members are known not by their nationality or language or denomination, but by their declaration that Jesus is Lord, and the belief in their hearts that God raised him from the dead (Rom 10:9).

38. Each individual gathering of Christ's people is a local expression of this one, universal Church, now gathered in heaven around its Lord (Eph 2:6). As the Spirit enables each member to show Christ's love, the Church – not one unit of some greater this-worldly collective, but something whole in itself – is manifest

in that time and space. The frequent reference in the New Testament to 'the churches' underscores the significance of local gatherings as true expressions of the universal Church. As Paul says to the church in Corinth, 'you are the body of Christ, and each one of you is a part of it' (1 Cor 12:27).

### **Church Unity in New Testament Thought: The Communion of the Saints**

39. Several metaphors are used in the New Testament to express the unity of the Church: the branching vine (John 15, cf. Isa 5), the temple (Eph 2:19-22), the body (Eph 4:15-16). In each case Christ is pictured as the piece that holds the whole together: the vine, the cornerstone, the head.

40. The unity Christ forges in his Church goes deeper than simply a shared faith. Believers are made members of Christ and of one another by 'being made to drink of one Spirit' (1 Cor 12:13). To be in Christ is to be brought back from death by the breath of God's own life: 'although the body is dead because of sin, the Spirit is life because of righteousness' (Rom 8:10). Moreover, our spiritual union with Christ mediates to us the trinitarian life of Father, Son and Spirit (John 16:13-15; 17:23).

41. The agent of our unity is the Spirit, who binds us together in Christ (John 14:23). The instrument the Spirit uses to join us to Christ is the prophetic word, now preserved for us as Scripture (1 Pet 1:12; 2 Pet 1:19-21). It is the Christ we meet in Scripture, and no other Christ, to whom the Spirit joins us, and in whom we find our unity (Gal 3:28). Yet this unity also needs to be maintained by 'walking in a manner worthy of your calling' (Eph 4:1). Having exhorted the Ephesians to 'guard the unity of the Spirit in the bond of peace', Paul is quick to stress that this unity is essentially unbreakable, being grounded in God, not in humans: 'there is one body and one Spirit ... one Lord, one faith, one baptism, one God and Father of all' (Eph 4:3-6).

42. 'Maintaining our unity' thus refers to acting in a way that faithfully expresses what we are in Christ. In the first instance this means showing the fruit of the Spirit, such as humility, patience, love (Eph 4:2). Then, a person expresses Christ-like love by giving to others the particular gift with which they are endowed, so that we may grow up together into the fullness of Christ (Eph 4:7-16). The result of these varied gifts is always the same: equipping people to know Christ (Eph 4:12-13), confident of the truth, and lovingly speaking it (Eph 4:14-15). In short, we maintain the unity we have in Christ by 'learning Christ' in the context of our common life (Eph 4:20-24). Our fellowship is created by the gospel and maintained by the gospel. True communion is always and only gospel-communion.

### **Church Unity in New Testament Thought: The Limits of Communion**

43. Since our unity is grounded outside us, it cannot be broken by our failure to maintain it in love, by divisions, cultural distinctions or even by some differences of theological opinion. Nevertheless, it is not inviolable. Communion is lost when the gospel is lost, when a person or a church 'deserts the one who called you by the grace of Christ' (Gal 1:6). The divine grace Paul warns the Galatians they are in danger of abandoning is described in his preceding statement.

Grace and peace to you from God our Father and the Lord Jesus Christ, who gave himself on account of our sins to rescue us from the present evil age, according to the will of our God and Father, to whom be glory for ever and ever. Amen. (Gal 1:4-5)

44. By the gift of himself, and because of the sin within us, God in Christ rescued us from the sin around us, that is, from the world. To embrace a gospel where what we do, or even think, justifies us (Gal 3:10-14) is to abandon Christ's gospel; it is to embrace a Christ who gave himself to help us rescue ourselves, so that we might share the glory with God. This 'turning to a different gospel' (Gal 1:6) is what it takes to lose gospel communion, for a different gospel means a different Christ. As John writes, 'whoever has the Son has life; whoever does not have the Son does not have life' (1 John 5:12).

45. Careful discernment is required, that we neither embrace those who are not in Christ, nor reject those with whom we are one in Christ. Galatians 1:4-5 suggests three questions that may be used to test whether a group calling itself Christian shares membership in Christ.

- (1) *What is taught concerning Christ and his gift of himself?* Is what he achieved in his life, death and resurrection our only hope of rescue? Is there confidence in his power to set us free from the present age? Such confidence is grounded in the confession that Jesus Christ is Lord of all creation (Col 1:15-17), fully God and fully man (John 5:26; 20:28; Heb 1:3), the one and only way to the Father (John 14:6). To receive Christ is to receive the triune God: 'because you are his sons, God sent the Spirit of his Son into our hearts, the Spirit who calls out, "Abba, Father"' (Gal 4:6).

- (2) *What is taught concerning sin?* Is it beyond any human remedy? Does it render us liable to judgment and wrath? Is it clear that it is God, not the present age, who determines what it means to fall short? Rejection of our accountability to God at every level leads to depraved minds, ungodly behaviour and disqualification from the faith (2 Tim 3:1-9). Correct doctrine is inescapably embodied in correct practice. The stark truth is that 'anyone who does what is good is from God. Anyone who does what is evil has not seen God' (3 John 11f.).
- (3) *What is taught concerning Scripture?* It is significant that the two previous tests result from treating Scripture as normative for matters of faith. Because sinful appetites distort human reason, and the present evil age darkens human tradition, we are utterly dependent on God's self-revelation through the Prophets and Apostles, preserved in Scripture (2 Tim 3:10-17; 2 Pet 1:19-21; 1 John 4:6). The Church is after all a product of the word. In short, the extent of our sin means that we must confess the sufficiency and perfection of Scripture as the authority that norms human tradition and reason. Scripture is the written word of God, the means by which we are made 'wise for salvation through faith in Christ Jesus' (2 Tim 3:15). It fulfils its function by speaking as a coherent whole, canonical Old and New Testaments with one voice proclaiming Jesus as the Christ, the only saviour of the world (1 John 4:14).

46. Those who affirm, teach and practise the first two truths on the basis of the third, share in the communion of the saints, other differences notwithstanding. The boundaries of true catholicity lie within the lines determined by Scripture's account of Christ, of human sin and of itself. To be catholic a church must be orthodox at these foundational points.

#### **Order and Polity: The Church as a natural human institution**

47. The Church's gospel shape is also seen through its earthly existence as a human society. Luke recognised that the ideal shape of Israelite society under the Mosaic law was brought to fulfilment in the primitive church (Acts 4:32-34, echoing Deut 15:4-11).

48. Most of what the New Testament has to say about church order focuses on the way local churches were internally organised. Because 'God is not a God of confusion', the church should 'do all things decently and in order' (1 Cor 14:33, 40). As with a human family, love expresses itself in the church most effectively through structures that reflect its nature and purpose. The Pastoral Epistles depict a church that governed its affairs through a series of offices, including overseers, elders and 'deacons' (i.e., servants). It is important to recognise how these offices differ from those by which Israel's life was regulated under the Old Covenant.

49. Aaron and his sons were anointed, ordained, and set apart for life (Exod 29; cf. 28:41). Kings were anointed by prophets at God's command, a sign that God had set them apart for life (2 Sam 12:7). Like priests, their office was passed down from father to son. Prophets were called by God directly, with no human intermediary. All these offices were fulfilled in Christ. It is his prophetic Spirit we all share (Acts 2), his priestly sacrifice by which we all draw near to God (Heb 10), his kingship by which we shall all reign (Rev 5).

50. In stark contrast to the Old Testament offices, all of which speak to us of the Christ to come, the first Christians borrowed everyday titles from the surrounding culture which best described the sorts of functions the church needs its leaders to perform. Neither office nor office-bearer was 'ordained by God' in the sense that priests and kings were; instead, the church organised itself as any village or family of the time might do, around 'overseer', 'elder' and 'servant'.

- (1) The gospel and the church of God is always under attack by a hard-hearted generation, and must be guarded (Acts 20:28; Tit 1:9-11). An *overseer* is required to keep the church standing firm against attacks from without and within.
- (2) A church is an extended family, a household, and as such needs an *elder* to serve as head of the family – this is the normal way that family groups functioned in Near Eastern society (cf. 1 Tim 5:17). Those with natural authority and wisdom must use their position to keep the faith lodged in the family's collective memory (cf. Jer 26:17-19), and to pass on true religion to the next generation. They ought to do so as a group, pooling their wisdom and being held accountable to one another. They will need to make key decisions (Acts 15:6; 16:4), and many of them will teach and preach (1 Tim 5:17).

- (3) Without exception every follower of Christ must put on our Lord's *servant* nature, and especially those who would lead (Mark 9:35). When the church is filled with servants of Christ, agents of the gospel who hold the mystery of the faith with a clear conscience (1 Tim 3:9), then it will bear living witness to the incalculable riches of Christ (Eph 3:7-10). Of this army of servants it is wise and good to recognise some gifted individuals so that we can hold them up as examples to follow, free them to use their gifts of service and equip them to take up the mantle of eldership when the time comes.

51. It is natural that the Pastoral Epistles should focus so many words on those with these particular responsibilities, because it is on them, humanly speaking, that the survival of the church into the next generation depends. Their task is to guard the gospel, to keep the catholic faith true as it passes to the next generation, and to maintain the unity of the Spirit by words and works of Christ-like service. Each of these offices shares this task in one form or another, and indeed in the Pastoral Epistles it would appear that 'overseer' and 'elder' are overlapping, if not synonymous, terms.

52. While it is true that church officers are not New Testament's equivalents of kings and priests, neither are they *mere* community leaders, because the gifts they exercise are given by the Spirit 'so that the body of Christ may be built up until we all reach unity in the faith' (Eph 4:13). The first church officers were appointed by the apostles (Acts 14:23). As such the gifts and qualifications of the first church officers were recognised and nurtured by the apostles (2 Tim 1:6) and their delegates (Tit 1:5), who appointed them to leadership.

The traditional labels of bishop, priest and deacon are a later historical development of these roles, as the oversight exercised by the elder over a single church in the New Testament era (Tit 1:5-7) came to be exercised by a 'bishop' over a region of churches.

### **The Church and the Churches**

53. As the Church spread out from Jerusalem, countless local congregations sprang up, and the question of their relationship to each other needed to be addressed. While much of the focus of the New Testament's discussion of church unity focuses either on relationships within individual congregations, or on the unity of all God's people in his Son, there are also numerous references to relationships between 'the churches' (Gk. *ekklēsiai*). From these references, it is evident that a significant fellowship existed between the congregations that were planted by the apostolic preaching of the gospel. They shared news and encouragement (2 Cor 8:1; 18; 2 Thess 1:4). They sent greetings and messengers to one another (Rom 16:16; 1 Cor 16:19; 2 Cor 8:19; 23), and gave thanks for one another (Rom 16:4). They shared in suffering together (1 Thess 2:14; 2 Thess 1:4), and provided financial support for one another (1 Cor 16:1; 2 Cor 11:8). Perhaps most significantly, they shared not only in the apostolic gospel of God's grace, but in standards of godly behaviour that were binding in 'all the churches' (1 Cor 7:17; 14:33-34; cf. 1 Cor 11:6).

54. In this sense, local congregations were by no means independent of others, either in the obligations of mutual love or in deciding for themselves what constituted right doctrine and behaviour. As Paul says quite strongly to the self-assured Corinthians –

Did the word of God originate with you? Or are you the only people it has reached? If anyone thinks they are a prophet or otherwise gifted by the Spirit, let them acknowledge that what I am writing to you is the Lord's command. If anyone ignores this, they will themselves be ignored. (1 Cor 14:36-38)

55. For the first generation of the Church's existence it was the apostles who personally exercised the foundational role of authenticating new churches. The risen Lord Jesus had commissioned them to witness to his ministry 'in Jerusalem, in Judea and Samaria, and to the ends of the earth' (Acts 1:8). Any of the disciples could be involved in planting new churches, but the authenticity of such gatherings was confirmed by apostolic acknowledgment. So Philip 'proclaimed the Messiah' to the Samaritans, even performing signs and baptising, but the church did not receive the Spirit until Peter and John 'laid hands upon them' (Acts 8:17). As those who had seen, heard and touched the incarnate Word (2 Pet 1:16; 1 John 1:1), the apostles authenticated the gospel through their personal presence and witness, and underwrote the tradition handed down before the completion of the New Testament.

56. However, with the conversion of Cornelius (Acts 10) a parting of the ways among the churches was foreshadowed. The paradox of Gentile inclusion among the people of God through faith in Christ was forced upon the Church in the first instance by the visible work of the Spirit (Acts 15:8). Next, the Jerusalem Council, having come to see that God had always held the Gentiles within his salvific purposes, exerted its apostolic



authority to ensure the full acceptance of Gentile believers, as Gentiles, within the New Covenant people (Acts 15:23-29). Did this amount to a centralising authority in the Jerusalem church? Galatians 2 provides an important corollary to this view, in that it demonstrates that the ministries of Paul and the Jerusalem church are independent and interdependent at the same time. They are independent, in that there are two distinct apostolic spheres of activity: Peter, apostle to the circumcised, and Paul, apostle to the uncircumcised (Gal 2:7-8). But they are also interdependent, in that the gospel preached by each is the same apostolic message (Gal 2:2). The type of bond that existed between these church networks is exemplified in the collection for the saints in Jerusalem (Gal 2:10; 2 Cor 8-9).

57. With the passing of the apostolic generation there arose the need to pass on the 'pattern of sound teaching' they had laid down (2 Tim 1:13; 2:2), and as had been the practice since Moses' day, the tradition was secured for future generations by means of inscripturation (2 Pet 1:16-21; 3:16). To this day, a church is apostolic when it preserves the tradition of faith authorised by those who knew Jesus, a tradition preserved in the Old and New Testament Scriptures. Tradition remains important, even vital, but apostolicity comes not through a succession of ministries but through Scripture. The God-breathed Scripture has a final authority among the followers of Christ.

### Part III: Catholicity and Communion Today

58. The analysis of this report suggests that the unity or communion that arises as a fruit of the gospel ought to be highly valued. It is a God-given, Christ-created, Spirit-empowered, Scripture-shaped reality with a missional dimension.

#### Gospel Communion

59. Communion, at whatever level it is to be experienced, is to be pursued and maintained in humility and forbearance, in mutual love and support, in ministry and shared mission, in thanksgiving and prayer for one another, and in mutual admonition, rebuke and even repentance-oriented excommunication where there is serious error in either doctrine or life.

60. This reality can be expressed on a range of levels: between individuals, within and between congregations, across and within dioceses, both nationally and internationally, and across the boundaries of denominational and missional organisations, both locally and worldwide. Precisely what is involved in the expression of unity, or the sharing of communion, will look different at each level.

61. It is relatively straightforward to see how the principles that order relationships operate at a personal level between brothers and sisters, despite the challenges of practice. Christians may find themselves united in gospel communion, and in full accord on matters of faith and obedience. Their relationship will then be one of *mutual encouragement*. Alternatively, they may affirm a true spiritual union, but be in discord over some aspect of what it means to 'walk in a manner worthy of the gospel of Christ' (Phil. 1:27). When Christians are in communion but not in accord, their relationship will be one of *exhortation, debate, and limited cooperation*. These activities count as true expressions of Christian love, and in their own way model to the world the unity that marks out Christ's disciples. Finally, there may be a lack of gospel communion or even an ex-communication, as a result, for example, of persistent and explicit turning to another gospel or a refusal (either explicit or implicit) to discipline their teaching and behaviour by the written word of God (see 1 Cor 5:3-13; Tit 3:10-11; cf. §§43-46). To the extent to which a person adheres to an impaired understanding of the gospel, the communion they share with others will be impaired, and the resulting relationship will be one of *rebuke, withdrawal of fellowship, prayer and evangelism*.

#### Institutional Communion

62. It is less straightforward but still conceivable to envisage how these principles can map onto relationships between organisations. How can a congregation, diocese or denomination be 'in communion' with another such organisation, given that they are not persons? The answer lies in recognising the multiple levels of interpersonal relationships of which institutions consist. For example, if the official statements of each diocese or denomination accord with true teaching, then personal representatives may meet in full accord and for mutual encouragement. However, it is also possible that the official teachings of one diocese or denomination, as conveyed through authorised representatives, could place it out of gospel communion with other dioceses or denominations. Yet, at the same time, a congregational priest or elder in that same diocese or denomination could be a faithful steward of the gospel, and in the face of discouragement from his own overseers find encouragement from communion with the elders of another congregation in his diocese or beyond. Communion can even be shared between individual believers who meet for mutual encouragement as they struggle to be faithful within churches, dioceses or denominations that teach a false

gospel. As Augustine's response to the Donatists suggests (§§13-15), broken communion between churches does not necessarily mean broken communion among all of their members.

63. The expression of communion between separate churches and church networks begins with shared expressions of faith, but it does not end there, as the pattern of the New Testament Church makes clear (§§53-56). Communion extends to activities that create and nurture personal relationships, such as the exchange of news and visitors, and the encouragement of mutual intercession and thanksgiving. In times of crisis communion brings forth sacrificial love, perhaps in the form of material aid, or perhaps even at the cost of standing with imperilled brothers and sisters in some more direct way. When necessary, communion will entail hard words of admonition in the face of departures from godliness and, perhaps for a time, the pain of impaired or broken fellowship. None of these disciplinary measures need be organisation-wide. There may be individual congregations that nature and history have brought together for some reason – for example, a migrant group spread between two regions, or common circumstances that create natural mission partners – and they might share rich expressions of communion outside the structures of their parent dioceses. The institutional machinery of the organisation may sometimes be brought into play, but even then it would be a mistake to speak of institutional communion as if it were an independent reality; it is the people involved who are exercising spiritual gifts for the building up of the body of Christ.

### Implications

64. What are the implications of institutional communion for the Anglican Communion? The notion of an Anglican Communion has arisen as a product of historical development, not by divine mandate (see §§23-24, 26-29). This is not to say that it is unimportant. But we need to be clear that precisely because it is an historical and organisational structure, there is a danger of overreach in the claim to 'communion' in the use of the title 'the Anglican Communion.' That is, it runs the risk of having the theological freight of the concepts of catholicity and communion loaded into it unreasonably.

65. Institutional approaches to communion, such as that in the quote from the Archbishop of Canterbury in October 2014, may have their own legal validity in terms of 'the Anglican Communion', but they cannot determine the reality of either Anglican identity or Christian fellowship (gospel communion in the terminology of this paper). To the extent that statements like the Archbishop's serve to blur the distinction between these two senses, they are inadequate because they fail to give due weight to this unity in the gospel, in mission and in a common heritage. Continued variety within a shared catholicity, either within or across denominations, is not necessarily a breach of unity. Not all disagreement need harden into division.

66. Likewise, while the call of the Primate for Christian men and women to care for each other is welcome, his use of the language of catholicity and communion to argue for a particular form of structural or political unity is problematic. Our commitment to each other arises from the gospel of grace. It is this gospel that calls on us to refrain from asserting ourselves against the other (Phil 2:3). Furthermore, our shared commitment to gospel communion may in fact lead us to dispute particular institutional and political structures. Legal and juridical independence are not necessarily the enemies of a biblical and theological notion of communion.

67. Because unity and gospel communion are highly valued, 'members', through their authorised representatives, ought to try as best they can to work within those structures that they find themselves inhabiting, by dint of historical development, voluntary association, and divine providence. Where possible and desirable, this means engaging in mutual ministry and mission with others in the institutional communion, encouraging, rebuking, correcting, and training in righteousness as the word of Christ dwells richly among us. As we have noted, it also means that there will be times when, because of issues of either life or doctrine, fellowship will be broken when it is recognized that essential elements grounding the communion are not held in common. This is not to be done lightly and may operate at different levels: dissociation may be at the level of congregations, groups of congregations, or perhaps even entire denominations based on either explicit statements of doctrine or severe, clear and publically endorsed breaches of lifestyle contrary to Scriptural practice. Because unity is so highly valued, any process entertained in this respect will be of necessity careful, transparent, evidence-based, documented and, to some eyes, protracted; always holding out the possibility of repentance, mutual agreement and reconciliation.

68. The Anglican Communion is an attempt to model global gospel partnership through a wise and godly ordering of our common heritage and theological, ecclesiological and liturgical commitments. Institutional communion remains of value whenever it serves to give further expression to the gospel communion shared by the members of its constituent churches. Likewise, Anglican polity remains of value whenever the structures it generates continue to facilitate the defence and proclamation of the gospel into the next

generation. To be in communion with an international fraternity of churches whose apostolic character consists in the faithful handing down of the traditions about Jesus preserved in Scripture is a blessing from God, and there is no greater privilege than to give extravagantly of one's resources for the welfare of such churches to the glory of God (2 Cor 9:12-15).

For and on behalf of the Sydney Diocesan Doctrine Commission

M. D. THOMPSON

*Chair*

16 May 2017

## Clergy Assistance Program – 12 month review

(A report from the Standing Committee.)

### Key Points

- The Clergy Assistance Program (“CAP”) has now been running for 12 months and in that time 63 parish clergy have accessed the program.
- Indications are that it is continuing to meet a need and the feedback received to date has been very positive.
- A number of refinements have been made to the program, principally to give spouses of parish clergy access to the program.

### Purpose

1. The purpose of this report is to provide the Synod with a review of the first full year of operations of the Clergy Assistance Program.

### Recommendation

2. Synod receive this report.

### Background

3. On 14 November 2015 Standing Committee requested that Sydney Diocesan Secretariat (“SDS”), in consultation with the Archbishop, his Episcopal team and the Director of Ministry Training and Development –

- (a) put in place suitable arrangements to make professional counselling available to parish clergy licensed in the Diocese as a first step in establishing a Clergy Assistance Program (“CAP”), and
- (b) bring to a future meeting recommendations to extend the assistance that might be provided under the Program, both in terms of the type of assistance provided and the categories of person to whom assistance is provided.

4. At that meeting Standing Committee also approved an additional amount of \$133 per minister being added to the Stipend Continuance Insurance component of the ministry costs recovered from all parishes in 2016 pursuant to the *Parochial Cost Recoveries and Church Land Acquisitions Levy Ordinance 2015* as a contribution to the expected cost of a CAP.

5. On 11 April 2016 the Archbishop officially launched the CAP which offers a program of professional, confidential Christian counselling together with support from other mental health professionals where required. The program is run by Anglicare and offers clergy licensed to parishes up to 6 sessions with counsellors or other appropriate mental health professionals on an anonymous basis.

6. In November 2016 Standing Committee received a report reviewing the effectiveness and cost of the CAP after the first 6 months of its operation and approved –

- (a) the continuation of the CAP for at least another year,
- (b) an extension of the eligibility under the CAP to include the spouse of clergy licensed to parishes in the Diocese, with effect from 1 December 2016, and
- (c) the Ministry Costs component of the PCR charge for 2017 continuing to include an amount of \$133 to cover the expected cost of the counselling offered to parish clergy and their spouse under the CAP.

7. This report provides a review of the first full year of the operations of the CAP.

### Review of program

8. After the first 12 months of operation the level of take up indicates the CAP is continuing to meet a need. The number of attendees at CAP counselling sessions has been as follows –

Apr-Jun 2016	28
Jul-Sep 2016	33
Oct-Dec 2016	20
Jan-Mar 2017	21

9. A total of 63 cases (clergy and/or spouse) have accessed the program, 12 of whom attended with their spouse giving 75 clients in total.
10. In 20 of those 63 cases the clergy had requested to see a counsellor or other mental health professional of their choice (either to continue a previous relationship, or because Anglicare did not have a counsellor available in their area, or to see another mental health professional such as a psychologist or psychiatrist).
11. In total the CAP has provided 131 counselling sessions in its first 12 months. A significant number of clergy have required less than the maximum of 6 counselling sessions to reach a satisfactory conclusion. Others have preferred to have a few sessions then request a break to reflect, so these cases remain open waiting for clergy to reconnect. Only 1 clergy person has transferred to work with an Anglicare-funded counsellor following completion of their 6 sessions in the calendar year.
12. Only 3 cases have been referred to an external medical professional at intake, although all counsellors recommend clients also keep in contact with their GP and take their GP's advice in relation seeing other mental health professionals if and when that is recommended.
13. Very few calls were received outside of normal working hours and so after a review of this facility the after-hours on call telephone service was discontinued from 1 December 2016. The CAP website information and the voicemail and messaging facility were updated to reflect the new CAP operational times of Monday to Friday 9am – 5pm with the continued provision of the Lifeline crisis counselling telephone number.
14. Only 2 formal enquiries have been received from lay ministry staff, one of whom was about to be ordained. However, in the first 6 months of the CAP a number of wives of clergy have also enquired. In each of these cases Anglicare offered, and the person accepted, counselling but without CAP underwriting the funding. In November 2016 Standing Committee agreed to extend eligibility under the CAP to the spouse of clergy licensed to a parish and the website information and the voicemail and messaging facility were updated to reflect this change.
15. The most frequent presenting issues have remained fairly consistent throughout the first 12 months of the CAP –

ISSUE	FREQUENCY
Stress (either self-stated or medically diagnosed)	48%
Employment related (how the person is managing their role in the parish and the demands of ministry life, including burnout)	35%
Anxiety (either self-stated or medically diagnosed)	25%
Depression (either self-stated or medically diagnosed)	19%
Relationships (includes marital, other personal, or parish relationships not involving specific conflict)	16%
Parish conflict (with staff, office holders or parishioners)	11%
Resilience (capacity to manage and bounce back from disappointments)	10%

### Feedback

16. No feedback forms have yet been received from clients who have engaged with an external counsellor or other medical professional, possibly because the counselling is still ongoing or simply that the client has not responded to requests for feedback. However, the written feedback received to date from 15 clergy who have seen Anglicare counsellors is summarised in the following table –

PROPOSAL	DISAGREE	TEND TO DISAGREE	TEND TO AGREE	AGREE
The counsellor listened to me and understood my issues			2	7
I am satisfied overall with the services I have received at Anglicare			2	7
I am better able to deal with issues for which I sought help			4	5
I would recommend this service to other clergy	1		1	12

17. The following comments have been provided by clergy of their spouse who have completed a series of sessions with Anglicare counsellors –

[Name] was very helpful. He listened well & gave me some things to think about. We agreed that I would think about these issues over the next few months & then revisit early in 2017.
I have not followed up further with counselling as work has snowed me under. Good service but personalities didn't work.
Occasional helpful things came.
Very helpful; obviously it took more than 1 session to build up confidence, trust and rapport in the counsellor. Thanks for the counsellor, CAP and Anglicare.
Very timely and helpful service. So valuable to have this service on hand at a time of a developing issue of anxiety. The counsellor helped me explore the issues and put in place a strategy of resilience and growth. One area of improvement might be for the counsellor to be overtly Christian in discussion and perhaps pray at the end. I'm not sure how different it would have been to have a counselling session with a secular service. However, I am very thankful for everyone involved from the person who took the call to the counsellor herself.
It was a really helpful thing to do. I likely wouldn't have sought out help had it not been for the Clergy Assistance Program. It's also helped me see that there's nothing wrong with seeing a counsellor, so I'll be more likely to seek help in the future if I need to.
I was tremendously helped by my experience with [Name]. In our first session we set out goals for my sessions and by the sixth session we had accomplished them. I am surprised by how significant the progress I made was, and [Name] (and CAP) was God's kindness in equipping me to process some difficult pastoral situations and my own history. I feel better in myself and better equipped to continue serving and loving those God has entrusted to me.
I had received some helpful counselling before I sought help from Anglicare via CAP. I was in considerable need for help and solid, wise, professional, personal, helpful counsel was provided. With Anglicare's counselling, I have made demonstrable progress, especially in my ability to handle church conflict and challenges which are so integral to my problems in a growing church. I feel however that I need to capitalise on the excellent and insightful work begun, and continue the counselling with my current counsellor. It is a pivotal time in our church's life. I am eager to last the distance in ministry and this has been a God-send. Thank you. Honestly, I am deeply thankful to God for this ministry by my counsellor and Anglicare. It's another way Anglicare is making real partnerships that help gospel ministry thrive in our mission field. I feel that the diocese has cared for, and invested in, me wisely, compassionately and profoundly with this program better than anything since my college training. They need to know that. I am not ashamed to say that I need(ed) help.
The CAP program is brilliant in encouraging me and supporting me to take time to debrief and process some of my experiences in ministry and particularly what it impacts on my marriage. I really appreciate having it available.
The session was timely and helpful for us to work through some issues of that moment and provided a sounding board as we considered the future and how some matters of the past were lingering.
I found it very helpful. I have not felt the need at this stage for a further appointment, as things have been going along very well since seeing the counsellor.
Counsellor was extremely helpful.

### Cost of program

18. In December 2015 Standing Committee approved an amount of \$133 per minister being added to the Stipend Continuance Insurance component of the PCR Charge for 2016 to cover the estimated cost of the CAP. The figure of \$133 per clergy licensed to a parish had been based on an estimate of \$30,000 for Anglicare's set-up costs plus \$39,000k for counselling (assuming 50 clergy x 4 sessions x \$195 per session) divided by 520 licensed clergy.

19. In November 2016 Standing Committee agreed to continue that charge unchanged for 2017 despite adding clergy spouses to the persons eligible to access CAP on the basis that the costs to that time were well below the originally estimated \$69,000 per 12 months.

20. The Agreement signed with Anglicare in April 2016 and then renewed in December 2016 for a further 12 months provides for the Diocese to pay Anglicare up to \$230 per session for a maximum of 6 sessions in a calendar year for each clergy or clergy spouse choosing to access the CAP. The cost of the CAP is therefore primarily dependent on the number of persons accessing the program; the average number of

sessions they require; and in the case of external mental health professionals, the administration fee of \$40 payable to Anglicare plus the amount of any shortfall (up to \$190) between the fee charged by the external professional and any Medicare rebate the person may be entitled to claim. For the first 12 months of the program there is a guaranteed minimum of \$40,000 payable to Anglicare to cover their fixed set-up costs such as employing the in-take officer, staff training and the manager’s supervision time.

21. In November 2015 Standing Committee agree to increase the Stipend Continuance Insurance component of the PCR charge payable by parishes by \$133 per clergy person licensed to the parish to cover the estimated cost of the CAP.

22. In fact the individual components of the actual costs have varied from the estimates in a number of ways, although the aggregate has remained within the overall total of the funding being provided through the PCR charge.

23. The actual costs invoiced by Anglicare for the first 12 months can be summarised as follows –

116 sessions conducted by Anglicare counsellors @ \$230 per session =	\$26,720
36 sessions conducted by external professionals @ various costs between \$80 and \$230 per session =	<u>\$4,857</u>
Total =	<u>\$31,577</u>

24. Under the Agreement the total cost of the CAP for the 12 months (April 2016 to March 2017) will therefore be \$40,000.

25. There are several reasons the actual cost has proved to be less than the original estimate –

- (a) the number of clergy and clergy spouses accessing the program has been higher than estimated (63 compared to 50, partly due to the inclusion since December 2016 of clergy spouses),
- (b) the average number of sessions has been less than estimated (just over 2 compared to 4, partly due to the fact that not all clients have completed their sessions; some having decided to ‘pause’ and reassess and others only beginning their engagement with the CAP towards the end of the first 12 month period),
- (c) the cost per session has been slightly higher than estimated (\$230 compared to \$195 as a result of negotiations surrounding the final Agreement with Anglicare),
- (d) the net average cost of sessions with external professionals has been lower than estimated (\$135 compared with \$195, partly because of the Medicare rebate available for sessions with some medical professionals and partly because of a delay or reluctance on behalf of some clergy in claiming any shortfall).

For and on behalf of the Standing Committee.

ROBERT WICKS  
*Diocesan Secretary*

29 August 2017

## Consultation on Anglicare's delivery of welfare and support services

(A report from the Standing Committee.)

### Key Points

- Under clause 23A of the *Anglican Community Services Constitution Ordinance 1961* Anglicare is required to consult with the Standing Committee at least annually in respect to the pursuit of its object under clause 5(b), namely welfare and support services for the vulnerable, the marginalised, the disabled and those in necessitous circumstances
- The Ministry in Socially Disadvantaged Areas Committee (the "MSDAC") has undertaken the 2017 consultation with Anglicare on behalf of Standing Committee
- From 2017 Anglicare has increased funding through its Community Services Division for its services towards socially disadvantaged people through its "own programs", with further increases in funding planned for following years
- This increased funding capacity has allowed Anglicare to develop a rationale as to how it allocates resources to the socially disadvantaged

### Purpose

1. The purpose of this report is to provide the Synod with information about the consultation between the MSDAC and Anglicare pursuant to clause 23A of the *Anglican Community Services Constitution Ordinance 1961* (the "Ordinance").

### Recommendations

2. Synod receive this report.

### Background

3. The MSDAC met with the Chief Executive Officer of Anglicare, Mr Grant Millard, and Anglicare's Chief Financial Officer, Mr Grant Muddle, to undertake the consultation required by clause 23A of the Ordinance. Clause 23A requires an annual consultation with Anglicare, concerning its pursuit of its object under clause 5(b) of the Ordinance which provides –

*The Body Corporate is established as a public benevolent institution 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 –*

.....

*(b) welfare and support services for the vulnerable, the marginalised, the disabled and those in necessitous circumstances;.....*

4. In undertaking this consultation, the MSDAC had regard to Synod resolution 2/16 by which the Synod approved of the merger between Anglican Retirement Villages and the old Anglicare. Paragraphs (b), (c) and (d) of resolution 2/16 specifically addressed the need for Anglicare to continue its work of public benevolence to those in necessitous circumstances following the merger. The terms of the resolution are –

Synod, noting the report of the Standing Committee in relation to the proposed merger of Anglican Retirement Villages Diocese of Sydney ("ARV") and Sydney Anglican Home Mission Society ("Anglicare") together with accompanying draft ordinances and other documents in relation to the proposed merger received at this session, approves in principle the merger of these two organisations on the basis that –

- (a) the indemnity provided by ARV to Anglicare is intended to ensure that survivors of child abuse have at least an equivalent level of recourse as if Anglicare had continued to operate in its own right,
- (b) the merged organisation will actively aim to continue to deliver services provided by Anglicare and ARV to socially disadvantaged people at an enhanced level,
- (c) the merged organisation will actively aim to continue the work undertaken by Anglicare with Aboriginal and Torres Strait Islander Peoples at an enhanced level,
- (d) the merged organisation will actively aim to continue to alleviate necessitous circumstances through the provision of education at an enhanced level,



- (e) the legal name of the merged organisation is "Anglican Community Services",
- (f) consideration is given to making provision in both the Anglicare and ARV constituting ordinances for a gift fund for both entities,

and requests the Standing Committee to pass such ordinances and take such other action it considers necessary or desirable to give effect to the merger on this basis.

### Overview

5. The Community Services Division of Anglicare is the main area where work is directed explicitly towards disadvantaged and marginalised people (so-called "welfare" work). Other areas of Anglicare's work, such as the extensive Aged Care work, address the frail aged who are sometimes in necessitous circumstances, but not necessarily in disadvantaged communities. Anglicare has a keen focus on extending the aged care work into these areas through various initiatives and development activities.

6. The old Anglicare had a long-standing commitment to funding work in the community services area but this commitment was largely constrained by the need to carefully husband resources in a smaller, capital-constrained organisation. With its larger scale, the new Anglicare is committed to directing more Anglicare funds to its "welfare work", in a responsible way and as its balance sheet allows.

### Rationale for application of funds towards those in necessitous circumstances

7. The MSDAC sought to understand the rationale for Anglicare's allocation of resourcing and funds to "welfare" ministry. In other words, what is the policy that informs the decision making process?

8. Previously, Anglicare's presence in the community, through the Community Services Division, was largely driven by the success (or lack of) in tendering for Government contracts. A consequence of this was that Anglicare's welfare services were often fragmented as the particular regions that were successful in obtaining Government contracts did not coincide with diocesan boundaries. More substantially, Anglicare did not have the financial capacity to deploy any new services without redirecting existing services.

9. Prior to the merger, Anglicare's decisions regarding the allocation of resources to welfare work tended to be reactive: deciding whether particular funding opportunities (substantially government contracts) would be pursued. These decisions were made based on missional alignment, organisational capability, financial sustainability and parish partnership opportunity. Given that welfare support services were largely tied to available (and successful) government contract tenders, there was not any significant proactive assessment that prioritised socio-economic disadvantage.

10. The increased capacity of the new Anglicare has meant that it can now meaningfully determine appropriate rationale for the allocation of resources to "welfare" ministry, and beginning in a small way, has been able to allocate more resources to disadvantaged people. As an example, the Mobile Community Pantry initiative was developed in late 2015 and has significant impact with relatively small capital cost. This program was devised to address physical needs of disadvantaged persons (providing affordable, healthy food) in collaboration with parishes located in areas of more acute socio-economic disadvantage and who are able to provide a small amount of volunteer hours on site.

### Allocation of surplus funds

11. Anglicare has determined two key priorities to guide the allocation of surplus funds from the organisation.

12. First, Anglicare continues to seek to make an appropriate investment in chaplaincy, pastoral care and theological thought leadership in the social services space. This investment aligns with the purpose of the organisation: "*Jesus Christ honoured, lives enriched and communities strengthened*". This entails not only expenditure in employing a larger number of theologically trained workers, but also running programs and preparing materials that embed the vision, mission and values of the organisation in its staff and their work. Approximately \$6m (net of any subsidies) of Anglicare's funds are invested in pastoral care and mission (including the net un-reimbursed cost of institutional chaplaincy) making this Anglicare's largest financial welfare allocation.

13. Second, in regard to expanded funding in ministry to those socially disadvantaged, there are three main objects –

- (a) Expand ministry to the disadvantaged, in partnership with local churches (e.g., Mobile Community Pantry expansion from one van to three vans)
- (b) Undertake trials of new ministry options primarily aimed at expanding parish partnership options (e.g., Family skills workers)

- (c) Support the Community Services division during a significant transition from a mainly “block funded” government funding model to a “client directed” model. This radical change requires a transformation in the Community Services structures and processes in order to ensure future viability for the work (project workers, training, workshops).

#### Funding for the socially disadvantaged

14. Community Services work is funded from three main sources –

- (a) government funding,
- (b) client fees (mostly Shop income), and
- (c) donations and supporter funds.

15. Prior to the merger, Anglicare’s own funds (derived from investments and donated funds) were applied to chaplaincy, emergency relief, advocacy and social policy research (including NCLS). The real value of the investments were maintained as a capital base for Anglicare, to reinvest in the maintenance and improvement of aged care operating assets.

16. Following the merger, Anglicare has the means to free up funding for programs in a way that has not in recent history been possible. Whereas previously Anglicare needed to set aside funds for the renewal and replacement of its aged care assets, the operating profit from the consolidated aged care is sufficient to maintain the assets on an ongoing basis. Similarly, the legacies which previously needed to be accumulated in order to provide a growing capital base for a growing organisation, can now be utilised for services as a result of the return from the consolidated operations.

17. It is important to note that there is no cross transfer of aged care surpluses into the Community Services work nor any plans for that approach to be implemented. But since June 2016 an additional \$1.6m per annum has been progressively made available from Anglicare funds to allow for the growth of ministry for the disadvantaged.

18. The Community Services budgets for the 2017 and 2018 financial years are presented in the following table –

<b>Community Services Budget \$'000</b>			
	<b>2016/17</b>	<b>2016/17</b>	<b>2017/18</b>
	<b>(Pre merger)</b>	<b>(Post merger)</b>	
	<b>\$'</b>		
<b>Revenue</b>			
Government funding	28,215	28,215	25,341
Service income	6,890	6,890	6,481
Donations & supporter funds	1,268	1,268	1,579
<b>Total Revenue</b>	<b>36,373</b>	<b>36,372</b>	<b>33,402</b>
<b>Expenditure</b>			
Service delivery	(37,286)	(38,037)	(37,002)
Management & support	(2,702)	(2,702)	(2,975)
<b>Total Expenditure</b>	<b>(39,988)</b>	<b>(40,739)</b>	<b>(39,978)</b>
<b>Net Position</b>	<b>(3,615)</b>	<b>(4,367)</b>	<b>(6,576)</b>

19. Government funding has decreased for the upcoming year from \$28.2m to \$25.3m. The main factor in this change is the introduction of the NDIS and Anglicare’s associated decision to exit from its significant disability work. Further reductions in funding for the disability and carer support work will occur in the 2018/19 year which will bring that work to close. However, Anglicare has indicated that plans are in place to grow other aspects of the government funding in areas such as foster care.

20. It is anticipated that in 2018 financial year that Anglicare funded community service programs will total \$6.1m in expenditure.

21. The capacity to fund ‘own program’ expenditure in Community Services has historically been based on a combination of program-specific donations (e.g. Syrian Refugee Appeal) and investment income “earned” on internally established funds. However, Anglicare has now been able to commit an additional \$1.6 million over the 2017 and 2018 financial years (beginning with \$750,000 in the 2017 financial year) to deliver effective and sustainable programs that will begin to provide services to socially disadvantaged people at an enhanced level.

22. The following table shows how the additional \$1.6 million is allocated over the 2017-18 financial years –

Area	Budgeted Expenditure in 2017/2018 \$'000	Nature
Short term funding for expansion of Adoptions work	85	Short term seed funding
Additional funding for Syrian / Iraqi Refugee Response and ESL	172	Short term project
Expansion of mobile community pantry to three vans	381	Ongoing program
Grow Project to build strong foundation for future ministry	310	Short term project
Expansion / consistent funding of “Food and Financial Assistance”	200	Ongoing program
Family Skills position	100	Initial position – potential expansion
Domestic Violence Advisor	98	Ongoing program
Short Term funding for expansion of mental health / Family Support work	254	Short term seed funding
<b>Total</b>	<b>1,600</b>	

23. In addition to increasing funding, Anglicare has developed new metrics to ensure that service delivery is both enhanced and sustainable. Enhancement of service delivery is measured by annual spending growth, as an average over three years (to allow for timing differences and other short term variances in the result). Sustainability is measured by expenditure as a percentage of the surplus generated across all Anglicare’s operations *before* the net outflow on Community Services and Pastoral Care & Mission programs (again as an average over three years).

24. The following table sets out the metrics Anglicare has used for delivering services to socially disadvantaged people and delivering pastoral care and chaplaincy services.

Spending metrics	FY15	FY16	FY17	FY18B
<b>Community Service resources</b>				
Amount spent (\$m) <sup>1</sup>	4.1	4.3	5.4	<b>7.0</b>
Spending growth (annualised)			6.5%	<b>23.8%</b>
Spending as a % of Net Surplus generated	14.0%	17.5%	20.9%	<b>30.7%</b>

<sup>1</sup> This measures the amount spent. This differs from the budget figure (FY18 \$7.0m v Budget net expenditure \$6.1m) as the net figure offsets some funds transferred from prior periods)

<b>Pastoral Care &amp; Mission resources</b>				
Amount spent (\$m)	4.6	4.2	4.7	<b>6.1</b>
Spending growth (annualised)			8.2%	<b>11.5%</b>
Spending as a % of Net Surplus generated	15.8%	16.7%	18.2%	<b>27.0%</b>

25. These numbers measure the cost of services delivered through Community Services channels only. Anglicare also provides other welfare services, such as our Housing Assistance program, that also reach out to socially disadvantaged people. Housing Assistance currently provides re-developed accommodation for approximately 60 seniors who would otherwise potentially be homeless, and this service will expand to 200 people in 10 locations over the next 4 years.

### **Conclusion**

26. From its consultation with Anglicare, MSDAC is confident that the financial benefits of the new Anglicare in providing services to socially disadvantaged people are being realised. Initially this may be seen in relatively small improvements, but there is strong expectation that it will grow over time.

27. Going forward, Anglicare intends to focus on the provision of services to the areas of greatest need within the Diocese, in a manner that can assist and sustain local ministry. To this end, the scope of activities that may be undertaken within the public benevolent institution construct are being investigated. Anglicare is also reviewing its capacity to employ "community chaplains" and it is expected that more information about this will be available in due course. Anglicare remains convinced that it cannot participate as a grant funder to parishes, due to the real risk that such funding will be seen (or could be construed) as distributions to members, prejudicing the legal status of the organisation.

For and on behalf of the Standing Committee.

**BISHOP PETER HAYWARD**

*Chair, Ministry in Socially Disadvantaged Areas Committee*

20 September 2017

# Gender Identity

(A report from the Social Issues Committee.)

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**PLEASE NOTE:**

This report may contain material and express views that could cause distress to some readers, particularly those experiencing gender identity issues, and their families. The report also contains medical terminology, and reference to sexual body parts, and suicide. The authors have sought to be sensitive to these considerations, and urge any readers who experience distress to seek appropriate help and support.

## 1 Introduction

(1) In April 2016, the Social Issues Committee of the Diocese established the Gender Identity Subcommittee to examine questions of gender identity. Its aim was to develop a theologically supported framework for application to diocesan organisations, schools, parishes and individual ministry. This work was supported by Synod Resolution 40/16.

(2) This Report seeks to provide the necessary biblical, medical and legal material to help inform future policy development, public engagement and pastoral care. It seeks to do so with as much pastoral sensitivity as the format allows. However, the content may still be confronting or distressing for those dealing personally with gender identity issues. This is not intentional on the part of the Gender Identity Subcommittee or the Social Issues Committee.

(3) This Report is part one of a multi-layer body of work. This paper briefly outlines the context of 'gender identity' in Australia including the use of language and definitions; the biblical framework of sex and gender; a review of medical literature on gender non-conformity; and finally, a summary of the current legislative framework in this country. The Report concludes with recommendations for further work to be considered by the Synod.

(4) Part two of the Subcommittee's work is still in progress. A mixed-methods study aimed at collecting first-hand experiences of gender non-conformity within the church is currently underway. From this work, and informed by biblical teaching, detailed pastoral and policy responses will be developed in consultation with Anglican stakeholders. This work will be completed in 2018.

(5) There are those within our churches and broader community who experience deep distress associated with their gender identity or who have loved ones who do so. Our churches should be places where *all* people are welcomed, loved, and nurtured with care that is shaped by the love of Christ, and informed by the word of God. Those experiencing gender identity issues should be treated with dignity, generous love, compassion, and pastoral humility.

(6) This Report engages with ideas and practices that increasingly find acceptance in society. Scripture teaches that God's purposes for humanity lead to human flourishing, and Jesus calls those who follow him to speak the truth in love. It is our conviction that upholding and speaking God's truth on these matters best serves and loves those experiencing gender identity issues, and the broader community.

## 2 What is Transgender?

(7) The rise in gender identity issues and the transgender phenomenon mean that individual Christians, and Christian organisations, such as churches, schools, health care professionals, counsellors, and welfare and residential care providers, need to understand the complex issues involved and formulate responses that are shaped by the Bible's teaching, and which can best serve affected individuals and communities.

(8) The theological and pastoral questions are new, and result from developments in medicine and far-reaching ideological and cultural changes around questions of sexual orientation and gender identity (sometimes referred to in the literature as SOGI).

(9) For decades now, the impact of feminism has made debates about gender and gender roles commonplace both outside and inside the church. More recently, questions about human sexuality and same-sex relations have occupied society. Yet for all their differences, virtually all participants in these debates have agreed that human beings are either male or female, and that a person's biological sex determines their gender.

(10) However, it is this binary distinction of male and female, and the correspondence of biology and gender, that are now in question with transgenderism or the 'T' in the LGBT acronym.

(11) 'Transgender' is an umbrella term for people who were born either male or female, but whose psychological or emotional gender identity differs to some extent from their biological sex. These people may express their felt gender through gender bending and/or cross-dressing, and sometimes through cross hormone therapy and/or sex reassignment surgery. This gender expression is an attempt to bring their body into alignment with their felt gender.<sup>1</sup>

(12) There are two main groups under the transgender umbrella. Firstly, there are gender experimenters, ideologues and activists who attempt to challenge conventional expressions of gender. They believe that gender is simply a social construct, which is chosen and fluid (i.e., subject to change within an individual) and not tied to biology. For them, transgender identity is a form of protest. By contrast, the second group has a binary view of sex and gender (i.e., male and female) but experiences varying levels of distress from a felt incongruence between their gender identity and biological sex.

(13) Within these two groups there is great variety. There are differing, even opposing, ideologies driving the first group. In the second group, there are different degrees and experiences of gender incongruence, and different ways of managing any distress. For this reason, we are sensitive to making any simplistic generalisations. However, all those under the transgender umbrella share a common belief, namely, the de-coupling of bodily sex and gender in human personhood.

(14) Transgender is not to be confused with 'Intersex' (the 'I' in LGBTI). Intersex describes those rare conditions where a person is born with biological or physical ambiguity in their sex characteristics, genes or anatomy. These are physical not psychological and emotional conditions.<sup>2</sup> This report will not address intersex issues, except to say that although such conditions are rare we should expect to have those with intersex conditions in our church communities, and although they may choose to keep their experience private, our teaching and pastoral ministry must be sensitive to and seek to address their needs. Further explanation of intersex conditions can be found in Appendix 2.

### 3 Gender Identity - The Current Context

#### 3.1 Biblical and Contemporary Lenses

(15) In April 2015 Bruce Jenner, American TV personality and Olympic gold medal-winning decathlete, announced to the world that he wished to identify as a woman and, from thereon, be known as "Caitlyn". The mainstream media were, in the main, eager to affirm this decision and Jenner appeared on the cover of *Vanity Fair* magazine's June 2015 edition, dressed in female underwear that emphasized cosmetically enhanced breasts. The photographer for that shoot, Annie Liebovitz, declared, "Jenner is finally herself for the first time publicly."<sup>3</sup>

(16) Jenner's announcement brought questions of gender identity to the forefront of popular debate. It also carried with it troubling signs that any dissenting view would not be tolerated. Even famous feminist author and activist Germaine Greer found herself disinvited from delivering a British University lecture as a consequence of questioning Jenner's decision to transition genders, and for objecting to the suggestion that Jenner might be nominated as "woman of the year".<sup>4</sup>

(17) Here in Australia, the Safe Schools Coalition program has been aggressively championing this new gender ideology. Students have been taught that non-acceptance of alternative sexual and gender ethics

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<sup>1</sup> The older term 'transsexual' refers to someone who has/wants to change their body. <http://www.glaad.org/reference/transgender>. [Accessed 7 June 2017.]

<sup>2</sup> <http://www.isna.org/faq/transgender>. [Accessed 7 June 2017.]

<sup>3</sup> Jonathan Capehart (June 1 2015). "Caitlyn Jenner comes out in *Vanity Fair*". *The Washington Post*. Available at: <http://www.washingtonpost.com/blogs/post-partisan/wp/2015/06/01/caitlyn-jenner-comes-out-in-vanity-fair/>. [Accessed 5 June 2016.]

<sup>4</sup> <http://www.news.com.au/lifestyle/real-life/news-life/feminist-germaine-greer-sparks-freedom-of-speech-debate-for-views-on-transgender-women-and-caitlyn-jenner/news-story/dd81143d20f4633527b73c9ea350e707>. [Accessed 20 November 2016.]



is “phobic” and hateful and must be fiercely rejected.<sup>5</sup> Students who express contrary or conservative opinions, no matter how politely, have been made to feel “excluded, disrespected and inferior”.<sup>6</sup>

(18) Both South Australia’s 2016 Transgender and Intersex Student Support Procedure<sup>7</sup>, and a 2014 NSW Department of Education & Communities Legal Issues Bulletin<sup>8</sup> affirm transgender ideology, and recommend and require its practical application. This includes discipline of staff or students who deliberately or repeatedly (even unintentionally, it seems) fail to use a student’s chosen name or gendered pronoun, including, in SA, the mandatory use of the Education Department’s Sexual Harassment Policy and a school’s anti-bullying and harassment policy.

(19) These are only a few of the countless examples of the emerging gender ideology, which holds that gender identity need not necessarily correspond with biological sex, and which serves to promote and impose this new understanding on our society’s common life.

(20) For the Christian, there are some immediately obvious questions to be addressed. We believe the Bible is our final authority in matters of doctrine and life and yet these ideas about gender fluidity and a spectrum of gender identities stand in stark contrast to the simple binary model of male and female set out in Scripture (Gen. 1:27, 2:24-28). Which is right? And how are we to live in a society that accepts these new gender norms?

### 3.2 Language and Definitions – How we arrived here

(21) Emerging gender ideology has been advanced using, and is evident in, a host of new terms and in the redefinition of existing vocabulary. According to this new set of definitions, the once-assumed clear bond and correlation between sex, gender, sexual orientation, and gender expression is no longer a given.

(22) This new vocabulary has quickly been popularized and entered the mainstream, through entertainment and the media, for example, with social media platform Facebook recently giving users over 70 gender options for their personal profiles.<sup>9</sup>

(23) It is increasingly evident that this new vocabulary is shaping the reality we are operating in. The nature of language is that it names and shapes our perception of reality as well as our ability to speak of things. Those who would engage in the debate are, by nature of the case, forced to use the new vocabulary (with its meanings) or go to great lengths to define their own.

(24) The following table, identifies some of this new vocabulary, and clarifies how it will be used in this report.

Word or Term	Definition
<b>Biological sex or *birth sex or *natal sex</b>	This has to do with biology; a person’s chromosomes, gonads, genitals, their primary and secondary sex characteristics – like body shape, voice pitch, hair distribution. This answers the question: what is male and what is female. *The terms ‘birth sex’ or ‘natal sex’ are sometimes also used, but they are avoided in this report, as they seem to allow the possibility of a sex other than that with which a person is born.
<b>Assigned sex</b>	Assigned sex is a term that is changing. Until recently, it was used for assigning sex to those with intersex conditions at birth where there was biological ambiguity. Increasingly though, as part of the trend to see gender as a social construct, it is being used for the so-called ‘label’ given at birth: “it’s a girl”, “it’s a boy” – often with the notion that this assigning of sex is arbitrary, and imposed on the infant without their knowledge or permission, and without

<sup>5</sup> <https://www.studentwellbeinghub.edu.au/resources/detail?id=f0774c22-d5c5-6d32-997d-ff0000a69c30#/>. [Accessed 15 November 2016.]

<sup>6</sup> <http://www.theaustralian.com.au/national-affairs/state-politics/safe-schools-antibullying-ruling-forcing-us-to-go-private/news-story/976000edca567f75633e45d91f0995d6>. [Accessed 10 March 2017.]

<sup>7</sup> <https://www.decd.sa.gov.au/sites/g/files/net691ff/transgender-and-intersex-support-procedure.pdf?v=1480468803>, [Accessed 21 June 2017.]

<sup>8</sup> [https://www.det.nsw.edu.au/media/downloads/about-us/how-we-operate/legal-issues-bulletins/number\\_55.pdf](https://www.det.nsw.edu.au/media/downloads/about-us/how-we-operate/legal-issues-bulletins/number_55.pdf), [Accessed 18 November 2016.]

<sup>9</sup> These included “F2M”, “T\* woman”, “Two-spirit person”, “Gender Variant”, “Neutrois” and simply “Other”. Facebook now offers just three options, however, with infinite possibilities, i.e., “Male”, “Female” and “custom” where a person can can ‘write their own’ gender identity. Similar options are now provided by many government agencies when official forms are completed.

Word or Term	Definition
<b>Sex and sexuality</b>	seeing which gender the child wants to be. This is in contrast to the traditional idea that sex is 'acknowledged' at birth, based on the observed anatomical sexual characteristics of the newborn.
<b>Gender or gender expression</b>	These terms often get confused. Sex refers to a person's biological sex, whereas <i>sexuality</i> refers to their sexual and/or romantic attraction (orientation) or practice. The first is about objective facts of a person's body; the second is about whom we subjectively find sexually and/or romantically attractive.
<b>Gender identity</b>	This is the psychological and social aspect of how sex is presented in things like dress and demeanour, social conventions, and cultural gender norms. These vary in different cultures. The distinction between 'sex' and 'gender' is relatively recent (circa 1963). The question here is: what is 'masculine' and what is 'feminine'?
<b>Gender roles</b>	In recent times, this has come to be about how a person feels or experiences themselves. It is a private and subjective sense of identity and experience. The question here is: Who do I feel that I am?
<b>Cisgender</b>	These are the common socially accepted behavioural expectations of maleness or femaleness. They change from culture to culture – although some are biologically-based, for example, pregnant women.
<b>Heteronormativity</b>	This is another new term (approx. 1990s) where a person's gender identity and gender roles align with their biological sex and/or with society's expectations of that biological sex. <i>Cis</i> comes from Latin, meaning 'on this side of'. It's the opposite of ' <i>trans</i> ' – and arguably assumes the existence of 'trans' as a normal and natural phenomenon. Accordingly, it is not used in this report.
<b>Gender bending</b>	The belief that sex is binary (male or female) and gender is determined by biology, and that only sexual orientation and sexual relations with the opposite sex are good and right and 'natural'. It is not usually a neutral term but is understood negatively, as oppressive, homophobic and transphobic. Accordingly, it is not used in this report.
<b>Gender dysphoria</b>	This is intentionally crossing or 'bending' accepted gender norms and roles, either by adopting the dress or roles of the alternative binary gender, or through androgyny or obscuring gender.
<b>Transgender</b>	This is the medical term for the experience of <i>distress</i> associated with having a psychological or emotional gender identity that does not match a person's biological sex. It is discussed at length below.
<b>Gender non-conforming</b>	An umbrella term for people who were born either male or female, but whose gender identity differs from their biological sex (to varying degrees), and who want to express the gender with which they identify, through gender bending and/or cross-dressing, and/or cross-hormone therapy, and/or sex reassignment surgery.
<b>Queer</b>	Transgender is about gender identity <i>not sexual orientation</i> . Transgender people can be straight, lesbian, gay or bisexual (in relation to their subjective gender identity not biological sex).
<b>Gender non-conforming</b>	An alternative way to describe those who are "transgender" that stresses their non-conformity to gender norms irrespective of whether they chose to identify as having a gender other than their biological gender. We have chosen to use this term throughout the rest of the report to describe those experiencing the issues addressed in this paper.
<b>Queer</b>	Queer is a political or ideological term that rejects binary notions of gender, and holds to gender diversity (i.e., an infinite number of genders across the population) and the fluidity or non-fixity of gender (i.e., subject to change within an individual). Genderqueer is used by some who experience their gender identity as being outside the categories of man and woman. Sometimes the acronym "Q" means not "queer" but 'questioning', i.e., someone who's trying to work out who they are and to whom they're attracted.

(25) The new terminology seeks to establish and enforce a revised framework for understanding gender, sex, and sexuality. For example, just because a person has a set of XY chromosomes and male gonads and genital organs (i.e., their “sex”), that person may not necessarily have a subjective male “gender” identity. Nor is that person’s sexual orientation governed by any of these factors.

(26) In fact, the role of language to name and categorise sex and gender, and to establish norms, is itself being brought into question. So is our ability to refer to universally-received norms or “common sense”. Increasingly, any reference to norms or “common sense” is seen to be oppressive and discriminatory. Each individual, is said to have the right to identify themselves however they choose, independently of anything else – their objective biology, earlier life, existing official documents (e.g., birth certificate), or how others regard the person.

(27) These challenges and changes are most evident in the work of queer theorists. Queer theory involves the questioning and deconstruction of previously assumed norms and the structures which support them (of which language is one). It has also had profound influence on academia, especially in the fields of philosophy and biological sciences.

*Queer theorists see gender as an institution, by which they mean a social convention or arrangement sustained by a set of accepted determinative ideas – norms. It is for this reason that gender must be queered because it is a harmful institution that forcibly frames (constructs or makes) society’s subjects. Queer theory seeks to undermine (deconstruct) the view that the only existence is that which falls within the boundaries set by the institution of gender that is ordered by nature or biology*

...

*Put crassly, queer theorists reject the fact that men have a penis, are masculine, and desire and have sexual relations with women; and they reject the fact that women have a vagina, are feminine, and desire and have sexual relations with men. Human gendered and sexuality experience, they argue, is much more diverse. Queering gender is therefore an attempt to reveal and legitimise other liveable gendered and sexuality realities apart from or besides those prescribed by the bio-logical man/woman gender binary.<sup>10</sup>*

(28) Simply put, in this new “queered” understanding there is no “normal” so that every possible expression is normalised:

*There is an infinite diversity of genders in the world. Each person has a totally unique interpretation and relationship with any gender they inhabit. There are at least as many genders as there have been humans who have lived.<sup>11</sup>*

(29) Any talk of norms or common sense based on biology, is seen as meaningless, and (worse still) oppressive and phobic, because it seeks to impose on others what they themselves have not chosen.

(30) Safe Schools Coalition Australia (whose program is implemented in many Australian schools and in Victoria is state-funded) provides the following advice regarding use of pronouns on its “Student Wellbeing Hub” website<sup>12</sup>:

*It’s ok to ask people about their preferred use of pronouns. Where possible, ask privately. Some people use gender-neutral pronouns such as ‘they’ (singular) or ‘ze’, while others use no pronoun or may wish to be addressed by their name only. It is important not to make assumptions about people’s gender identity and to be respectful when using pronouns.*

(31) While at first sight this appears entirely appropriate, in that it seeks to uphold the dignity of the individual, and seeks to alleviate the distress of those with gender identity issues, it also represents a “queering” of language as it decouples gendered pronouns from biological reality.

<sup>10</sup> Dan Patterson, “A brief history of gender and its significance”. *EFAC Essentials*, Spring 2016, Available at: <https://www.efac.org.au/index.php/essentials-58/general/598-a-brief-history-of-gender>. [Accessed 9 August 2017.]

<sup>11</sup> Jenny Crofton, “What It Means To Be MultiGender: The Questions Many Have, But Are Afraid To Ask”, *The Body is not an Apology*, Available at: <https://thebodyisnotanapology.com/magazine/what-it-means-to-be-multigender-the-questions-many-have-but-are-afraid-to-ask>. [Accessed 28 July 2017.]

<sup>12</sup> Safe Schools Coalition Victoria and Minus18 (2016), *All of Us: Health and Physical Education Resource - Understanding Gender diversity, Sexual diversity and intersex topics for years 7 and 8*, [online], Available at: <https://www.studentwellbeinghub.edu.au/docs/default-source/all-of-us-online-version-may-2016-v3-pdf/a8c146fe405c47b9989542b9040a5b90.pdf?sfvrsn=0> [Accessed 18 August 2016.]

(32) The shift in language is impacting the development of legislation on human rights and discrimination. In Canada, for example, recent changes in legislation may compel the use of genderless pronouns and classify misgendering as discrimination against transgender people. See section 8.7 for further information.

(33) The shift in language and understanding has also impacted the field of medicine. Prominent medical bodies now no longer regard an incongruence between biological sex and self-perception of gender as necessarily problematic. The American Psychiatric Association's *Diagnostic and Statistical Manual of Mental Disorders*, 5<sup>th</sup> Edition ("DSM-5", 2013)<sup>13</sup> replaced the previous clinical entity "Gender Identity Disorder" (as seen in DSM-4, 1994) with the diagnosis of "Gender Dysphoria". This change represents a significant shift from recognising the *experience* of gender incongruence as pathological (abnormal) to labelling it pathological only if it is associated with *distress*. This change in nomenclature appears not to have been a response to new medical research, but the result of ideological shifts regarding sex and gender, and a (commendable) desire to destigmatize the experience of gender incongruence.<sup>14</sup> The report addresses the diagnosis and treatment of gender dysphoria in some detail below.<sup>15</sup>

(34) A discussion about language might seem a strange place to start a report like this. However, this new language is a significant part of the changes and challenges to views of sex and gender, both as an agent of change and a result of it. While we must be sensitive to the difficulties some language poses to those who struggle with gender nonconformity, we must also be aware of the ideological undercurrents and implications of the changes to language we are seeing.

## 4 Biblical view of sex and gender

(35) While the social phenomenon of transgender activism may be new, and present fresh challenges, it has highlighted the needs of those within society and the church who suffer from gender identity issues or incongruence. God's living word must be our guide as we seek to respond to transgender activism, and as we seek to love and care for those personally affected by Gender Dysphoria.

### 4.1 Humanity as male and female in the image of God

(36) The first chapter of the Bible tells us that God made humanity male and female. While other creatures are implicitly also created male and female (cf. Gen. 1:22), with humanity this binary sexual distinction is explicitly part of being made in his image, and his good purpose for us (Gen. 1:26–28). This sexual distinction and its association with being made in God's image remains after the Fall (Gen. 5:1–2).

(37) Genesis 2 develops this distinction between male and female, when we meet the first man and woman and they are joined in a life-long one-flesh union. The correlation and alignment of biological sex and gender is seen as the "male" and "female" (adjectival nouns) of Genesis 1 become the persons of "man" and "woman", "husband" and "wife", and "father" and "mother" (gendered personal nouns) of Genesis 2 and beyond.

(38) Jesus affirms the divine design of this binary sex-gender distinction as the basis of his understanding of marriage (and the effect of divorce), saying "at the beginning of creation God made them male and female" (Mark 10:6–7; Matt. 19:4–5).

(39) Scripture is clear that male and female, man and woman, are equally human, equally blessed and equally charged to "fill the earth and subdue it." Yet they are sexually distinct with different roles. They are equal and similar, yet different and complementary, and their relationship is one of otherness but as corresponding not contradictory polarities. This binary sex-gender distinction is part of the good of God's creation (Gen. 2:18, cf. Gen. 1:31).

(40) The sex and gender differences of man and woman are not incidental to their personhood. Woman is a new entity. She is not a deviation of the norm or form of 'man' even though she was formed out of him. Neither is there a neutral human template to which different body parts or gendered attributes are added.

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<sup>13</sup> American Psychiatric Association. *Diagnostic and Statistical Manual of Mental Disorders* (DSM-5®). American Psychiatric Pub, 2013.

<sup>14</sup> Kenneth Zucker, "The DSM-5 Diagnostic Criteria for Gender Dysphoria" (pages 33–37, here 33–34) in *Management of Gender Dysphoria: A Multidisciplinary Approach*, edited by Carlo Trombetta, et al., Springer Milan, 2015. See also Lawrence, A.A., 2014. Gender assignment dysphoria in the DSM-5. *Archives of sexual behavior*, 43(7), pp.1263-1266.

<sup>15</sup> See section 5.2 "Incidence and prevalence of Gender Dysphoria | Definitions".

Man and woman are distinct in their essence.<sup>16</sup> They *are* in their beings ‘man’ and ‘woman’. There is no abstraction of humanity independent of sex and thus gender. Also, their identity as man and woman is not subjectively chosen. It is an absolute state that is given by God, and realized and experienced in their embodied selves.

(41) In the Genesis account, the differences between the sexes can be seen in their respective origins, their distinct names, the order in which they are created, and in their complementary purposes and roles, and the expression of their relationship.

(42) They are the first man and woman, and the first husband and wife, and yet not all that is true of their married selves and relationship applies to all men and women or all male/female interactions. Moreover, the implications of their differences should not go beyond the explicit teaching of the New Testament on women and men, which focuses on the realms of marriage and the gathered Christian community (1 Cor. 11:3–16; 1 Cor. 14:26–40; Eph. 5:21–33; Col. 3:18–19; 1 Tim. 2:1–15; Tit. 2:2–5; 1 Peter 3:1–7).

(43) Apart from their biological differences, the Bible does not locate the differences between the sexes in universal characteristics of men or women or of ‘manhood’ or ‘womanhood’. Rather, the differences are found in distinct gendered roles and relationships. Indeed, there is great breadth and diversity in the biblical portrayal of the sexes (e.g., *women*: Gen. 27:14; Num. 27:1–4; Judg. 4:4–6, 18–21; Neh. 3:12; Prov. 31:10–31; Luke 10:38–41; Acts 9:36–39; *men*: Gen. 4:2, 20–22; 27:31; 45:14–15; Deut. 28:54; 1 Sam. 16:18; 17:33; 1 Tim. 3:3). This is significant for Christians experiencing gender identity issues, because the Bible does not prescribe narrow or rigid gender stereotypes. Rather—alongside explicit teaching on some different roles and responsibilities in marriage and ministry—there is a great variety in what it can look like to live faithfully as a man or a woman.

(44) At the same time, the Bible recognises that gender is expressed culturally, and differently in different cultures, and expects that a person’s sex and corresponding gender will be embraced, and expressed through culturally appropriate symbols (e.g., clothing) and behaviour that aligns with their binary sex (e.g., Gen. 17:10; Deut. 22:5; 1 Cor. 11:4–5; 1 Tim. 2:9–10).

(45) Notwithstanding God’s original purposes, since the Fall of Genesis 3, the sad reality is that all creation bears the consequences of our rebellion against God. The harmony of God’s creation has been lost at every level. Our relationship with God is now broken. All human relationships are broken, including our relationship with our ‘self’, and our relationship to the created world. Even the wellbeing of creation is affected (Rom. 8:19–26), and our bodies are no exception to this. They are subject to frustration, death and decay, through afflictions of the body and the mind, and subject to hurt inflicted by ourselves and others. The experience of felt incongruence between biological sex and subjective gender identity is one such consequence. Another consequence of the Fall is that, in addition to our natural human limitations, our emotional, psychological, intellectual and spiritual faculties are affected by sin, and are unreliable guides. This means our subjective ‘identity’ must always be subject to the word of God and the objective givenness of the sexed body God has given us, no matter how strongly we might feel otherwise.

(46) Another consequence of the Fall evident in Scripture is that there are those whose bodies do not display all the usual characteristics of their biological sex (cf. 2 Kings 9:32; 20:18; Esth. 1:10, 15; 2:3; Isa. 39:7; 56:3–4; Acts 8:26–40) but there is no suggestion that this represents a third sex or that God intended such. In fact, in the same conversation where Jesus mentions those who were “born” eunuchs<sup>17</sup> or “made eunuchs by others”<sup>18</sup> he also restates God’s original creation design and purposes for humanity as male and female, and the implications of this for marriage (Matt. 19:12). Jesus’ comments, and the conversion of the Ethiopian eunuch (Acts 8:26–40) demonstrate that those with these conditions are fully accepted and welcome among the people of God.

(47) Despite the effects of the Fall, God’s complementary-binary design of humanity as male-men and female-women remains. This is evident in Jesus’ affirmation of God’s original creation design and purposes. It is evident in the gendered relationships that God has established for human society, where we are daughters or sons, sisters or brothers, wives or husbands, mothers or fathers, nieces or nephews, and so on. It is evident in prohibitions in both the Old and New Testaments against blurring the distinctions between men and women through cross-dressing and cross-gender behaviour (Deut. 22:5; 1 Cor. 6:9 cf. *malakoi* and *arsenokoitai*; 11:4–15). And it is evident in the distinct and non-interchangeable roles of

<sup>16</sup> Henri Blocher, *In the Beginning: The Opening Chapters of Genesis*, (Leicester: IVP, 1984), 100–101.

<sup>17</sup> These would likely be regarded as Disorders of Sexual Development (DSD) or ‘intersex’ conditions today.

<sup>18</sup> The conversion of the Ethiopian eunuch in Acts shows that the ceremonial exclusion of the Old Testament law no longer applies under the new covenant, as promised in Isaiah (Acts 8:26–40; cf. Deut. 23:1; Isa. 56:3–4).

husband and wife as human marriage functions as a signpost to the eternal marriage of Christ and the church (Eph. 5:21–33).

## 4.2 Humanity as embodied beings

(48) Our bodies, and what we do with our bodies, matter to God.

(49) He made us, male and female, as embodied beings, who come into being as we are formed in our mothers' wombs, and who will inherit imperishable bodies at the resurrection of the dead (Pss. 51:5; 139:13–16; Rom. 8:23; 1 Cor. 6:12–20; 15:50–55). There is not a pre-existent soul (gendered or otherwise) that is joined to a body, but soul and body grow together and exist together.<sup>19</sup>

(50) The goodness and dignity of embodied sexed and gendered human experience is seen in Jesus' incarnation as a biological male, whose experience and identity as a boy and a man were shaped by his biological sex, and the gendered relationships in which he found himself (e.g., 'man', 'son', 'brother', cf. Matt. 12:46–50; Luke 2:21, 23, 43, 48; John 19:26; and 'Son of Man' and 'Son of God'). Jesus was also subject to bodily experiences common to us all: birth, growth, maturity, hunger, tiredness, emotion, tears, and even death.

(51) We are to love and care for our bodies, because God made them and gave them to us, and he sets love of oneself as the high measure for loving our neighbours, and love of oneself *includes* loving our bodies (Eph. 5:28–29).

(52) That is, while we are more than our bodies, we are not less than them, and human identity is in part determined by the body God gives to each person—a body which places us in a specific time and place, and reveals our biological sex, race, and other distinctives. God makes each person a self-body or 'psychosomatic' unity, even if we are not fully conscious of being so. It is this ontological psychosomatic unity that transgenderism denies when it de-couples bodily sex and gender.

(53) For all humans, while there is a subjective element to human identity, and a sense in which our identity is informed and formed by lived experience and by social conventions and interaction with others, these factors are additional to the objective givenness of our bodies, and our *being* as male and female in God's image. Despite changes to our bodies, personalities, intelligence, abilities, self-image, and so on—some of which, for Christians, are due to the renewing power of the Spirit—there is a continuing embodied-self, who came into being at conception, and who will stand before the Lord at the last day, to receive eternal life or death (Dan. 12:1–3; Acts 10:42; Rev. 20:11–15). And while Scripture does not give us much detail about our resurrection bodies and life, there is good reason to believe that biological differentiation of male and female will continue (Matt. 22:30–32<sup>20</sup>; Luke 24:15–51; John 20:15–21:14; Article 4<sup>21</sup>).

(54) All Christians are to be thankful and content with their bodies, knowing they are a gift from our heavenly Father, in which to serve him (2 Cor. 5:9). We are to be faithful stewards of our bodies, recognising they are members of Christ and temples of the Holy Spirit, and that we are to glorify God in our bodies (1 Cor. 6:13–20; 9:27). For those with gender incongruence this may present particular challenges, as it might to others with disorders of 'self' and body (e.g., anorexia nervosa, body integrity identity disorder, body dysmorphic disorder).

(55) Biblical pastoral care of such people must be informed by, and sensitive to, the depths of these challenges for some sufferers. Scripture recognises and addresses the extreme human experiences of despair, depression, trial and suffering, common to us all, and that may be experienced by those with gender incongruence (cf. Job 1:1–2:10; Ps. 88; 2 Cor. 1:8–9). Jesus himself was in such anguish that his sweat fell like drops of blood (Luke 22:44).

(56) Yet alongside its acknowledgement of the groaning and pain of life in this fallen world, the Bible consistently upholds the dignity, blessing, value and sanctity of human life, and God's love and concern for all he has made. For instance, while the Bible does not directly address the difficult topic of the morality of suicide, it uniformly presents it in a negative light, and in the context of shame (Judges 9:52–54; 1 Sam.

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<sup>19</sup> This not to deny that all who die before the return of Jesus will experience a separation of body and soul. But this is a temporary separation, not a permanent one (Matt. 10:28).

<sup>20</sup> The reference to "neither marry nor be given in marriage" suggests that both men and women are on view, whereas the statement "they will be like angels in heaven" refers to their unmarried state not sex or gender.

<sup>21</sup> "Christ did truly rise again from death, and took again his body, with flesh, bones, and all things appertaining to the perfection of Man's nature; wherewith he ascended into heaven, and there sitteth, until he return to judge all Men at the last day".

31:3–5; 2 Sam. 17:23; 1 Kings 16:18–19; Matt. 27:3–5), as might be expected given that the sixth commandment forbids the taking of innocent human life (Exod. 20:13; Rom. 13:9). When others in Scripture ask God to end their lives, God does not fulfil their request (Num. 11:12–15; 1 Kings 19:4; Jonah 4:1–11). Instead, in the face of all trials and despair, God promises sufficient grace to meet every test we may face to act contrary to his intentions for human flourishing (cf. Ps. 116:1–9; 1 Cor. 10:13; James 1:12–15).

(57) Any Christian response to gender identity issues will seek to restore and preserve the integrity of body and self, and honour and protect the biologically sexed body that God has given. Significantly, in Christian medical ethics, the ultimate goal is the wholeness and welfare of the whole person: body, mind and spirit. Hence, any treatment of gender dysphoria that seeks to relieve *mental* suffering by inflicting harm on an otherwise healthy *body* cannot be deemed ethical.

(58) Christians are to seek the good of all people (Gal. 6:10), and uphold the dignity of all those made in the image of God (cf. Gen. 9:5–6). In particular, this calls for active love and care of the vulnerable. Accordingly, Christians should be concerned for the welfare and best treatment of all people with gender identity issues, not just Christians. We are to show practical love and care of children and adults so affected, and their families, and condemn all bullying, ridicule, mistreatment, and abuse of gender non-conforming people. We are also to contribute to public debate and policy deliberations to seek the good of affected persons and the wider society.

### 4.3 Identity in Christ

(59) In addition to being embodied creatures, made in the image of God, Scripture tells us there is an even more significant aspect of human identity. It is our relationship to God himself. Those who know and trust in Christ Jesus as Saviour are given a new identity: we are *in Christ*, and *children of the Father*. In this regard, there is in Christ neither male nor female, as all who believe are equally adopted with the full rights of sonship (Gal. 3:27–4:7). This does not mean the distinctions of male and female are removed, but that our heavenly Father loves us now all equally as full heirs with Christ. *He* is our new identity and hope.

(60) As those *in Christ*, whose lives are hid *with him*, we are to be conformed to *his* image, through the power of the Spirit. We are called to put off the old self, with its sinful practices, disordered thinking, wrongful desires, and idols (Col. 3:1–10).

(61) As God's children, we are to replace disguise and falsehood with truthful self-understanding and living (Lev. 19:11; Prov. 26:24; Rom. 12:3; 1 Cor. 3:18; Eph. 4:25; Gal. 6:3; Col. 3:9). We are not to be envious of others, but rather we are to find contentment in the providence of God towards us (Phil. 4:11–12; 1 Tim. 6:6, 17). We are not to be impatient and expect a resolution of all our trials in this life. Rather we are to endure with prayerful perseverance (Rom. 5:3–4).

(62) If we have faith in Christ, we can know that a complete resolution of all our trials and suffering is coming in the new creation—where there will be no more death, mourning, tears or pain or gender identity issues, and where everything will be made new, including ourselves (Rev. 21:4–5)—but for now we live by faith in hope, not by sight (2 Cor. 5:7). It is here, in the now and the not yet, that the tragic difficulty of living with a gender identity disorder must be worked out.

(63) This does not mean the burden of gender identity issues will be lifted from all who experience it. While *nothing* is impossible for God, complete relief from such incongruence is reportedly uncommon if it persists into adulthood.<sup>22</sup>

(64) The experience of gender non-conformity or gender dysphoria, to the extent that it is non-volitional, unwanted, and unbidden, is best regarded as an affliction, and so, in this respect, the person is not culpable.<sup>23</sup> It is part of life this side of the Fall: a consequence of universal human rebellion, but not such in and of itself. The indications are that no one chooses this affliction, and most sufferers would do almost anything to find relief from it. The experience itself is not sin.

(65) Nevertheless, how a person responds to their felt gender non-conformity or dysphoria does have a moral dimension.

<sup>22</sup> See Sections 5-7 below.

<sup>23</sup> This does not include those in the first 'group' identified in 1.1, whose 'transgender' identity is a form of protest, and so volitional, wanted and bidden.

(66) The current trend in treatment is to 'transition' or change the person's appearance and real lived experience (RLE)—socially, hormonally, and surgically—to that of their felt gender identity.

(67) Yet such an approach is at odds with God's sovereign purpose in creating us as sexed, embodied beings with psychosomatic unity, whose bodies will be perfected in the new creation, and who are now to serve God and his world with our bodies, in gendered relationships, even while we are subjected to the groaning and limitations of this present age. The experience of felt incongruence between the objective givenness of our sexed bodies and subjective gender identity belongs to the groaning of this creation as it waits for the return of Christ and the new creation (Rom. 8:20–23).

(68) In this way, the current trend in treatment offered by healthcare professionals, and promoted by transgender activists, creates additional strains on those with gender identity issues, as it promises a resolution of this tension that is at odds with God's purposes, and offers false hope, as biological sex cannot be changed.

(69) Moreover, the Bible addresses some practices involved in gender transitioning. Cross-gender dressing and behaviour, and blurring the distinctions between male and female are condemned in both Old and New Testaments (Deut. 22:5; 1 Cor. 6:9; 11:4–15). Presenting oneself as the opposite sex necessarily involves disguise and falsehood (viz; the intention to "pass" as the opposite sex) which are likewise condemned (Lev. 19:11; Eph. 4:25; Col. 3:9). Wilfully depriving one's spouse of their conjugal rights (e.g., as a consequence of male-to-female cross-hormone therapy in an otherwise healthy body, or in the mistaken belief it is 'same-sex sexual activity') is also sin (1 Cor. 7:3–5; Heb. 13:4). Sexual relations between people of the same biological sex is same-sex sexual activity—even if those involved regard themselves, and are legally regarded, to be of opposing gender—and is therefore sinful (e.g., Lev. 18:22; 20:13; Rom. 1:26–27; 1 Cor. 6:9–10; 1 Tim. 1:10).

(70) In short, Scripture speaks clearly, even if not explicitly, against gender transitioning, even in the least invasive 'social' form.

(71) Also, as will be evident below, there is a firm medical opinion, including those who pioneered sex change treatment, that has reservations about transition as a treatment approach, and instead seeks first to align the mind with the body, not the body with the mind.<sup>24</sup> The current medical landscape is reviewed below (see Sections 5–7).

#### **4.4 The body of believers: the church**

(72) In light of the above, it will be evident that salvation in Christ, while achieving peace with God and offering eternal hope, does not immediately or always provide existential peace for those with gender identity issues. The reality is for some the burden of gender dysphoria is real and may even seem overwhelming.

(73) We have noted already how God's grace is abundantly able to meet all trials and temptations that might come to us. He does this through the power of his Spirit at work in us, to transform us into the image of Christ (Heb. 13:5; Tit. 3:6). He does this through his Spirit-inspired word that speaks into our lives, instructing, encouraging, comforting, and rebuking (2 Tim. 3:16). And he does it through the body of Christ, the gift of Christian community with brothers and sisters in Christ, who likewise are being transformed into the image of his Son.

(74) That is, while gender non-conformity or gender dysphoria can be a heavy burden, that might seem to overwhelm the sufferer, they are burdens that need not be carried alone. This requires us to enter into Christian fellowship with love, openness and generosity, willing to be known and to know others deeply. Jesus says that his yoke is easy and his burden is light (Matt. 11:28–30), but this present life has trials, temptations, and burdens. Out of love for Christ and each other, we are to restore those who have given way to temptation and sinned, and we are to carry each other's burdens (not just 'help' them to carry them) and thus fulfil the law of Christ (Gal. 6:1–2). We are to be like God, to show self-sacrificial love, care, and compassion, and we are to be patient with each other as he is patient (Ps. 86:15; Gal 5:22; Eph. 5:1–2; 2 Pet. 3:9). His transforming and renewing work takes place in a believer's life over the course of a life-time, and will only be complete on the last day.

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<sup>24</sup> <http://www.wsj.com/articles/paul-mchugh-transgender-surgery-isnt-the-solution-1402615120>



(75) There are a number of things that churches, organisations, and individuals can do (or perhaps, not do) to love Christians affected by gender non-conformity, and ease the burden of living with it. The long-term goal is for the person to live faithfully and contentedly as their biological sex, to belong actively to a Christian community, and to contribute as a valuable and loved member of the body of Christ. Ministering to all people within our Christian family is essential.

(76) However, churches and Christian people are first and foremost to be concerned for the salvation of all men and women, girls and boys. While the gospel has implications for social transformation and gender conformity, it is about Christ crucified, and the need for all people everywhere to repent and believe in him for eternal life. It is good news for those experiencing gender non-conformity and dysphoria, and for all those in the transgender community; good news we all need to hear.

(77) Accordingly, while there is a need for all those who own the name of Christ to work out how to respond to the transgender phenomenon and, as we have opportunity, to seek the common good in public policy and the public square in a way that is winsome and builds bridges, this should not distract us from or compromise the priority of proclaiming the gospel to all people everywhere.

## 5 What is Gender Dysphoria? – the medical view

(78) This section of the report reviews the current medical and scientific landscape regarding gender identity issues.

### 5.1 Definitions

(79) No new-born human is ‘assigned’ a sex at birth. **Biological sex** refers to the external and internal anatomy that develops in utero. This is *acknowledged* at birth. There are rare Disorders of Sex Development (DSD) where a newborn infant is found to have ambiguous genitalia (i.e., it is not clear whether the child has male or female genitalia, that is, whether they are male or female). These are recognised<sup>25</sup> medical deviations from the binary male-female normal genital development. This condition is also called ‘intersex’ or ‘hermaphrodite’ in non-medical settings, and is further described in Appendix 1. DSD does not indicate a third sex but lack of clarity as to whether male or female sex applies. The Intersex Society of North America makes a point of separating DSD from transgender, noting that the majority of people with DSD conditions identify as either male or female, not transgender.<sup>26</sup> Members of *Intersex Australia* prefer non-medical terminology<sup>27</sup>. People who say that their brain feelings of gender are opposite to that of their body, or even something in-between are not a third sex. They remain biologically male or female. There is no third biological sex.

(80) Historically, **gender** has been synonymous with sex. We have already mentioned the move to separate the two. Yet it is still the norm<sup>28</sup> (in that it is the case for the majority of humans) for a person’s thoughts to align with the physical reality of their body and their core identity of gender to align with their biological sex.<sup>29</sup>

(81) People with a felt gender identity, behaviours and expression that deviate from what is culturally expected from their biological sex, have been labelled **gender non-conforming**, **gender variant**, or **transgender**. Note that there will be cultural differences regarding what is outside of normally acceptable gender behaviour. Within our society, for example, a tomboy or a boy who likes to play with dolls may be viewed as ‘gender non-conforming’, which highlights the need to assess such behaviour carefully before labelling it pathological. This would be an example of not conforming to a stereotype, which may or may not be associated with a belief that one should have a body of the opposite sex.

<sup>25</sup> Hughes IA. Disorders of sex development: a new definition and classification. *Best Practice & Research Clinical Endocrinology & Metabolism*, 22(1):119-34.

<sup>26</sup> Isna.org. [Accessed 15 February 2017].

<sup>27</sup> Organisation Intersex International Australia, *What is Intersex?* [online] Available at: <https://oii.org.au/18106/what-is-intersex/> [Accessed 12 May 2017.]

<sup>28</sup> Note that the term ‘normal’, when used in medicine, refers to the statistical majority and does not hold moral connotations, i.e., it is not seen as good or bad.

<sup>29</sup> De Vries ALC & Cohen-Kettenis PT. (2016) Gender dysphoria in children and adolescents. In: Monstrey S, Ettner R, Coleman E. *Principles of Transgender Medicine and Surgery*: Taylor and Francis, 2016. ProQuest Ebook Central. Web. 29 September 2016.

(82) Of those who do believe they have been born with the 'wrong' body, some people experience **gender dysphoria**, that is, ongoing distress that arises from the incongruity of biological sex and felt experience of gender. Gender dysphoria is considered to be a psychiatric disorder, described in the DSM-5. As mentioned above, it replaces the previous clinical entity, 'Gender Identity Disorder'. This significant alteration therefore moves from recognising the *experience* of incongruence as pathological to labelling it pathological only if it is associated with *distress*. The change in terminology has led to a false perception that transgenderism is a normal phenomenon which should be accommodated in normal life. Some commentators are concerned that by removing Gender Identity Disorder from the DSM-5, the mental health support required by these people may be insufficient.<sup>30</sup>

## 5.2 Incidence and prevalence of Gender non-conformity and Gender Dysphoria

(83) It is difficult to obtain reliable data regarding incidence of gender non-conformity and gender dysphoria for the general population. This is due to several factors: most epidemiological studies are conducted on populations presenting to gender identity clinics rather than the general population,<sup>31</sup> and when studies have been done on general populations, differing definitions regarding who should be included as transgender make them difficult to compare.<sup>32</sup>

## 5.3 Gender non-conformity in children

(84) Self-awareness of gender identity develops over time, as growing children gradually learn the differences between males and females and the fact that gender is stable.<sup>33</sup> Gender role is shaped by both nature and nurture (see below), and adults and other children influence gender development directly by reinforcing or discouraging gender behaviours, and by offering role models. Sex hormones also play a role. For these reasons, the DSM-5 criteria for childhood gender dysphoria have been criticised for being in the DSM at all because exploration of gender roles in childhood is normal, and in most children, gender non-conformity resolves without treatment, and is part of the normal variation of childhood gender behaviour.<sup>34</sup>

(85) No epidemiological studies on the prevalence of childhood gender dysphoria exist. Gender non-conforming behaviour has been assessed in children in terms of 1) cross-gender behaviour and 2) cross-gender wish. Only cross-gender wish is relevant for diagnosis by the DSM-5 criteria. For cross-gender behaviour, rates have been found to be up to 23% for biological males and up to 39% for biological females, dropping to 0.6% and 0.2% for cross-gender wish.<sup>35</sup> There is debate in the medical community over whether any sort of psychiatric diagnosis should be available for gender non-conforming children prior to puberty; firstly, it pathologises normal behaviour and secondly, a medical diagnosis is not necessary as no treatment such as hormone therapy or surgical procedures are even considered for this age group.<sup>36</sup>

## 5.4 Gender non-conformity and gender dysphoria in adolescents

(86) Both cross-gender behaviours and cross-gender wish reduce when children become teenagers. Adolescents reporting discontent with their gender or seeking hormone or surgical management at clinics have been reported as 0.6% of biological males and 0.2% of biological females,<sup>37</sup> although estimates vary widely and no-one really knows. More adolescents are reported to behave like the other sex than to state that they wish they were the other sex.<sup>38</sup>

<sup>30</sup> Lawrence, A.A., 2014. Gender assignment dysphoria in the DSM-5. *Archives of sexual behavior*, 43(7), pp.1263-1266.

<sup>31</sup> Zucker KJ, Lawrence AA. 2009. Epidemiology of gender identity disorder: Recommendations for the standards of care of the World Professional Association for Transgender Health. *Int J Transgender* 11:8– 18.

<sup>32</sup> Coleman E, Bockting W, Botzer M, Cohen-Kettenis P, DeCuypere G, Feldman J, et al. 2012. Standards of care for the health of transsexual, transgender, and gender-nonconforming people, version 7. *Int J Transgenderism* 13:165– 232.

<sup>33</sup> Ruble, D. N., Martin, C. L., & Berenbaum, S. A. (2006). Gender development. In N. Eisenberg, W. Damon, & R. M. Lerner (Eds.), *Handbook of Child Psychology: Vol. 3, Social, Emotional, and Personality Development* (6th ed.) (pp. 858–932). Hoboken, NJ: John Wiley.

<sup>34</sup> De Vries ALC & Cohen-Kettenis PT. (2016) Gender dysphoria in children and adolescents. In: Monstrey S, Ettner R, Coleman E. *Principles of Transgender Medicine and Surgery*: Taylor and Francis, 2016. ProQuest Ebook Central. Web. 29 September 2016.

<sup>35</sup> Costa R, Carmichael O Colizzi M. To treat or not to treat: puberty suppression in childhood-onset gender dysphoria. *Nature Reviews Urology*, 3, 8, 456-462 (2016); Achenbach, T. M., Howell, C. T., Quay, H. C. & Conners, C. K. National survey of problems and competencies among four- to sixteen-year-olds: parents' reports for normative and clinical samples. *Monogr. Soc. Res. Child Dev.* 56, 1–131 (1991); Sandberg, D. E., Meyerbahlburg, H. F. L., Ehrhardt, A. A. & Yager, T. J. The prevalence of gender atypical behavior in elementary-school-children. *J. Am. Acad. Child Adolesc. Psychiatry* 32, 306–314 (1993).

<sup>36</sup> De Vries ALC & Cohen-Kettenis PT. (2016) Gender dysphoria in children and adolescents. In: Monstrey S, Ettner R, Coleman E. *Principles of Transgender Medicine and Surgery*: Taylor and Francis, 2016. ProQuest Ebook Central. Web. 29 September 2016.

<sup>37</sup> Kuyper L, Wijsen C. 2014. Gender identities and gender dysphoria in the Netherlands. *Arch. Sex. Behav.* 43:377–85.

<sup>38</sup> van Beijsterveldt, C. E., Hudziak, J. J., & Boomsma, D. I. (2006). Genetic and environmental influences on cross-gender

(87) In a much-quoted study involving questioning of a large cohort of New Zealand high school students who were asked 'Do you think you are transgender?' 94.7% said they were not, 1.2% reported being transgender, 2.5% were not sure, and 1.7% didn't understand the question.<sup>39</sup> The estimate of 1.2% is promoted by leaders of the gender dysphoria service at Melbourne Children's Hospital,<sup>40</sup> but the progenitors of the "Safe Schools" program appear to have inflated the figure to 4% by adding the unsure 2.5%.<sup>41</sup> Note also that, although this survey has been considered authoritative in some circles, 36.5% of adolescents in the same survey declared they did not understand the question: have you ever been "hit or physically harmed by another person?". The unreliability of such questionnaires has been emphasised in the literature and the figures should be reviewed with circumspection. As a prominent Australian paediatrician has suggested, 'It is false to claim 1.2 per cent of the population is transgender on the basis of the survey. It is wrong to conflate the figure to 4 per cent for the "Safe Schools" program. That would mean one in twenty-five of all children would be transgender.'<sup>42</sup>

(88) Therefore, although rates of gender non-conforming behaviour and transgender are unclear, reliable surveys consistently report that it is a small percentage of the population that is affected.

#### 5.4.1 The percentage of gender non-conforming minors who display persistence of the condition

(89) The terminology for ongoing behaviour is as follows:

**Persisters:** Gender dysphoric children who go on to have gender dysphoria and/or transgender identities in adulthood.

**Desisters:** Gender dysphoric children who DO NOT go on to have gender dysphoria and/or transgender identities in adulthood.

(90) Persistence rates vary, but it is thought that less than 2.3% of gender dysphoric children will be persisters as adults.<sup>43</sup> This likelihood of "growing out of it" is declared even in the DSM-5,<sup>44</sup> and is supported by a number of independent studies.<sup>45</sup>

#### 5.4.2 What influences persistence?

(91) Predictors associated with the persistence of gender dysphoria in the Netherlands include intensity of gender dysphoria in childhood, older age of presentation to the clinic, biologically female at birth, and, notably, social transition to the asserted gender in childhood. There is **no clear indicator** at an individual level by which to identify, prospectively, the difference between desisters and persisters, i.e., there is no way to predict who will persist and who will not, despite claims of adult transgender persons that they knew they were transgender from early childhood.<sup>46</sup> Childhood gender non-conformity does not necessarily link to adolescent/adult gender non-conformity.<sup>47</sup>

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behavior and relation to behavior problems: A study of Dutch twins at ages 7 and 10 years. *Archives of Sexual Behavior*, 35(6), 647–658.

<sup>39</sup> Clark, T. C., Lucassen, M. F., Bullen, P., Denny, S. J., Fleming, T. M., Robinson, E. M., & Rossen, F. V. (2014). The health and well-being of transgender high school students: Results from the New Zealand adolescent health survey. (Youth'12). *Journal of Adolescent Health*, 55(1), 93–99.

<sup>40</sup> Telfer M, Tollit M, Feldman D. Transformation of health-care and legal systems for the transgender population: The need for change. *JPCH*.2015. 51;1051-1053.

<sup>41</sup> All of Us: 8. <https://www.studentwellbeinghub.edu.au/resources/detail?id=72144922-d5c5-6d32-997d-ff0000a69c30#/>. [Accessed 17 July 2017.] See also Patrick Parkinson, *The Controversy over the Safe Schools Program – Finding the Sensible Centre*, Legal Studies Research Paper 16/83, University of Sydney, September 2016, p. 17.

<sup>42</sup> Whitehall J. Gender dysphoria and surgical abuse. *Quadrant*, 15 December 2016. <https://quadrant.org.au/magazine/2016/12/gender-dysphoria-child-surgical-abuse/>. [Accessed 9 August 2017.]

<sup>43</sup> Coolidge, F. L., Thede, L. L., & Young, S. E. (2002). The heritability of gender identity disorder in a child and adolescent twin sample. *Behavior Genetics*, 32(4), 251–257.

<sup>44</sup> American Psychiatric Association. *Diagnostic and Statistical Manual of Mental Disorders*. Fifth Edn 2013:451–459.

<sup>45</sup> Drummond KD, Bradley SJ, Peterson-Badali M and Zucker KJ. A follow up study of girls with gender identity disorder. *Developmental Psychology*. 2008;44:34-45. Wallien MS, Cohen-Kettenis PT. Psychosocial outcome of gender dysphoric children. *J Am Acad Child Adolescent Psych*. 2008; 47:1413-1423.

<sup>46</sup> Steensma TD, McGuire JK, Kreukels BPC, Beekman AJ, Cohen-Kettenis PT. 2013. Factors associated with desistance and persistence of childhood gender dysphoria: a quantitative follow-up study. *J. Am. Acad. Child Adolesc. Psychiatry* 52:582–90; Singh D. 2012. A follow-up study of boys with gender identity disorder. PhD Thesis, Univ. Toronto.

<sup>47</sup> De Vries ALC & Cohen-Kettenis PT. (2016) Gender dysphoria in children and adolescents. In: Monstrey S, Ettner R, Coleman E. *Principles of Transgender Medicine and Surgery*: Taylor and Francis, 2016. ProQuest Ebook Central. Web. 29 September 2016.

(92) Researchers also suggest that homosexuality or bisexuality is a more likely outcome of childhood gender dysphoria than transgender.<sup>48</sup>

## 5.5 Prevalence of adult transgender and gender dysphoria

(93) The prevalence of transgender and gender dysphoria in the general population is unknown. It is not clear what criteria should be used to measure the population, as transgender people are a very diverse group, with variation in trajectories and outcomes. “Some live with their gender incongruence, but decide not to transition. Some make a social transition only, without accessing any gender-affirming health care. Some buy hormones from non-medical providers or on the internet, or visit their local doctors rather than attending specialised clinics. In many parts of the world, stigma discourages transgender people from making their transgender status known to others or accessing health care of any sort. These and other considerations present challenges to the researcher attempting to ascertain the size of the transgender population.”<sup>49</sup>

(94) Prevalence is therefore not reported consistently and studies are difficult to compare. A recent review suggested that fewer than 1 in 10,000 adult biological males and 1 in 30,000 adult biological females experience gender dysphoria, but estimates vary widely.<sup>50</sup>

## 6 Aetiology (origins) of transgender and gender dysphoria

(95) Gender identity development is most likely a reflection of complex interplays between biological, environmental, and cultural factors. It is still unclear to what extent gender identity is influenced by biological factors (nature), or life experiences (nurture). While some links have been identified, we do not know which relationships are causal, and which ones are merely associations (i.e., by chance), as there are no longitudinal or prospective studies examining gender non-conforming children through to transgender adulthood.

### 6.1 Is it biological (Nature)?

(96) With respect to evidence supporting biological underpinnings of gender identity, data are derived primarily from three biomedical disciplines: endocrine (hormones), genetic, and neuroanatomical (brain structure).

#### 6.1.1 Pre-biological hormone hypothesis

(97) Developing infants’ brains are imprinted prenatally (before birth) by their own endogenous (inner) sex hormones, which are secreted from their gonads beginning at approximately eight weeks’ gestation<sup>51</sup> (in human development, the time window for prenatal development of the genitals precedes the time window for brain sexual differentiation). Later, during life outside the womb, circulating hormones influence activation of the brain. Hormone levels may fluctuate or change during puberty, the menstrual cycle, menopause and hormone treatment.

(98) A prominent hypothesis (theory) for the mechanism behind feelings of gender incongruence is that exposure to sex hormones during prenatal development has led to atypical sexual differentiation of the brain, with the body and genitals developing in the direction of one sex, and the brain and gender in the

<sup>48</sup> Drummond, K. D., Bradley, S. J., Peterson-Badali, M., & Zucker, K. J. (2008). A follow-up study of girls with gender identity disorder. *Developmental Psychology*, 44(1), 34–45; Wallien, M. S., & Cohen-Kettenis, P. T. (2008). Psychosexual outcome of gender-dysphoric children. *Journal of the American Academy of Child and Adolescent Psychiatry*, 47(12), 1413–1423; Steensma, T. D. (2013). *From Gender Variance to Gender Dysphoria; Psychosexual Development of Gender Atypical Children and Adolescents*. (PhD). Amsterdam: VU University Medical Center.

<sup>49</sup> Winter S, Diamond M, Green J, Karasic D, Reed T, Whittle S, Wylie K. Transgender people: health at the margins of society. *The Lancet*. Published Online. 17 June 2016. [http://dx.doi.org/10.1016/S0140-6736\(16\)00683-8](http://dx.doi.org/10.1016/S0140-6736(16)00683-8)

<sup>50</sup> Zucker KJ, Lawrence AA, Baudewijntje, Kreukels PC. Gender Dysphoria in Adults. *Ann. Rev. Clin. Psychol.* 2016. 12:217–47; Kuyper & Wijzen 2014; Winter S, Diamond M, Green J, Karasic D, Reed T, Whittle S, Wylie K. Transgender people: health at the margins of society. *The Lancet*. Published Online. 17 June 2016. [http://dx.doi.org/10.1016/S0140-6736\(16\)00683-8](http://dx.doi.org/10.1016/S0140-6736(16)00683-8).

<sup>51</sup> Gu J, Kanai R. What contributes to individual differences in brain structure? *Front Hum Neurosci* 2014; 8:262.

direction of the other sex.<sup>52</sup> Research has demonstrated a limited, but significant role of prenatal (before birth) and potentially postnatal (after birth) androgens in gender identity development.<sup>53</sup>

### 6.1.2 Genetic hypothesis

(99) It has been suggested that genetic factors may be responsible for the development of gender identity and gender incongruence. The genetic background of gender non-conformity is largely unidentified, but in twins, monozygotic (identical) twin pairs show a higher concordance of gender non-conformity than dizygotic (non-identical) twin pairs.<sup>54</sup> However, the largest study of monozygotic twins showed only a 20% concordance in transsexual behaviour, suggesting genetic involvement in the development of gender non-conformity is minimal.<sup>55</sup> Studies aimed at identification of individual candidate genes have been inconsistent.<sup>56</sup>

### 6.1.3 Brain development and structure:

(100) Another theory is that gender incongruence develops as a result of brain structure. Neuroimaging studies focusing on brain structure show conflicting results. There is evidence that the brain appearance for gender non-conforming individuals differs in various ways from gender conforming men and women, and bears some resemblances to that of the chosen gender both in structure and in function.<sup>57</sup> However, brain-activation patterns in these studies do not offer support for associations between brain activation and sexual identity or arousal. Furthermore, it is not clear whether the anatomical changes are produced by, or influence, behaviour. Neuroplasticity is the well-established biological phenomenon in which long-term behaviour alters brain microstructure.<sup>58</sup> Neurological differences might be due to biological factors such as genes or prenatal hormone exposure, or a result of environmental factors (see below), or possibly some combination of the two. But if, and when, valid gender non-conforming brain differences are identified, these will be more likely the *result* of long term transgender behaviour than its cause.<sup>59</sup>

## 6.2 Is it environmental (Nurture)?

(101) There is evidence that environmental factors predominate in the development and persistence of gender non-conformity. No single factor has been linked to the development of gender non-conformity, but twin studies referenced below suggest that a number of social or family situations may lead to gender non-conformity in biologically vulnerable<sup>60</sup> children. Contributing factors may include social reinforcement of gender roles, child and/or parent psychopathology, abuse, family dynamics, and the influence of social media. No studies have been done on parents of children presenting to gender clinics, so no firm evidence is available.

### 6.2.1 Social reinforcement of gender roles

(102) There is evidence that gender identity is malleable and influenced by psychosocial experiences, including therapeutic interventions.<sup>61</sup> This suggests that whether we choose to reinforce the biological or nonbiological gender will make a difference to the development of a gender non-conforming individual. Anecdotally, many parents of children with gender non-conformity report supporting their child in the

<sup>52</sup> Swaab DF, Garcia-Falgueras A. 2009. Sexual differentiation of the human brain in relation to gender identity and sexual orientation. *Funct. Neurol.* 24:17–28.

<sup>53</sup> de Vries ALC, Doreleijers TAH, Cohen-Kettenis PT. Disorders of sex development and gender identity outcome in adolescence and adulthood: understanding gender identity development and its clinical implications. *Pediatr Endocrinol Rev* 2007; 4:343–351; Berenbaum SA, Meyer-Bahlburg HFL. 2015. Gender development and sexuality in disorders of sex development. *Horm. Metab. Res.* 47:361–66.

<sup>54</sup> Heylens G, De Cuypere G, Zucker KJ, Schelfaut C, Elaut E, et al. 2012. Gender identity disorder in twins: a review of the case report literature. *J. Sex. Med.* 9:751–57.

<sup>55</sup> Diamond, M. "Transsexuality Among Twins: identity concordance, transition, rearing, and orientation." *International Journal of Transgenderism*, 14 (1), 24–38.

<sup>56</sup> Baudewijntje P.C. Kreukels & Antonio Guillamon (2016) Neuroimaging studies in people with gender incongruence, *International Review of Psychiatry*, 28:1, 120-128; Heylens G, De Cuypere G, Zucker KJ, et al. Gender identity disorder in twins: a review of the case report literature. *J Sex Med* 2012; 9:751–757.

<sup>57</sup> Baudewijntje P.C. Kreukels & Antonio Guillamon (2016) Neuroimaging studies in people with gender incongruence, *International Review of Psychiatry*, 28:1, 120-128.

<sup>58</sup> Gu J, Kanai R. What contributes to individual differences in brain structure? *Front Hum Neurosci* 2014; 8:262.

<sup>59</sup> Mayer LS & McHugh PR. 2016. Sexuality and Gender: Findings from the Biological, Psychological and Social Sciences, *The New Atlantis: A Journal of Technology and Society*, 50, 4-143.

<sup>60</sup> E.g., see paragraph 98.

<sup>61</sup> Zucker KJ. Gender identity development and issues. 2004. *Child and Adolescent Psychiatric Clinics of North America*, 13(3), 551-568.

nonbiological gender role prior to presentation to medical services. In contrast, as mentioned above, encouragement in the biological sex role usually leads to resolution of gender non-conformity.

### 6.2.2 Psychopathology

(103) There are many reasons why a child with gender identity issues might have an associated mental disorder. The gender non-conformity may be either a symptom or a cause of such a problem, or the mental distress could result from others' response to the gender non-conforming experience. Both may contribute. While much of the research on psychopathology that can occur in association with gender non-conformity has significant limitations in terms of methodology, and the cause is unknown, it is important to be aware of the nature of these conditions when attempting to understand the causes and consequences of gender non-conformity and its treatment.

(104) High levels of psychiatric disease have been reported in both pre-pubertal gender dysphoric children,<sup>62</sup> and adolescents.<sup>63</sup> These include anxiety disorders, phobias, mood disorders, depression, and attention deficit disorder (ADHD), suicidal and self-harming behaviours, psychotic symptoms, behavioural problems, substance abuse, and anorexia nervosa. There is increasing evidence of links between gender dysphoria and autism spectrum disorder.<sup>64</sup>

(105) Depression, anxiety disorders and suicidal ideation are significantly more prevalent in adults with gender dysphoria than in the general population,<sup>65</sup> with up to 2/3 of adults experiencing depression and almost half experiencing anxiety disorder.<sup>66</sup> About one in three adults with gender dysphoria has experienced suicidal ideation, attempted suicide, or engaged in self-harm.<sup>67</sup> Opinions as to whether these conditions are involved with the cause or experience of gender dysphoria differ.<sup>68</sup>

(106) The rate of psychiatric illness in this population should be kept in mind when any intervention is claimed to lead to mental wellness. Studies are limited regarding methodology and the true rate of self-harm in this population is unknown. One study reported around 15% prevalence of self-harm and suicidal

<sup>62</sup> Wallien MS, Swaab H, Cohen-Kettenis PT. Psychiatric comorbidity among children with gender identity disorder. *J Am Acad Child Adol Psych.* 2007; 46:1307-1314.

<sup>63</sup> Kaltiala-Heino, R., M. Sumia, M. Työlajärvi and N. Lindberg (2015). "Two years of gender identity service for minors: overrepresentation of biological girls with severe problems in adolescent development." *Child and Adolescent Psychiatry and Mental Health.* 9(1): 1-9.; Children and adolescents with gender identity disorder referred to a pediatric medical center. Spack NP, Edwards-Leeper L, Feldman HA et al. *Pediatrics.* 2012; 129 (3):418-425.; Steensma TD, Zucker KJ, Kreukels BP et al. Behavioural and emotional problems on the Teacher's Report Form: a cross national, cross-clinic comparative analysis of gender dysphoric children and adolescents. *J Abnorm child psycho* 2014; 42:635-647.; Hewitt Jk, Paul C, Kassianan P et al. Hormone treatment of gender identity disorder in a cohort of children and adolescents. *MJA.* 2012; 196(9):578-581.; De Vries AL, Noens IL, Cohen-Kettenis et al. Autism spectrum disorders in gender dysphoric children and adolescents. *J Autism Dev Dis.* 2010; 40:930-936.; Holt V, Skagerberg E, Dunsford M. Young people with features of gender dysphoria: demographics and associated difficulties. *Clin Child Psychol Psychiatry.* 2016; 164:108-118.

<sup>64</sup> De Vries, Annelou LC, et al. "Autism spectrum disorders in gender dysphoric children and adolescents" *Journal of autism and developmental disorders* 40.8 (2010): 930-936.; Strang, John F., et al. "Increased gender variance in autism spectrum disorders and attention deficit hyperactivity disorder." *Archives of sexual behavior* 43.8 (2014): 1525-1533.; Van Der Miesen, Anna IR, Hannah Hurley, and Annelou LC De Vries. "Gender dysphoria and autism spectrum disorder: A narrative review." *International Review of Psychiatry* 28.1 (2016): 70-80.; Cook, Michael. "Autism, gender-dysphoria link: The evidence mounts." *News Weekly* 2989 (2017): 5. Similar links have been identified between autism spectrum disorders and anorexia nervosa, Westwood H, Tchanturia K, "Autism Spectrum Disorder in Anorexia Nervosa: An Updated Literature Review." *Curr. Psychiatry Rep.* 2017; 19(7): 41.

<sup>65</sup> Zucker KJ, Lawrence AA, Baudewijntje, Kreukels PC. Gender Dysphoria in Adults. *Ann. Rev. Clin. Psychol.* 2016. 12:217-47.

<sup>66</sup> Dhejne C, Lichtenstein P, Boman M, Johansson AL, Langström N, Landén M. 2011. Long-term followup of transsexual persons undergoing sex reassignment surgery: cohort study in Sweden. *PLOS ONE* 6(2):e16885; Heylens G, Elaut E, Kreukels BP, Paap MC, Cerwenka S, et al. 2014. Psychiatric characteristics in transsexual individuals: multicentre study in four European countries. *Br. J. Psychiatry* 204:151-56.; See also Auer MK, Fuss J, Stalla GK, Athanasoulia P. 2013a. Twenty years of endocrinologic treatment in transsexualism: analyzing the role of chromosomal analysis and hormonal profiling in the diagnostic work-up. *Fertil. Steril.* 22:1103-10; Davey A, Bouman WP, Arcelus J, Meyer C. 2014. Social support and psychological well-being in gender dysphoria: a comparison of patients with matched controls. *J. Sex. Med.* 11:2976-85; Haraldsen IR, Dahl AA. 2000. Symptom profiles of gender dysphoric patients of transsexual type compared to patients with personality disorders and healthy adults. *Acta Psychiatr. Scand.* 102:276-81; Heylens G, Verroken C, De Cock S, T'Sjoen G, De Cuypere G. 2014b. Effects of different steps in gender reassignment therapy on psychopathology: a prospective study of persons with a gender identity disorder. *J. Sex. Med.* 11:119-26; Simon L, Zsolt U, Fogd D, Czobor P. 2011. Dysfunctional core beliefs, perceived parenting behavior and psychopathology in gender identity disorder: a comparison of male-to-female, female-to-male transsexual and nontranssexual control subjects. *J. Behav. Ther. Exp. Psychiatry* 42:38-45.

<sup>67</sup> Dhejne C, Lichtenstein P, Boman M, Johansson AL, Langström N, Landén M. 2011. Long-term followup of transsexual persons undergoing sex reassignment surgery: cohort study in Sweden. *PLOS ONE* 6(2):e16885.

<sup>68</sup> Zucker KJ, Lawrence AA, Baudewijntje, Kreukels PC. Gender Dysphoria in Adults. *Ann. Rev. Clin. Psychol.* 2016. 12:217-47.



ideation, with actual suicide attempts much lower.<sup>69</sup> Whatever the case, those affected are clearly a vulnerable part of our community, needing care and compassion. Management is discussed below.

### 6.2.3 Family dynamics

(107) Gender dysphoria in boys was found to develop in association with an overly close relationship with their mother and a distant relationship with their father.<sup>70</sup> Systematic studies involving girls with gender non-conformity and the parent-child relationship have not been conducted to investigate whether they are associated with aetiology.

(108) Parental psychopathology has also been reported in association with development of gender nonconformity, with high rates of depression, bipolar disorder and sexual abuse.<sup>71</sup> One study found that over half the children with gender dysphoria had parents who were separated, with domestic violence indicated in 9.2% and drug abuse in 7.3% of families.<sup>72</sup> No causative link has been verified but there is clearly scope for further research.

### 6.2.4 Influence of social media

(109) Clinicians working with adolescents report anecdotally of an increasing trend for self-diagnosis as 'transgender' in this group both individually and in peer groups, suggesting an element of social contagion.<sup>73</sup>

## 7 Medical Approach to Gender Dysphoria

### 7.1 Referral to gender clinics

(110) There is a significant increase in the number of children and adults seeking treatment in gender clinics. It is too early to assign reasons for this increase, but possible factors include the following.

- Increased visibility of transgender people in the media (Caitlyn Jenner, Transparent, The Danish Girl) has led to transgender issues entering the societal consciousness as an increasingly mainstream phenomenon, thus contributing to at least a partial de-stigmatization. Political moves to enforce acceptance of transgender behaviour in institutions further 'normalises' transgender and reduces reluctance to present for treatment.
- The wide availability of information on the Internet and other communication channels about gender dysphoria and gender non-conformity are also likely contribute to de-stigmatization.
- As being transgender enters societal consciousness, more people reflect on their biological and experienced gender, and some may feel an incongruence and therefore possibly question their gender status which had previously always been taken for granted as being aligned with their biological sex.
- The increased awareness of the availability of biomedical treatment.

### 7.2 Management of Children with Gender Dysphoria

(111) The following section describes the common management approaches to gender dysphoria. It does not provide a biblical response about the merits of such approaches. Advice to Christian healthcare professionals is given in 7.7.

#### 7.2.1 Approaches

(112) Three paths of management are currently recognised: Living in your skin, Watch and wait, and Affirmative therapy.<sup>74</sup>

<sup>69</sup> Holt V, Skagerberg E, Dunsford M. Young people with features of gender dysphoria: demographics and associated difficulties. *Clin Child Psychol Psychiatry*, 164 (2016), p108-18.

<sup>70</sup> Zucker KJ, Bradley SJ. Gender Identity and Psychosexual Disorders. *FOCUS* 2005; 3(4):598-617.

<sup>71</sup> Youth Trans Critical Professionals. Professionals Thinking Critically about the Youth Transgender Narrative. Available at: <https://youthtranscriticalprofessionals.org/about/>. [Accessed 9 August 2017.]

<sup>72</sup> Ibid.

<sup>73</sup> Youth Trans Critical Professionals. Professionals Thinking Critically about the Youth Transgender Narrative. Available at: <https://youthtranscriticalprofessionals.org/about/>. [Accessed 9 August 2017.]

<sup>74</sup> Ristoria J and Steensma TD (2016), Gender dysphoria in childhood, *International Review of Psychiatry* 28, 1, 13-2.

1. Living in your skin (also known as 'Conversion' or 'Reparative' Therapy): The first approach focuses on working with the child and caregivers to lessen cross-gender behaviour and identification with the opposite gender, to persuade the child that the 'right gender' is the one acknowledged at birth. The aim is to decrease the likelihood that gender dysphoria will persist into adolescence, and prevent adult transgenderism. **Until recently, this was the standard approach.**<sup>75</sup> The goals of therapy were to address familial pathology if it was present, to explore the reasons for the gender dysphoria, to treat any psychosocial morbidities in the child, and aid the child in aligning his or her gender identity with his or her biological sex.<sup>76</sup> Experts on both sides of the pubertal suppression debate agree that within this context, 80% – 95% of children with gender identity disorders accept their biological sex and achieve emotional well-being by late adolescence.<sup>77</sup> Despite this, interventions aimed to lessen gender dysphoria by this method are referred to as unethical by organisations such as the World Professional Association for Transgendered Health (WPATH), and political campaigns have led to their being banned in some countries.
2. 'Waiting and watching': The second approach focuses on addressing the potential social risks for the child. Its aim is to make the child comfortable in the child's biological sex role, hoping that he or she will 'grow out of it', and to allow the progress of the gender dysphoria in the child to unfold in a 'natural' (uninfluenced) way with the expectation that it will dissipate. Counselling based on this approach may include interventions that focus on the co-existing problems of the child and/or the family; helping parents and the child to bear the uncertainty of the child's psychosexual outcome; and providing psycho-education to help the child and the family to make 'balanced' decisions regarding topics such as the child's 'coming out', early social transitioning, and/or how to handle peer rejection or social ostracism. In practice, the child and parents are encouraged to find a balance between an accepting and supportive attitude toward gender non-conformity, while at the same time protecting the child against any negative reactions and remaining realistic about the chance that gender dysphoric feelings may desist in the future. Parents are encouraged to provide enough space for their child to explore their gender non-conforming feelings, while at the same time keeping all future outcomes open. Cross-gender behaviour is thus permitted but not encouraged, and generally allowed only in the home.<sup>78</sup> Note that, although this is labelled (by promoters of transgender) as 'watching and waiting', the known impact of environmental factors on child development means that even this degree of support for the gender non-conforming position will potentially influence outcomes **in favour of persisting.**
3. 'Affirmative' therapy: The third approach focuses on affirming the child's (trans)gender identification and helps the child to build a positive self-identity and gender resilience within that role. In particular, the child is supported in transitioning to the desired gender role.

### 7.2.2 The case for early social transition

(113) The rationale given for supporting social transition before puberty is that children can revert to their originally assigned gender if necessary since the transition is solely at a social level and without medical intervention, and the child can explore gender identity free from the emotional distress triggered by the onset of secondary sexual characteristics.

(114) In addition, adult transgender activists have promoted early identification, affirmation and hormonal pubertal suppression to save children from the suffering they themselves experienced during development, citing risks of suicide and violence for the untreated person.<sup>79</sup> The only study on pre-pubertal children who received pubertal suppression and social affirmation found that 100% of participants eventually embraced

<sup>75</sup> Shechner T. Gender identity disorder: a literature review from a developmental perspective. *Isr J Psychiatry Relat Sci* 2010; 47:132-138; *American Psychiatric Association. Diagnostic and Statistical Manual of Mental Disorders*. 5<sup>th</sup> ed; 2013:451-459.

<sup>76</sup> Giordano, 2012, Zucker KJ, Bradley SJ. Gender identity and psychosexual disorders. *Focus* 2005; 3:598-617; Zucker KJ, Bradley SJ, Ben-Dat DN, et al. Psychopathology in the parents of boys with gender identity disorder. *J Am Acad Child Adolesc Psychiatry* 2003; 42:2-4.

<sup>77</sup> Cohen-Kettenis PT, Delemarre-van de Waal HA, Gooren LJ. The treatment of adolescent transsexuals: changing insights. *J Sexual Med* 2008;5:1892-7.

<sup>78</sup> de Vries, A. L., & Cohen-Kettenis, P. T. (2012). Clinical management of gender dysphoria in children and adolescents: The Dutch approach. *Journal of Homosexuality*, 59(3), 301–320.

<sup>79</sup> Sadjadi S. The endocrinologist's office--puberty suppression: saving children from a natural disaster? *J. Med Humanit* 2013; 34:255-260.



a transgender identity (instead of the usual 2.3%),<sup>80</sup> suggesting that the protocol itself may lead the individual to identify as transgender. As previously mentioned, currently no tests can pre-determine which children will persist if not encouraged in cross-sex behaviour.

### 7.2.3 The case against early social transition

(115) Critics of this approach refer to the evidence that supporting gender transition in childhood may indeed relieve short-term distress for children with gender dysphoria, but is also likely to influence future development. The debate thereby focuses on whether transition may increase the likelihood of persistence because, for example, a child may 'forget' how to live in the original gender role and no longer be able to feel the desire to change back; or that transitioned children may repress doubts about the transition out of fear that they have to go through the process of making their desire to socially (re)transition public for a second time, a process that can be difficult, even when desired by the child, due to fear of peer group reactions.<sup>81</sup> Brain plasticity will play a part in reinforcing the new role and making change difficult.

(116) In summary, childhood gender dysphoria is a rare condition with unknown prevalence. As most gender non-conforming children desist without treatment, intervention is unnecessary, and support of transition has been referred to as 'abuse' by a growing number of commentators in the field.<sup>82</sup>

## 7.3 Management of Adolescents

(117) Current management of gender dysphoric adolescents recommends transitioning. 'Transition' involves several stages: social transition; puberty blocking with drugs; development of cross-sex features through use of sex hormones; and surgery. There are no long-term studies that compare the alleged benefits and potential harms to gender non-conforming children who undergo hormonal suppression of puberty and long-term hormone use, nor has there been rigorous research comparing this approach to psychotherapeutic interventions for childhood gender non-conformity.<sup>83</sup> This means we do not know whether transitioning leads to better outcomes than supporting the adolescent in the gender of their biological sex. The current ideology has led to the supportive option being criticised, despite the health risks involved in transition.

(118) Pubertal suppression from around 11 years of age followed by use of cross-sex hormones from age 16 years (oestrogen for biological boys and testosterone for biological girls) will leave the child sterile and without gonadal tissue or gametes (sperm, eggs) available for cryo-preservation (freezing).<sup>84</sup> An alternative protocol suggests putting children as young as 11 years old directly onto cross-sex hormones<sup>85</sup> with the rationale that that the child will experience pubertal development of the desired sex and thereby avoid the emotional stress of remaining pre-pubertal in appearance while their peers are moving along the normal pubertal developmental trajectory. It should be noted that one reason suggested for growing use of this protocol is parental demand for hormonal treatment.<sup>86</sup>

<sup>80</sup> De Vries ALC, Steensma TD, Doreleijers TAH, Cohen-Kettenis, PT. Puberty suppression in adolescents with gender identity disorder: a prospective follow-up study. *J Sex Med* 2011; 8:2276-2283.

<sup>81</sup> Steensma, T. D., & Cohen-Kettenis, P. T. (2011). Gender transitioning before puberty? *Archives of Sexual Behavior*, 40(4), 649–650.

<sup>82</sup> Whitehall J. Gender dysphoria and surgical abuse. *Quadrant*, 15 December 2016. Michelle Cretella, (3 July 2017). *I'm a Pediatrician. How Transgender Ideology Has Infiltrated My Field and Produced Large-Scale Child Abuse*. The Daily Signal. [online] Available at: <http://dailysignal.com/2017/07/03/im-pediatrician-transgender-ideology-infiltrated-field-produced-large-scale-child-abuse/> [Accessed 10 July 2017.]; Michelle Cretella, (3 Jul 2017). *I'm a Pediatrician. How Transgender Ideology Has Infiltrated My Field and Produced Large-Scale Child Abuse*. The Daily Signal. [online] Available at: <http://dailysignal.com/2017/07/03/im-pediatrician-transgender-ideology-infiltrated-field-produced-large-scale-child-abuse/> [Accessed 10 July 2017.]; Cook, Michael. "Autism, gender-dysphoria link: The evidence mounts." *News Weekly* 2989 (2017): 5.

<sup>83</sup> Hayes, Inc. Sex reassignment surgery for the treatment of gender dysphoria. *Hayes Medical Technology Directory*. Lansdale, Pa.: Winifred Hayes; 15 May 2014.

<sup>84</sup> Eyer AE, Pang SC, Clark A. LGBT assisted reproduction: current practice and future possibilities. *LGBT Health* 2014;1(3):151-156; Schmidt L, Levine R. Psychological outcomes and reproductive issues among gender dysphoric individuals. *Endocrinol Metab Clin N Am* 2015;44:773-785; Jeffreys, S. The transgendering of children: gender eugenics. *Women's Studies International Forum* 2012;35:384-393.

<sup>85</sup> Keleman M. What do transgender children need? *Houstonian Magazine*, 3 November 2014. Available at: [www.houstoniamag.com/articles/2014/11/3/what-do-transgender-children-need-november-2014](http://www.houstoniamag.com/articles/2014/11/3/what-do-transgender-children-need-november-2014).

<sup>86</sup> Farwell S. Free to be themselves: Children's Medical Center Dallas opens clinic for transgender children and teenagers, the only pediatric center of its type in the Southwest. *Dallas Morning News*, 4 June 2015. Available at: <http://interactives.dallasnews.com/2015/gender/>.

### 7.3.1 Reversible treatment

(119) Pubertal suppression with gonadotropin releasing hormone agonists (GnRHa) is promoted as a reversible hormonal intervention that prevents the development of 'unwanted' secondary sexual characteristics of an adolescent's biological sex. According to the WPATH Standards of Care, adolescents should be considered eligible for puberty suppression based on five criteria: evidence of gender dysphoria from early childhood onwards, an increase in the intensity of gender dysphoria after the first pubertal changes, no signs of psychiatric comorbidity, provision of adequate psychological and social support during the treatment, and demonstration of knowledge and understanding of the effects of puberty suppression by the patient.<sup>87</sup> If the hormones are discontinued, theoretically, puberty will ensue.<sup>88</sup>

(120) Whether or not this treatment is 'reversible', there is evidence that irreversible side-effects of treatment exist, including abnormalities of bone growth, impaired brain development and reduced fertility.<sup>89</sup> There is a high risk of medical complications in both male to female (thromboembolism, liver dysfunction), and female to male (breast and uterine cancer, liver dysfunction) with cross gender hormone treatment.<sup>90</sup> Long term safety issues have not been fully assessed, and potential risks for children and adolescents are based on the adult literature due to lack of research in paediatric populations.<sup>91</sup>

(121) And although, as mentioned above, theoretically puberty should resume if hormone blockers are stopped, the international Endocrine Society is cautious, as there is no research evidence to support this claim. The Society recommends against social role changes and hormone therapy in prepubertal children in view of the high rate of remission for gender non-conforming behaviour in those left untreated.<sup>92</sup>

(122) Furthermore, the impact of impersonation of the opposite sex is likely to impact on brain neuroplasticity to make identity alignment with the biologic sex less likely and/or more difficult. Brain changes do not remove the necessity to take hormones continuously. Note above that the only study of puberty blocking found that all participants eventually embraced transgender identity and requested cross-sex hormones,<sup>93</sup> and a protocol that leads to a single inevitable outcome (transgender identification) and lifelong use of toxic synthetic hormones is suggested to be neither fully reversible nor harmless.<sup>94</sup> Anecdotal evidence regarding the role of parents in promoting varying levels of transition range from active encouragement to fear of losing custody if they do not comply with transitional steps.<sup>95</sup>

(123) Neuroscience clearly documents that the adolescent brain is cognitively immature and lacks an adult capacity for risk assessment prior to the early to mid-twenties. There is therefore a serious ethical problem with allowing either social or irreversible, life-changing treatments to be performed on minors who are too young to give valid consent themselves.<sup>96</sup>

(124) It is also argued that suggested risks of suicide as a result of withholding treatment may be misleading in view of the high rate of resolution of gender dysphoria in untreated adolescents and the prevalence of psychiatric disorders in persons who successfully suicide.<sup>97</sup>

<sup>87</sup> Coleman E, Bockting W, Botzer M, Cohen-Kettenis P, DeCuypere G, Feldman J, et al. 2012. Standards of care for the health of transsexual, transgender, and gender-nonconforming people, version 7. *Int J Transgenderism* 13:165–232.

<sup>88</sup> Hembree WC, Cohen-Kettenis P, Delemarre-van de Waal HA, Gooren LJ, Meyer WJ 3rd, et al. 2009. Endocrine treatment of transsexual persons: an Endocrine Society Clinical Practice Guideline. *J. Clin. Endocrinol. Metab.* 94:3132–54.

<sup>89</sup> Kreukels BP, Cohen-Kettenis PT. Puberty suppression in gender identity disorder: the Amsterdam experience. *Nature Reviews Endocrinology.* 2011; 7(8):466-72.

<sup>90</sup> Hembree WC, Cohen-Kettenis P, Delemarre-van de Waal HA, Gooren LJ, Meyer WJ 3rd, et al. 2009. Endocrine treatment of transsexual persons: an Endocrine Society Clinical Practice Guideline. *J. Clin. Endocrinol. Metab.* 94:3132–54

<sup>91</sup> Hayes, Inc. Hormone therapy for the treatment of gender dysphoria. *Hayes Medical Technology Directory.* Lansdale, Pa: Winifred Hayes; 19 May 2014.

<sup>92</sup> Hembree WC, Cohen-Kettenis P, Delemarre-van de Waal HA, Gooren LJ, Meyer WJ 3rd, et al. 2009. Endocrine treatment of transsexual persons: an Endocrine Society Clinical Practice Guideline. *J. Clin. Endocrinol. Metab.* 94:3132–54

<sup>93</sup> De Vries ALC, Steensma TD, Doreleijers TAH, Cohen-Kettenis, PT. Puberty suppression in adolescents with gender identity disorder: a prospective follow-up study. *J Sex Med* 2011;8:2276-2283.

<sup>94</sup> Am Coll Pediatricians. *Gender Dysphoria in Children.* Position statement. August 2016.

<sup>95</sup> Anon. (28 Oct 2016). A Christian mother shares her family's fears of losing their 'gender-confused' daughter. ChristianConcern [online] Available at: <http://www.christianconcern.com/media/christian-mother-shares-her-family-fears-of-losing-their-gender-confused-daughter> [Accessed 3 May 2017.]

<sup>96</sup> Johnson SB, Blum RW, Giedd JN. Adolescent maturity and the brain: the promise and pitfalls of neuroscience research in adolescent health policy. *J Adolesc Health* 2009; 45(3):216-221. See also World Health Organisation. *Eliminating forced, coercive and otherwise involuntary sterilization. Interagency statement;* (2014), concerning lack of informed content to sterilization, even as a secondary consequence of medical treatment. [http://apps.who.int/iris/bitstream/10665/112848/1/9789241507325\\_eng.pdf?ua=1](http://apps.who.int/iris/bitstream/10665/112848/1/9789241507325_eng.pdf?ua=1). [Accessed 10 August 2017.]

<sup>97</sup> Bertolote JM, Fleischmann A. Suicide and psychiatric diagnosis: a worldwide perspective. *World Psychiatry* 2002;1(3):181–185.

### 7.3.2 Partially reversible interventions:

(125) In older adolescents with gender dysphoria, cross-sex hormone therapy is often used to promote the secondary sexual characteristics of the sex most compatible with the individual's declared gender identity. These interventions also suppress the effects of an individual's endogenous (inner) hormones. Adults using oestrogen and/or testosterone are known to be at risk of multiple side-effects, as mentioned above, and worsening of psychiatric disorders.<sup>98</sup>

(126) Older adolescents who have not undergone puberty suppression but are contemplating use of cross-sex hormone use are advised to freeze gametes (eggs and sperm) prior to commencing treatment, as treatment will make them sterile.

### 7.3.3 Irreversible surgical interventions:

(127) This is known as sex reassignment surgery (SRS), or, more recently, is also called gender-confirming, gender affirming, or realignment, surgery. See below. Girls as young as 15 years have had mastectomies under this protocol.<sup>99</sup>

(128) In summary, gender non-conformity in adolescence is uncommon, and with encouragement, the majority will embrace their biological sex role by the time they become adults. In view of the risks of treatment and the inability to make mature judgements regarding irreversible therapeutic outcomes, despite its political and cultural popularity, transition is not universally recommended by health professionals.<sup>100</sup> Research has not been done to assess whether it is more likely to alleviate distress than supportive care in the biological sex role.

## 7.4 Management in Adults

(129) Treatment of gender dysphoria in adults is largely standardized in developed countries. The most influential guidelines are *Current Standards of Care for the Health of Transsexual, Transgender, and Gender-Nonconforming People, Version 7, (SOC-7)*<sup>101</sup> devised by WPATH, although others also exist. It is expected that treatment is likely to evolve in response to the increasing diversity of persons seeking treatment, demands for greater client autonomy, and improved understanding of the benefits and limitations of current treatment modalities.<sup>102</sup>

(130) SOC-7 suggests that the ability to diagnose gender dysphoria and any associated psychopathology should not be limited to mental health experts, but extended to any health professional. This apparently was an attempt to reduce stigma<sup>103</sup> as well as being ideologically driven.<sup>104</sup> Involvement of mental health practitioners is no longer required for prescribing of hormones (although in Australia, endocrinologists are often involved for safety reasons). This attempt to reduce barriers to care risks under-diagnosis and under-treatment of associated psychopathology but reflects the reality of many persons with gender non-conformity taking non-prescribed hormones without medical supervision.

(131) It has been suggested that the least invasive treatment option available which enables the patient to live with their gender non-conformity should be used. As many as 50% of those who commence treatment drop out due to ambivalence or frustration with the process. It is not known what happens to this subgroup, but they may find ways to compartmentalize the gender dysphoria sufficiently to be able to function, for example by cross-dressing.<sup>105</sup>

<sup>98</sup> Moore E, Wisniewski A, Dobs A. Endocrine treatment of transsexual people: a review of treatment regimens, outcomes, and adverse effects. *J Clin Endocrinol Metab* 2003; 88:3467-3473.

<sup>99</sup> <http://www.theaustralian.com.au/business/legal-affairs/mastectomy-win-for-girl-15-after-sexchange-plea/news-story/84e412c33547ad4cdd81e746e5a5abb3>.

<sup>100</sup> Hembree WC, Cohen-Kettenis P, Delemarre-van de Waal HA, Gooren LJ, Meyer WJ 3rd, et al. 2009. Endocrine treatment of transsexual persons: an Endocrine Society Clinical Practice Guideline. *J. Clin. Endocrinol. Metab.* 94:3132–54

<sup>101</sup> Coleman E, Bockting W, Botzer M, Cohen-Kettenis P, DeCuypere G, Feldman J, et al. 2012. Standards of care for the health of transsexual, transgender, and gender-nonconforming people, version 7. *Int J Transgenderism* 13:165–232.

<sup>102</sup> Zucker KJ, Lawrence AA, Baudewijntje, Kreukels PC. Gender Dysphoria in Adults. *Annu. Rev. Clin. Psychol.* 2016. 12:217–47.

<sup>103</sup> De Vries ALC & Cohen-Kettenis PT. (2016) Gender dysphoria in children and adolescents. In: Monstrey S, Ettner R, Coleman E. *Principles of Transgender Medicine and Surgery*: Taylor and Francis, 2016. ProQuest Ebook Central. Web. 29 September 2016.

<sup>104</sup> Lawrence, A.A., 2014. Gender assignment dysphoria in the DSM-5. *Archives of sexual behavior*, 43(7), pp.1263-1266.

<sup>105</sup> Yarhouse MA. *Understanding Gender Dysphoria: Navigating Transgender Issues in a Changing Culture*. IVP, 2015.

(132) Current treatment options, from the least to most invasive, include the following:

#### 7.4.1 *Counselling and psychotherapy for adults with Gender Dysphoria*

(133) Gender dysphoria in adults sometimes remits spontaneously,<sup>106</sup> and there would seem to be a role for psychotherapy to help adults with gender dysphoria accept their biological sex, although this approach is considered futile and unethical by the SOC-7.<sup>107</sup> This view is disputed.<sup>108</sup> The aim of such treatment is for purposes of exploring gender identity, role and expression; mental health impact; alleviating distress; enhancing social and peer support; improving body image; or promoting resilience. Due to the SOC-7 position, there has been little research in this area, so here also the outcome compared with transitioning is not known.

#### 7.4.2 *Real-life experience in the preferred gender role*

(134) Some adults find relief from gender dysphoria with real-life experience with or without hormone therapy, without proceeding to surgery. In view of the risks of surgery, eligibility requirements in the SOC-7 do not allow sex re-assignment surgery without a 12-month full-time real-life experience, even if the patient does not want one. This requirement is currently under review. Changes may involve living part- or full-time in another gender role.

(135) Real-life experience carries significant psychosocial risks including loss of employment, impaired relationships with family and friends, and gender-based discrimination and physical and mental abuse,<sup>109</sup> as well as the impact of neuroplasticity on the brain.

#### 7.4.3 *Hormone therapy*

(136) Hormone therapy aims to feminize or masculinize the body. Adult biological men may receive a form of estrogen and testosterone suppression in the form of cyproterone acetate, spironolactone, or GnRH agonists. Adult biological women may receive a form of testosterone.

(137) A long-term comparison of gender non-conforming adults who were receiving treatment with feminizing or masculinizing hormones with the general population reported the following changes. Women receiving testosterone experienced dramatic masculinising effects (e.g., beard growth and a marked increase in libido), while biological males receiving feminizing hormones experienced only minimal bodily effects (e.g. small breasts), as well as a significant decrease in libido. The number of deaths in male-to-female transgender adults was five times the number expected, due to suicide and death of unknown cause. They had a 45 times increased risk of thromboembolic events, a 400 times increased risk of hyperprolactinaemia, a 15 times increased risk of depressive mood changes, and elevation of liver enzymes. Female-to-male transgender adults experienced a more than 10% weight increase, and acne. The association with heart disease was not clear.<sup>110</sup>

(138) Hormone-treated adults with gender non-conformity who have **not** undergone sex-reassignment surgery demonstrate significantly better quality of life, self-esteem, mood and less psychological distress than persons who have not yet begun hormone treatment.<sup>111</sup> Hormone therapy is considered an effective and 'reasonably safe' treatment in adults with gender dysphoria by proponents of transition.<sup>112</sup>

## 7.5 Sex reassignment surgery

(139) Surgery to change primary and/or secondary sex characteristics includes vaginoplasty or phalloplasty (creation of a vagina or penis by cosmetic surgery) and removal of biological sex organs.

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<sup>106</sup> Marks I, Green R, Mataix-Cols D. 2000. Adult gender identity disorder can remit. *Compr. Psychiatry* 41:273–75

<sup>107</sup> Zucker KJ, Lawrence AA, Baudewijntje, Kreukels PC. Gender Dysphoria in Adults. *Annu. Rev. Clin. Psychol.* 2016. 12:217–47.

<sup>108</sup> *Ibid.*

<sup>109</sup> *Ibid.*

<sup>110</sup> Asscheman H, Gooren LJG, Eklund PLE. Mortality and morbidity in transsexual patients with cross-gender hormone treatment. *Metabolism* 38.9 (1989):869-873.

<sup>111</sup> Murad MH, Elamin MB, Garcia MZ, Mullan RJ, Murad A, et al. 2010. Hormonal therapy and sex reassignment: a systematic review and meta-analysis of quality of life and psychosocial outcomes. *Clin. Endocrinol.* 72:214–31; Zucker KJ, Lawrence AA, Baudewijntje, Kreukels PC. Gender Dysphoria in Adults. *Ann. Rev. Clin. Psychol.* 2016. 12:217–47.

<sup>112</sup> Zucker KJ, Lawrence AA, Baudewijntje, Kreukels PC. Gender Dysphoria in Adults. *Ann. Rev. Clin. Psychol.* 2016. 12:217–47.

Surgery eligibility criteria usually requires a period of living full-time in the preferred gender.<sup>113</sup> Note that artificial body parts do not function with normal physiology.

(140) Few controlled studies have examined the psychosocial outcomes of sex-reassignment surgery. Recent evidence has suggested that sex reassignment is associated with more serious psychological sequelae and more prevalent regret than had previously been supposed. Large studies have shown that in most cases, such surgery had diminished the distress of gender dysphoria, but the mortality rate was still higher than in the general population. Long-term follow-up of sex-reassigned persons show an increased risk for death from suicide, suicide attempts, psychiatric inpatient care and criminal convictions.<sup>114</sup>

(141) It appears that 20% of patients do not experience significant benefit from sex reassignment surgery. As criteria for potential surgical candidates becomes less stringent, this percentage could increase. A review of research in 2014 found only weak evidence to support sex reassignment surgery in adults.<sup>115</sup> Surgery does not result in a level of health equivalent to that of the general population.<sup>116</sup> Despite its limitations, the political support for transition is such that no other management strategy is being pursued at the present time.

(142) This means that people with gender dysphoria are usually told that transitioning is the best treatment available, and it is held up as a solution to all their problems. However, as seen above, this is not the case for most people, but the lack of research into alternatives means there is no evidence to support other treatment options either.

## 7.6 Understanding the medical schism

(143) It may seem odd that aggressive interventions to 'treat' gender non-conformity continue to be recommended in view of the lack of medical evidence for their effectiveness. In order to understand how this has come about, it is necessary to understand an historical note.

(144) Dr Kenneth Zucker led the Child Youth and Family Gender Identity Clinic in Toronto, an internationally renowned clinic for children and youth with gender non-conformity and gender dysphoria, for decades. He spent years helping his patients align their subjective gender identity with their biological sex, with much success. His view was that gender is quite malleable at a young age and gender non-conformity usually resolved itself with time. He was influential in research, diagnostic and treatment development for gender non-conformity and gender dysphoric individuals, and headed the group which developed the DSM-5's criteria for gender dysphoria. On December 15, 2015, he was fired for refusing to change his treatment policy in response to political pressure,<sup>117</sup> despite the support of his colleagues.<sup>118</sup> Since then, those agreeing with his approach have hesitated to speak out for fear of similar reprisals, with subsequent skewing of the public debate.

## 7.7 Christian healthcare approach to gender non-conforming individuals

(145) All healthcare providers have an obligation to care for individuals struggling with gender identity issues with understanding, sensitivity and compassion. This area is challenging as attempts to undergo gender transition are opposed to Christian teaching.

(146) Biological sex is an objective biological fact which cannot be altered at will. Anomalies of human biological sex (i.e., DSD) do not invalidate God's good design in creation. As outlined above, there is evidence that reinforcement of the biological sex role improves the likelihood of resolution of gender nonconformity. This is standard medical practice for individuals with other forms of disordered thinking: e.g.,

<sup>113</sup> Coleman E, Bockting W, Botzer M, Cohen-Kettenis P, DeCuypere G, Feldman J, et al. 2012. Standards of care for the health of transsexual, transgender, and gender-nonconforming people, version 7. *Int J Transgenderism* 13:165–232.

<sup>114</sup> Dhejne, C, et.al. "Long-Term Follow-Up of Transsexual Persons Undergoing Sex Reassignment Surgery: Cohort Study in Sweden." *PLoS ONE*, 2011; 6(2). Affiliation: Department of Clinical Neuroscience, Division of Psychiatry, Karolinska Institutet, Stockholm, Sweden.

<sup>115</sup> Hayes, Inc. Sex reassignment surgery for the treatment of gender dysphoria. Hayes Medical Technology Directory. Lansdale, Pa.: Winifred Hayes; 15 May 2014.

<sup>116</sup> Dhejne, C, et.al. "Long-Term Follow-Up of Transsexual Persons Undergoing Sex Reassignment Surgery: Cohort Study in Sweden." *PLoS ONE*, 2011; 6(2). Affiliation: Department of Clinical Neuroscience, Division of Psychiatry, Karolinska Institutet, Stockholm, Sweden.

<sup>117</sup> Singal J. (2016). Culture wars. How the Fight Over Transgender Kids Got a Leading Sex Researcher Fired. <http://nymag.com/scienceofus/2016/02/fight-over-trans-kids-got-a-researcher-fired.html>. [Accessed 21 April 2017.]

<sup>118</sup> <https://www.ipetitions.com/petition/boardoftrustees-CAMH>. [Accessed 15 July 2017.]

when a person presents with anorexia, medical professionals do not support weight loss but seek to encourage a normal body image.

(147) Continuing the long-standing practice of recognising the distress, supporting it with psychotherapy to the best of our ability, and encouraging uniformity in the embodied self will therefore be the recommended therapeutic pathway in the Christian context. This is because we believe that finding one's identity within God's design will ultimately result in a healthier and more fulfilling life. Given the high prevalence of psychiatric disease in this population, any management approach should also include treatment of such conditions.

(148) The case for medical support of sex transitioning before adulthood is not evidence-based and should not be supported by Christian healthcare providers. This will put the Christian healthcare provider at odds with evolving views of gender identity in the current medical culture. However, there is scientific evidence that to avoid gender transition in the management of gender dysphoria is a reasonable choice. There is particularly good scientific evidence to reinforce the biological gender in young people, especially before puberty.

(149) Social pressure to impose a transgender ideology on those who do not support transitioning is unjust and undemocratic, as well as threatening professional integrity. The purpose of medicine is to heal the sick, not to collaborate with psychiatric disorders. Interventions to alter normal sexual anatomy to conform to transgender desires are disruptive to health.

(150) Management for gender dysphoric adults is more complex, partly because spontaneous resolution of the dysphoria is less common, and also because steps may have been taken towards transition (socially, hormonally, surgically) prior to coming to the Christian healthcare professional. The recommendation here would be to treat any comorbid conditions (e.g., depression, anxiety), and seek to support the person to find contentment with their biological sex, over time, and as much as this is possible. For those who have not begun gender transition, it needs to be made clear that, because of prevailing ideology, transition has been held up as a solution for all the problems confronting the individual with gender dysphoria. However, research clearly shows that, even with full transition, psychiatric morbidity persists. We would caution against even social transitioning because the neuroplasticity of the brain suggests that such behaviour would reinforce gender nonconformity rather than resolve it.

(151) The rare situations of DSD are categorically different from transgender interventions, and are not addressed here but are briefly outlined in Appendix 2.

(152) Management of a person's experience of gender non-conformity or gender dysphoria should therefore include all efforts to support them in their psychological distress and affirm them in their biological sex role. Within the current healthcare system, mentally competent adults make their own choices with which we may not agree, however they do not have the right to coerce Christian healthcare providers to prescribe medication or perform surgery which they believe to be harmful.

## **8 Gender Identity and the Law in Australia**

(153) The following overview of the current legal landscape was prepared by Steve Lucas (Legal Counsel and Corporate Secretary, SDS), with contributions from Associate Professor Neil Foster (Faculty of Law, Newcastle University). The authors of the report are grateful for their contributions.

### **8.1 Recognition of "transgender status"**

(154) The test for whether a person is recognised as "transgender" will vary according to the purpose for which the question is asked and the jurisdiction in which it is being asked.

#### *Birth certificates*

(155) The particulars on a person's birth certificate will usually determine if a person is recognised as male or female (or their sex otherwise categorised) under the law.

(156) In NSW, the alteration of birth certificates with respect to sex is regulated under Division 5A of the *Births Deaths and Marriages Act 1995* (NSW).

(157) Under s 32B, an adult person may apply to alter their birth certificate, if they –

- (a) were born in NSW<sup>119</sup>,
- (b) can demonstrate that they have undergone a “sex affirmation procedure”, and
- (c) are not married.

(158) The application must also be supported by statutory declarations from 2 registered medical practitioners that verify the person has undergone a “sex affirmation procedure” (s 32C).

(159) The same requirements apply in the case of a minor, but the application must be made by the child’s parents or guardians.

(160) The Act defines “sex affirmation procedure” to mean –

...a surgical procedure involving the alteration of a person’s reproductive organs carried out:

- (a) for the purpose of assisting a person to be considered to be a member of the opposite sex, or
- (b) to correct or eliminate ambiguities relating to the sex of the person.

(161) Under s 32I, if a birth certificate has been changed in this way, the person is deemed to be of the changed sex for the purposes of NSW law.

(162) In some jurisdictions it is not necessary for a person to have undergone a medical procedure in order to have their birth certificate changed.

(163) In the ACT, there is no explicit requirement for surgery, only that the person believes their sex to be the sex nominated in the application and that “appropriate clinical treatment for alteration of the person’s sex” has been carried out or the person is intersex.<sup>120</sup>

(164) At the end of 2016, South Australia amended its laws to provide explicitly that “invasive medical treatment” is not a requirement to change a person’s sex on their birth certificate.<sup>121</sup> A person only needs a signed verification from a medical practitioner or psychologist that they have “undertaken a sufficient amount of appropriate clinical treatment in relation to the person’s sex or gender identity”.<sup>122</sup> This clinical treatment “need not involve invasive medical treatment and may include or be constituted by counselling”. If the clinical treatment *only* involves counselling a “sufficient amount” is at least 3 separate counselling sessions totalling 135 minutes or counselling sessions occurring over a period of at least 6 months”.

(165) The Commonwealth government departments primarily rely on state and territory birth records. The Australian Government’s *Guidelines on the Recognition of Sex and Gender*, which apply to all Commonwealth government departments and agencies, note that:

Sex reassignment surgery and/or hormone therapy are not pre-requisites for the recognition of a change of gender in Australian Government records.<sup>123</sup>

(166) Assoc. Prof. Neil Foster observes that it seems that this policy was introduced following the decision of *Abrams and Minister for Foreign Affairs and Trade* [2007] AATA 1816; (2007) 98 ALD 438 (28 September 2007) in which the Commonwealth Administrative Appeals Tribunal over-turned a prior refusal to issue a passport in a revised gender to a person who had been born male, and ordered that a revised passport be issued identifying the applicant as female. The prior refusal had been based on the fact that the relevant State, NSW, only allowed a change of gender on a birth certificate where the applicant was unmarried, but this applicant had been married to a woman prior to undergoing surgery. The Tribunal Member, Deputy President Purvis, held, at [27]:

*The Tribunal is satisfied, and so finds, that she is a female person and has the identity that she contends. Her inability to provide a birth certificate from the Registrar of Births, Deaths and Marriages that records her female gender, in circumstances where the obtaining of the same is prevented by*

<sup>119</sup> A person who was born outside NSW can also apply for registration of their sex in the Register if they meet the same requirements and are an Australian citizen or permanent resident, live in NSW (and have done so for at least one year) and their birth is not registered under the Act or in any corresponding law in a State or Territory (s 32DA).

<sup>120</sup> s25, the Births, Deaths And Marriages Registration Act 1997 (ACT)

<sup>121</sup> *Births, Deaths and Marriages Registration (Gender Identity) Amendment Act 2016 (SA)*. This Act has also expanded the categories available on the register to include male, female, non-binary and indeterminate/intersex/unspecified.

<sup>122</sup> s 29K, Births, Deaths and Marriages Registration Act 1996 (SA).

<sup>123</sup> <https://www.ag.gov.au/Publications/Documents/AustralianGovernmentGuidelinesontheRecognitionofSexandGender/AustralianGovernmentGuidelinesontheRecognitionofSexandGender.pdf> (paragraph 25, page 5)

*state legislation, is not a valid ground for rejecting her passport application, where her identity can be satisfactorily established by other means.*

(167) This decision was not the subject of an appeal. As an AAT decision is not binding as legal precedent in Australian courts, but has so far formed the basis for Commonwealth policy. It is at least arguable that the AAT decision was wrong, and that a person's sex for the purposes of a passport ought to be governed by the primary identity document, the birth certificate.)

(168) In some parts of Australia, it is therefore possible for a person to be legally recognised as being of a gender that does not correspond to their biological sex without undergoing any form of physical change.

#### *Discrimination*

(169) Discrimination law may define a person as being "transgender" without there having been any alteration in the person's sex on their birth certificate.

(170) The *Anti-Discrimination Act 1977* (NSW) includes a person who is a "recognised transgender person" for the purposes of the *Births Deaths and Marriages Registration Act 1995*, but goes further, recognising in s 38A as "transgender", a person who –

- (a) identifies as a member of the opposite sex by living, or seeking to live, as a member of the opposite sex,
- (b) has identified as a member of the opposite sex by living as a member of the opposite sex, or
- (c) being of indeterminate sex, identifies as a member of a particular sex by living as a member of that sex.<sup>124</sup>

(171) It also includes a reference to the person being thought of as a transgender person, whether the person is, or was, in fact a transgender person.

(172) The *Sex Discrimination Act 1984* (Cth) protects against discrimination on the grounds of a person's "gender identity", which is defined to mean –

the gender-related identity, appearance or mannerisms or other gender-related characteristics of a person (whether by way of medical intervention or not), with or without regard to the person's designated sex at birth...

(173) This Act also includes "intersex status" as a protected attribute.

## **8.2 Regulation of gender reassignment**

(174) Gender reassignment refers to surgery, hormone therapy or invasive medical procedures that a person may undertake as part of transitioning to another gender.

(175) In general, an adult person of sound mind may consent to undertaking procedures or treatment. Parents and guardians may consent to procedures or treatment on behalf of their children at a young age where the procedures or treatment are, on medical opinion, "beneficial" or "necessary". If procedures or treatment may be merely optional or non-therapeutic, parental consent will usually not be sufficient and an application will need to be made to the Family Court.<sup>125</sup> However particular considerations apply in the case of children (under 18 years) who are old enough to understand the procedures or treatment. The wishes of a child may prevail over those of their parents if the child is found to pose sufficient understanding and intelligence to understand fully what is proposed.<sup>126</sup>

(176) The most recent authoritative decision in Australia regarding procedures and treatment for gender reassignment by a minor is *Re: Jamie [2013] FamCAFC 110* (31 July 2013). This case considered the two common forms of gender reassignment treatment for children, with stage 1 being the provision of puberty blocking medication and stage 2 comprising cross-sex hormone treatment. It was held that while parents are generally capable of consenting to "stage 1" treatments, "stage 2" treatments, considered to be

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<sup>124</sup> For a case in which a prisoner in jail was found to be "transgender" because they had begun "seeking to live" as a woman before they entered jail, see *Lawarik v Chief Executive Officer, Corrections Health Service* [2003] NSWADT 16 (24 January 2003).

<sup>125</sup> *Department of Health and Community Services (NT) v JWB* (1992) 175 CLR 218.

<sup>126</sup> *Secretary, Dept of Health and Community Services v JWB and SMB* (1992) 175 CLR 218.



irreversible, can only be consented to by the child when they are determined by a court to be of sufficient “understanding and intelligence”.

(177) Issues of capacity in relation to gender reassignment are likely to continue to be tested before the courts given demands from certain sections of the community for gender dysphoria to be normalised and not treated as a disorder, notwithstanding that it will usually require medical intervention.<sup>127</sup>

### 8.3 Discrimination

(178) Discrimination arises where a person is treated differently in certain areas of public life on the grounds of a personal attribute that is protected by the law. This can involve less favourable treatment or being subject to requirements or conditions that are not applied to others in similar circumstances who do not possess the protected attribute.

(179) Discrimination against persons on the grounds of “transgender status” or “gender identity” is prohibited in most jurisdictions in Australia in certain areas of public life.<sup>128</sup>

#### *New South Wales*

(180) Under the *Anti-Discrimination Act 1977 (NSW)*, discrimination on transgender grounds is prohibited in relation to –

- (a) work/employment,
- (b) education (admission and the terms of admission),
- (c) the provision of goods and services,
- (d) accommodation, and
- (e) membership and participation in registered clubs.<sup>129</sup>

(181) There are exemptions –

- (a) section 38K, which concerns discrimination in education, does not apply to a “private educational authority”,
- (b) a transgender person can be excluded from participation in sporting activities for members of the sex with which they identify, but this does not extend to coaching or administration of a sporting activity, only participation, and
- (c) the administration of superannuation.

(182) There are also exemptions (or “balancing clauses”) which apply to religious bodies and faith-based adoption agencies.

(183) Section 56 of the Act provides that –

Nothing in this Act affects:

- (a) the ordination or appointment of priests, ministers of religion or members of any religious order,
- (b) the training or education of persons seeking ordination or appointment as priests, ministers of religion or members of a religious order,
- (c) the appointment of any other person in any capacity by a body established to propagate religion, or
- (d) any other act or practice of a body established to propagate religion that conforms to the doctrines of that religion or is necessary to avoid injury to the religious susceptibilities of the adherents of that religion.

(184) The scope of the exemption in paragraph 56(d) was considered by the NSW Supreme Court in *OV & OW v Members of the Board of the Wesley Mission Council* [2010] NSWCA 155 (6 July 2010). The following points can be made in relation to that litigation -

*Religion:* The court held that what is taught by a religion may include doctrines that are only taught by a sub-group, they do not have to be “universally” held by all adherents.

<sup>127</sup> Whitehall, J. “Childhood Gender Dysphoria and the Law”, *Quadrant* (10 May 2017). p. 6.

<sup>128</sup> See above for definitions of these terms in NSW and Commonwealth discrimination legislation.

<sup>129</sup> Part 3A, *Anti-Discrimination Act 1977 (NSW)*.

*Doctrine:* The word 'doctrine' is broad enough to encompass, not just formal doctrinal pronouncements such as the Nicene Creed, but also that which is commonly taught or advocated by a body, and includes moral as well as religious principles.<sup>130</sup>

*Religious susceptibilities of adherents:* In the specific case, it was held that requiring fostering services be offered to a same-sex couple would be unacceptable to adherents. The Rev Dr Keith Garner gave evidence in para [62] of his submission as follows:

62 If Wesley Mission was required to appoint homosexual foster carers, this would make our provision of foster care services unacceptable to those who support the ethos of Wesley Mission.

(185) At para [34] of its decision resolving the litigation the Appeal Panel commented:

it would also follow from our acceptance of Dr Garner's evidence particularly paragraph 62 of his affidavit that the second limb [i.e., "necessary to avoid injury to the religious susceptibilities of the adherents of that religion"] was made out. The defence provided by s56 having been proved the complaint must be dismissed.<sup>131</sup>

(186) Part 3A of the Act, which deals with transgender discrimination, does not apply to the provision of adoption services by an organisation that is established or controlled by a religious organisation and accredited to provide adoption services.<sup>132</sup>

#### *Commonwealth*

(187) At the Commonwealth level, the *Sex Discrimination Act 1984* regulates discrimination on the grounds of "gender identity" and "intersex status".<sup>133</sup> The areas of public life in which discrimination is unlawful are much the same as in the NSW legislation, except that they also include access to facilities and conferring interests in land. It is also unlawful to request or require a person to provide information if the information is being sought for the purpose of committing an unlawful act of discrimination on the grounds of gender identity or intersex status.<sup>134</sup>

(188) There is an exemption for religious bodies that is in very similar terms to the exemption in s 56 of the *Anti-Discrimination Act 1977 (NSW)*, except that the exemption does not cover the provision of Commonwealth-funded aged care (although it **does** cover the employment of persons to provide that aged care - see s 37(2)(b)).<sup>135</sup>

(189) There is also exemption for educational institutions conducted in accordance with the doctrines, tenets, beliefs or teachings of a religion or creed in relation to employment and enrolment/expulsion etc.<sup>136</sup> However the exemption is slightly narrower than the NSW legislation in that the discriminatory act or practice must be done "in good faith" to avoid injury to the religious susceptibilities of adherents of that religion or creed.

(190) Discrimination questions arise in relation to single-sex schools, uniforms, sports teams, the use of bathrooms/change rooms, sleeping accommodation and the use of pronouns, among others. A church may also wish to restrict or place conditions on a transgender person's participation in its activities, such as in relation to dress or appearance and the congregation that the person is to attend. Generally, such discrimination by religious bodies and faith-based schools in NSW will be lawful subject to the act

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<sup>130</sup> This was the interpretation given by the Tribunal following a direction from the Court for a new hearing. See *OW & OV v Wesley Mission*, 2010 [ADT], [32]-[33]. In *Christian Youth Camps Limited & Ors v Cobaw Community Health Service Limited & Ors* [2014] VSCA 75 (16 April 2014), the Victorian Court of Appeal found that the words "conform to" in the equivalent Victorian legislation meant that the doctrine must be such that there is no alternative but to commit the act or practice giving rise to discrimination. This matter was not directly considered in *OW & OV* but the findings in that case are not consistent with the approach to doctrine in *Cobaw*.

<sup>131</sup> See *OW & OV v Members of the Board of the Wesley Mission Council* [2010] NSWADT 293 (10 December 2010).

<sup>132</sup> s 57A, *Anti-Discrimination Act 1977 (NSW)*.

<sup>133</sup> ss 5B and 5C, *Sex Discrimination Act 1984 (Cth)*.

<sup>134</sup> s 27, *Sex Discrimination Act 1984 (Cth)*.

<sup>135</sup> s 37, *Sex Discrimination Act 1984 (Cth)*.

<sup>136</sup> s 38, *Sex Discrimination Act 1984 (Cth)*.

conforming to doctrine or being necessary to avoid injury to the religious susceptibilities of adherents of the religion.

(191) The legal arguments in relation to matters like the use of bathrooms are very complex, even in non-religious or faith-based school contexts, and almost every step of the argument that discrimination arises could be subject to challenge.<sup>137</sup> Professor Patrick Parkinson has outlined the difficulties with respect to uniforms as follows –

*If a boy who has desires to cross-dress is required to wear the school uniform of his gender, he is not thereby being treated differently from any other boy. Does he have the right to be treated as if he were female? Were it so, then boys would be entitled to enrol in girls' sports, and attend all-girls' schools. Men who have a mental state of wanting to be female, or considering themselves to be so, would be entitled to join all women's gyms or to apply for jobs that are for women only. That would be an extreme and unreasonable position.*<sup>138</sup>

(192) For these and other reasons, the legal arguments in relation to gender identity in schools are often expressed by reference to risk of harm and duty of care issues rather than discrimination.

(193) The guidance issued by some government departments in relation to gender identity goes beyond what is required by anti-discrimination law, yet is expressed in legal rather than policy language. Consider for example, *Legal Issues Bulletin*, No.55 issued to public schools by the Legal Services Directorate of the NSW Department of Education and Communities.<sup>139</sup> This document requires a transgender student to be offered the use of unisex toilets or the toilets of their identified gender, and that if other students “indicate discomfort” sharing these facilities with a transgender student this is to be addressed through the school learning and support team. It also provides that a student under 12 years of age should be permitted to engage in competitive sports with other students of their identified gender.<sup>140</sup> It is not at all clear that any of these obligations are actually imposed by the legislation. Arguments that have not been addressed by the courts, and need to be, include the following.

- Might not the legislation simply forbid discriminatory treatment that is based *simply* on transgender “identity”, rather than even-handed treatment based on a person’s physical sexual characteristics?
- The NSW Anti-Discrimination Act 1977, sets out separate grounds of discrimination which are applicable to “recognised transgender persons”, in s 38B(1)(c), and are not the same as the grounds which are expressed to apply in relation to a person who is simply described as “transgender”. The difference, as noted above, is that a “recognised” transgender person will be one who has undergone a medical “sex affirmation procedure”. It is only such persons for whom, under s 38B(1)(c), it would be discriminatory to treat them “as being of the person’s former sex”. Given this, it seems fairly clear that by implication treating a “transgender” person, who has not had the formal medical procedure, as if they belong to their biological sex, does **not** amount to unlawful (or “less favourable”) treatment *per se*.

#### 8.4 Vilification and offence

(194) It is unlawful to vilify a person or group of persons in NSW on the grounds of transgender status. Section 38S of the *Anti-Discrimination Act 1977* provides –

It is unlawful for a person, by a public act, to incite hatred towards, serious contempt for, or severe ridicule of:

- (a) a person on the ground that the person is a transgender person, or
- (b) a group of persons on the ground that the members of the group are transgender persons.

(195) The section goes on to provide that nothing in the section renders unlawful –

- (a) a fair report of a public act, or
- (b) a communications that would be subject to a defence of absolute privilege in proceedings for defamation, or

<sup>137</sup> Foster, N. *Bathrooms and Discrimination*, Law and Religion Australia (24 April 2016). <https://lawandreligionaustralia.blog/2016/04/24/bathrooms-and-discrimination/>

<sup>138</sup> Parkinson, “The Controversy over the Safe Schools Program”, p. 28

<sup>139</sup> Legal Issues Bulletin, No. 55, December 2014. [https://www.det.nsw.edu.au/media/downloads/about-us/how-we-operate/legal-issues-bulletins/number\\_55.pdf](https://www.det.nsw.edu.au/media/downloads/about-us/how-we-operate/legal-issues-bulletins/number_55.pdf)

<sup>140</sup> Legal Issues Bulletin, No 55. P.3.

- (c) a public act, done reasonably and in good faith, for academic, artistic, scientific, research or religious discussion or instruction purposes or for other purposes in the public interest, including discussion or debate about and expositions of any act or matter.

(196) Similar but more widely drafted legislation in Tasmania prohibits engagement in “conduct which offends, humiliates, intimidates, insults or ridicules another person” on the grounds of their gender identity or intersex status “in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated that the other person would be offended, humiliated, intimidated, insulted or ridiculed”.<sup>141</sup> This is subject to exceptions in relation to –

- (a) a fair report of a public act; or
- (b) a communication or dissemination of a matter that is subject to a defence of absolute privilege in proceedings for defamation; or
- (c) a public act done in good faith for –
- (i) academic, artistic, scientific or research purposes; or
- (ii) any purpose in the public interest.

(197) The law in Tasmania extends to certain conduct which a reasonable person would anticipate would cause offence to another person. This conduct need not necessarily be public, and there is no exception in Tasmania for religious discussion or instruction (other than generally as purpose in the public interest). A complaint was made against Archbishop Julian Porteous for distributing a booklet regarding the Roman Catholic Church’s teaching on marriage in a Catholic School. The Anti-Discrimination Commission of Tasmania accepted the complaint, though it was subsequently withdrawn. More recently the Commission has accepted a complaint against a Presbyterian minister concerning comments made by him on a blog site about health risks associated with “the homosexual lifestyle”, and a complaint against a street preacher by an atheist offended by comments made at the Hobart Mall “speaker’s corner”.<sup>142</sup>

## 8.5 Human right to gender transition in Australia

(198) Australia does not have a national Bill of Rights, either as part of the Constitution or statute law. Some rights are expressly protected by the Constitution, namely the right to vote, protection against the acquisition of property on unjust terms, trial by jury, freedom of religion and prohibition on discrimination based on State residency. Some are implied, such as a right to freedom of political communication which arises out of our parliamentary democracy.

(199) Both Victoria and the ACT have a Charter of Human Rights which requires the government and public servants to take human rights into consideration when making laws, setting policies and in the provision of services. There is also capacity under the Commonwealth *Australian Human Rights Commission Act 1986*<sup>143</sup> to make complaints to the Australian Human Right Commission about conduct constituting human rights violations by or on behalf of the Commonwealth. However, at most, the Commission can report to Parliament in respect to these matters and has no power to make orders or award compensation.

(200) Australia is a signatory to certain international human rights conventions. This international law does not form part of the laws of Australia unless it is given effect through domestic legislation. However, the High Court has held that where there is ambiguity in a statute of an Australian Parliament, which deals with a matter affected by an international covenant, a construction that is consistent with international law obligations is to prevail (*Minister for Immigration and Ethnic Affairs v Teoh* (1995) 183 CLR 273 at 287)<sup>144</sup>. This rests on an assumption that the Parliament does not intend to legislate against these obligations unless the Parliament expressly indicates to the contrary.

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<sup>141</sup> s 17, Anti-Discrimination Act 1998 (Tas).

<sup>142</sup> “Preachers in free speech test on atheists and gays”, *The Australian*, 28 July 2017. <http://www.theaustralian.com.au/business/legal-affairs/preachers-in-free-speech-test-on-atheists-and-gays/news-story/c6039963d5224a7922a8f5cbbd65755e>

<sup>143</sup> Legislation.gov.au. (2017). *Australian Human Rights Commission Act 1986*. [online] Available at: <https://www.legislation.gov.au/Details/C2017C00143>. [Accessed 17 August 2017.]

<sup>144</sup> Jade.io. (2017). *Minister of State for Immigration and Ethnic Affairs v Ah Hin Teoh 1995* [online] Available at: <https://jade.io/article/67887>. [Accessed 17 August 2017.]

(201) Australia is a signatory to the Optional Protocol to the *International Covenant on Civil and Political Rights*.<sup>145</sup> Under the Optional Protocol individuals can make complaints to the United Nations Human Rights Committee (UNHRC) alleging they are victims of violations of the ICCPR. While the Optional Protocol commits Australia to various processes in relation to these matters, Australia is not required to comply with any directions given by the UNHRC. Recently, a transgender woman who is resident in NSW brought a complaint against the Australian government concerning a requirement that she must divorce her spouse before making a change to her birth certificate. The UNHRC found that the requirement breached Article 17 as an “arbitrary or unlawful interference with her privacy and family”, and Article 26 as discrimination on marital status and gender identity grounds. Notwithstanding, the law in NSW remains unchanged.

(202) There are international legal principles on the application of international law on sexual orientation and identity in the form of the *Yogyakarta Principles (2007)*<sup>146</sup> and the *UN Declaration on Sexual Orientation and Gender Identity (2008)*<sup>147</sup>. However, there is no UN convention that provides a framework for assessing sexual and gender rights claims.

## 8.6 Overview of laws in other States and Territories

(203) This document has primarily focussed on the law of NSW and the laws of the Commonwealth that apply in NSW. A brief overview of the laws in other states and territories, the European Union and USA in respect to gender identity is outlined below. The information contained is current as at 28 July 2017.

### State and Territory Laws

Legislation	Key Provisions
<b>NSW</b>	
NSW Anti-Discrimination Act 1977	Part 3A Discrimination on transgender grounds: <ul style="list-style-type: none"> <li>• Section 38K public school educational facilities to unconditionally enrol students</li> <li>• Section 38K(3) excludes private educational authorities</li> </ul>
Births, Deaths and Marriages Registration Act 1995	Part 5A Change of Sex: <ul style="list-style-type: none"> <li>• s32A: Sex “affirmation” (change) procedure is one where a surgical procedure involving the alteration of a person’s reproductive organs has been carried out in order to (a) be considered a member of the opposite sex or (b) to correct ambiguities relating to the sex of a person</li> <li>• s32B a person who has undergone sex affirmation procedure can apply to record a change of sex but must be:               <ul style="list-style-type: none"> <li>○ over 18years (or with parents authority)</li> <li>○ born in NSW</li> <li>○ not married</li> <li>○ must have had the reassignment surgery (proofs submitted and two doctors’ declarations)</li> </ul> </li> <li>• s32E new certificate to be issued without reference to sex change</li> <li>• s32F the child of a person who has had their birth certificate altered may apply to receive a copy of the <b>old</b> birth certificate of the parent.</li> <li>• S32I – the person is legally considered the gender on their birth certificate (or a recognised interstate certificate)</li> </ul> <p><a href="http://www.austlii.edu.au/au/legis/nsw/consol_act/bdamra1995383/">http://www.austlii.edu.au/au/legis/nsw/consol_act/bdamra1995383/</a></p>

<sup>145</sup> Office of the United Nations High Commissioner for Human Rights (OHCHR). (2017). *Optional Protocol to the International Covenant on Civil and Political Rights*. [online] Available at: <http://www.ohchr.org/EN/ProfessionalInterest/Pages/OPCCPR1.aspx>. [Accessed 18 August 2017.]

<sup>146</sup> Yogyakartaprinciples.org. (2017). *Yogyakarta Principles – The Application of International Human Rights Law in relation to Sexual Orientation and Gender Identity*. [online] Available at: <http://www.yogyakartaprinciples.org/> [Accessed 18 August 2017.]

<sup>147</sup> Office of the United Nations High Commissioner for Human Rights (OHCHR). *LGBT UN Resolutions* [online] Available at: <http://www.ohchr.org/EN/Issues/Discrimination/Pages/LGBTUNResolutions.aspx> [Accessed 18 August 2017.]

Legislation	Key Provisions
Key pressure points in NSW:	<p>Ability to change sex on birth certificate without the gender reassignment surgery. Grounds advanced: it's discriminatory and inhumane to force a person to become sterile so that a change of sex status can be made (<a href="http://www.starobserver.com.au/news/national-news/new-south-wales-news/trans-rights-get-a-boost-in-nsw-parliament/142984">http://www.starobserver.com.au/news/national-news/new-south-wales-news/trans-rights-get-a-boost-in-nsw-parliament/142984</a>)</p> <p>Ability for a married person to change sex on birth certificate without getting a divorce: see recent decision of the UN Human Rights Committee recommending change of NSW law on this point.<sup>148</sup></p>
<b>Victoria</b>	
Equal Opportunity Act (2010)	<p>"Gender identity":</p> <ul style="list-style-type: none"> <li>• Part 2, s6(d) makes unlawful to discriminate on the basis of gender identity</li> <li>• Part 4 identifies when discrimination is prohibited</li> <li>• s82 religious bodies exemption – as per the NSW exemption</li> <li>• s83 faith-based schools exemption – the act must conform to doctrines, belief or principles of the religion or be reasonably necessary to avoid injury to the religious sensitivities of adherents of the religion.</li> <li>• s84 exemption for a "person" where discrimination is reasonably necessary for them to comply with the doctrines, beliefs or principles of their religion.</li> </ul>
Births, Deaths and Marriages Registration Act 1996	<p>Similar to NSW laws. The persons must have undergone a surgical procedure involving the alteration of a person's reproductive organs carried out for the purpose of assisting the person to be considered to be a member of the opposite sex and provide statutory declarations from 2 doctors.</p>
Vic Education & Training Policy on 'Gender Identity'	<p>Principals to respect a student's choice to identify as their desired gender when it does not align with their designated sex at birth. <a href="http://www.education.vic.gov.au/school/principals/spag/health/Pages/genderidentity.aspx#related">http://www.education.vic.gov.au/school/principals/spag/health/Pages/genderidentity.aspx#related</a> (As with NSW, it may be doubted whether this guidance accurately reflects the requirements of the legislation.)</p>
<b>South Australia</b>	
Births Deaths Marriages 1996	<ul style="list-style-type: none"> <li>• A person's sex on the register can be changed upon providing a signed verification from a medical practitioner or psychologist that they have "undertaken a sufficient amount of appropriate clinical treatment in relation to the person's sex or gender identity". This clinical treatment "need not involve invasive medical treatment and may include or be constituted by counselling". If the clinical treatment <i>only</i> involves counselling a "sufficient amount" is at least 3 separate counselling sessions totalling 135 minutes or counselling sessions occurring over a period of at least 6 months".</li> </ul>
Sexual Reassignment Act of South Australia (1988)	<ul style="list-style-type: none"> <li>• The Act was repealed by the Births, Deaths and Marriages Registration (Gender Identity) Amendment Act 2016 with effect from 23 May 2017.</li> <li>• The Act regulated gender reassignment procedures and the process for applying for recognition certificates. The latter is now regulated by the Births Deaths Marriages 1996. Gender reassignment procedures are no longer specifically regulated by statute.</li> </ul>
Equal Opportunity Act 1984 (3/10/13)	<ul style="list-style-type: none"> <li>• Part 3, Division 2 prohibits discrimination on the grounds of gender identity in relation to employment. s 34(3) exempts a faith-based educational authority if the discrimination is undertaken pursuant to a written policy and the policy is disclosed.</li> <li>• Section 35(2b)- allows associations to discriminate "on the ground of sexual orientation or gender identity if the association is administered in accordance with the precepts of a particular religion and the discrimination is founded on the precepts of that religion"</li> </ul>

<sup>148</sup> See Neil Foster, "Birth certificate alteration for a married person?" (27 June 2017) <https://lawandreligionaustralia.blog/2017/06/27/birth-certificate-alteration-for-a-married-person/> for comment.

Legislation	Key Provisions
	<ul style="list-style-type: none"> <li>• s37 prohibits discrimination in education on the basis of gender identity</li> <li>• s50 exemptions for religious bodies for ordinations; training of those seeking ordination; administration of a body established for religious purposes and acts or practices to confirm to doctrine or avoid injury to the religious susceptibilities of adherents of the religion.</li> </ul>
SA Law Reform Institute	<ul style="list-style-type: none"> <li>• Audit Paper into discrimination on the grounds of sexual orientation, gender, gender identity and intersex status in South Australian legislation (September 2014)</li> <li>• This is a major review and will constitute a significant reworking of up to “140 South Australian Acts and Regulations that discriminate...on the grounds of sexual orientation, gender identity and intersex status” p11</li> </ul>
<b>Western Australia</b>	
Gender Reassignment Act 2000	<ul style="list-style-type: none"> <li>• Gender Reassignment Board: <ul style="list-style-type: none"> <li>○ Establishes the Gender Reassignment Board which is tasked with issuing Recognition Certificates (in Adult and Child categories). This is the certification which gives legal standing to the new sex.</li> <li>○ Recognition certificates can be used to amend the Birth Certificate.</li> </ul> </li> <li>• Applicants must have undergone a “reassignment procedure”, adopted the lifestyle of that gender and received counselling in relation to their gender identity. In <i>AB v Western Australia</i> [2011] HCA 42, the High Court determined that the Act did not require a person to undergo genital reassignment surgery (in this case a hysterectomy and phalloplasty) to obtain a gender recognition certificate as a man.</li> <li>• There is a bill before the Parliament to abolish the Gender Reassignment Board and confer the responsibilities on the State Administrative Tribunal.</li> </ul>
Equal Opportunity Act 1984	<ul style="list-style-type: none"> <li>• Part IIAA Discrimination on “gender history” grounds in certain cases. In essence it is the same as “gender identity”.</li> <li>• s 72 – religious bodies exemption – as per the NSW exemption.</li> <li>• s 73 – educational institutions established for religious purposes exempt in relation to employment if the discrimination is in good faith in order to avoid injury to the religious susceptibilities of adherents of that religion or creed, and exempt in relation to the provision of education or training in a manner that discriminates in favour of adherents of that religious or creed.</li> </ul>
Births, Deaths and Marriages Registration Act 1998	No opportunity for change of gender
<b>Northern Territory</b>	
Births, Deaths and Marriages Registration Act 2015	Part 4A. As per Victorian laws
Anti-Discrimination Act	<ul style="list-style-type: none"> <li>• s19 – “sexuality”, which is defined in s4 to include “transsexuality”.</li> <li>• s29 – exemption for educational authority operated wholly or mainly for students of a particular sex or religion which permits the exclusion of persons not of that sex or religion.</li> <li>• s37A – exemption in relation to employment for faith-based educational institutions if the discrimination is on the grounds of religious belief or sexuality and the act is done in good faith to avoid offending the religious sensitivities of people of the particular religion.</li> <li>• s51 - religious bodies exemption – ordination, training/appointment of ministers of religion and , except there is no doctrine exemption and the discriminatory acts that are done as part of religious observance or practice.</li> </ul>

Legislation	Key Provisions
<b>Queensland</b>	
Births, Deaths and Marriages Registration Act 2003	As per NSW – surgery required
Anti-Discrimination Act 1991	<ul style="list-style-type: none"> <li>• s7 gender identity</li> <li>• s41 educational authority operated wholly or mainly for students of a particular sex or religion permitted to exclude persons not of that sex or religion.</li> <li>• S109 religious bodies exemption similar to NSW, except the doctrine and religious susceptibilities limb of the exemption does not apply in the case of employment or education.</li> </ul>
Qld Dept of Education, Training & Employment	'Diversity in Queensland Schools – Information for Principals' covering: name, toilet/change rooms, dress code, camps
<b>ACT</b>	
Births, Deaths and Marriages Registration Act 2013	<ul style="list-style-type: none"> <li>• The applicant must believe their sex to be the sex nominated in the application and must provide a statement by a doctor of psychologist certifying that they have received “appropriate clinical treatment” for alteration of their sex or that they are an intersex person.</li> <li>• There is no definition of “appropriate clinical treatment”. There is no requirement for surgical genital reassignment.</li> </ul>
Discrimination Act 1991 No42	<ul style="list-style-type: none"> <li>• s7 notes gender identity and intersex status as a grounds on which discrimination is prohibited</li> <li>• Areas of public life in which discrimination is unlawful is similar to NSW. s18 prohibits discrimination of students on the grounds noted in s7</li> <li>• s32 religious bodies exemption similar to NSW</li> <li>• s33 exemptions for educational institutions for religious purposes: employment of staff and in the provision of education and training, but the discrimination must be done in good faith to avoid injury to the religious susceptibilities of adherents of that religion or creed.</li> </ul>
<b>Tasmania</b>	
Births, Deaths and Marriages Registration Act 1999	As per NSW – surgery required
Anti-Discrimination Act 1998	<ul style="list-style-type: none"> <li>• S16 (ea) gender identity, 16(eb) intersex</li> <li>• Pt 5, Div 8: exceptions allowing discrimination on the <u>grounds of religious belief</u>: <ul style="list-style-type: none"> <li>○ s51: employment based on religion</li> <li>○ s51A: admission of a person as a student in a faith-based educational institution – but not students already enrolled and discrimination can only be on the grounds of religious belief or affiliation</li> <li>○ s52: ordination/priests, participation in religious observance, doctrine, injury to religious susceptibilities</li> </ul> </li> <li>• S17 conduct which offends, humiliates, intimidates, insults or ridicules another person on the basis of gender identity or intersex status, is unlawful</li> </ul>

## 8.7 International Laws

### *European Union*

(204) Legal and scientific bodies are moving at a fast pace to de-pathologise transsexualism. NGO Transgender Europe in 2014 24 EU members required diagnosis of a gender identity disorder in order to access surgery and/or legal recognition.



(205) Two primary legal considerations:

1. Access to sex reassignment treatment and its legal recognition.
2. Ability to rectify one's recorded sex and name on official documents, which has legal consequences in respect to the ability to enter or maintain a marriage.

(206) "In EU Member state legislation, sex reassignment and the legal recognition of gender are often dealt with in parallel. However, from a legal perspective they remain two different steps in a trans person's life. For example in a 2013 ruling the Tribunal of Reggio Emilia in Italy clarified that, as long as a trans person does not request a change of personal data to reflect his/her gender identity, his/her marriage will remain valid in the country, despite same-sex couples not having access to marriage." (Protection Against Discrimination Legal Update 2015, 18)

(207) However, "forced divorce or marriage annulment is still required for legal gender recognition in EU Member States that do not allow same-sex marriage" (Protection Against Discrimination Legal Update 2015, 20)

(208) Recent EU state developments:

- Movement towards self-determination of one's gender:
  - Denmark legalised gender recognition for transgender people based only on their self-determination (no medical diagnosis required). As long as the person is aged 18 and over, they may request a legal change of gender and will be asked to confirm the change 6 months later.
  - In Malta, changing legal gender requires declaring before a notary that one's gender identity does not correspond to the sex assigned in the birth registry
  - In Ireland legal change of gender is based entirely on self-determination.
- Issues regarding interested third parties are causing issues for legislators. For example in Poland:
  - A married trans person must divorce if wishing to undergo gender reassignment
  - If trans person is the sole guardian of a child, they must wait to undergo gender reassignment until the child is of age
  - If there is another parent, the court will transfer custody of the child to that other parent
- Recognition of transgender children:
  - Ireland – children 16 years and older
  - Malta – children can access through a court order
  - Poland – children over 16 years can commence the process

## USA

(209) Procedures for legalising sex change through a birth certificate vary from state to state. However, a general process for changing involves the following steps:

1. Must have had vaginoplasty or orchiectomy (irreversible genital surgery)
2. Signed, dated notarised letter from the surgeon confirming date of procedure(s)
3. Write letter to the Department of Health and Human Services to the relevant birth state detailing transsexual, wanting to change name and sex on birth certificate and to have the original impounded. Trans person will receive written instruction of requirements of the birth state.
4. If residential state laws permit impounding of certificates in other states, the trans person will need to attend court to make the request. The judge will sign the order.
5. Send the court authorised paperwork to the Birth state
6. New birth certificate will be printed and dispatched.

(210) The year 2015 has been dubbed the "year of the transgender tipping point". However, increasing resistance to the normalisation of transgender is being reported:

- 2015 there were 21 anti-trans bills which covered: bathrooms/change rooms/sports; health, marriage and discrimination carve outs

- 2016 as at February here were 44 anti-trans bills which cover: bathroom/change rooms/sports, health, anti-trans marriage, discrimination carve out, birth certificates, first amendment defence acts

(211) Such moves appear to be at odds with the Federal Government's position. For example, Title IX which is the federal civil rights law prohibits discrimination in education. The Federal Government has previously interpreted this to include discrimination protections on the basis of gender identity. However, in more recent times the current Federal Government has indicated that it does not believe that Title IX covers either transgender discrimination<sup>149</sup> or sexual orientation discrimination.<sup>150</sup>

(212) A special note on "First Amendment Defence Acts". These Bills would, if passed, exempt persons/bodies from being deemed to have undertaken discriminatory acts if they act in accordance with sincerely held religious beliefs. The exemption applies even if the person/body is in receipt of public funds.

(213) The Bills appear to all be premised on the belief that sex is fixed as determined at birth and noted on the birth certificate.

#### Canada

(214) The Canadian Parliament has recently passed legislation with respect to transgender rights. Bill C-16, also known as *An Act to amend the Canadian Human Rights Act and the Criminal Code* of the Statutes of Canada 2017<sup>151</sup>, received Royal Assent on 19 June 2017. It will soon become law in Canada.

(215) The Bill amends the *Canadian Human Rights Act* to add "gender identity" and "gender expression" to the list of prohibited grounds of discrimination. These terms are not defined and it is not clear what they encompass.

(216) The Bill also amends the Canadian Criminal Code to prohibit "hate propaganda" against groups that are identifiable based on gender identity or gender expression, and allow longer sentences for criminal offences motivated by hate based on gender identity or gender expression. The Canadian Department of Justice has commented that, "This amendment concerns extremist literature or information that aims to incite hatred against a particular group and that is far outside what Canadian society will tolerate."

(217) There has been considerable debate within Canada regarding the effect of the amendments. In relation to the use of bathrooms, the Canadian Department of Justice has commented that: "Transgender persons have a right to be treated according to their deeply-felt gender identity. In many situations, that includes the right of a person who lives as a woman to use women's facilities, even if she has some male anatomical characteristics. These amendments will codify that right." There have also been suggestions from some quarters that the legislation will compel the use of genderless pronouns. It is unlikely that a failure to use genderless pronouns would amount to hate speech, though what constitutes "hate speech" may change over time. Causing offence is considered a form of hate speech in certain jurisdictions. The claim may be more relevant in respect to discrimination. The Ontario Human Rights Commission (in commenting on the equivalent provisions in its provincial code) has stated: "Refusing to refer to a trans person by their chosen name and a personal pronoun that matches their gender identity, or purposely misgendering, will likely be discrimination when it takes place in a social area covered by the *Code*, including employment, housing and services like education."<sup>152</sup> This indicates that the not using or misusing pronouns will, in some contexts, be considered discrimination by some human rights bodies within Canada.

(218) The Canadian Province of Ontario has passed even more far reaching legislation. Bill 89, *Supporting Children, Youth and Families Act, 2017*<sup>153</sup> received Royal Assent on 1 June 2017. The Bill changes what is considered to be in the best interests of the child. The child's religious faith has been removed from the

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<sup>149</sup> See "Trump administration withdraws federal protections for transgender students" (23 February 2017) <http://edition.cnn.com/2017/02/22/politics/doj-withdraws-federal-protections-on-transgender-bathrooms-in-schools/index.html>.

<sup>150</sup> See "Trump administration, intervening in major LGBT case, says job bias law does not cover sexual orientation" (27 July 2017) [https://www.washingtonpost.com/news/morning-mix/wp/2017/07/27/trump-administration-intervening-in-major-lgbt-case-says-job-bias-law-does-not-cover-sexual-orientation/?utm\\_term=.f80d1f2e857c](https://www.washingtonpost.com/news/morning-mix/wp/2017/07/27/trump-administration-intervening-in-major-lgbt-case-says-job-bias-law-does-not-cover-sexual-orientation/?utm_term=.f80d1f2e857c).

<sup>151</sup> Canada. Department of Justice, (2016) *Bill C-16: An Act to amend the Canadian Human Rights Act and the Criminal Code*. [online] Available at: <http://www.justice.gc.ca/eng/cs/sj/pl/identity-identite/statement-enonce.html>. [Accessed 17 August 2017.]

<sup>152</sup> Ontario Human Rights Commission. (2017). *Questions and answers about gender identity and pronouns*. [online] Available at: <http://www.ohrc.on.ca/en/questions-and-answers-about-gender-identity-and-pronouns>. [Accessed 1 September 2017.]

<sup>153</sup> Legislative Assembly of Ontario, (2017). *Bill 89, Supporting Children, Youth and Families Act, 2017* [online] [http://www.ontla.on.ca/web/bills/bills\\_detail.do?locale=en&BillID=4479&detailPage=bills\\_detail\\_the\\_bill](http://www.ontla.on.ca/web/bills/bills_detail.do?locale=en&BillID=4479&detailPage=bills_detail_the_bill). [Accessed 17 August 2017.]

list of factors to be considered. The list now includes “race, ancestry, place of origin, colour, ethnic origin, citizenship, family diversity, disability, creed, sex, sexual orientation, gender identity and gender expression.” There have been suggestions that the legislation will allow the government to remove a child from their family if the parents do not support the child’s gender identification. It turns on what constitutes “abuse” of a child. The Bill regards a child in need of protection under the law if that child is deemed to be suffering or “at risk of suffering” mental or emotional harm and the parents do not provide “treatment or access to treatment.” It is conceivable that on this basis a parent could be accused of “abuse” if they will not facilitate their child having access to treatment for gender transition. The Bill will also have implications for determining which family environments are in the best interests of the child when placing a child in foster care or adoption.

## 9 Conclusion

(219) Our churches, schools, and organisations should be places where those dealing with gender identity issues are welcomed, loved, and nurtured with generous care shaped by the love of Christ, and informed by the word of God. All those who have faith in Christ belong to the body of Christ, regardless of their personal trials and afflictions. It is our hope that those dealing first-hand with gender identity issues might find the love and support they need within our fellowship.

(220) This Report is the first step in a Diocesan response to gender identity issues. It seeks to provide the biblical framework and medical background for these issues and outlines the current Australian legal situation. A basis is thus provided from which to address the pastoral care of those experiencing gender non-conformity in an informed way, and to engage with developments in society.

(221) Our commitment to the good of all people also means we should be concerned for the welfare of all those with gender identity issues, not just those within our churches. Equipping Christians and churches to appropriately reach out with the gospel and love of Jesus to those who suffer gender identity issues requires further careful reflection.

(222) The next stage of this work entails the development of detailed policies and a pastoral care practice framework for entities within the Diocese. These entities include schools, community service organisations, and youth ministries. The task of caring for people – church communities, families, children and individuals – also requires sensitive consideration.

(223) In the meantime, the following Initial Principles of Engagement are offered, as an indicative response to the complex pastoral issues involved, taking into consideration the teaching of Scripture, medical and legal considerations, and personal responses from the mixed-methods study undertaken by the committee. These principles reflect the main contours of this report.

### 9.1 Initial Principles of Engagement

#### 9.1.1 General Principles

- (a) The promise of the gospel is that all who trust in Christ are assured of existential peace and wholeness in the resurrection life of the new creation.
- (b) All those who have faith in Christ are loved by God and belong to the body of Christ, even if their personal trials and afflictions in this life include gender identity issues or gender incongruence.
- (c) Those who experience gender identity issues or incongruence deserve our compassion, love, and care.
- (d) In the beginning, God made humanity male and female, and, in his creative purposes, biological (bodily) sex determines gender.
- (e) Human nature was damaged and distorted by the Fall but not destroyed. All people continue to be made in the image of God. The experience of incongruence between objective biological sex and subjective gender identity is one consequence of that damage and distortion but in no way diminishes a person’s full humanity.
- (f) God has compassion on the weak and vulnerable, and is able to bring healing to the experience of gender incongruence, however in his sovereign wisdom, that healing might not be fully experienced in this life.
- (g) The human person is a psychosomatic unity, where body and soul come into being at the same time and, in this life and the next, exist together. Embodiment is integral to human

identity, and biological sex is a fundamental aspect of embodiment. Preserving the integrity of body and soul, and honouring and protecting the biologically sexed body that God has given are necessary for human flourishing.

- (h) The binary distinctions of male and female are to be embraced and upheld in the lives of Christian men and women respectively, and expressed in culturally appropriate ways that conform to Scripture.
- (i) Churches, schools, and other Anglican organisations are to be places where all people, including those who experience gender identity issues and incongruence, are welcomed, loved and supported and helped to live in obedience to Christ.
- (j) Practical love of those experiencing gender identity issues and incongruence entails:
  - o faithfulness to the teaching of the Bible
  - o compassion, and active love, care, and support
  - o rejection of all bullying, ridicule, mistreatment, and abuse of gender non-conforming people
  - o evidence-based pathways for treatment, which are consistent with Scripture
  - o ensuring that churches and organisations are adequately informed about gender identity issues and incongruence, and the relevant teaching of the Bible.

### **9.1.2 Those experiencing gender incongruence**

You are made in the image of God and you will find your identity in Christ. Therefore, we encourage you:

- (a) to seek treatment options that aim for the integrity of psycho-somatic unity;
- (b) to seek regular Christian fellowship;
- (c) to share your struggles with some mature Christian people so you can receive Christian compassion and support, as well as accountability and encouragement;
- (d) to know that while gender dysphoria may be a lifelong battle for you, nothing can separate you from the love of God in Christ Jesus, and God will be patient with you, and his grace will sustain you; and
- (e) to fix your eyes on Jesus and look forward to wholeness and relief of suffering in the new creation.

### **9.1.3 Family and Friends of those experiencing gender incongruence**

Family and friends are encouraged:

- (a) to be informed about and embrace the teaching of Scripture on sex and gender;
- (b) to be educated in the various aspects of gender identity and expression (biology, identity, orientation, roles) so you are able to distinguish between sexual orientation (same sex attraction, same sex behaviour) and gender identity (gender dysphoria, transgender) and the different responses each requires;
- (c) to demonstrate gospel grace by loving and caring for the person even if you do not approve or celebrate their behaviour or choices;
- (d) to be honest about your concerns;
- (e) if appropriate, to provide information about alternative treatment approaches to those which promote transitioning;
- (f) not to make your love conditional upon acceptance of your views;
- (g) to be patient and sensitive, and seek to alleviate the person's distress; and
- (h) to be committed in prayer for the person: their physical and psychological wellbeing, and their salvation (if not a Christian).

### **9.1.4 Christian parents**

Christian parents are encouraged:

- (a) to be informed about and embrace the teaching of Scripture on sex and gender
- (b) to be educated in the various aspects of gender identity and expression (biology, identity, orientation, roles) so you are able to differentiate between sexual orientation (same-sex

attraction, same-sex behaviour) and gender identity (gender dysphoria, transgender) and the different responses each requires;

- (c) to understand that your own identity is found in Christ and not in any other source, and make opportunities to explain this to your children;
- (d) to seek mature Christian counsel and pastoral care if your child has gender identity issues that cause you concern, and seek to support the child in their biological sex role;
- (e) to demonstrate gospel grace by loving and caring for your child even if you do not approve of or celebrate your child's behaviour or choices; and
- (f) to build support networks and be actively involved in your Christian community.

#### 9.1.5 Counsellors, teachers, doctors (those with secular professional relationships)

Christian professionals are encouraged:

- (a) to be informed about and embrace the teaching of Scripture on sex and gender;
- (b) to be educated in the various aspects of gender identity and expression (biology, identity, orientation, roles) so you are able to differentiate between sexual orientation (same-sex attraction, same-sex behaviour) and gender identity (gender dysphoria, transgender) and the different responses each requires;
- (c) to understand the biblical view of personhood, and identity in Christ, both for yourself and your clients;
- (d) to differentiate between compassion for the person and understanding the distress of their situation/condition and agreeing with and validating a treatment protocol to transition; and
- (e) to build support networks for consultation, possibly including legal contacts.

#### 9.1.6 Ministry Staff

Ministry staff are encouraged:

- (a) to be informed about and embrace the teaching of Scripture on sex and gender;
- (b) to provide public teaching about the Bible's instruction on these matters;
- (c) to have compassion for those who experience gender incongruence, and teach and model such compassion;
- (d) not to make insensitive or uncaring comments or jokes about gender nonconforming people;
- (e) to build a church culture where all people are actively welcomed, knowing that Jesus bids us all 'come as we are', but that he does not leave any of us 'as we are';
- (f) to encourage a church culture of openness that would allow a person to begin a conversation with ministry staff about their gender identity issues;
- (g) to listen carefully to the person, and not doubt, minimise or dismiss their experience;
- (h) to be concerned for the whole person, not just their gender issues;
- (i) to be patient and committed to the person long-term;
- (j) to respect the person and their family's privacy and confidentiality;
- (k) to ensure church facilities provide a public access uni-sex toilet;
- (l) to provide some non-gendered church activities, e.g., mixed Bible study groups ;
- (m) do not have rigid, unbiblical gender stereotypes, especially for children;
- (n) to encourage others to reach out with friendship and support, especially in children's and youth ministries.
- (o) to ensure that gender non-conforming children and youth are not bullied, teased, excluded, or abused; and
- (p) to consider the pastoral care needs of those close to the gender nonconforming person, especially family.

#### 9.1.7 Congregations

Congregations are encouraged:

- (a) to be informed about and embrace the teaching of Scripture on sex and gender;
- (b) to show love, compassion, hospitality, and welcome to gender nonconforming people;
- (c) to be concerned for the whole person not just their gender issues;

- (d) to offer companionship to the person and their family;
- (e) to be patient and committed to the person and their family for the long-term;
- (f) to respect the person and their family's privacy and confidentially;
- (g) not to stare, exclude or isolate gender nonconforming people;
- (h) not to bully, tease, exclude, mistreat, or abuse gender nonconforming people;
- (i) not to make the person into a celebrity or spectacle for their gender incongruence;
- (j) not to make jokes about gender nonconforming people;
- (k) to be aware that taking or displaying photos or images of a person with gender incongruence might cause them distress;
- (l) to avoid rigid and unbiblical gender stereotypes; and
- (m) to uphold the goodness of God's design of male and female, and provide healthy role models of living faithfully as Christian men and women.

### **9.1.8 Public engagement**

Those participating in public engagement are encouraged:

- (a) to be informed about and embrace the teaching of Scripture on sex and gender;
- (b) to seek the common good of all people, through concern and involvement in public debate and policy formation;
- (c) to show grace, by being loving, gentle, courteous, wholesome, and humble, this may include recognising the good in our interlocutor's arguments;
- (d) to affirm what is true. God's truth is good, and applies to all people, whether or not they accept or recognise its wisdom. Cultural awareness and effective communication may shape how we express our viewpoint, but it cannot alter our adherence to biblical truth;
- (e) to show love, as public engagement is an expression of love for neighbour, and withdrawal from it may signify a failure to love;
- (f) to be informed about the different dimensions of the public debate, as there are those who promote transgender ideology, and those who suffer from gender incongruence, who are vulnerable members of our community, yet the needs and claims of the two groups are different, and must be considered in any public engagement on these matters;
- (g) to ensure that your presuppositions and expectations of the role of the state are informed by and consistent with the Scriptures; and
- (h) to be courageous, knowing that God is sovereign over all.

## **10 Recommendations**

1. Synod receives the Report.
2. Synod agrees to approve in principle the Initial Principles of Engagement at 9.1 of the Gender Identity Report as a policy of the Synod.
3. Synod affirms that:
  - (a) The promise of the gospel is that all who trust in Christ are assured of everlasting peace and wholeness in the resurrection life of the new creation.
  - (b) All those who have faith in Christ are loved by God and belong to the body of Christ, even if their personal trials and afflictions in this life include gender identity issues or gender incongruence.
  - (c) Those who experience gender identity issues or incongruence deserve our compassion, love, and care.
  - (d) In the beginning, God made humanity male and female, and, in his creative purposes, biological (bodily) sex determines gender.
  - (e) Human nature was damaged and distorted by the Fall but not destroyed. All people continue to be made in the image of God. The experience of incongruence between objective biological sex and subjective gender identity is one consequence of that damage and distortion but in no way diminishes a person's full humanity.

- (f) The human person is a psychosomatic unity, where body and soul come into being at the same time and, in this life and the next, exist together. Embodiment is integral to human identity, and biological sex is a fundamental aspect of embodiment. Preserving the integrity of body and soul, and honouring and protecting the biologically sexed body that God has given are necessary for human flourishing.
- (g) The binary distinctions of male and female are to be embraced and upheld in the lives of Christian men and women respectively, and expressed in culturally appropriate ways that conform to Scripture.
- (h) We deeply regret that, in the past, some gender non-conforming people have experienced rejection or lack of compassion in our churches and ministries.
- (i) Churches, schools, and other Anglican organisations are to be places where all people, including those who experience gender identity issues and incongruence, are welcomed, loved and supported and helped to live in obedience to Christ.
4. Synod commends the Gender Identity Report to all Anglican schools and other agencies in the diocese which are called upon to care for people with gender identity issues and asks the governing boards and councils, and the heads and chief executive officers of such schools and agencies to –
- (a) ensure that any policies, guidelines and procedures which they draft to address this issue are consistent with the Initial Principles of Engagement approved in principle as a policy of the Synod at its session in 2017, and
- (b) consult with the Archbishop about the final form of such policies, guidelines and procedures before they are published, and
- (c) commit to reviewing such policies, guidelines and procedures in light of any revised form of policy adopted by the Synod following its session in 2017, and requests that the Standing Committee bring to the Synod session in 2018 a revised form of the Initial Principles of Engagement with a view to the revised form being adopted as a policy of the Synod.

## 11 Acknowledgement

### Members of the Gender Identity Subcommittee

Dr Claire Smith (Chair)	Dr Megan Best	The Rev Nicholas Moll
Dr Patricia Weerakoon	The Rev David Ould	

### Members of the Social Issues Committee

Dr Karin Sowada (Chair)	Dr Megan Best	The Rev Dr. Chase Kuhn
The Rev Dr Andrew Ford	The Rev Dr Michael Jensen	Mr Darren Mitchell
The Very Rev Kanishka Raffel		

We would also like to thank the following people for their assistance:

Ms Emma Penzo	Mr Steve Lucas	Assoc Prof Neil Foster
Mr Jeremy Freeman	Mrs Leonie Russell	

## Table of Acronymns

<b>ACL</b>	Australian Christian Lobby
<b>AIDS</b>	Acquired Immune Deficiency Syndrome
<b>DSD</b>	Disorders of Sex Development
<b>DSM</b>	Diagnostic and Statistical Manual of Mental Disorders
<b>DSM-4</b>	Diagnostic and Statistical Manual of Mental Disorders 4 <sup>th</sup> Edition
<b>DSM-5</b>	Diagnostic and Statistical Manual of Mental Disorders 5 <sup>th</sup> Edition
<b>F2M</b>	Female to Male
<b>GD</b>	Gender dysphoria
<b>GNC</b>	Gender nonconformity
<b>GnRH</b>	Gonadotropin-releasing hormone
<b>HP</b>	Healthcare providers
<b>LGBT</b>	Lesbian, Gay, Bisexual, Transgender
<b>LGBTI</b>	Lesbian, Gay, Bisexual, Transgender, Intersex
<b>LGBTIQ</b>	Lesbian, Gay, Bisexual, Transgender, Intersex, Queer
<b>RLE</b>	Real life experience
<b>SOC-7</b>	Standards of Care for the Health of Transsexual, Transgender, and Gender-nonconforming people, Version 7
<b>SRS</b>	Sex reassignment surgery
<b>TG</b>	Transgender
<b>WPATH</b>	World Professional Association for Transgender Health



## Disorders of Sexual Development

Disorders of Sex Development (DSD) describe the rare situation where a newborn infant is found to have ambiguous genitalia (ie it is not clear from observation whether the child has male or female genitalia – whether they are male or female). These are established medical deviations from the normal binary male-female genital development. This condition is also called 'intersex' or 'hermaphrodite' in non-medical settings, but these terms are considered unhelpful, and perceived to be pejorative by some.

In determining whether someone is male or female, we can observe their physical characteristics, such as genitalia (their phenotype) – the usual process at birth; or we can examine their genetic characteristics (their genotype) – by using simple laboratory tests. Most people are born with either two X chromosomes (XX = genotypic female) or one X and one Y (XY = genotypic male). This does not change through life. Usually the genotypic and phenotypic sex are in alignment at birth, and development at puberty is in consistent. In DSD, variations may be minor (such as individuals with genetic variations XO (Turner's Syndrome), or XXY (Klinefelter's Syndrome) which each has a particular phenotype different from the norm. Other variations may be more severe, such as in the case of children born without the ability to produce an enzyme (5- $\alpha$ -reductase) which leads to ambiguous but generally female-appearing genitalia at birth (labia with an enlarged clitoris and undescended testes) and therefore may be raised as girls, but the genitalia then turn into a penis with descended testes at puberty, resulting in a phenotypic male. The most common DSD, accounting for the majority of ambiguous genitalia in the newborn, is congenital adrenal hyperplasia.

The presence of DSD in a newborn requires urgent medical treatment to ensure the safety of the child, as some may have conditions that are life-threatening. Treatment involves a team of professionals who can provide appropriate medical care and counselling for the parents. The topic of early gender reassignment is currently under debate.

## General Synod 2017 Session

(A report from the Standing Committee.)

### Introduction

1. The 17<sup>th</sup> General Synod was held in Maroochydore from 3-8 September 2017.
2. The 17<sup>th</sup> General Synod consisted of 259 members of whom 71 were from the Diocese of Sydney. A number of resolutions, canons and rules were passed at the session. A number of elections also took place for General Synod boards and committees.

### Resolutions

3. Many of the resolutions related to formal matters concerning the business of General Synod, while others were of more significance. The resolutions that may be of particular interest are extracted in the Appendix. The resolutions recorded are those passed on Days 1-4, as the Minutes from Day 5 are not yet available.

### Canons

4. The following canons were passed –
  - Appellate Tribunal Amendment (Qualification) Canon 2017*
  - Appellate Tribunal Amendment (Reserve List) Canon 2017*
  - Constitution (Appellate Tribunal) Amendment Canon 2017\**
  - Special Tribunal Amendment Canon 2017\*\**
  - Special Tribunal (Limitation Period) Canon 2017*
  - Long Service Leave (Revision of Entitlement) Canon 2017*
  - Long Service Leave (Notification of Participating Organisation) Canon 2017*
  - Canon to Ratify the Amended New South Wales Provincial Synod Constitution*
  - Holy Orders (Removal from Exercise of Ministry) Canon 2017\*\**
  - Canon Concerning Confessions (Revision) Canon 2017\*\**
  - Canon Concerning Confessions (Vulnerable Persons) Canon 2017\*\**
  - Canon Concerning Services Amendment Canon 2017\*\**
  - NATSIAC Amendment Canon 2017*
  - Strategic Issues, Commissions, Task Forces and Networks Amendment Canon 2017*
  - Missionary Dioceses (Amendment Canon) 2017*
  - Safe Ministry to Children Canon 2017\*\**
  - Disclosure of Information Canon 2017*
  - National Register Amendment Canon 2017*
  - National Register (Access to and Disclosure of Information) Amendment Protocol 2017*
  - National Register (Inclusion of Information) Amendment Protocol 2017*
  - Episcopal Standards (Child Protection Canon) 2017\*\**
  - Constitution (Jurisdiction of Special Tribunal) Amendment Canon 2017\**
  - Offences Amendment Canon 2017\*\**
  - Redress for Survivors of Abuse Canon 2017*
5. Some of these canons have already taken effect, others will not take effect unless the requisite number of diocesan synods report their assent by ordinance (marked \*), and still others will not take effect in Sydney until they are adopted by our Synod (marked \*\*). The canons are, or will be, the subject of a further report prepared for the Synod.

### Rules

6. The following rules were passed –
  - A Rule to amend Rule I - Standing Orders (Formal Motions)*
  - A Rule to amend Rule III - Rules for the Conduct of Elections*
  - A Rule to amend Rule I - Standing Orders (Electronic Voting)*
  - A Rule to Amend Rule II – Rules for the Appointment of a Standing Committee of General Synod and Defining its Powers and Duties*

**Elections**

7. The following persons from Sydney were elected to the following General Synod boards and committees –

*Council of the Australian College  
of Theology*

Mr Garth Blake SC  
Archbishop Glenn Davies  
Dr Louise Gosbell  
The Rev Dr David Hohne  
Mrs Susan Hooke  
Dr Stuart Piggitt  
Dr Claire Smith  
The Right Rev Michael Stead  
Ms Jane Tooher

*Defence Force Board*

The Rev Andrew Nixon

*Standing Committee*

The Rev Dr Andrew Ford  
Dean Kanishka Raffel  
The Right Rev Michael Stead  
Mr Garth Blake SC  
Dr Karin Sowada  
Dr Robert Tong AM  
The Hon Peter Young AO QC

*Panels Of Electors of the  
Primate*

The Right Rev Michael Stead  
Dean Kanishka Raffel  
Mr Garth Blake SC  
Dr Karin Sowada  
Dr Robert Tong AM  
The Hon Peter Young AO QC

*Elected as a Reserve*

The Rev Dr Andrew Ford  
The Rev Nigel Fortescue  
The Right Rev Ross Nicholson  
The Rev Dr Mark Thompson  
Dr Claire Smith

*Long Service Leave Board*

The Rev Dr Andrew Ford  
Mr Doug Marr

*The Board of Assessors (Appellate Tribunal)*

The Rev Dr Andrew Ford  
The Rev Dr Mark Thompson

For and on behalf of the Standing Committee

ROBERT WICKS  
*Diocesan Secretary*

20 September 2017

## General Synod 2017 – Selected resolutions

### *R20/17 A Motion relating to the Professional Standards Commission Report*

The General Synod:

- (a) receives the report of the Professional Standards Commission;
- (b) recommends that each diocese:
  - (i) publish a list of appropriately qualified people as professional supervisors for those in pastoral ministry and promote the use of their services;
  - (ii) include a component for professional supervision in recommended financial packages for those in pastoral ministry;
- (c) requests the Standing Committee to explore with the dioceses the development of a nationally consistent approach to professional standards legislation with particular reference to its application to child abuse;
- (d) requests the Safe Ministry Commission:
  - (i) to measure and review the Church's progress towards being a child safe institution in the light of the elements identified in the report of the Royal Commission Creating Child Safe Institutions issued in July 2016;
  - (ii) to analyse the final report of the Royal Commission and make recommendations as to actions to be taken;
  - (iii) to develop an audio visual resource for use in dioceses that provides information to ministers, churchwardens and parish councils about the implementation of the Policy for Safe Ministry in a parish where there is a risk of sexual abuse by a Person of Concern and the issues raised by the participation of a Person of Concern in the life of a parish;
  - (iv) to develop a resource for use in dioceses for providing care for families who have experienced premature death of a family member due to child sexual abuse;
  - (v) to identify and recommend resources for use in dioceses for responding to family and domestic violence;
  - (vi) to report to the 18th General Synod as to the progress of the Church in the development and implementation of safe ministry policies and structures.

### *R21/17 A Motion relating to Safer Ministry*

That the General Synod:

- (a) welcomes resolutions 16.25, 16.26, 16.27 and 16.28 passed by the Anglican Consultative Council in April 2016 (ACC-16) and requests the General Secretary to convey this resolution to the Secretary General of the Anglican Communion and the Archbishop of Canterbury;
- (b) commends the National Council of Churches in Australia for organising the *Safe as Churches? 7* and *the Safe as Churches? 8* conferences on sexual misconduct and abuse in the Australian churches, and supports ongoing joint action by member churches and other participating Australian churches to promote the welfare and safety of all people within their communities. The General Synod requests the General Secretary to convey this resolution to the General Secretary of the National Council of Churches in Australia;
- (c) recommends that the Commonwealth Government promote a national system for child protection, and that State and Territory governments as a matter of urgency enact legislation for a national system for child protection that provides for:
  - (i) the mandatory reporting of child abuse by persons including ministers of religion to the police and the government child protection authorities;
  - (ii) the screening of all persons seeking to work with children in a paid or voluntary capacity;
  - (iii) the mutual recognition of clearances for persons to work with children in all States and Territories: and
- (d) that the General Secretary forward the terms of this resolution to the Prime Minister, the Premier or Chief Minister of each State and Territory and the Royal Commission into Institutional Responses to Child Sexual Abuse forthwith.

*R22/17 A motion relating to The Global Goals for Sustainable Development*

That, celebrating the success of the Millennium Development Goals and noting that the number of people living in extreme poverty has more than halved since 1990, the General Synod:

1. welcomes the new Global Goals for Sustainable Development which aim to end poverty, protect the planet, and pursue the common good;
2. encourages theological engagement with the goals, and missional commitment to their achievement;
3. commends the work of Anglicare Australia, the Anglican Board of Mission, Anglican Overseas Aid, Anglican Aid and other Anglican organisations in striving to achieve the Sustainable Development Goals; and
4. renews our call for a fair share of Australia's national budget (0.7% of Gross National Income) to be dedicated to Overseas Development Assistance that aims to reduce poverty.

*R23/17 A motion relating to Domestic Violence in Aboriginal and Torres Strait Islander Communities*

We the members of NATSIAC

- a) Note with grave concern the rate of domestic and family violence in our communities;
- b) Call upon the government both federal and state to continue to invest in educational and family support programs;
- c) Call upon the Anglican Church of Australia to develop a national response via greater education among clergy and church workers with regard to domestic and family violence; and,
- d) Call upon General Synod to encourage dioceses to develop domestic violence policies, with advice for good pastoral practice, consistent with Faithfulness in Service, and in consultation with local Aboriginal and Torres Strait Islander communities.

*R24/17 A motion relating to Aboriginal and Torres Strait Islander Community Issues*

The General Synod recognises and shares the deep concern of NATSIAC members in regard to:

1. The appalling number of youth suicides in the Aboriginal and Torres Strait Islander communities; ten times higher than the wider Australian community and notes that suicides touch 95% of Aboriginal and Torres Strait Islander peoples.

This Synod calls upon the government, both state and federal, to investigate the causes of these horrific statistics, and requests appropriate continuing funding to finance functional programs in consultation and negotiation with Aboriginal and Torres Strait Islander communities;

2. The sad and undeniable facts concerning the disproportionate rate of incarceration of Aboriginal and Torres Strait Islander People in gaols and detention centres all over Australia.

This Synod strongly urges all governments, federal and state to end mandatory sentencing and to actively investigate and examine 'best practice' from other jurisdictions, utilise resources such as diversionary programs and changes to policies that would seek to have gaol as the last resort.

*R25/17 A motion relating to Equal Representation of Women*

The General Synod -

1. Notes with disappointment that the resolution of the 2007 fourteenth Session of General Synod in regard to the equal representation of Women on General Synod Bodies (GS85/07) has not been effectively implemented, with equal representation of women on only three of the General Synod's current 27 Bodies.
2. Requests the next General Synod Standing Committee to
  - a) Re-commit to the principle of equal representation of women in membership of its bodies and to ensure that this goal is met the Standing Committee agree to a target that all General Synod bodies (General Synod commissions, task forces and working groups) have 50% equal representation of women in their membership by 1<sup>st</sup> December 2019 wherever legislatively and practically possible.

- b) Apply the principle of equal representation of women in membership of organisations where Standing Committee make appointments to other bodies wherever this is legislatively and practically possible.
- c) Review annually the progress of this target.
3. Encourages each diocese to adopt the target of 50% equal representation of women in elections and appointments wherever legislatively and practically possible and to report back to the next General Synod.
4. Requests Standing Committee to report progress on this matter to the 18th Session of General Synod.

*R26/17 A motion relating to Mission to Seafarers*

The General Synod –

- a) Receives the report of the Mission to Seafarers.
- b) Recognises and seeks to include the celebration of Sea Sunday annually as a way to support the ministry of the Mission to Seafarers and highlight the plight of Seafarers.
- c) Calls on the Federal Government to take seriously its responsibility under the Maritime Labour Convention 2006 and fully fund land based welfare for seafarers in this country.
- d) Respectfully requests the Primate to convey the above terms of this resolution to the Prime Minister and Federal Transport Minister.

*R28/17 Church Agencies Network Disaster Operation (CAN DO)*

The General Synod commends the Church Agencies Network Disaster Operation (CAN DO) consortium as a significant and welcome demonstration of ecumenical collaboration, in an important area of global ministry and mission, and urges the Anglican Church of Australia to support the work of Anglican Board of Mission and Anglican Overseas Aid through CAN DO.

[ ] *First Nation's Voice*

The General Synod:

1. Supports the recommendation of the Referendum Council for a constitutionally-entrenched First Nations' Voice to the Commonwealth Parliament;
2. Encourages the governments in Australia to seek to negotiate in good faith with First Nations' Peoples towards treaties or other similar forms of agreement;
3. Requests the General Secretary to convey this resolution to the Prime Minister, State Premiers, and Leaders of the Opposition;
4. Requests the Public Affairs Commission in consultation with NATSIAC to prepare resources, including summaries and theological reflections for use by Anglican parishes, schools and organisations, on the Referendum Council Report on any subsequent referendum questions and on the progress of treaty or similar negotiations.

*R29/17 Aboriginal and Torres Strait Islander Environmental Issues*

The General Synod,

1. Acknowledges that NATSIAC, as the voice of Aboriginal and Torres Strait Islander Anglicans in Australia, is committed to the preservation of God's creation; and
  - a) joins with NATSIAC in recognising the implications of Climate Change upon the entire nation, its land, sea and waters but especially in the Torres Strait; and
  - b) forwards the findings and recommendations of the Symposium on Indigenous Perspectives on Climate Change held in Darwin 2016 to the Prime Minister, Leader of the Opposition, State Premiers, and relevant ministers.
2. Acknowledges that NATSIAC has been expressing concern over the use of fracking on traditional Aboriginal and Torres Strait Islander lands for many years, and joins with NATSIAC in condemning practices which seek to pressure elders to submit their traditional homelands and waterways to fracking and other practices that risk destroying hunting and fishing grounds and areas of major cultural significance.

*R35/17 Bishop Greg Thompson*

This General Synod gives thanks to Almighty God for the courageous ministry and prophetic leadership by the 13th Bishop of Newcastle The Rt Rev'd Gregory Thompson in calling the Church and especially the Diocese of Newcastle to face their past about child sexual abuse and shape a healthy future in responses to Christ's call to protect, esteem and nurture children and vulnerable people.

Further this General Synod requests the Primate to convey these sentiments to Bishop Thompson.

*R36/17 Church Law Commission Membership*

That having regard to:

- (a) The history of clergy membership on the Church Law Commission;
- (b) The fact that Church Law matters can affect the clergy in a way different to the way it affects the laity;
- (c) The desirability of theological considerations being taken into account and informing Church Law,

the Primate, when appointing members to the Church Law Commission on the advice of the Standing Committee under section 14 of the Strategic Issues, Commissions, Task Forces and Networks Canon 1998, give active consideration to the appointment of at least one member of the Clergy to the Church Law Commission.

*R37/17 UN Conference on Nuclear Disarmament*

That this General Synod urges our Australian Government to be a strong and positive contributor to the 2018 high level UN Conference on Nuclear Disarmament.

Remembering Hiroshima and Nagasaki, and aware of current instabilities, we urge that this opportunity be taken to elevate the issue of nuclear disarmament and to build pressure on nuclear-weapon States to agree to specific nuclear disarmament proposals.

*R39/17 Report Content Policy*

Synod requests Standing Committee to consider writing a policy that requires minimum mandatory information to be included in reports to Synod from commissions, task forces and working groups. Such information should include:

- (a) Expenses incurred compared to budget and reasons for variation;
- (b) Frequency and attendance at meetings;
- (c) Membership changes; and
- (d) Synod resolutions addressed by the group.

*R40/17 World Week of Peace in Palestine and Israel*

That this Synod encourages members of General Synod and those within their Dioceses to consider marking in some way the World Week of Peace in Palestine and Israel, 17-24 September 2017.

Synod notes that resources for liturgy and prayer are available on the World Council of Churches website.

*R42/17 Australian Freedom Network*

That this General Synod –

1. Notes the establishment of the Australian Freedom Network (AFN) signed by the Primate on our behalf;
2. Commends those involved in the establishment of the Global Freedom Network of which the AFN is part;
3. Acknowledges the continuing reality of human trafficking and slavery, and laments the damage that this does to all involved as a distortion of what it means to be created in God's image;

4. Commits to personal and organisational behaviour that utilises tools such as the “Ethical Fashion Guide” and information regarding corporate supply chains to inform decisions surrounding consumption so that ethical choices can be made; and
5. Requests that the General Synod network, Anglican Schools Australia, consider how it may collaborate with the AFN to explore how Anglican Schools in Australia may be supported as they educate students to be ethical leaders in the Australian community.

*R43/17 Safe Ministry Implementation*

1. That this Synod gives thanks for the unity of intent expressed by the unanimous resolution of this Canon.
2. That each Diocesan Bishop with the support of their Synod team commits to strive for the adoption of this Canon at the first Diocesan Synod after this General Synod with the hope that all 23 Dioceses will adopt the Canon.
3. That the General Synod embraces a Networking approach to the free exchange of resources and the drawing upon centres of excellence in safe ministry practice to enable the full implementation of the Canon by large and small Dioceses working together.

*R44/17 Proclamation of the Gospel*

The General Synod –

while abhorring oppression, abuse, cruelty, victimisation and all forms of violence and injustice, and while strongly supporting efforts to deal with such violence and injustice, and

while affirming its deep concern for the poor, the homeless, the lonely, the ill and all who suffer, and while strongly supporting efforts to alleviate such suffering, also

asserts its belief that God loved the world, that his righteous judgement will prevail, that he gave his Son, the Christ to suffer and die for our sins, that he raised him from the dead, that he pours out his Holy Spirit upon his people, that his Son, the Lord Jesus Christ will return in majesty and that he calls all to repent and believe in his son, and strongly supports efforts to proclaim this glorious gospel to the world.

*R45/17 Working with Children Check Systems*

General Synod calls upon the Commonwealth, State and Territory governments to develop an age appropriate Working with Children Check system or suitable alternative for those persons aged under 18 who work with children.

*R46/17 Pioneer Ministry*

The General Synod:

- a) acknowledges that patterns of faith and belief in Australia are changing and that the Anglican Church of Australia’s capacity to participate in God’s mission is diminishing when too many congregations struggle with vitality and outreach;
- b) notes the ten-year anniversary of “Building the Mission- shaped Church” report in October 2006 and its call to build capacity for church planting and developing fresh expressions of church as strategies for mission and evangelism;
- c) commends dioceses for undertaking a diverse range of initiatives at revitalising parishes, planting new churches and pioneering different forms of church for people who live in a changing culture;
- d) recognises that the development of pioneer leaders capable of planting new churches or developing different forms of church remains problematic when little consensus about expectations for ordination and lay ministry exists nationally;
- e) requests that the Mission and Ministry Commission:
  - i. convene a national network of pioneer leaders engaged in revitalisation, planting and fresh expressions to meet annually;
  - ii. convene a national research network to foster the theology and practice of evangelism;



- iii. examine how community-based chaplaincy and pioneer ministry intersect to create fresh opportunities for mission in a changing society;
- iv. explore ways to provide for coaching and training support for lay and women pioneer leaders; and
- v. seek to engage the annual Bishops' Conference in discussion about mission and evangelism in a changing Australia.

*R47/17 Viability and Structures Steering Group Report to General Synod*

The General Synod

- 1) Recognises that all growth will come through faithful, action trusting in God's enlivening work;
- 2) Notes that the precise structural changes needed to fit the Anglican Church in Australia for the future are not yet known;
- 3) Notes the importance of children in the ministry of the Lord Jesus and requests each Diocese to construct a holistic ministry and mission plan for children and young people in conjunction with other Dioceses in their Province.
- 4) Requests Standing Committee to report to General Synod possible concrete structural changes that will aid the provision of ministry and the extension of mission across Australia noting particularly the role and requirements of Pioneer Ministry and theological formation for lay and ordained ministry;
- 5) Receives the report of the Viability and Structures Steering Group and endorses the recommendations contained in the report as follows:
  - to help ensure we develop the visionary church leaders required by the future, Bishops (and, ideally, next generation Bishops) should be intentionally equipped and enabled through the establishment of a holistic continuing leadership development program.
  - to improve the quality and consistency of knowledge and best practices across the Church, the apparatus should be established to facilitate collaboration, including the sharing and communication of ideas, resources and information.
  - to enhance the missional effectiveness of the Church, each Diocese is requested to develop a Mission Action Plan, including timelines and resource requirements for implementation, and report back to the Standing Committee.
  - because it is essential that necessary future change is constructively considered on a timely basis, the Bishops are asked to implement a process – to be endorsed at the first national Bishops' meeting following General Synod – through which, on a regular basis, they would collectively assess any need for significant change and seek to agree how to effect the necessary change.
  - to help ensure the implementation of the recommendations above, the Standing Committee should seek, receive, review and approve sensible resource and funding applications for each of these recommendations.
- 6) Asks the Standing Committee and the House of Bishops to review and facilitate the progress of implementation of these recommendations and present proposals, with actionable plans, to a meeting of Standing Committee in 2018.

*R48/17 Marriage, same-sex marriage and the blessing of same-sex relationships*

The General Synod –

- (i) recognises that the doctrine of our church, in line with traditional Christian teaching, is that marriage is an exclusive and lifelong union of a man and a woman, and further,
- (ii) recognises that this has been the subject of several General Synod resolutions over the past fifteen years, and also
- (iii) recognises that the nature of marriage is the subject of ongoing conversation within the church and wider community and that we need to listen to each other with care and respect, and
- (iv) acknowledges the experiences and genuine concerns of LGBTIQ+ people within the church and the community, and therefore
- (v) asks the Doctrine Commission to facilitate a respectful conversation in our church by means of a collection of essays on marriage and same-sex relationships that explores Scriptural and theological issues relating to:
  - a. The doctrine of marriage expressed in the formularies of the Anglican Church of Australia

- b. Our current Australian context, exploring the relationship between the State's definition of marriage and the church's doctrine of marriage
- c. Key Old Testament and New Testament texts on sex, marriage and friendship
- d. Scripture and hermeneutics
- e. A theology of blessing
- f. A theology of desire
- g. Godly disagreement on this issue
- h. The case for and against same-sex marriage and/or the blessing of same-sex unions.

#### *R49/17 Condemnation and Apology for Domestic Violence*

The General Synod affirms that:

1. All human beings, male and female, are created in the image of God, and are precious to him. So their value and dignity should be upheld by all, and rightly commands respect and protection.
2. In following the life and teachings of Jesus Christ, Christian relationships, families, and households are to be characterised by mutual love, respect, compassion and a commitment to the wellbeing of one another. No one should feel unsafe in their own home.
3. The Bible condemns the misuse of power to control or exploit others, and rejects all abuse, whether physical, verbal, or otherwise expressed from one person towards others. Therefore domestic violence is sin, and Scripture should never be twisted to justify or excuse any abuse.
4. No victim of domestic abuse should ever be pressured to forgive, submit to, or restore a relationship with an offender.
5. Our churches are committed to being safe places for all people, especially children and vulnerable adults, and we will therefore work to protect those experiencing domestic abuse as a first priority.
6. We grieve with victims and survivors of domestic abuse, and pray for their healing and recovery. We give thanks for those women and men, clergy and lay people, who have faithfully supported, cared for and protected such victims in our churches and communities.
7. However, we also confess with deep shame 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 has failed adequately to support victims and call perpetrators to account.
8. We urge Anglican dioceses around Australia to ensure they have policies and good practice guidelines in place, along with education and training, for responding well to situations involving domestic violence within our parishes and organisations.
9. We call on all institutions preparing people for ordained or lay ministry in the Anglican Church of Australia to review curriculum and content to ensure that material which may give rise to unhealthy views about power or the marginalisation of women, are addressed.
10. We also acknowledge our responsibility to work with the police, statutory child protection authorities and specialist agencies in responding to domestic abuse, including our legal obligations in reporting abuse. This should include consideration of growing the practical trauma programmes and advocacy undertaken by our Anglicare Australia agencies in this growing area of community need.
11. Finally, this Synod again upholds 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 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 obey the laws of the community, except where those laws conflict with Christian convictions. (§6.4)
  - You are not to abuse your spouse, children or other members of your family. (§6.6)

#### *R50/17 Domestic Violence Longitudinal Study*

That this General Synod requests the General Synod Standing Committee to investigate and if appropriate commission (using contingencies or other available sources of funding) a professionally designed and independent research study into the nature and prevalence of family violence prevalence within the Australian Anglican Church population. The General Synod Standing Committee could also explore the feasibility and practicality of inviting other denominations to consider participation in any such independent research.

*R51/17 Scottish Episcopal Church*

General Synod –

- a) notes with regret that the Scottish Episcopal Church has amended their Canon on Marriage to change the definition that marriage is between a man and a woman by adding a new section that allows clergy to solemnise marriage between same-sex couples as well as couples of the opposite sex;
- b) notes with regret that this step is contrary to the doctrine of our Church and the teaching of Christ that, in marriage, “a man will leave his father and mother and be united to his wife, and the two will become one flesh” (Matt 19:6), and
- c) expresses our support for those Anglicans who have left or will need to leave the Scottish Episcopal Church because of its redefinition of marriage; and those who struggle and remain and
- d) prays that the Scottish Episcopal Church will return to the doctrine of Christ in this matter and that impaired relationships will be restored.

*R53/17 Liturgy Resources*

The General Synod, noting the changing contexts of mission for the Anglican Church of Australia, requests the Liturgy Commission to continue to develop texts in areas including

- a. Supplementary seasonal, thematic and other material for use with APBA Holy Communion orders;
- b. Supplementary services of the Word;
- c. Supplementary orders for baptism, confirmation, marriage, funerals, commissionings and other pastoral occasions;
- d. Supplementary prayers for various occasions;
- e. A new liturgical psalter;.
- f. Additional prayers and liturgical resources drawing, upon consultation, more extensive Aboriginal and Torres Strait Islander prayers, motifs and other media to reflect the indigenous culture of our nation’s First Peoples.

*R54/17 500th Anniversary of the Reformation*

Noting the five-hundredth anniversary in 2017 of Martin Luther’s nailing 95 Theses of protest to the door of the castle church in Wittenburg on October 31, 1517, regarded by many as a significant catalyst in inaugurating protestant reformations in Europe, and recognising Lutherans as partners with Anglicans in ongoing reforming traditions that encompass a variety of denominations and expressions of the One Holy Catholic and Apostolic Church of Christ;

and further noting the resolution of ACC 16:16 that:

"The Anglican Consultative Council

1. recognizes the significance of the five-hundredth anniversary of the Reformation, which will be marked in 2017; and
2. encourages Anglicans across the Communion to be a part of the commemorations by joining in shared services, undertaking study with Lutherans and other ecumenical partners, and engaging with them in mission activities; and
3. recommends that Anglicans engage with the Lutheran World Federation's focus: Liberated by God's Grace,";

The General Synod:

- a) gives thanks to our heavenly Father for the Reformation of the sixteenth century,
- b) gives thanks to Almighty God that in the grace and mercy of God, the Church continues to be reformed, and seeks ever to be so,
- c) encourages members of the Anglican Church of Australia to join with our ecumenical partners; and especially the Lutheran Church of Australia, in commemorating this occasion, through shared worship, bible study and partnership in mission and ministry projects;
- d) affirms the importance of hearing God’s Word in the common tongue, and the practice of regular public reading of the Holy Scriptures through authorised lectionaries; and

- e) affirms the regular liturgical expression of the whole and comforting doctrine that we are justified by faith only, by the merits and death of God's Son Jesus Christ, and through faith in his blood; and
- f) recommends for study and discussion the biblical and spiritual reflections contained in *Liberated by God's Grace: Anglican-Lutheran Reflections* (LWF 2017), produced by the Anglican-Lutheran International Coordinating Committee (ALICC4).

*R55/17 The Global Goals for Sustainable Development*

That, celebrating the success of the Millennium Development Goals and noting that the number of people living in extreme poverty has more than halved since 1990, the General Synod:

- a) welcomes the new Global Goals for Sustainable Development which aim to end poverty, protect the planet, and pursue the common good;
- b) encourages theological engagement with the goals, and missional commitment to their achievement;
- c) commends the work of Anglicare Australia, the Anglican Board of Mission, Anglican Overseas Aid, Anglican Aid and other Anglican organisations in striving to achieve the Sustainable Development Goals;
- d) renews our call for a fair share of Australia's national budget (0.7% of Gross National Income) to be dedicated to Overseas Development Assistance that aims to reduce poverty; and
- e) encourages each diocese, through its synod, to consider 0.7% of gross diocesan income, or some other meaningful proportion, to projects supporting the Sustainable Development Goals.

[ ] *Models of Ordained Local Ministry*

The General Synod –

- a) receives the report of the Ministry Commission on Ordained Local Ministry (2 May 2017) and refer it to all Dioceses;
- b) encourages all Dioceses to consider the recommendations of the Ordained Local Ministry report as it relates to their local context, and
- c) requests the Ministry Commission to explore ways to facilitate further initiatives in Ordained Local Ministry.

[ ] *Clergy Professional Supervision*

That in the light of the increasing challenges facing clergy and lay ministers, and the heightened demand for the accountability of church workers, the General Synod:

- a) recommends that every Australian diocese takes seriously the benefits of professional supervision for its clergy and paid lay workers;
- b) supports the development of pilot projects in supervision of clergy and lay ministers particularly in rural and regional areas; and
- c) requests the Ministry Commission to undertake an audit of the extent and types of supervision already occurring across the Australian church, and develop national supervision guidelines.; and
- d) requests the Ministry Commission to consider the inclusion of Clergy Professional Supervision as an integral component of a continuing professional development framework for clergy.

## Proposal to change the status of the provisional parish of Kangaroo Valley to a parish

(A report of the Wollongong Regional Council.)

### Proposal

1. The proposal is to change the provisional parish of Kangaroo Valley to the parish of Kangaroo Valley.
2. The parish has seen steady growth in membership, ministry and Christian maturity.

### Support of the Western Sydney Regional Council

3. On the 8<sup>th</sup> August 2017 the Wollongong Regional Council resolved to support the request that the Parish of Kangaroo Valley be classified as a parish under the *Parishes Ordinance 1979*.

### Parish information

4. Anglicans have been meeting in Kangaroo Valley since the mid 1800s, with the current church building dedicated in 1872.

5. The unique enclosed geography of Kangaroo Valley has meant there is a very high value placed on community within its boundaries. That community is diverse, ranging from wealthy retired former Sydneysiders to dairy farmers and tradespeople, teachers, and those who work in Sydney but live in Kangaroo Valley. The community has its own internationally acclaimed biannual arts festival and yearly folk festival. It prides itself on its community fundraising for the local school and pre-school. KV has a pioneering community commitment to environmental preservation.

6. In 2013 the parish became provisional. Before this, the church was part of the Parish of Berry with Kangaroo Valley. In 2009 the Rev. Andrew Paterson was appointed to be assistant minister responsible for the Kangaroo Valley church under the leadership of the Rev Neil Percival, Senior Minister of Berry Anglican. After prayer, discussion and planning, it was agreed in 2013 that the church in Kangaroo Valley make an application to become a provisional parish. Kangaroo Valley has been a provisional parish now for 4.5 years, and has grown both in numbers and in offertory giving.

7. Due to the commitment of many in the church, the parish has been able to develop ministry to all ages. In a small village township, community bridge building and service is an essential ministry for our church and is actively encouraged. Ministries that have grown or been established through this approach include 'Cuppas n' Kids' for mothers and preschool children, run at the church weekly; most of the people attending are not Christians. The parish has recently established 'Retired KVers', a community activity group for those over 55 run in our church hall each term. The parish has also established a yearly outdoor gospel service as part of the annual Kangaroo Valley Folk Festival; each year this service has attracted more and more unique visitors. Members attend training sessions in evangelism at church to give them better skills at sharing their faith with members of the KV community. Through the ministry of the parish, there has been at least one new Christian in KV each year since 2009 – praise the Lord!

8. Members of the congregation have exercised their stewardship by using their God given gifts and financial resources for his glory, and have embraced the vision of being a parish for Kangaroo Valley. This has led to a significant increase in giving - the offertory has nearly doubled since 2009.

### Future Plan

9. The parish has been growing funds with the possibility of employing a part-time youth worker in the future to grow our ministry to children and youth.

10. the church will continue to build upon its 'community ministry' strategy: training members in evangelism and encouraging its members to join Kangaroo Valley community groups (e.g., arts group, garden group, school P and C, the tennis club, VIEW Club, scouts, Lions) and then be the aroma of Christ and witness in those groups.

11. To be a church especially for the KV community will be considered as a significant positive addition by a majority of KV residents. Our intention is to build upon that positive identity for the glory of God.

### Size of congregations

12. Average attendances are currently –

8:30am	17 Adults
10:00am	39 Adults 14 Children

**Particulars of all church trust property**

13. Details of property held by the Anglican Church Property Trust upon trust for the provisional parish are as follows –

Value of the Land and Improvements	\$ 691,000
Value of Buildings:	
Church	\$1,180,000
Rectory	\$660,000
Church Hall	\$420,000
Old Rectory	\$1,480,000
Garage and Shed	28,300
Church and other contents	\$93,000

**Summary of consolidated receipts and payments**

14. A summary of the financial position over the past three years is set out below–

	<b>2014</b>	<b>2015</b>	<b>2016</b>
<b>Receipts</b>			
Offeratories	72,885	74,081	78,051
Rental Income (Old Rectory)	13,032	13,356	20,939
Trust Investment Income	13,735	10,286	9,949
<b>--- Sub-Total of Primary Receipts ---</b>	<b>99,652</b>	<b>97,723</b>	<b>108,939</b>
Received for other missions	1,857	2,013	1,579
Received donations	9,623	2,927	2,910
Drawdown on trust funds	7,595	10,714	17,751
Other	910	1,018	858
Total Income	119,637	114,395	132,037
<b>Operating expenses</b>			
Ministry staff	74,194	73,674	76,176
PCR	20,155	21,281	21,153
Resources for Ministry	2,432	1,449	1,763
Parish donations (to missions)	5,083	5,298	7,695
Parish admin/general/utilities	5,914	5,635	8,019
Parish property/equip/maint	3,157	4,574	803
Property improvements *	10,278	863	9,496
Other	289	511	439
Total Expenses	121,202	113,285	125,544

\* Extra Property Improvements to Old Rectory to prepare for domestic letting

**Recommendation**

15. The Wollongong Regional Council recommends that the provisional parish of Kangaroo Valley be reclassified as a parish with effect from 1 January 2018.

For and on behalf of the Wollongong Regional Council.

PETER HAYWARD  
Bishop of Wollongong

13 August 2017

## 10/16 Licensing of Incumbents Interim Report

(A second interim report from the Standing Committee.)

### Key Points

- While there are frustrations involved in clergy tenure when this is abused, it has contributed to unhampered preaching of the gospel which serves to maintain the strong evangelical heritage of our diocese. The appetite in the Diocese to change tenure and licensing is balanced by those who would oppose any significant change.
- More can be done to help clergy flourish by strengthening professional development and providing incentive to participate. Ministry Training & Development have developed a program to encourage Life Long Ministry Development.
- A career transition concept has been suggested that would help a small minority of rectors to voluntarily relinquish the office and transition out of their own accord to a more suitable role.
- Addressing the mental health and pastoral care of clergy in the Diocese has been assisted by the Clergy Assistance Program and the Clergy Contact Person Program
- Parish disputes can be avoided by encouraging healthy parish relationships and good practice for staff teams.
- The Committee invites members to provide feedback to the draft Healthy Parish Relationships document.
- Unreasonable and persistent failure to attend *Faithfulness in Service* and Safe Ministry training should be treated as misconduct.

### Purpose

1. The report notifies the Synod of progress concerning Synod Resolutions 9/15, 50/15, 51/15 and 10/16.

### Recommendations

2. The Synod receive this report
3. The Synod consider the following motion to be moved at the forthcoming session of the Synod in 2017 “by request of Standing Committee” –

‘Synod, noting the second interim Report of the Licensing of Incumbents Review Committee –

- (a) requests the Standing Committee to amend the *Ministry Training and Development Ordinance 1989* Objects to provide an approved accreditation system for clergy Professional Development,
- (b) requests the Standing Committee to amend the *Nomination Ordinance 2006* to include a mechanism requiring any nomination board to determine the Ministry Training and Development (MT&D) Professional Development Accreditation status for the person being nominated to the Archbishop for appointment as rector of the parish,
- (c) requests Standing Committee to amend the parish Prescribed Financial Statement to include an expense line for Professional Development and to ask the Stipends Allowances Committee to make a recommendation of an appropriate amount per clergy to be included in annual parish budgets for professional development.
- (d) endorses the concept of Negotiated Relinquishment of Incumbency as a mechanism to assist rectors who are choosing, or being encouraged to leave a parish, and requests Standing Committee to determine how it can be implemented and report to Synod in 2018,
- (e) notes the draft Healthy Parish Relationships Guidelines, invites members to provide feedback to the Committee and endorses the Committee’s attention to this area,

- (f) requests the Standing Committee to bring a bill to the next Synod that would constitute as misconduct “unreasonable and persistent failure to attend the triennial *Faithfulness in Service* training” and “unreasonable and persistent failure to complete the triennial Safe Ministry training”.

4. The Synod consider the following motion to be moved at the forthcoming session of the Synod in 2017 “by request of Standing Committee” –

“Synod thanks the Pastoral Supervision Working Party and Rector Training Review Group for their work including in particular their promotion of professional development and reflective practice as imperative for the Diocese.”

### **Background**

5. At its session in 2015, Synod passed the following resolutions –

#### **9/15 Licensing of incumbents**

Synod requests Standing Committee, in consultation with the Archbishop, to report to the next session of Synod on –

- (a) the basis on which clergy are licensed as incumbents in the Diocese, and
- (b) whether there are circumstances where the present practice should be modified.

#### **50/15 Professional Pastoral Supervision for Clergy and Stipendiary Lay Ministers**

Synod –

- (a) recognises and gives thanks to God for the sacrificial and tireless efforts of our clergy and stipendiary lay ministers in parish ministry;
- (b) notes the need for all clergy and stipendiary lay ministers to debrief in a safe, stable and suitable supervisory space;
- (c) requests that the Standing Committee ask for a report from the Pastoral Supervision Working Group, and then review and report back to the Synod.

#### **51/15 Career Transition Management for Clergy and Stipendiary Lay Ministers**

Synod –

- (a) recognises and gives thanks to God for the sacrificial and tireless efforts of our clergy and stipendiary lay ministers in parish ministry;
- (b) requests that the Standing Committee establish a Working Group to explore ways of making it possible for those clergy and stipendiary lay ministers who need to transition from their parish ministry role to do so with honour and dignity, and report back to the Synod.

6. At its meeting on 16 November 2015 the Standing Committee requested that Bishop Peter Hayward, the Rev Philip Wheeler, the Rev Gavin Poole, the Rev Andrew Bruce and Dr Robert Tong bring a report to a future meeting of the Standing Committee addressing the matters in resolution 9/15. This group became known as the Licensing of Incumbents Review Committee (the “Committee”).

7. At its meeting on 25 July 2016, the Standing Committee encouraged the Committee to liaise with the Pastoral Supervision Working Party and the Rector Training Review Group.

8. At its meeting on 19 September 2016, the Standing Committee agreed that the terms of reference of the Committee be expanded as follows –

- (a) to confirm that the work of the group in response to Synod resolution 9/15 extends beyond the licensing of incumbents to include the licensing of clergy generally,
- (b) to ask that the group undertake the work requested by the Synod in relation to career transition management for clergy and stipendiary lay workers (resolution 51/15), and
- (c) to ask that the group generally coordinate the development of proposals relating to or arising from the licensing of clergy (resolution 9/15), pastoral supervision for clergy and stipendiary lay ministers (resolution 50/15) and career transition management for clergy and stipendiary lay ministers (resolution 51/15),

and agreed that the Archdeacon of Women’s Ministry and the Director of Ministry Training and Development be added as members of the group and that the group also be given the power to co-opt.



9. An interim report prepared by the Committee was circulated to Synod in 2016. The Committee reported that the basis on which clergy were licensed was –

- on the authority of a diocesan bishop which, in Sydney, is the Archbishop,
- open to candidates meeting various minimum qualifications,
- to ‘a title’, that is, to a specified ministry position,
- for rectors, until retirement in accordance with the *Retirements Ordinance 1993*,
- for assistant ministers, subject to the terms of their appointment, and
- subject to the licence not having been relinquished, suspended or revoked in accordance with relevant ordinances, or pursuant to a judgement of the tribunal or other relevant court.

10. The Committee also identified five possible areas or reasons why modification or adjustment to the present practice might be warranted, but did not draw a final conclusion as to the circumstances in which the present practice should be modified.

11. The Committee noted the following possible recommendations –

- (a) that a Professional Development program be developed using the available resources and structures of MT&D and Moore College and that responsibility for developing materials and resources and the overall program be given to the Synod appointed committee looking at rector training,
- (b) that a mechanism be developed to allow the Archbishop in conjunction with the parish leadership to be able to offer a minister an ‘exit strategy’ that enables them to retrain and return to secular work, and,
- (c) that an annual/regular ‘mental health check-up and debrief’ with a qualified counsellor or psychologist be required for all ministers as part of the professional development program.

12. At its session in October 2016 Synod (resolution 10/16) –

- (a) welcomed the interim report on Licensing of Incumbents,
- (b) encouraged the Committee to continue to meet and provide a final report with recommendations and proposed ordinances for consideration by the Synod in 2017,
- (c) noted that the survey mentioned in the report will be sent to Synod members shortly and invited members to complete the survey, and
- (d) invited Synod members to provide feedback on the interim report to the Diocesan Secretary by 31 December 2016 for consideration by the Committee.

13. The Committee was also mindful that in 2016 Synod passed the following resolution –

**9/16 Equipping rectors for their task of leadership**

Synod gives thanks to God for the well trained men who lead our parishes and recognising that –

- (a) rectors are charged with the leadership of our parishes, and
- (b) many could be even better prepared and even better resourced for this task,

Synod asks the Strategic Research Group to establish a committee (in consultation with MT&D, CMD and other appropriate instruments) to explore and report back to the Synod in 2017 on what action is required and how it may be implemented to better equip rectors for their task of leadership.

14. The Committee comprises the Rev Andrew Bruce, Bishop Peter Hayward, the Rev Gavin Poole, Dr Robert Tong AM, the Rev Philip Wheeler, MT&D Director, the Rev Gary O’Brien and Archdeacon for Women’s Ministry, the Ven Kara Hartley. At its meeting on 20 March 2017, in order to facilitate liaison with the Rector Training Review Group, the Committee co-opted Mr Peter Mayrick, Co-Director with the Centre for Ministry Development, as an additional member of the Committee.

15. The Committee has retained its original title even though its brief was extended to include the licensing of clergy generally and broadened beyond licensing.

**Work of the Committee**

16. The Committee met a further seven times following Synod 2016 and undertook the following activities –

- (a) liaised with the Pastoral Supervision Working Party by receiving a presentation from representatives of that group and reviewing its report,
- (b) liaised with the Rector Training and Review Group by receiving and evaluating a professional development proposal from the group and co-opting Mr Peter Mayrick from the group to the Committee,
- (c) received and evaluated feedback from Synod members,
- (d) received and analysed the results of a survey of Synod members,
- (e) reviewed the options for modifying the licence arrangements of clergy,
- (f) received and evaluated a professional development proposal prepared by Ministry, Training & Development, and
- (g) developed with SDS a proposal for career transition and exit from ministry.

17. The Committee undertook a survey of Synod members, 'Incumbency in Sydney', and 319 Synod members both lay and clergy responded. This represents about 40% of Synod members (807). Of the approximately 270 possible rectors in the Diocese, 127 completed the survey representing just under 50% of rectors. The Committee was encouraged by Synod's high response rate and this enabled the Committee to gauge shortcomings with the existing system, to identify areas that need addressing and dampen anxiety about the current system.

18. The purpose was to provide some quantitative data, rather than anecdotes, on issues such as incumbent rectors staying too long, levels of mental illness among clergy, support for changes to licensing, attitudes to professional development and whether there is adequate support for clergy in their roles. The data has been used in focusing the work of the Committee and supports the various recommendations.

19. A brief summary page 'Incumbency at a Glance' is provided in Appendix 1. Essentially the survey reveals the following observations.

- (a) There is not a strong view from either clergy or lay members that their rector should move on. Only 13% of rectors indicated they would move on if they could. About the same percentage of lay representatives thought their rector should move on.
- (b) There was support for the view that while their church is supportive of the rector in his role, approximately half of the rectors believed that they were being adequately cared for in their work.
- (c) There was a strong view (88% of respondents) that if rectors were not performing, a better way is needed to help them move on. At the same time 35% of respondents agreed that a change was needed to licensing and tenure while 29% disagreed that a change was warranted.
- (d) While about a third of rectors have some sort of coaching or mentoring in place to help them develop only half the parishes had any allocation in their budgets for professional development of their staff.
- (e) While 11% of rectors reported struggling with depression and 16% with anxiety these figures are not appreciably higher than the general population (12% of Australian males will struggle with depression at some stage of their life) and therefore the contention that levels of depression, anxiety and burn out are very high among our clergy does not appear to be supported by the survey evidence.

20. The full survey results are available to Synod members on the [Synod this year page](#) of the SDS website, [www.sds.asn.au](http://www.sds.asn.au), along with two detailed analyses (one developed by members of the Committee and the other by Mr John Bellamy, Senior Researcher with Anglicare, who helpfully extracted additional information from the data set) on the SDS website as part of the Synod papers.

21. The survey could be summed up by the following remark that was made by a rector in the comments field –

*I want to ensure that those rectors who are thriving, and those who are faithfully pushing through change, have security in their positions to be entrepreneurs and make tough decisions. (At the same time) I am keen to see those rectors who are 'treading water', doing nothing, and the church is declining, have the ability to be moved on or helped into another area of ministry.*

22. The Committee's reading of the survey is that while there is not significant support to change clergy tenure, there is a desire to help rectors flourish, strengthen professional development and provide ways of helping a small minority of rectors to transition out of incumbency to either another ministry role or to the secular work force.

23. In addition to the survey the Committee received detailed feedback and comments from a number of Synod and Standing Committee members and we appreciated the comments made and have sought to accommodate or act on those suggestions or comments where possible.

24. The Committee focused its work in five main areas –

- (a) licensing and whether any change to licence or tenure might be recommended,
- (b) Professional Development for all clergy drawing together the work of several other committees and working groups,
- (c) pastoral care and ways to better support all clergy,
- (d) creation of good practice guidelines for healthy parish relationships (rector and parish, rector and ministry team), and
- (e) career transition and developing a workable exit mechanism.

#### **Licensing and the legal context (9/15)**

25. The Parish Administration Ordinance requires all persons who preach and conduct services to be licensed and approved by the Archbishop. This is governed by a number of Ordinances. The *Anglican Church of Australia Constitution Act 1902* allows a licence to be suspended or revoked but only in accordance with a Synod ordinance and/or via a tribunal. In short, the Archbishop grants licences, but Synod through its Ordinances determines how they may be suspended or revoked.

26. This however does not stop the Archbishop granting licences with limited tenure, or validity for the term of appointment to a parish (as is the case for Assistant Ministers).

27. The concept of tenure has its origin with the Church of England Parson's Freehold, which secured a lifelong benefice for the purpose of the rector or vicar. This was designed to provide an ongoing benefice to clergy and encourage unhampered preaching of the gospel. Although freehold predates the Reformation, it enabled reformation ministry that was distinguished from the magisterium that characterised the Roman Catholic Church. On the one hand, this led to abuses such as that committed by the Rev Edward Drax Free, who was appointed Vicar of All Saints, Sutton, Bedfordshire in 1808. He was accused of irregularity of his services, the scurrility of his sermons, swearing, excessive drinking, removing lead from the church roof, and uprooting gravestones in the churchyard. He was finally removed by the House of Lords in 1830 which led to law reform in the Church of England. On the other hand, freehold provided for rectors who were unpopular choices and enabled them to continue their ministry even in the face of opposition (R.B Outhwaite, *Scandal in the church; Dr Edward Drax Free, 1764 – 1843* (London: Hambledon Press, 1977).

28. Freehold has been called into question on numerous occasions and attempts made to modify the law to enable the removal of a clergyman from a benefice in the interest of the parish. During one such debate, a church historian warned against removing freehold and being left with, 'A poorly paid employee; with no security of tenure, desperately striving to serve two masters: his ecclesiastical superiors and his lay parishioners; and satisfying neither of them.' (A.T. Hart, 'The Parson's Freehold', *The Churchman*, Vol 80 (1966)).

29. In England freehold has been recently superseded by the Church of England Common Tenure for all new licences, which confers powers on diocesan Bishops to instigate capability procedures on grounds of non-performance and to make fixed term appointments in limited circumstances.

30. The Committee considered the culture of our Diocese where incumbency is well entrenched and considered an important aspect of Sydney distinctiveness which places emphasis on the local church and the unhampered preaching of the gospel. In the view of some it is tenure that has helped guard the evangelical heritage of the Diocese and any change to the basis of licensing would be a threat to this evangelical heritage.

31. The Committee is therefore not proposing any significant change to licensing of incumbents. It has, however, identified at least one minor change that might be beneficial for all clergy pertaining to *Faithfulness in Service* and Safe Ministry and can anticipate a possible future change to licensing pertaining to professional development once the culture of life long ministry development is more embedded.

32. Given the importance of ensuring safe ministry in our parishes and the expectation that all clergy will understand and abide by the standards set out in *Faithfulness in Service*, the Archbishop requires that every person holding a licence must attend the triennial one day training program in *Faithfulness in Service* and ensure they are compliant with Safe Ministry standards (refresher training at least every three years). However non-attendance and failure to comply with these minimum standards agreed upon by Synod has no mechanism of enforcement. A member of clergy could simply refuse to attend despite being spoken to by their regional bishop or the Archbishop. The Committee was of the view that this serious breach of expected standards ought to warrant at least a review of the licence. This could be achieved by way of an

adjustment to what constitutes an offence in this Diocese under the Discipline Ordinance or by way of an ordinance such as was agreed by Synod recently concerning clergy obtaining a Working With Children Check.

33. The Committee wants to see professional development and life-long ministry training become normative in the Diocese. While many clergy are already voluntarily participating in some form of professional development, the current culture is not universal and an accreditation system would add incentive and shape to the culture in the Diocese. A concern is that those clergy who would most benefit from a more rigorous and accountable professional development program are possibly those who are less likely to voluntarily pursue it. Incentives to participate were canvased such as encouraging parish nominators to clarify whether a prospective candidate for a parish vacancy had engaged in ongoing professional development and discouraging appointment of candidates who have shown no willingness to develop. A certificate of currency could be supplied from MT&D.

34. As a culture of lifelong ministry training develops in the Diocese it is foreseeable that strengthening of the program might be considered in the future with the addition of –

- (a) a performance review process at agreed key stages in ministry (after 10 years, 15 years, 20 year mark) utilising tools such as 360 degree reviews and consultation with the person, their parish and the Diocese,
- (b) a review of licence, with the potential for removal where an incumbent persistently and unreasonably refuses to engage in professional development.

35. The Committee therefore recommends that –

- (a) the **Nomination Ordinance** be amended by the Standing Committee to include a mechanism requiring any nomination board to determine the MT&D Professional Development Accreditation status for the person being nominated to the Archbishop for appointment as rector of the parish,
- (b) a bill be brought to the next Synod that would constitute as misconduct “unreasonable and persistent failure to attend triennial *Faithfulness in Service* training or to complete the triennial Safe Ministry training”, and
- (c) a line item for Professional Development be added to the parish **Prescribed Financial Statements**.

### **Professional Development (10/16)**

36. The first Report from this Committee in 2016 identified the need to develop a culture of professional development within the Diocese. We identified that there was very little by way of formal professional development beyond the initial training at theological college and the first three years out of college with the MT&D program. This situation is well below what most other professional people in our society have (doctors, lawyers, engineers, accountants, psychologist etc) and well below the expectations and assumptions of lay people who are regularly surprised by the lack of any professional development requirements for their ministers.

37. While the survey has revealed that many ministers do have some form of on-going professional development (50%), this was not universal, consistently embraced over the life of a minister, or necessarily focused on developing the competencies ministers needed. Programs vary in style from specific coaching and training in ministry skills, ongoing theological training via masters or higher degrees, accountability groups seeking to support ministers in their work or simply ministers undertaking their own reading programs and courses.

38. It was felt that this culture ought to be developed even further and MT&D was asked to develop a plan for ‘life-long ministry development’. Several other groups were working simultaneously on related areas and the Committee received reports from the Rector Training Review Group (commissioned by the Strategic Research Group, see Appendix 3) and the Pastoral Supervision Working Group (see an executive summary at Appendix 4).

39. A detailed proposal for ‘Life Long Ministry Development’ has been developed by MT&D after review of the various reports and extensive consultation. The details of the proposal and the benefits are contained in a separate motion before Synod.

40. The Committee endorses the MT&D proposal for lifelong ministry development and recommends –

- (a) MT&D be encouraged to pursue completion of the LMD website, including the Ministry Development Plan template and certificate of LMD currency,
- (b) all licensed ministry personnel be encouraged to register for LMD recognition,

- (c) the Archbishop be requested to communicate the benefit of professional development to rectors and Wardens encouraging them to financially support their rector's development,
- (d) prescribed annual financial statements include a professional development line item,
- (e) registration and continued MT&D recognition be included as licence conditions for all future rectors, and
- (f) a commitment to professional development be included in the Archbishop's letter of offer to all new rectors and parishes be encouraged to ensure their new rector attends the Developing Rector Program.

### **Pastoral Care and Mental Health of Clergy**

41. In April 2016 the Archbishop launched the Clergy Assistance Program ("CAP") which offers a program of professional confidential Christian counselling, together with support from other mental health professionals where required, for clergy licensed in the Diocese. A small addition charge was added to PCR to cover the cost of this scheme. Standing Committee have received two reports on the operation of the scheme and outcomes. A report on the first year of operation of the scheme is contained in the Synod papers for 2017. The scheme has been accessed by 63 parish clergy and feedback has been very positive.

42. In addition to the CAP initiative the Diocese has recently added the Clergy Contact Person ("CCP") program which provides a list of contact persons that clergy and their spouses can call when they are facing heightened levels of stress and difficulty associated with parish ministry. The contact person will arrange a face-to-face meeting to discuss the options available to them including accessing peer support groups, mentoring/coaching and professional development programs, and (via the Clergy Assistance Program) counselling and other mental health support. For clergy who are unable to work due to poor health, the program also includes assistance in making stipend continuance insurance claims. The contact persons are well equipped to assist in both explaining and accessing these options. The CCP program is still in its infancy but once sufficient history is available the program will be reviewed as to its effectiveness and usefulness.

43. The Committee commends the Diocese for these initiatives as ways to improve support for clergy and help address pastoral care and mental health needs of clergy. The PSWG especially highlighted the need to improve pastoral support and provide structures by which clergy can de brief and deal with the pressures of ministry and impact of dealing with complex pastoral situations.

### **Healthy Parish Relationships**

44. Over the course of the Committee's work we became aware of the need for guidelines to help manage staff relationships and the relationship of the rector to the parish. There are various pieces of legislation that govern these relationships however it was felt that 'good practice' guidelines would be more useful to develop healthy relationships. Managing expectations and clear communication between parties helps minimise problems.

45. The Committee were aware of the work of SDS in this regard with an extensive document available on the SDS website entitled 'Employment Relations Guidelines for Parishes'. However it would seem this is not widely accessed by parishes and therefore it was thought that simpler practical Guidelines be developed. These guidelines would set out what 'good practice' is to achieve healthy parish relationships with the rector and staff and the lay leadership of a parish. These would include practical things such as –

- letters of appointment,
- templates for job descriptions for staff,
- templates for staff reviews,
- best practice termination guidelines should a termination of a staff member be contemplated etc.

46. Appendix 2 contains an early exposure draft of the Healthy Parish Relationships Guidelines. The Committee invites feedback and comments from Synod members about its value and the contents.

### **Career Transition Management (51/15)**

47. By its resolution on 19 September 2016 Standing Committee made the Committee responsible for undertaking the work requested by the Synod in relation to career transition management for clergy and stipendiary lay workers (resolution 51/15). Specifically, this entailed exploring 'ways of making it possible for those clergy and stipendiary lay ministers who need to transition from their parish ministry role to do so with honour and dignity.' The Committee confined its consideration to incumbents for this report.

*Introduction*

48. There are circumstances where resignation from an incumbency may be the appropriate decision for a minister to take. For example –

- (a) the minister's health or the health of their immediate family or close relations,
- (b) immediate family in need of significant additional attention, or
- (c) inadequate skills to continue as incumbent of a parish.

*Obstacles to transition from incumbency*

49. In our interim report, we observed five circumstances where modification to the present practice of licensing might be warranted: those of pastoral breakdown, incapacity, unsuitability, staying too long and congestion (unavailability of alternative roles). Incumbents in these circumstances may not feel able to resign and transition to alternative employment because there are genuine obstacles to exiting parish ministry.

50. The Committee identifies obstacles including –

- (a) an authentic heart for the gospel, for his people and for his work, meaning that an incumbent would prefer parish ministry to any other kind of work and is reluctant to leave,
- (b) for some a strong sense of 'calling' to the office and belief that ordination is 'for life' and so resignation is seen as a failure or even wrong,
- (c) the enormous life change involved due to the combination of years of service in the role, residential arrangements, social network and children's education being tied to the minister's vocational office,
- (d) for many the professional qualifications held by the incumbent prior to ordination may have expired, so that re-training may be required and involve a significant investment of time and/or money,
- (e) the incumbent's remuneration package is sufficiently comfortable, life-encompassing and for some, in excess of what they may be able to attract in the labour market, and
- (f) fringe benefits offered as part of the remuneration includes a significant discount to tuition fees at Anglican schools and this discount may no longer be available should the incumbent transition from parish ministry.

*Ministry Re-deployment*

51. Unsuitability for continued incumbency ministry in many circumstances does not mean that a person is unsuitable for other ministry roles. Positions of assistant minister, school or Anglicare chaplain, theological educator, missionary service or service with para-church ministries are options as alternatives to the secular workforce.

52. The Diocese ought to value any person who has offered their vocational gifts to the ministry of gospel proclamation, Bible teaching and prayer, and who, in partnership with the Diocese, has invested in being equipped for gospel ministry. Redeployment within ministry is preferable if at all possible.

*Negotiated Relinquishment of Incumbency*

53. Where it becomes apparent that an incumbent is not able to fulfil his ministry, there should be conversations between the incumbent, the parish wardens and the regional bishop to consider if a voluntary relinquishment of incumbency is appropriate.

54. In our view, the terms of any negotiated relinquishment ought to include a payment (akin to a redundancy payment offered in the secular workforce) to make transitioning out of incumbency a realistic possibility.

55. Components of a secular termination payment commonly include –

- (a) statutory entitlements including annual and long service leave owing,
- (b) payment in lieu of notice (including allowances),
- (c) redundancy (up to 12 weeks),
- (d) an additional separation payment (in return for relinquishing any right to further legal claims), and
- (e) provision of an out-placement service.

56. A relinquishment package for an incumbent could therefore include –

- (a) entitlements including annual and long service leave owing,

- (b) a 'relinquishment' payment to assist in re-training and redeployment,
- (c) permitting the incumbent and family to remain in a parish residence for an agreed period (for example up to six months, at minimal or no rent) while the parish searches for a new incumbent and to provide stability for the family,
- (d) Anglican schools may be asked to continue to provide a clergy discount to the incumbent for an agreed period,
- (e) continued access to the Diocesan Clergy Assistance Program, and
- (f) provision of an out-placement service.

57. For the purpose of this discussion, a termination/relinquishment payment might be determined as follows –

- assuming 26 weeks in an average case, and using a "minimum stipend" of \$65,000 per annum, a termination payment might be in the order of \$32,500
- allowances regularly reimbursed out of the ministers MEA ought also to be paid for this period (housing allowance, travel, hospitality, book allowance, etc). At a minimum this would include the motor vehicle allowance of approximately \$6,000 for 26 weeks
- any payments made by the parish (non-MEA) should also be calculated for the period (phone, ISP expenses, etc)
- out-placement service, \$8,000.

58. Accordingly, the relinquishment/termination payment might be in the order of \$50,000. There may be parishes where the amount is higher or lower depending on circumstances. For example where the incumbent is relinquishing for reasons of their own or a close family member ill health consideration might be given for increased payment to assist in meeting medical expenses.

*Who should pay the termination payment?*

59. There are a number of possibilities for the source of payment –

- (a) the parish in full,
- (b) the parish and the Synod in defined proportions, or
- (c) the Synod.

60. Parishes will vary in their capacity to make a relinquishment/termination payment. For some, it will only be possible if funds external to the parish can be drawn upon. For others, a Synod fund could be used to supplement parish contributions. Such a fund could be seeded by an additional PCR charge.

61. From discussions with the regional bishops it is anticipated that there might be a total of 1 or 2 such transitions of incumbents in each region in any year (estimated 5-8 across the Diocese). The total financial cost of the negotiated relinquishments might be between \$250,000 and \$400,000 each year. If this cost was carried in a 50/50 split in most instances with the parishes and the Synod, the cost to the Diocese from Synod funds might be as little as \$125,000.

62. The Committee notes that funds were available in previous years through the Clergy Mobility Fund and available at the discretion of the Archbishop for the purpose of assisting an incumbent to transition out of ministry. There are still funds held by the Diocese available at the discretion of the Archbishop-in-council.

63. In order to keep the scheme operating for future years amount available in the Synod Fund for negotiated relinquishments would need to be topped up. A small additional charge could be made in the PCR for each incumbent to replenish the Fund.

64. The Committee believes this proactive approach will over-time reduce costs associated with the incumbents staying in office in circumstances where for their wellbeing or the parishes it would be better if they relinquished the office.

65. Accordingly, it is recommended that Synod endorse the concept of a 'negotiated relinquishment of incumbency', and requests Standing Committee to determine how it is to be implemented.

For and on behalf of the Standing Committee

PHILIP WHEELER

*Chair, Subcommittee of Standing Committee*

31 August 2017

## Incumbency at a glance

319 members of the 2016 Anglican Diocese of Sydney Synod including 127 rectors participated in an online survey that raised issues regarding the licensing of rectors. This represents just on 33% of all possible Synod members and just under 50% of rectors in the Diocese. Thanks to the large response, the survey produced some of the most comprehensive research on this issue in the Sydney Diocese.

You will find detailed reports available to Synod members on the [Synod this year page](#) of the SDS website, [www.sds.asn.au](http://www.sds.asn.au).

This short synopsis compares some anecdotal claims to the research.

### Time to move on?

**Assertion:** 'There are many rectors who should have moved on but are digging their heels in.'

**Findings:** Unsupported

When lay respondents were asked whether they believe that it is 'time for their rector to move on' more disagreed (77%) than those who agreed (14%). The clear majority of respondents are happy with their current rector. The majority (92%) of rectors believe they are well suited to their positions.

### Older rectors

**Assertion:** 'Older rectors are 'treading water' until retirement.'

**Findings:** Unsupported, with qualification

Lay respondents are more likely to agree that their rector should move on where the rector has been in the position for longer than 10 years (24%). Given that rectors who have been in the position for a longer time period are also more likely to be older, the association with age may simply be a surrogate of length of time in the position.

### Licensing

**Assertion:** 'There is strong support to change the typical rector's licence.'

**Findings:** Unsupported, with qualification

The number of respondents who support change to licensing (35%) is roughly equivalent to those who do not support change (29%). However, a large majority of respondents (88%) believe that there needs to be a better way to help rectors into different roles if they are not performing.

### Mental Illness

**Assertion:** 'Mental illness is prolific among rectors.'

**Findings:** Unsupported, with qualification

11% of rectors indicated that they significantly struggle with depression. This compares to 12% of Australian men who will struggle with depression at some stage of their life (Beyond Blue). While 16% of rectors indicated that they significantly struggle with anxiety. This compares to 20% of Australian men who will experience anxiety (Beyond Blue).

Mental illness is a societal issue and not unique to clergy. We will want to care for those who suffer and ensure they flourish despite their illness. This requires a supportive community. The Diocese has initiated a Clergy Assistance Program to help improve the care of clergy facing mental health issues.

### 'Stuck in their roles'

**Assertion:** 'Many rectors are 'stuck' in their roles and need to be assisted into other roles.'

**Findings:** Unsupported, with qualification

The majority of rectors (92%) believe they are well suited to their role. A minority (13%) would move if they could. There is no evidence to suggest that this is significantly higher than many other professions.

### Professional Development

**Assertion:** 'There is little by way of ongoing Professional Development for rectors'

**Findings:** Unsupported



Almost all rectors claim to participate in Professional Development however these were varied and there are not currently any formal requirements as other professions have. Over a third of rectors have either a mentor or coach. If reasonable informal requirements were introduced it is not likely to consume much more time than rectors are already devoting to their development and training. Notwithstanding the current participation rates most would agree our culture of professional development needs improvement and universal application.

### **Support**

**Assertion:** 'There should be more done to support our rectors.'

**Findings:** Supported, with qualification

51% of Rectors believe that they are adequately cared for. 42% of respondents do not believe that rectors are looked after in a way that gives them the best opportunity to improve and grow over time.

46% of churches reported that nothing is budgeted for professional development while 21% reported to spend more than \$1000 per full-time staff person. This strengthens to proposal for professional development from MT and D.

### **Support Networks**

**Assertion:** 'rectors who have support networks perform better and are more energised.'

**Findings:** Supported

The percentage of rectors who indicated they felt energetic or very energetic climbed from 61% where there was no support to 69% where the rector reported only one professional development personal relationship to 78% where there were two or more supportive relationship.

## Healthy Parish Relationships Guidelines

### 1. Preamble

Church leadership is an indispensable part of Christ's body. Men and women are gifts to the church to, "... prepare God's people for works of service so that the body of Christ may be built up until we reach unity in the faith and in the knowledge of the son of God ..." (Ephesians 4:12-13).

When the church's leadership and people work together, under the authority of Christ, the church flourishes and provides the best environment for gospel growth.

On the one hand, the people are to, "...respect those who work hard among you, who are over you in the Lord and who admonish you." (1 Thessalonians 5:12). On the other hand, leaders are not to lord over them and, "... whoever wants to become great among you must be your servant ..." (Mark 10:43). Servant leadership is the way of the Son of Man who, "... did not come to be served, but to serve, and to give his life as a ransom for many." (Mark 10:45).

In all our relationships, grace and love must prevail but particularly when it comes to ministers' relationships with each other and the church.

A proper understanding of expectations goes a long way toward healthy parish relationships. This document is designed to assist churches and ministers to work together. It focuses on the relationships of a) rector to the church and b) rector to other staff.

The Parish Council of each church may move something like the following motion at the beginning of each ministry appointment.

"The Minister, Wardens and Parish Council: –

- (a) give thanks for God's gifts to the church and strive to live at peace for the sake of the gospel;
- (b) agree to the church's amended version of the Sydney Diocese's, "Healthy Parish Relationship Guidelines" and;
- (c) agree to pray for those whom the Lord has given to provide leadership, teaching and pastoral support."

### 2. Other relevant documentation

We strive to relate to each other by grace and not by law. That said, the law is often based on good principles and knowing the law can actually lead to mutual understanding and hence better relationships.

These guidelines act as an omnibus document to help church workers through the maze of legislation. It is intended to work alongside existing legislation.

Listed here are some of the relevant documents that govern the way we relate in the church.

#### 2.1. Anglican Diocese of Sydney, Employment Relations, Guidelines for Parishes

A very useful document which provides employment guidelines for all parish workers including employees, independent contractors, voluntary workers and Ministers/Assistant Ministers.

#### 2.2 Remuneration guidelines

Remuneration guidelines for Parish Ministry Staff are published by the Secretariat on an annual basis.

#### 2.3 Ordinances

##### 2.3.1 Anglican Church of Australia Constitutions Act 1902, Clause 3(4) of the schedule

A part of an Act of the New South Wales Parliament which allows the Synod of each diocese to determine by ordinance the circumstances in which a clergy licence may be suspended or revoked.

**2.3.2 Parish Administration Ordinance**

Requires any person who preaches and conducts services to be licensed or approved by the Archbishop or regional Bishop.

**2.3.3 Nomination Ordinance**

Outlines the procedure for forming a nomination committee and making recommendations to the Archbishop.

**2.3.4 Parental Leave Ordinance**

Outlines parental leave entitlement for clergy.

**2.3.5 Assistant Ministers Ordinance**

Outlines the procedures for appointing an Assistant Minister and how that arrangement may be terminated.

**2.3.6 Parish Disputes Ordinance**

Can be used by Parish Council in cases of dispute involving a church worker, which may involve mediation.

**2.3.7 Parish Relationships Ordinance**

If a 65% majority of a Parish General Meeting determines that there is a relationship breakdown between the minister and parishioners, in certain circumstances, a licence review process may be invoked.

**2.4 Statutory law**

Stipendiary lay workers will be subject to various Commonwealth and New South Wales employment laws. Although these do not always directly apply to licensed clergy, they should be referred to.

**2.5 The Ordinal, Book of Common Prayer**

Clergy make important promises at their ordination. Anglicans take these very seriously and in some jurisdictions may even be legally binding.

**3. Church relationship with staff****3.1 Rector****3.1.1 Employment status**

The rector is considered an officeholder rather than an employee. He is licensed to a parish by the Archbishop of Sydney.

This is an unusual employment status and doesn't directly correspond with other secular employment arrangements. Clergy licensing is governed by Synod, and its various ordinances.

Since the Minister is regarded as an officeholder, the Sydney Diocese Employment Relations Guidelines recommends that care be taken not to enter into an employment contract.

**3.1.2 Nomination process**

The nomination process is governed by the *Nomination Ordinance 2006*, can be onerous but involves representatives from the parish, Synod and the Archbishop. It is worth doing well in order to find the right candidate for the right church.

Once a rector is nominated, there is no going back. It can be difficult to remove a rector, therefore choose wisely.

The church elects five nominators at its general meeting every year. These people should be godly, well known and likely to act in the church's interest. Most years the nominators will be inactive however careful thought and prayer should be applied every year as though they will become active.

Nominators should have a clear idea of the type of minister that the church needs. They should have ongoing discussions with the Wardens.

An important question is whether the church needs a culture change for the sake of the gospel or ongoing improvement to the current culture. Nominators should seek a candidate who will lead such change/improvement.

Nominators will commonly filter all available clergy to come up with a preferred list. It is important to be realistic and to pick clergy who may be in a position to move.

Narrowing down the preferred list will involve speaking to referees, relevant people (like the bishops) listening to recorded sermons and attending their current church (bearing in mind the sensitivity for that church).

The nominators should interview the candidates more than once and should work hard to explain the uniqueness of their church and understand the candidates' strengths, weaknesses and characters, to determine a good fit. It is important to get beyond initial niceties. The nominators should consider the candidates they are pursuing and imagine the potential areas of conflict. This may direct their discussion with the candidates.

The candidates should make a careful study of the church profile along with other research. They should communicate clearly to the nominators any significant cultural change that they believe may need to take place. It is disingenuous to surprise the nominators once in the position.

Seeking God's wisdom in prayer should undergird the nomination process at every step.

### **3.1.3 Rector's responsibilities**

Rather than a "job description" it would be appropriate to come to an advance agreement of the rector's responsibilities. These should be phrased in terms of ministry outcomes, rather than specific duties. For example, it is better to state, "The rector will be responsible for the pastoral care of church members" rather than, "The rector will visit sick church members on a frequent basis."

Schedule 1 of the Parish Administration Ordinance states, 'The minister has general responsibility for the spiritual welfare of the parish and each church in the parish and for this purpose has powers, rights and duties in accordance with his licence and authority from the Archbishop'.

The agreement should not contradict or repeat that already stated in the Parish Administration ordinance. However, it may include agreement as to how this is practised within the uniqueness of a particular church.

According to schedule 1 of the Parish Administration Ordinance, the main financial function of the Wardens are, 'to ensure the proper management, security and financial administration of all money and other property of the church (except money or other property for which the Wardens are excluded from exercising this function by the trusts on which such money or other property is held)'. They may also appoint certain paid workers, with the concurrence of the minister. The rector determines the duties performed by ministry staff.

Wardens are also responsible to keep order of each church property and grounds.

Put simply, the rector is responsible for the 'spiritual welfare' of the church and the Wardens and parish council for 'temporal matters'. In reality it is not quite that simple. The temporal matters can be managed in a way that facilitates the spiritual welfare of the church, so it is important for the rector and Wardens to work closely together. The rector should consult the Wardens and parish council on matters regarding spiritual welfare and vice versa. If the two do not work well together, disagreement and discord can easily result. The rector should meet with Wardens at least monthly, in addition to a monthly parish council meeting.

### **3.1.4 Rector's entitlements**

A rector should have access to normal entitlements however, given the uniqueness of his position, flexibility is required. For example, a rector may need to perform ministry duties during public holidays. He is responsible for his own time management, ensuring that he has sufficient rest with minimal disruption to the church. It is not appropriate for a minister to accrue leave in lieu of unused public holidays.

A church can encourage professional development by budgeting for it. Such a budget may include locum payments for study leave.

A rector should give ample notice for leave. He may negotiate with the Wardens additional study leave when it is considered to benefit the rector and the church.

It is important that current Wardens understand and respect agreements made between the rector and previous Wardens. Wardens often change and it can be frustrating for the rector to have to remind, educate and sometimes renegotiate agreements made in the past. If conditions have changed, Wardens may want to renegotiate an agreement with the rector. It is not acceptable to simply ignore a previous agreement. Eg. 10 years ago a rector negotiated with Wardens that a housing allowance would be indexed in line with rental prices in the local area. This agreement was ignored by subsequent Wardens and parish councils who failed to budget for an increase in his housing allowance.

Where possible, the Wardens should ensure that benefits and entitlements are provided so that the minister can personally flourish and grow, for the sake of the gospel. In cases of uncertainty, it is better to err on the side of reasonable generosity.

### 3.1.5 Professional Development (PD)

It is important for the rector to be involved in ongoing PD. MT&D administer a program to help ministers in the types of PD they should undertake and gives accreditation.

The Lifelong Ministry Development (LMD) guidelines requires a) A ministry development plan, b) A minimum of 30 hours LMD activities per year and c) Journal entry for each hour of LMD activity. The LMD approved PD activities allow much scope for the minister to develop a PD plan suited to his and the church's needs.

### 3.1.6 Regular review

It is recommended that a review be conducted with the Wardens once a year. This should include an open and honest discussion about the things the rector is doing well and the areas in which he could improve.

It should be two way and the rector may make certain request of the Wardens in order to facilitate and encourage the ministry.

### 3.1.7 Disputes

It is expected that disputes be dealt with in a directly personal way within the church before escalating to the Bishop or enacting an ordinance.

Schedule 1 of the Parish Administration Ordinance states, 'The policy of the Anglican Church of Australia in the Diocese is that any dispute between the minister and any of the members of this Church should be solved in a prayerful and pastoral manner, having regard to the rights and duties of those persons, rather than by legal decision.'

In the case of personal disputes, it may be necessary to use a mediator that both parties approve.

Conflict resolution can be time consuming and sometimes feels like a distraction to ministry. Conflict resolution requires careful communication and patience. If done properly, it may consume much time but will ensure that ministry flourishes.

The *Parish Disputes Ordinance 1999* provides helpful guidelines when a dispute involves a church worker.

## 3.2 Rector and Staff

### 3.2.1 Purpose

Paul writes to the Philippians "I thank my God every time I remember you. <sup>4</sup> In all my prayers for all of you, I always pray with joy <sup>5</sup> because of your partnership in the gospel from the first day until now, <sup>6</sup> being confident of this, that he who began a good work in you will carry it on to completion until the day of Christ Jesus." *Phil 1.3-6*

This section of the guidelines are designed to help staff teams of paid and voluntary workers serve together in a healthy gospel partnership that brings joy to each other and advances the work that God is doing in each church of our Diocese.

They are meant to be discussed in each church and applied to the circumstances of each staff team and the context where they serve.

### **3.2.2 Appointment**

The appointment of any staff is a long and complex matter and needs considerable care to ensure that there is real clarity on the ministry partnership that is being entered into. The SDS website provides The Employment Relations Guidelines to assist in this process and covers many important areas for the rector (with the wardens and parish council) and staff member to discuss, agree on and document.

### **3.2.3 Clear role description**

A written role description outlining the primary and secondary responsibilities of each team member brings clarity for each member of the team. It allows each member to be focused in their work, avoids confusion and potential conflict, and provides a basis for being able to assess how each member is performing. This role description should be negotiated and agreed on before a position is offered and accepted. It is helpful for a discussion to take place every year in the review process (below) about how the role description matches the reality of what is being done. Changes in the functioning of the staff member or the role description can be discussed and agreed on at this point. (Note Appendix A for a pro-forma)

### **3.2.4 Regular review**

A regular staff review enables each staff member to set goals for each year and then along with others on their 'review team' assess how they are going in achieving those goals, what additional resources or help might be needed or what changes need to be made to the goals. A 'review team' could consist of the team member and their spouse, the rector, a warden and two members of the church selected by the staff member.

### **3.2.5 Termination**

The formal ordinance that needs to be followed in the termination of a clergy person is the *Assistant Minister Ordinance 1990*, and of a layperson The Fair Work Act 2009.

There may be a whole range of factors that lead a rector to decide to terminate a staff member's appointment in the parish. Sometimes it might be guided by a changing financial situation, sometimes by changes in the needs of the parish and other times by the suitability of the staff member to carry out the ministry needed. All our relationships as Christian co-workers should be marked by love, openness and honesty. A regular review process should provide the mechanism for open discussion on how a staff member is fulfilling their role in the parish. If a rector is not happy with a staff member's conduct, performance or capacity in the ministry it is essential that this is discussed openly with a view to addressing those concerns. This is best formally documented and confirmed by both rector and staff member so there is an objective record of what reviews and discussions have occurred. It should not be a 'surprise' to the assistant minister if the rector has issues with their performance and a termination is discussed. The staff member needs to understand the rector's concerns and be able to share their perspective with a view to agreeing on a way forward.

A recommended process for a rector to follow is:

- (i) Clearly alert the assistant minister (either verbally or in writing) that they are not fulfilling their responsibilities properly and provide details of these areas. Inform them of the need to improve their conduct or performance or further develop their capacity to carry out their role, or they risk being dismissed.
- (ii) Provide the assistant minister with a reasonable amount of time to improve his or her performance or conduct.
- (iii) Offer to provide the assistant minister with appropriate training or opportunity to develop his or her skills.
- (iv) Assess whether the assistant minister has improved in their conduct, performance or capacity.

- (v) Before you dismiss the assistant minister you must tell them the reason for the dismissal and give him or her an opportunity to respond.

*[Note this is a draft recommended process and the current review of the Assistant Ministers Ordinance before Synod in 2017 is expected to outline its own process for managing a termination. These guidelines would be updated to reflect whatever process Synod decides]*

### **3.2.6 Task and relationships**

Ministry is not done in isolation - there are many tasks to be done. However, as we see in the passage above, ministry is also a partnership. Care must be taken to develop loving relationships within the staff team. This takes time and will involve opportunities to share, pray and read the scriptures together.

### **3.2.7 Regular meetings**

1. Staff team – Organised parish ministry requires weekly team meetings to co-ordinate and plan. These meetings also provide an opportunity to develop relationships within the staff team as you meet over a meal, read scripture, share and pray for each other.
2. Days away - Sometimes the pressing matters of each week can dominate the weekly staff meeting and there is little time to discuss new ideas. Going away two or three times a year, as a staff team, for two or three days allows time for a more extended time to discuss the 'big picture', new ideas of how ministry might be done as well as providing time to relax together.
3. One to one with rector – a regular meeting (monthly – six weekly) one to one, between the rector and each staff member, provides an opportunity to discuss matters in the team members areas of responsibility and to provide feedback on how they are going personally and in their role.

### **3.2.8 Team covenant (how we work together)**

Developing a team covenant or agreement on how the team functions together can contribute significantly to team harmony. This agreement covers things like how the staff team meet, how to function when members' responsibilities overlap, how to respond to other staff members' children or spouse if they serve in another staff member's ministry area, how to appoint leaders and how to resolve conflicts. (Note Appendix C for an example) Regarding team communication, it helps to clarify what things can be communicated via email and what would be better discussed in face to face conversations. Further, if there is a church office which provides working space, clarify expectations for the proportion of time spent working in that space and time spent working at home.

### **3.2.9 Professional development**

Each staff member needs to continue to develop their convictions, character and competencies to enable them to continue to be fruitful in their ministry. The rector and parish council need to agree on how much time each staff team member can devote to professional development and what financial support is available. This would cover conferences, courses of study, books and fees for mentors/courses and pastoral supervision.

Ministry Training & Development has established a professional development process called "Lifelong Ministry Development (LMD)" to provide an intentional, self-directed and accountable approach to help ministers maintain their zeal and fervour in serving the Lord (Rom 12:11). This provides a very helpful structure to professional development and provides accreditation. More details are available on the MT&D website.

### **3.2.10 Outside ministry**

Each staff member needs to be committed to serve in ministry in their church but what about their contribution to the wider church, like beach missions, camps or missions? Staff members may have much to contribute here and in turn find encouragement and source new ideas from serving in other places. Furthermore, they may be able to take and train church members. The rector and parish council need to agree on a policy.

### **3.2.11 Holidays, days off and time in lieu**

Annual leave is an entitlement to both lay-workers and clergy but public holidays for lay-workers only. Rectors with parish councils need to determine their own policy around public holidays for clergy staff.

It is also important to agree on what the expectations are on days off for each staff member and how many nights are staff expected to be doing parish ministry? Also, following particularly busy periods is there any provision for time-off in lieu? How is that organised?

### **3.2.12 Stipend, allowances and other benefits**

The Guidelines for the Remuneration of Parish Ministry Staff are produced annually and available on the SDS website. These guidelines provide detailed information on many different areas, however many of the provisions are guidelines only and need to be negotiated between the rector (with the approval of the parish council) and staff member. This needs to be negotiated before an appointment is made, included in the letter of appointment and discussed in the annual review each year.

### **3.2.13 Socials**

Some opportunities for staff team members to socialise together, as well as with their spouse and children, can contribute significantly to building healthy relationships and team harmony.

## **4. Concluding Remarks**

The guidelines outlined in this document do not have legal force and cannot contravene other legislation.

It is expected that in most situations there will be gospel unity and peace involving church workers.

In the case of disputes, fulfilment or non-fulfilment of the above may be considered appropriate evidence before a tribunal or equivalent.

Hebrews 12:14 "Make every effort to live in peace with all men and to be holy; without holiness no one will see the Lord. See to it that no one misses the grace of God and that no bitter root grows up to cause trouble and defile many."



## Summary Report of the Rector Training Review Group

### Background

The Diocesan Mission (*Mission 2020*) identified four priorities. Of these the third priority is to: Equip our members to exercise their gifts. The first factor to drive this priority is: strengthening leadership skills of clergy, especially rectors.

In focusing on this priority of the *Mission 2020* the Strategic Research Group (SRG) invited a team to consider how the diocese might best address the development of rectors across the diocese. This working group included:

- The Rev Gary O'Brien (Ministry Training and Development (MT&D))
- The Rev Rob Smith (Ministry Training and Development)
- The Rev Archie Poulos (Moore College, Department of Ministry / Centre for Ministry Development (CMD))
- The Rev Philip Wheeler (Department of Evangelism and New Churches)
- The Rev Andrew Katay (rector / Strategic Research Group)
- Mr Peter Mayrick (Centre for Ministry Development / Strategic Research Group)

The Rector Development Working Group met through 2016 and made recommendations to the SRG in late 2016. The work of the Rector Development Working Group has now been superseded by the second interim report of the Licensing of Incumbents Review Committee provided to the Synod in October 2017.

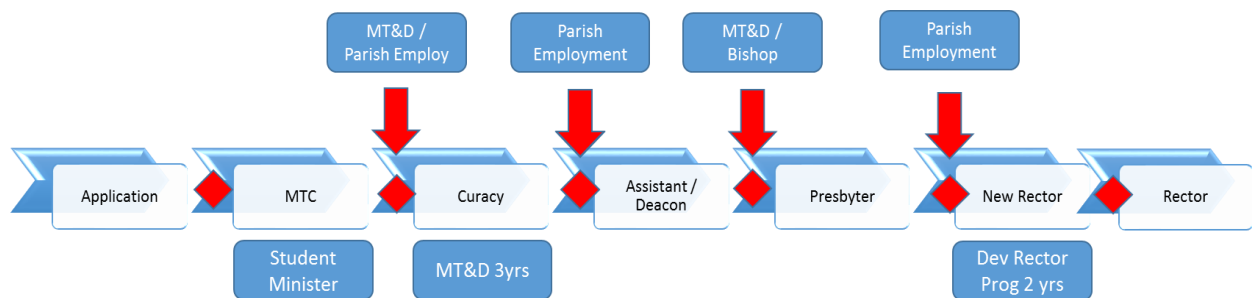
### The work of the Rector Development Working Group

Our goal was to make a recommendation to the Diocese regarding how it can play a role to equip / enable rectors with a view to optimising their ministry.

The working group came to their recommendations through the following process:

The working group explored the current situation of rector Development and the issues to be considered in making a recommendation. In summary the working group identified:

- There are a number of stages in the life of minister in the Sydney diocese (see picture below) and opportunities for clergy development however only a few of these stage are currently associated with targeted development.

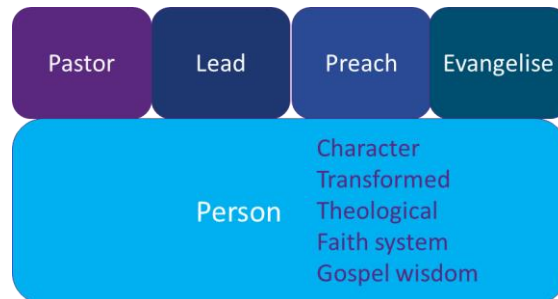


- There are a number of “gates” through which a minister passes as he becomes a rector including:
  - Application to college
  - Approval for candidacy
  - Licensing as a curate
  - Parish employment
  - Approval as a Presbyter
  - Licensing to a parish
- However there are only a few key areas of formalised training and development

- Theological training (MTC)
- Post Ordination Training (3 year MD program by MT&D)
- Developing Rector Program (2 year new rector by CMD) – recently launched

□ The working group recognised that:

- There are a wide range of characteristics required of a rector and therefore a very wide range of possible development aspects or areas that could be addressed.



- Whilst there is no formalised training program for rectors (after the initial two year program), there are numerous providers of training, education, coaching, mentoring, pastoral supervision etc. We believe this is positive for rectors and wish to encourage a range of providers to encourage a range of services and allow choice to encourage higher levels of quality.
- There is a considerable difference between a 'new rector' and a rector who has been in their role for a while. Because the Developing Rector Program was being developed as we were meeting we focussed our attention on developing rectors who have been in their role for a period longer than two years.
- Any program to develop rectors would need to be introduced in a voluntary capacity for existing rectors. It may be possible to create incentives to gain support for any such program. Having said this, a mandatory approach to rector development could be introduced for new rectors as a condition of their new licensing by the Archbishop. Such an approach would enable the diocese to phase in Rector development.
- We believe that development needs to involve three elements which we wish to encourage:
  - Diagnosis – reflection to identify key areas for personal development as a rector. NB - feedback from HR experts encouraged any program to build a rector's capacity for self-reflection.
  - Planning – once an area is identified development requires intentional action.
  - Accountability – our investigations have identified that accountability to implementation has greatly improved the outcomes for pastors.
- There are a range of options for diagnosis and accountability. We do not wish to limit the options available to ministers. Rather we wish to encourage their use and availability.

□ We wish to build a 'user pays' approach to development and encourage parish budgets to fund development of staff. Having said this we acknowledge that there are parishes that may need assistance in funding this. NB We did not explore funding solutions to a great extent.

□ There will need to be a level of coordination if a program is going to require a compliance or tracking aspect (as would be required for an incentivised or a required program). We considered that MT&D would be the most appropriate structure for this to be located however this would require additional funds to enable MT&D to have suitable capacity. Note: we did consider means to increase funding to MT&D for this however did not progress this as a group at this stage.

### Recommendation

The Rector Development Team considered a range of options before making recommendations to the SRG.

The SRG has discussed the proposal and considered –

- (a) whether the roles of wardens and parish councillors as key leaders in our parishes would benefit from further refinement, and what avenues there may be to support their development,
- (b) whether a letter from the Archbishop to wardens, encouraging them to financially support their rector's development (both as a general advice but also in conjunction with a letter to the rector regarding their professional development) would be beneficial,
- (c) the benefits of piloting the program with a number of Mission Area Groups,
- (d) including the report, "Coaching, Mentoring and Pastoral Supervision" as at appendix to the report.

The working group has completed a template for a Ministry Development Plan (available through MT&D or CMD). The working group brought this report to the Licensing of Incumbents Committee as per the request of Standing Committee in early 2017. The ideas and research from this group has informed the Lifelong Ministry Development proposal from MT&D that is before Synod 2017.

## Summary Report of Pastoral Supervision Working Group

### Background

At the 2015 session the synod carried the following resolution proposed by the Rev Robin Kinstead:

“Synod –

- (a) recognises and gives thanks to God for the sacrificial and tireless efforts of our clergy and stipendiary lay ministers in parish ministry;
- (b) notes the need for all clergy and stipendiary lay ministers to debrief in a safe, stable and suitable supervisory space;
- (c) requests that the Standing Committee ask for a report from the Pastoral Supervision Working Group, and then review and report back to the Synod.”

The Pastoral Supervision Working group began meeting in 2010 as an informal gathering of people concerned to improve the supervision of theological students and clergy of the Diocese. In 2014, the Archbishop invited this group act on his behalf to develop a proposal for enabling supervision to be conducted across the Diocese.

The Royal Commission into Institutional Responses to Child abuse, and the increasing number of clergy requiring stress related absences has highlighted the need for a prophylactic program for clergy and church workers.

The Pastoral Supervision Working Group has sought to invite members who are both stakeholders in supervision and who have expressed an understanding of and interest in developing supervision in the Diocese. The working Group membership has been determined by the group. Current members are: Nicky Lock (convenor), Gary O'Brien, Andrew Ford, Jackie Stoneman, Andrew Nixon, Kara Hartley, Archie Poulos, Kerrie Newmarch, Geoff Broughton, Nigel Fortescue, Catherine Wynn-Jones, Sarah Kinstead, and Chris Edwards.

In 2017 the Pastoral Supervision Working Group was put on hold, with two members, Gary O'Brien and Kara Hartley joining the Licensing of Incumbents Review Committee.

The work of the Pastoral Supervision Working Group has now been superseded by the second interim report of the Licensing of Incumbents Review Committee provided to the Synod in October 2017.

### What is Pastoral Supervision?

Pastoral supervision provides a regular, supportive, reflective, contracted space to attend to ministry practice with a trained supervisor: it has formative, normative and restorative aspects. It is not spiritual direction, counselling, line management, coaching or mentoring, though includes elements of those practices. It is an activity that is sensitive to God's revelation, “resulting in the minister having enhanced self awareness, ministering competence, theological understanding and Christian commitment.”<sup>1</sup>

### The Need for Professional Supervision of Clergy and Church Workers

It is generally understood that professional supervision provides 3 key 'helps' for clergy.

- (a) **Formation:** Professional supervision provides help for clergy in their ongoing development in their ministry. A person being supervised brings such an event to supervision, and reflective interaction with a supervisor on this event has the formative impact of enabling the supervisee to function better in these and other circumstances in the future, through an enhanced understanding of themselves, others and their situation.
- (b) **Reporting and Prevention of Burnout:** Clergy commonly comment on the loneliness of ministry and the high expectations placed upon them. These are two contributing factors to burnout. Burnout can be attenuated through clergy having a safe place and safe person with whom to explore ministry issues.
- (c) **General Accountability:** Exploration of our Diocesan Ordinances, especially the Parish Administration Ordinance (2008), reveals that rectors have both great freedom and little accountability (except for finances, property, Professional Standards and reporting matters). There is very limited formal or informal development other than retribution for moral failure.

<sup>1</sup> Pohly, K. (2001). *Transforming the Rough Places: the Ministry of Supervision*. Franklin, TN: Providence House Publishers.

In light of the findings of the Royal Commission into Institutional Responses to Child Sex Abuse supervision is acknowledged as providing the reflective space where the balance between being over rigid or too loose about personal boundaries can be considered in light of optimal ministry responses to those one is ministering too<sup>2</sup>.

### **Elements currently in place in Sydney Diocese for Reflective Practice**

There are currently several avenues for reflective practice for clergy and church workers in the diocese. These include Focus on Ministry Retreat groups (Les Scarborough model), Coaching (CMD, Sauerkraut, City to City, Arrow), Professional and clinical supervision of chaplains, counsellors etc in Anglicare and ARV, MT&D mentoring groups & Personal Supervision (eg Peter Moore Adifica)

The helpfulness of these practices was examined in a limited qualitative survey amongst Sydney clergy, male and female, who were currently accessing some form of these activities<sup>3</sup>. Four major themes emerged as to the usefulness of receiving some form of reflective practice:

- (i) for accountability and challenge
- (ii) for receiving practical advice and support
- (iii) to assist with examining ways in which personal and spiritual issues interfere with their ministry
- (iv) to receive overall support and strengthening in their ministry.

Additionally negative aspects of the respective reflective practices engaged in were described, though over half of the group stated that there were no downsides to these experiences: rather it had been both essential and a blessing. Negative aspects that were mentioned included:

- (i) the structure or contract not being clear, failing to be supportive enough (especially in relation to peer retreat groups).
- (ii) the difficulty of being honest with oneself and the supervisor/coach/mentor along with the sometimes draining nature of the interaction.
- (iii) The minority who considered any form of reflective practice not to be necessary and to be unwelcome by the majority of the clergy.

### **Clergy Assistance Program**

This program was launched on 1 April 2016 and aims to offer 6 sessions of counselling for “a confidential conversation whenever they recognise any of the early warning signs of stress or if they feel the need for professional counselling concerning personal or ministry matters”. See [www.anglicare.org.au/clergy-assistance-program](http://www.anglicare.org.au/clergy-assistance-program).

### **Recommendations**

The Pastoral Supervision Working Group made suggestions as part of their report to Standing Committee including:

- Creation of a 2 tier accreditation for supervisors in the Diocese.
- A register of Diocesan approved supervisors.
- Cost of supervision for clergy be undertaken by the parish.
- 10 hours of reflective practice per year, registered in some way.
- The Diocese consider making reflective practice a priority for all new clergy.

<sup>2</sup> Gutheil, T. G., & Brodsky, A. (2008). *Preventing boundary violations in clinical practice*. New York: Guilford Press, 257.

<sup>3</sup> Nicola Lock, “A Pilot Study into the Experience of Sydney Clergy in Relation To Professional Supervision as a Contribution to Their Ministry Practice”. Unpublished manuscript, (2011).

## Lifelong Ministry Development Guidelines

(A report from Ministry Training and Development.)

### Key points

- Ministry Training & Development (MT&D) is establishing a professional development process called Lifelong Ministry Development (LMD) to provide an intentional, self-directed and accountable approach to help ministers maintain their zeal and fervour in serving the Lord (Rom 12:11).
- LMD seeks to incorporate the key recommendations of two Standing Committee working groups, the Pastoral Supervision Working Group and the Rector Training Review Group.
- LMD seeks to promote 'well-being' in ministry as it leads to a healthy work engagement and reduces the risk of 'burnout'.
- Synod research indicates that many ministers do have some form of professional development. These LMD guidelines seek to enhance this development by providing an intentional structure to this development, more resources, and recognition through receiving an annual Certificate of Completion.

### Purpose

1. By this report Standing Committee is notified of the Ministry Training & Development Lifelong Ministry Development Guidelines, a professional development program for clergy of the diocese, with a view to Standing Committee authorising a suitable form of the guidelines being provided to Synod.

### Recommendations

2. That Synod receives this report as an explanation of the LMD proposal and requests that a suitable form of the report be provided to the 2017 Synod.

3. That the following motion be moved at the forthcoming session of Synod in 2017, "by request of Standing Committee" –

"Synod, noting the report Lifelong Ministry Development Guidelines –

- (a) thanks MT&D for their attention to this important area,
- (b) recognises the significance of last year's Synod survey research that –
  - (i) 42% of respondents do not believe that rectors are looked after in a way that gives them the best opportunity to improve and grow over time,
  - (ii) 8% of rectors do not believe that they are currently "well suited" to their position,
  - (iii) 30% of rectors report a low level of energy,
  - (iv) 21% of rectors significantly struggle with depression or anxiety,
- (c) encourages our clergy to participate in LMD being operated by MT&D,
- (d) urges parish councillors and lay Synod representatives to support their minister's commitment of time and resources to professional development and reflect this in their parish budget, and
- (e) asks the diocesan members of the Nomination Board, when considering a prospective rector, to discuss with the parish nominators the prospective rector's current engagement with LMD."

### Background

4. MT&D exists to "recruit, select, train and develop Anglican ministers for the Diocese of Sydney". In recruiting, it works closely with Moore College and Youthworks College as well as visiting churches and talking with individuals considering ordination. In selection, it conducts interviews with those applying for ordination and oversees a two year discernment process making a recommendation to the Archbishop about a candidate's ordination as a deacon or presbyter. In training and development, it operates a three year Ministry Development (MD) program for all newly ordained assistant ministers seeking to further integrate the participant's theological understanding with their personal life and ministry practice, as well as providing other training events and meeting one to one with clergy to discuss their ministry development.

5. The Licensing of Incumbents Review Committee (LIRC) is an ad-hoc committee constituted by Standing Committee tasked with responding to a suite of Synod resolutions, of which the Director of MT&D, the Rev Gary O'Brien is a member. The LIRC noted the following possible recommendations in its interim report to the 2016 Synod –

- (a) that a professional development program be developed using the available resources and structures of MT&D and Moore College and that responsibility for developing materials and resources and the overall program be given to the Synod appointed committee looking at rector training; and
- (b) that an annual/regular 'mental health check-up and debrief' with a qualified counsellor or psychologist be required for all ministers as part of the professional development program.

6. At its meeting on 25 July 2016 the Standing Committee, reflecting the fact that professional development and reflective practice were being discussed by multiple working groups around the diocese, encouraged the LIRC to liaise with the Pastoral Supervision Working Party and the Rector Training Review Group.

7. At its session in October 2016, Synod (resolution 10/16) –

- (a) welcomed the interim report on "Licensing of incumbents"; and
- (b) encouraged the Committee to continue to meet and provide a final report with recommendations and proposed ordinances for consideration by the Synod in 2017.

8. Since Synod 2016 the LIRC has received a presentation from representatives of the Pastoral Supervision Working Party and reviewed its report to Standing Committee. The LIRC also received and evaluated a professional development proposal from the Rector Training Review group and co-opted Mr Peter Mayrick from the group to the LIRC. The LIRC has been in ongoing conversation with Mr O'Brien and the Archdeacon of Women's Ministry, the Venerable Kara Hartley, during the development of the LMD guidelines, both in reviewing and giving feedback.

#### **Professional development as a common secular practice**

9. Professional development is now common practice in many different professions and is required for people to continue to practise, for example NSW school teachers need to maintain their Proficient Teacher Accreditation, which includes doing 100 hours of professional development over five years. Through the Psychology Board of Australia, annual renewal of registration as a psychologist is dependent on completion of Continuing Professional Development (CPD) standards involving 30 hours of professional development each year. Through the Medical Board of Australia, medical practitioners with specialist registration must meet the requirements set out by their relevant college.

10. Most professional bodies will state that the purpose of their professional development programs are to safeguard the public, the employer, the professional and the profession itself.

11. Writing from the UK and focusing on human resources professionals, Margaret Mackay (2015) found that these individuals appreciate the impact of development in confidence, self-efficacy and resilience. She concludes that "professional development can sustain individual growth, sustain optimism and empower individuals to fulfil their potential in contributing to society".

12. Building a culture that supports increased professional development opportunities with nurses has been shown to affect nurse retention and satisfaction (Cooper, 2009).

13. Dr Paul Brock AM (2015), reporting on professional development of teachers in NSW and quoting New Zealand's Helen Timperley (2008), identifies that in order to sustainably improve student outcomes, teachers must develop professional, self-regulatory, inquiry skills, and that they must have organisational support to do this.

#### **Benefits of professional development to clergy**

14. Grant Bickerton et al (2013) have completed some important Australian research into "Well-being in Ministry". His research of 1018 people in Christian ministry focused on identifying the key factors that lead people to 'burnout' marked by exhaustion, cynicism and low personal accomplishment, as well as the key factors that lead people to 'work engagement' marked by vigour, dedication and absorption. Two of the key factors leading to 'work engagement' are development opportunities and supervisory support. Both of these are key components of the LMD proposal.

15. Elizabeth Jackson-Jordan (2015), reviewing the extant research on clergy burnout and resilience, recommends that clergy be supported by peer groups and mentors and that they participate in leadership development (including conflict resolution, interpersonal skills etc.) in order to promote clergy resilience.

16. NCLS data indicates that nearly 75% of clergy are near to burnout and 50% say they have experienced burnout. Pastoral supervision (a key component of the LMD process) has been proven to be preventative of burnout.

17. The take-up of the Clergy Assistance Program (CAP) and use of the Clergy Contact Persons (CCP) highlight that our clergy face significant challenges and sometimes need assistance. Following on from the Grant Bickerton research (mentioned above) the goal is that the LMD process will be a proactive way to help our clergy continue to develop and grow so that they maintain their vigour, dedication and absorption in gospel ministry and are less likely to need this assistance.

18. Through the Lifelong Ministry Development Guidelines, MT&D is seeking to create an intentional, self-directed and accountable approach to help ministers maintain their zeal and fervour in serving the Lord for the whole of their ministry so that they might stay fresh, find joy and be of great use to the people entrusted to their care. The guidelines are attached as Annexure 1.

19. These guidelines provide a mechanism by which Anglican ministers in the Diocese of Sydney can intentionally develop in conviction, character and competency throughout the course of their ministry.

20. The 2016 Synod survey, reported by the LIRC, highlighted that the majority of rectors had done some professional development in the previous 12 months. The Lifelong Ministry Development Guidelines seek to enhance this development by providing an intentional structure to this development, more resources and a recognition through receiving an annual Certificate of Completion.

21. The LMD provides a structure to incorporate some of the key recommendations of two diocesan groups, the Pastoral Supervision Working Group and the Rector Training Review Group by providing an approach to professional development that encourages:

- using good diagnostic tools
- accountability (mentor/coach/pastoral supervisor)
- creating a Ministry Development Plan (MDP)
- online journalling of progress.

For and on behalf of Ministry Training and Development

GARY O'BRIEN  
*Director*

14 August 2017





# **Lifelong Ministry Development Guidelines**

August 2017

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## Introduction

*Never be lacking in zeal, but keep your spiritual fervour, serving the Lord (Romans 12:11).*

Ministry Training & Development (MT&D) exists to recruit, select, train and develop Anglican ministers for the Diocese of Sydney. Through the use of these guidelines, MT&D aims to provide a mechanism by which Anglican ministers in the Diocese of Sydney can intentionally develop in conviction, character and competency throughout the course of their ministry.

MT&D hopes to create an intentional, self-directed and accountable approach to help ministers maintain their zeal and fervour in serving the Lord for the whole of their ministry so that they might stay fresh, find joy and be of great use to the people entrusted to their care.

These guidelines are designed to help ministers “finish well”: when they look back on their ministry to be able to say with the apostle Paul, *I have fought the good fight, I have finished the race, I have kept the faith (2 Tim 4:7).*

MT&D recognises that many ministers are proactive, take initiative and are fully committed to continue their ministry development. These Guidelines seek to provide an intentionality to that development by providing structure (using a Ministry Development Plan and assessment tools), accountability (through peer consultation) and self-reflection (using online journalling).

These guidelines are based on the now widespread practice of ‘self-directed learning’, where practitioners identify areas for development based on their ministry situation and personal circumstances.

Increasingly our communities expect that leaders will participate in some form of ‘professional development’ (Refer to Appendix A – Some Current NSW Professional Development Models). It is all the more incumbent on us as leaders of Christ’s Church, to fulfil the high standards expected of ordained leaders. In fact, it is sometimes the high expectations placed on clergy that demand that we find better ways of developing as people in ministry.

## Lifelong Ministry Development (LMD) Guidelines

MT&D will recognise those ministers who are able to demonstrate their desire to actively develop in ministry; closely watching their life and doctrine. Each year, those ministers meeting three components of activity will be recognised for their commitment to Lifelong Ministry Development. These components include the following:

1. Ministry Development Plan - the minister identifies a focus area(s) for the year and activities for development towards their goal in this area.
2. 30 hours of LMD Activities - the minister participates in learning activities, including a minimum of 10 hours reflecting on their own ministry.
3. Journal entry for each hour of LMD - the minister documents how a LMD activity has contributed to their development and their focus area(s).

Ministers must register on the MT&D website in order to participate. The annual registration fee is minimal (approx. \$120).

### 1. Ministry Development Plan (MDP)

The purpose of the Ministry Development Plan (MDP) is to provide ministers with some structure to consider deliberately and prayerfully how they might develop and grow in God's service over the course of a year (or annual cycle).

For their MDP, ministers are asked to identify one or two focus areas to work on through the annual cycle. It is recommended that only one or two areas of focus are selected, as it is difficult to keep track of them in the busyness of ministry. These areas might be issues that need some development or they might be areas of strength that the minister would like to continue to grow in. Either way, they should relate to the type of ministry they will undertake in the near future. Ministers are asked to consider the domains of conviction, character and competence to determine what requires their attention.

Ministers might determine a focus area by gaining feedback and input from:

- the Bible (particularly considering character and conviction);
- those around them (through formal or informal questioning); and
- by accessing tools focused on their development (eg., psychometric assessment, 360-degree feedback or other surveys). Ideally this form of assessment will be completed once every three years.

The MDP should be created at the beginning of the cycle and reviewed towards the end of the cycle. It may be modified throughout the course of the cycle year. The review should include an assessment of progress and reflection on future development needs. It is recommended that the minister discuss the creation, modification and review of development needs with a peer or mentor as part of their 'Peer Consultation' development activity.

An MDP template and example is included in the MT&D LMD site\*. See also Appendix B.

## 2. LMD Activity Types

MT&D recognises that a minimum of 30 hours of LMD activities each year represents a commitment to ministry development. To achieve recognition, a minimum of 10 of these 30 hours must be undertaken as 'Peer Consultation'. Activities and examples are outlined below.

### 2.1 'Peer Consultation' (minimum of 10 hours)

- ❖ The minister engages in activities to reflect critically on their own ministry and how God is working through them. Examples include:
  - Individual consultation with a peer, senior minister or other professional person (where this advances the focus area(s) identified in the MDP);
  - Pastoral Supervision, coaching or mentoring (where this advances the focus area(s) identified in the MDP);
  - Network group discussion (In this instance, only the time spent focused on the individual's ministry is counted), e.g., Focus on Ministry Retreat Group activity.

### 2.2 'Active Learning'

- ❖ The minister engages in active learning by participating in activities designed to engage them and enhance their development. Examples include:
  - Participating in postgraduate study, e.g., MA or DMin;
  - Participating in a Ministry-focused Workshop e.g., Youthworks, Centre for Ministry Development;
  - Participating in skills-based training, e.g., Cornhill, PeaceWise;
  - Visiting another ministry for consultation and learning;
  - Reading a structured series of articles, applying learnings to own ministry, and sharing this with a peer(s), e.g., Arrow Leadership.

This also includes activities that support others in ministry. Examples include:

- Giving a presentation to peers on a topic relating to ministry;
- Providing peer consultation for other ministers;
- Acting as a trainer to a ministry apprentice or student minister.

A wide range of activities are recognised by MT&D in fulfilling the requisite hours, providing that they develop the minister's convictions, character or competencies. Selection of activities should be based on the individual minister's focus area for development, as identified in their MDP.

Activities ministers participate in should enable them to keep up to date with ministry practice, e.g., theology, preaching skills, relational skills including leadership and team building, communication, conflict resolution, ethics and administration.

Ministers can choose the provider of activities that they undertake. MT&D will not certify providers or activities in advance. Some activities relevant to a minister's development needs, as per their MDP, might be offered by secular bodies or individuals. Each minister needs to make their own judgment about the relevance and quality of activities and document how each contributes to their development. See Appendix C for possible providers.

### **3. LMD Journal**

Ministers are asked to keep a documented reflection of the content and relevance to their MDP of each LMD activity.

The MT&D website is currently being developed to allow journalling to be recorded online\*.

## **LMD Recognition Process**

### **4. Recording LMD Activities**

A minister's MDP, LMD activities, hours spent, type and journalling can be recorded on the MT&D site. This will require registration on the site.

### **5. Recognising LMD**

The MT&D LMD cycle will begin in November and end in October the following year. At the beginning of each cycle, MT&D staff will review each registrant's activities and formally recognise those who have met the LMD guidelines for the previous cycle.

### **6. Access and Confidentiality**

Each registered minister will have access to their own LMD details, MDP, recorded activities and journal entries for each cycle. They will also be able to access certificates for each cycle of completed LMD should a minister wish to provide this information to others (eg., nominators).

MT&D staff will have access to run the end-of-cycle report providing information on registrants and those completing the LMD requirements. They will have view-only access to registrants' MDPs. They will not access journals unless first requesting written permission of the minister eg., in the case of conducting an audit.

Ministers can contact MT&D staff at any time if they would like to ask questions or discuss their Lifelong Ministry Development.

## Appendix A: Current NSW professional development models

Through the NSW Education Standards Authority (NESA), school teachers in NSW are required to maintain their Proficient Teacher Accreditation over a five year period for full time and seven years for part time or casual teachers. This involves continuing to demonstrate competent teaching practice, participating in at least 100 hours of professional development, meeting Standard Descriptors, paying fees, and submitting a report each cycle. Maintaining this accreditation is a condition of employment in any NSW school.

Through the Psychology Board of Australia, annual renewal of registration as a psychologist is dependent on completion of Continuing Professional Development (CPD) standards. These involve: a learning plan based on objective self-assessment; 30 hours of development activities including at least 10 hours in supervision or consultation focused on **the psychologist's own practice**; and maintenance of a CPD portfolio that includes the plan, activity log and reflection.

Through the Medical Board of Australia, medical practitioners with specialist registration must meet the requirements set out by their relevant college. Medical practitioners with general registration (who do not have specialist registration) must complete a minimum of 50 hours Continuing Professional Development per year.

04/04/17 [www.nswteachers.nsw.edu.au/current-teachers/maintain-proficient-teacher-accreditation/how-it-works/](http://www.nswteachers.nsw.edu.au/current-teachers/maintain-proficient-teacher-accreditation/how-it-works/)

04/04/17 [www.psychologyboard.gov.au/Standards-and-Guidelines/FAQ/CPD-resources.aspx](http://www.psychologyboard.gov.au/Standards-and-Guidelines/FAQ/CPD-resources.aspx)

04/04/17 [ama.com.au/careers/continuing-professional-development](http://ama.com.au/careers/continuing-professional-development)

## Appendix B: Creating a Ministry Development Plan (MDP)

Creating a Ministry Development Plan consists of six steps:

1. Identify your priorities: Consider the domains of conviction, character and competence. Think about the ministry role you're now in – which competencies, skills, knowledge or behaviours are most important in that role. Is the role largely tactical, strategic or a bit of both? Is it largely one-on-one ministry, equipping others (staff or lay leaders), teaching large groups, or more behind the scenes?

It is important to consider different aspects of your role as well as your own growth as a Christian person. For example:



It's also worth thinking about where you might be in 2, 5 and 10 years' time.

2. Do some diagnostic work - collect some data: Once you've settled on a few priorities within your role, now assess yourself. There are several avenues you can go down.

- ❖ Areas you've been convicted of as you read the Bible
- ❖ Information from psychometric assessments – these are authenticated tools to help you understand yourself, your personal behavioural preferences and your predominant strengths and weaknesses
- ❖ Any 360-degree information you might have – could include a formal 360-degree tool (e.g., CMD online tool) or more informal approach (e.g., personal engagement / interview with people within your ministry environment)
- ❖ Church assessment (or audit) – conduct an assessment of the various ministries and functions of the church e.g., a minister assessed online survey (e.g., CMD church diagnostic survey), invite a number of church members (staff / lay) to conduct surveys, interview a number of people from church etc
- ❖ Ministry assessment (or audit) – if you have identified a specific ministry or activity to focus on why not conduct an assessment (formal or informal) to identify key opportunities, e.g., minister assessed online survey (e.g., CMD online ministry assessments), invite leaders or participants in ministry (staff / lay)



- to conduct surveys or do a review, interview a number of people involved in the ministry, conduct a workshop on a specific ministry etc
- ❖ Informal feedback from your mentor(s), rector, teammates, congregation, friends and family.

3. Identify your strengths and areas for development: From the data, identify some of your strengths. Identify one or two key areas for development that relate back to your priorities. How can you use your strengths to build on your areas for development?

4. Complete your Ministry Development Plan: Fill in the table (example below) for your development area(s) with ideas for activities, dates for completion, and **outcomes you expect to see when you've shown development in that area**. Remember to keep it SMART: Specific, Measurable, Achievable, Realistic, Time-framed.

Example MDP

Development focus (diagnostic data)	Activities proposed to address focus	Proposed dates	Expected outcomes (measurement)
<p>Competence Operational: management</p> <p>Data: psych tools; 360 feedback from parishioners; informal feedback from team</p>	<ul style="list-style-type: none"> <li>• Attend a time management workshop</li> </ul>	By mid-June	<p>Improvement in others' perceptions of my 'busyness':</p> <ul style="list-style-type: none"> <li>• congregation and team members feel comfortable to approach me without interrupting me (via 1:1 feedback)</li> </ul> <p>Lower anxiety for me:</p> <ul style="list-style-type: none"> <li>• being on top of each term's events and not having to do things myself at last moment (achieve tasks &amp; timeframes in Plan)</li> </ul>
	<ul style="list-style-type: none"> <li>• Find and use a good "to do" app</li> </ul>	By end Feb	
	<ul style="list-style-type: none"> <li>• Schedule planning time in diary at beginning of week</li> </ul>	Weekly	
	<ul style="list-style-type: none"> <li>• Write my job description with wardens (or with rector if assistant minister)</li> </ul>	By end March	
	<ul style="list-style-type: none"> <li>• Prepare and use a project plan for the term incl. tasks, timeframes, responsibilities. Share with the team</li> </ul>	By mid-April	

5. Reflection / evaluation of your Ministry Development Plan: Take the time to reflect on your MDP regularly, and particularly towards the end of each cycle – specifically:

- How far have you progressed towards your objective?
- How well have you done? (What went well? What could you have done better?) It is well established that taking time to reflect on our work helps us to learn and develop for the future.

6. **Make sure you're accountable:** With many demands on a minister's time, it is well understood that personal accountability greatly improves the likelihood of completion of tasks and personal evaluation. We encourage you to make yourself accountable to someone you trust to review your MDP from time to time (e.g., quarterly or six monthly). This person needs to be someone you trust with your personal goals and achievements (confidentiality) as well as being able and willing to hold you accountable for your commitments. Examples might include a coach, mentor, pastoral supervisor, bishop, lay leader, peer or other person.

## Appendix C: Providers for LMD Activity

While each minister is required to make their own judgment about the relevance and quality of activities they undertake, the following is a list of some providers known to MT&D.

- Arrow Leadership (<http://www.arrowleadership.org.au/>)  
Leadership programs for Emerging and Executive Christian leaders, with modules on leading teams, transforming organisations and character & integrity in the Christian leader.
- Centre for Biblical Preaching (<http://www.cbp.org.au/>)  
Workshops, conferences, seminars and mentoring aimed at encouraging expository preaching and teaching for preachers at all levels of experience.
- Centre for Ministry Development (<https://cmd.moore.edu.au/>)  
A Centre of Moore College providing workshops, conferences and personalised coaching aimed at the personal and ministry development of ministers, with modules including strategic planning, resilience, delegation and time management. CMD also provides a 360 review and psychometric testing.
- City to City (<http://www.citytocityaustralia.org.au/>)  
A resource to support and encourage church planting and renewal in Australian cities, offering programs in gospel coaching, leadership, preaching and coach training.
- Clergy Assistance Program (<https://www.anglicare.org.au/clergy-assistance-program>)  
Professional, confidential counselling for clergy licensed to a Sydney parish and their spouses, funded by the Synod.
- Cornhill (<http://www.cornhillsydney.com.au/>)  
Training by experienced preachers in biblical teaching and preaching with lectures on biblical theology; principles of exposition; and genres of biblical literature, as well as a focus on the practice of speaking rather than the practice of writing sermons.
- Ministry Training & Development (<http://www.mtd.org.au/home>)  
Includes a three year Ministry Development program to support ministers entering full-time ministry with 21 workshop topics including pastoral care, handling conflict, strategic planning and healthy sexuality in ministry. Ministry marriage courses, Prepare/Enrich training and staff teams conferences are also offered.
- Moore Theological College (<https://www.moore.edu.au/>)  
Offers courses in postgraduate study as well as the Annual Moore College Lectures which deal with an aspect of the Reformed and Evangelical faith, and the annual School of Theology designed to resource those in ministry.
- Oilstone (<http://www.oilstone.com.au/>)  
A residential leadership conference offering practical skills and tools to pastors in leadership, as well as coaching sessions and on the job mentoring.
- PeaceWise (<http://peacewise.org.au/>)  
Training in practical and biblical conflict resolution strategies, with courses in personal peacemaking, conflict coaching, mediation, reconciling marital conflict and advanced mediation training.

- Priscilla and Aquila Centre (<https://paa.moore.edu.au/>)  
Offers conferences, seminars and online resources to encourage the ministries of women, in partnership with men.
- St Marks National Theological Centre, Canberra (<https://www.stmarks.edu.au/>)  
Delivers courses in theology, personal and relationship counselling, pastoral and clinical supervision, pastoral care, and Anglican ministry formation, with online and Sydney based teaching options.
- Sydney Missionary and Bible College (<https://www.smbc.edu.au/>)  
Offers a range of postgraduate study options; preaching conferences and workshops; and intensives in Global Church planting, Cross Cultural Teaching and Learning, Ministry in a Multicultural context and Muslims and the Message: Bridging the Gap, which are particularly useful to church leaders ministering in multicultural Australian society.
- Two Ways Ministries (<https://www.twowaysministries.com/>)  
Training in equipping pastors to evangelise and evangelists to pastor; church planting; and reaching different groups with the gospel.
- Vinegrowers (<https://www.vinegrowers.com/>)  
Uses the theological vision of *The Trellis and the Vine* by Col Marshall to train and equip pastors to lead their churches through cultural change, and offers coaching and online resources to do this.
- Youthworks (<https://www.youthworks.net/>)  
Aims at supporting and training children's and youth ministers by creating support networks, training events, coaching services and a consultancy process to assist leaders create a Personal Leadership Plan and Ministry Plan.

Please contact MT&D with further suggestions.

## Ordinances passed by the Standing Committee

(A report from the Standing Committee.)

Christ Church St Laurence Trust Ordinance No 45, 2016  
Dural District Land Sale Ordinance No 46, 2016  
Liverpool Trust Ordinance No 47, 2016  
Brighton/Rockdale Trust Ordinance No 48, 2016  
Brighton/Rockdale Land Sale Ordinance No 49, 2016  
Centennial Park Trust Ordinance No 50, 2016  
Hunters Hill (Woolwich Sale Proceeds) Variation of Trust Ordinance No 51, 2016  
Oakhurst Trust Ordinance 2005 Amendment Ordinance No 52, 2016  
Randwick Vesting of Land Ordinance No 53, 2016  
Rosemeadow (Hodkinson Estate) Variation of Trusts Ordinance No 54, 2016  
Synod Appropriations and Allocations Ordinance No 55, 2016  
Wollongong Trust Ordinance No 56, 2016  
Wollongong (Cemetery) Transfer Ordinance No 57, 2016  
Diocesan Cash Investment Fund Ordinance 2016 Amendment Ordinance No 01, 2017  
Huskisson Trust Ordinance No 02, 2017  
Huskisson Land Sale Ordinance No 03, 2017  
Watsons Bay Land Sale Ordinance No 04, 2017  
Kensington Eastlakes Trust Ordinance No 05, 2017  
St Ives Land Sale Ordinance No 06, 2017  
Investment of Church Trust Property Ordinance Amendment Ordinance No 07, 2017  
Camden Trust Ordinance No 08, 2017  
Camden Land Sale Ordinance No 09, 2017  
Hunters Hill Trust Ordinance 2014 Amendment Ordinance No 10, 2017  
Evangelism and New Churches Incorporation Ordinance No 11, 2017  
Synod Appropriations Allocations Ordinance 2015 Amendment Ordinance No 12, 2017  
Regions Ordinance 1995 Amendment Ordinance No 13, 2017  
Parramatta Trust Ordinance No 14, 2017  
Anglican Youth and Education Diocese of Sydney Ordinance 1919 Amendment Ordinance No 15, 2017  
St Andrew's Cathedral Land Sale Ordinance No 16, 2017  
Newtown with Erskineville Trust Ordinance No 17, 2017  
Sydney Diocesan Secretariat Ordinance 1973 Amendment Ordinance No 18, 2017 (assent withheld)  
Sydney Diocesan Secretariat Ordinance 1973 Amendment Ordinance No 19, 2017  
St Andrew's House Trust (Variation of Trusts) Ordinance No 20, 2017  
Cathedral Ordinance 1969 Amendment Ordinance No 21, 2017  
Finance and Loans Board Ordinance 1957 Amendment Ordinance No 22, 2017  
Synod Appropriations and Allocations Ordinance No 23, 2017  
Killara Trust Ordinance No 24, 2017  
Broadway Variation of Trusts for Archbishop's Residence Ordinance No 25, 2017 (assent pending)  
Coogee Trust Ordinance No 26, 2017 (assent pending)  
Greystanes – Merrylands West Trust Ordinance No 27, 2017  
St Andrew's Cathedral Trust Ordinance 2016 Amendment Ordinance No 28, 2017  
Marriage (Special Appropriation) Ordinance No 29, 2017

For and on behalf of the Standing Committee.

ROBERT WICKS  
*Diocesan Secretary*

20 September 2017

## Parochial Cost Recovery Charges for 2018

(A report of the Standing Committee.)

### Key Points

- The parochial network costs for 2018 are unchanged from the estimate provided to Synod in 2015 and will be recovered from parishes by means of a variable PCR charge estimated at approximately 5.1% of each parish's net operating receipts for 2016.
- In aggregate the ministry costs for 2018 are expected to be almost unchanged from the estimate provided to Synod in 2015, although the amount of each individual component varies slightly.
- The 3 elements of the clergy care component of the ministry costs – Stipend Continuance Insurance, Clergy Assistance Program and the new Clergy Contact Person program are now itemised separately.

### Purpose

1. The purpose of this report is to inform Synod of the nature and amount of the proposed parochial cost recovery charges payable by parishes in 2018.

### Recommendation

2. That Synod receive this report.

### Background

3. Under clause 3(4) of the *Parochial Cost Recoveries and Church Land Acquisitions Ordinance 2015* ("the Ordinance") Standing Committee is to report to Synod in 2017 about the nature and estimated amount of the ministry costs and parochial network costs payable in 2018, and the estimated amount of cost recoveries charge payable by each parochial unit and details of how that charge is calculated.

4. The nature and amount of the costs to be incurred and therefore the charge payable by parochial units is largely unchanged from the estimates provided in the Ordinance.

#### *Parochial network costs*

5. It is anticipated that the amount of each of the 7 components of the parochial network costs to be recovered from parishes will be unchanged from the estimates provided to Synod in 2015. The ACPT has confirmed its estimate of the cost of the 2018 Parish Insurance Program is unchanged from the \$4.1m previously advised. There are no other elements of the parochial network costs for 2018 which are expected to vary from the estimates approved by Synod in 2015, so the total cost to be recovered remains at \$5,535,000 (see Attachment 1).

6. It appears at this stage the total of the 2016 net operating receipts across all parochial units is likely to be about \$110 million (compared with the estimate provided to Synod in 2015 of \$107.4 million). As a result, the variable charge percentage payable by parochial units in 2018 is expected to be approximately 5.05%, which is a little lower than the estimate of 5.15% provided in 2015.

7. Later this year Standing Committee will be asked to approve the actual variable charge percentage to be charged to parishes in 2018, once the actual 2016 net operating receipts for all parishes have been finalised.

#### *Ministry costs*

8. There are a number of components of the ministry costs for 2018 which will not be finalised until after the Synod meets in October 2017.

9. The superannuation contribution is known, as it is derived directly from the recommended minimum stipend which Standing Committee has determined will be unchanged from 2017. As a result this element, which is the largest component of the ministry costs, will be less than the estimate provided to Synod in 2015 (see Attachment 2).

10. The long service leave ("LSL") contribution will not be known until set by the General Synod LSL Fund in late 2017. Given the weighting afforded to synod in the calculation of the national average stipend, the estimate is for a modest 2% increase in the likely LSL contribution, resulting in a figure somewhat below the estimate provided to Synod in 2015.

11. For 2018 it is proposed to separately identify the 3 distinct elements now making up Clergy Care – Stipend Continuance Insurance (“SCI”), Clergy Assistance Program (“CAP”) and Clergy Contact Person Program (“CCP”).

12. In 2017 there was a significant rise in the cost of the income protection cover provided through the SCI component. Initial indications are that the market is expecting a further, but more modest, increase in premiums in 2018, although the actual cost will not be known until the cover is renewed in December 2017. We are confident the 2 new initiatives (the CAP and CCP), which are designed to help clergy better deal with the pressures of parish ministry, will help minimise future SCI claims. Moreover, these programs complement the active back-to-work initiatives which have resulted in a reduction in the projected future cost of SCI claims and together serve to maintain maximum downward pressure on the SCI premium.

13. Standing Committee has previously approved an addition to the SCI component of the ministry costs of \$133 per licensed clergy person in 2016 and 2017 to cover the estimated cost of the CAP. The estimate of the cost to be recovered for the CAP in 2018 is slightly lower than for 2017, reflecting the fact that the number of new cases per month appears to have now stabilised at a rate a little below that experienced when the program was first launched.

14. During 2017 the CCP is being funded for a 12 month trial from the reserves of the SCI fund. Provision has now been made to recover the estimated cost of the CCP in 2018 assuming Standing Committee agrees to extend the program beyond its initial 12 months trial, although that decision is not due to be made until the first half of 2018.

15. Included in the cost of each the LSL, SCI, CAP, CCP and Sickness and Accident programs is a modest fee charged by SDS for administering these programs.

16. In aggregate the fixed ministry costs are expected to be almost unchanged from the estimate provided to Synod in 2015 (see Attachment 1), although the amount represents an increase of approximately 2.1% over the 2017 cost.

*Finally*

17. While the estimates are the best figures currently available, the Ordinance allows Standing Committee to report an estimate of the amounts payable to Synod in October this year and then set the actual charge for 2018 based on the formula in the Schedule to the Ordinance, some elements of which may not be finalised until later in the year.

18. The Ordinance also specifies that in addition to the cost recoveries charge, in 2018 each parochial unit is to pay a church land acquisition levy calculated at 2% of the net operating receipts of that parochial unit for 2016.

For and on behalf of the Standing Committee.

BISHOP PETER HAYWARD  
*Chair, Diocesan Resources Committee*

28 August 2017

## Parochial Cost Recovery Charges &amp; Church Land Acquisitions Levy for 2018

	Synod's estimate (in 2015) for 2018	DRC's proposal for 2018
<b>Parochial Network Costs</b>		
Parish property and liability insurance program	4,100,000	4,100,000
Parish risk management program	230,000	230,000
Professional Standards Unit -		
Parish related costs	781,000	781,000
Reimbursing Synod Risk Reserve for non-standard expenses	-	-
Safe ministry training program	145,000	145,000
Provision for relief and remission of PCR charges	10,000	10,000
Parish contribution to the cost of Diocesan archives	68,000	68,000
Support for Sydney Anglican Parish Accounting System (SAPAS)	-	-
Fee for managing the PCR Fund 951	201,000	201,000
	<b>5,535,000</b>	<b>5,535,000</b>
Total Net Operating Receipts 2016 - estimate October 2015	107,386,000	
Total Net Operating Receipts 2016 - estimate August 2017		110,022,965
<b>Variable PCR charge percentage</b> (average all parochial units)	<b>5.15%</b>	<b>5.03%</b>
<b>Ministry costs (per F/T minister)</b>		
<b>Ministers, Assistant Ministers</b> (7+ years, Senior Assistant Ministers)		
Superannuation contribution	11,459	11,171
Long service leave contribution	1,796	1,654
Clergy Care -	-	-
Stipend Continuance Insurance	1,827	2,161
Clergy Assistance Program		120
Clergy Contact Person Program		62
Sickness & accident fund	125	125
<b>Cost per minister</b>	<b>15,207</b>	<b>15,294</b>
<b>Assistant Ministers</b>		
Superannuation contribution	10,313	10,054
Long service leave contribution	1,796	1,654
Clergy Care -	-	-
Stipend Continuance Insurance	1,827	2,161
Clergy Assistance Program		120
Clergy Contact Person Program		62
Sickness & accident fund	125	125
<b>Cost per minister</b>	<b>14,061</b>	<b>14,177</b>
<b>Church Land Acquisitions Levy</b>		
<b>Contribution to the acquisition of land for future church sites</b>	2,147,720	2,200,459
<b>Parish levy percentage</b>	<b>2.00%</b>	<b>2.00%</b>



## Variable PCR Charge and Church Land Acquisitions Levy for 2018

	\$	Parishes with property	Parishes without property
<b>Parochial Network Costs to be recovered in 2018</b>	<b>5,535,000</b>	<b>5.05467%</b>	<b>3.03280%</b>
<b>Contribution to the acquisition of land for future church sites</b>	<b>2,200,459</b>	<b>2.00%</b>	<b>2.00%</b>
<b>Total Net Operating Receipts for 2016</b> <i>(estimate August 2017)</i>	<b>110,022,965</b>		

	Parish, Prov.P, R.Church, Prov.R.C.	Region	Parochial Unit	Net Operating Receipts for 2016	Variable PCR charge for 2018	Church Land Acquisition Levy for 2018
1	PP	S	Abbotsford	161,148	8,145	3,223
2	P	W	Albion Park	286,689	14,491	5,734
3	P	S	Annandale	430,213	21,746	8,604
4	PP	G	Arncliffe	239,646	12,113	4,793
5	P	N	Artarmon	187,890	9,497	3,758
6	P	S	Ashbury	250,697	12,672	5,014
7	P	S	Ashfield Five Dock and Haberfield	865,366	43,741	17,307
8	P	N	Asquith/Mt Colah/Mt Kuring-gai	399,203	20,178	7,984
9	P	WS	Auburn - St Philip	180,513	9,124	3,610
10	PP	WS	Auburn - St Thomas	158,345	8,004	3,167
11	P	W	Austinmer	408,162	20,631	8,163
12	P	N	Balgowlah	395,914	20,012	7,918
13	P	S	Balmain	134,400	6,793	2,688
14	P	G	Bankstown	127,464	6,443	2,549
15	P	N	Barrenjoey	352,340	17,810	7,047
16	P	WS	Baulkham Hills	260,678	13,176	5,214
17	P	N	Beacon Hill	110,560	5,588	2,211
18	P	N	Beecroft	458,056	23,153	9,161
19	P	S	Bellevue Hill	202,931	10,257	4,059
20	P	G	Belmore with McCallums Hill & Clemton Park	157,841	7,978	3,157
21	P	N	Belrose	422,514	21,357	8,450
22	PP	WS	Berala	178,956	9,046	3,579
23	P	N	Berowra	384,381	19,429	7,688
24	P	W	Berry	113,289	5,726	2,266
25	P	G	Beverly Hills with Kingsgrove	428,837	21,676	8,577
26	P	WS	Blackheath	172,984	8,744	3,460
27	P	WS	Blacktown	517,447	26,155	10,349
28	P	G	Blakehurst	155,316	7,851	3,106
29	P	W	Bomaderry	227,895	11,519	4,558
30	PP	S	Bondi	226,668	11,457	4,533

	Parish, Prov.P, R.Church, Prov.R.C.	Region	Parochial Unit	Net Operating Receipts for 2016	Variable PCR charge for 2018	Church Land Acquisition Levy for 2018
31	P	W	Bowral	605,615	30,612	12,112
32	P	G	Brighton/Rockdale	165,136	8,347	3,303
33	P	S	Broadway	1,417,907	71,671	28,358
34	P	W	Bulli	372,929	18,850	7,459
35	P	S	Burwood	223,407	11,292	4,468
36	PP	G	Cabramatta	402,978	20,369	8,060
37	P	WS	Cambridge Park	142,622	7,209	2,852
38	P	W	Camden	639,509	32,325	12,790
39	P	W	Campbelltown	625,549	31,619	12,511
40	P	G	Campsie	244,803	12,374	4,896
41	P	G	Canterbury with Hurlstone Park	120,810	6,107	2,416
42	P	W	Caringbah	679,307	34,337	13,586
43	P	WS	Carlingford and North Rocks	1,763,006	89,114	35,260
44	P	WS	Castle Hill	2,588,590	130,845	51,772
45	P	S	Centennial Park	622,922	31,487	12,458
46	P	N	Chatswood	586,105	29,626	11,722
47	RC(np)	WS	Cherrybrook #	283,399	8,595	5,668
48	PP	G	Chester Hill with Sefton	244,404	12,354	4,888
49	P	S	Clovelly	373,491	18,879	7,470
50	PP	W	Cobbitty	222,439	11,244	4,449
51	P	S	Concord & Burwood	114,730	5,799	2,295
52	PP	S	Concord North	306,734	15,504	6,135
53	P	S	Concord West	154,206	7,795	3,084
54	P	S	Coogee	119,464	6,039	2,389
55	P	S	Cooks River	143,530	7,255	2,871
56	P	W	Corrimal	200,662	10,143	4,013
57	P	WS	Cranebrook with Castlereagh	350,682	17,726	7,014
58	P	N	Cremorne	595,557	30,103	11,911
59	P	W	Cronulla	234,837	11,870	4,697
60	P	S	Croydon	813,400	41,115	16,268
61	PP	W	Culburra Beach	79,106	3,999	1,582
62	P	W	Dapto	993,558	50,221	19,871
63	P	S	Darling Point	777,649	39,308	15,553
64	P	S	Darling Street	628,589	31,773	12,572
65	P	S	Darlinghurst	694,977	35,129	13,900
66	P	N	Dee Why	467,417	23,626	9,348
67	PP	W	Denham Court	119,059	6,018	2,381
68	PP	WS	Doonside	72,791	3,679	1,456
69	P	S	Drummoyne	164,650	8,323	3,293
70	PP	G	Dulwich Hill	202,308	10,226	4,046
71	P	WS	Dundas/Telopea	280,740	14,190	5,615
72	P	WS	Dural District	484,413	24,485	9,688
73	P	W	Eagle Vale	234,947	11,876	4,699

	Parish, Prov.P, R.Church, Prov.R.C.	Region	Parochial Unit	Net Operating Receipts for 2016	Variable PCR charge for 2018	Church Land Acquisition Levy for 2018
74	P	G	Earlwood	272,396	13,769	5,448
75	P	N	East Lindfield	287,169	14,515	5,743
76	P	S	Eastgardens	440,599	22,271	8,812
77	P	N	Eastwood	599,937	30,325	11,999
78	P	WS	Emu Plains	378,115	19,112	7,562
79	P	S	Enfield and Strathfield	663,773	33,552	13,275
80	P	W	Engadine	688,322	34,792	13,766
81	P	S	Enmore/Stammore	192,042	9,707	3,841
82	P	N	Epping	348,306	17,606	6,966
83	PP	N	Ermington	111,666	5,644	2,233
84	PP	G	Fairfield with Bossley Park	500,446	25,296	10,009
85	P	W	Fairy Meadow	237,074	11,983	4,741
86	P	W	Figtree	1,315,312	66,485	26,306
87	P	N	Forestville	441,896	22,336	8,838
88	P	N	Frenchs Forest	326,241	16,490	6,525
89	P	N	Freshwater	302,277	15,279	6,046
90	P	G	Georges Hall	148,316	7,497	2,966
91	P	W	Gerrigong	272,289	13,763	5,446
92	P	N	Gladesville	950,946	48,067	19,019
93	P	S	Glebe	369,547	18,679	7,391
94	PP	WS	Glenhaven	483,927	24,461	9,679
95	PP(np)	WS	Glenmore Park #	756,021	38,214	15,120
96	P	W	Glenquarie	115,432	5,835	2,309
97	P	N	Gordon	441,442	22,313	8,829
98	P	WS	Granville	132,916	6,718	2,658
99	PP	G	Greenacre	99,201	5,014	1,984
100	P	N	Greenwich	173,883	8,789	3,478
101	P	WS	Greystanes - Merrylands West	121,307	6,132	2,426
102	PP	WS	Guildford with Villawood	247,551	12,513	4,951
103	P	W	Gymea	460,981	23,301	9,220
104	RC(np)	W	Harbour Church #	158,188	4,798	3,164
105	P	W	Helensburgh and Stanwell Park	309,184	15,628	6,184
106	P	N	Hornsby	171,747	8,681	3,435
107	PRC(np)	N	Hornsby Anglican Chinese #	220,877	6,699	4,418
108	P	N	Hornsby Heights	134,928	6,820	2,699
109	P	G	Hoxton Park	303,224	15,327	6,064
110	P	N	Hunters Hill	320,437	16,197	6,409
111	P	G	Hurstville	633,092	32,001	12,662
112	P	G	Hurstville Grove	461,703	23,338	9,234
113	P	W	Huskisson	149,332	7,548	2,987
114	P	W	Ingleburn	232,435	11,749	4,649
115	PP	W	Jamberoo	61,148	3,091	1,223
116	P	W	Jannali	807,260	40,804	16,145

	Parish, Prov.P, R.Church, Prov.R.C.	Region	Parochial Unit	Net Operating Receipts for 2016	Variable PCR charge for 2018	Church Land Acquisition Levy for 2018
117	PP	W	Kangaroo Valley	94,918	4,798	1,898
118	P	WS	Katoomba	297,541	15,040	5,951
119	P	W	Keiraville	181,221	9,160	3,624
120	P	WS	Kellyville	644,738	32,589	12,895
121	P	S	Kensington Eastlakes	197,383	9,977	3,948
122	P	W	Kiama	495,434	25,043	9,909
123	P	N	Killara	339,533	17,162	6,791
124	P	S	Kingsford	220,848	11,163	4,417
125	P	WS	Kingswood	372,077	18,807	7,442
126	P	N	Kirribilli	1,338,417	67,653	26,768
127	P	WS	Kurrajong	292,285	14,774	5,846
128	PP	G	Lakemba	59,712	3,018	1,194
129	P	WS	Lalor Park and Kings Langley	209,868	10,608	4,197
130	P	N	Lane Cove and Mowbray	606,879	30,676	12,138
131	P	N	Lavender Bay	245,495	12,409	4,910
132	P	WS	Lawson	91,357	4,618	1,827
133	P	S	Leichhardt	336,467	17,007	6,729
134	P	WS	Leura	139,331	7,043	2,787
135	P	WS	Lidcombe	261,184	13,202	5,224
136	P	N	Lindfield	620,456	31,362	12,409
137	P	WS	Lithgow	397,509	20,093	7,950
138	P	G	Liverpool	386,606	19,542	7,732
139	PP	G	Liverpool South	132,894	6,717	2,658
140	P	N	Longueville	165,313	8,356	3,306
141	PP	S	Lord Howe Island	19,787	1,000	396
142	P	WS	Lower Mountains	539,684	27,279	10,794
143	P	G	Lugarno	137,243	6,937	2,745
144	P	N	Macquarie	491,228	24,830	9,825
145	P	S	Malabar	339,693	17,170	6,794
146	P	N	Manly	1,420,357	71,794	28,407
147	P	S	Maroubra	314,286	15,886	6,286
148	P	G	Marrickville	348,542	17,618	6,971
149	P	W	Menai	870,968	44,025	17,419
150	P	W	Menangle	158,400	8,007	3,168
151	P	WS	Merrylands	256,821	12,981	5,136
152	P	WS	Minchinbury	313,766	15,860	6,275
153	P	W	Minto	305,968	15,466	6,119
154	P	W	Miranda	999,163	50,504	19,983
155	P	W	Mittagong	475,451	24,032	9,509
156	P	N	Mona Vale	311,337	15,737	6,227
157	P	G	Moorebank	422,640	21,363	8,453
158	P	N	Mosman - St Clement's	780,900	39,472	15,618
159	P	N	Mosman - St Luke's	621,252	31,402	12,425

	Parish, Prov.P, R.Church, Prov.R.C.	Region	Parochial Unit	Net Operating Receipts for 2016	Variable PCR charge for 2018	Church Land Acquisition Levy for 2018
160	P	W	Moss Vale	163,357	8,257	3,267
161	P	WS	Mt Druitt	129,069	6,524	2,581
162	P	WS	Mulgoa	95,949	4,850	1,919
163	P	W	Narellan	309,308	15,634	6,186
164	P	N	Naremburn/Cammeray	1,066,592	53,913	21,332
165	P	N	Narrabeen	806,207	40,751	16,124
166	P	N	Neutral Bay	404,769	20,460	8,095
167	P	N	Newport	175,708	8,881	3,514
168	P	S	Newtown with Erskineville	660,772	33,400	13,215
169	P	N	Normanhurst	610,924	30,880	12,218
170	P	N	North Epping	517,571	26,162	10,351
171	P	N	North Ryde	187,056	9,455	3,741
172	P	N	North Sydney	1,809,611	91,470	36,192
173	P	N	Northbridge	451,065	22,800	9,021
174	P	N	Northern Beaches	258,513	13,067	5,170
175	P	WS	Northmead and Winston Hills	744,764	37,645	14,895
176	P	WS	Norwest	916,630	46,333	18,333
177	P	W	Nowra	399,308	20,184	7,986
178	P	W	Oak Flats	278,973	14,101	5,579
179	P	WS	Oakhurst	256,977	12,989	5,140
180	P	G	Oatley	175,577	8,875	3,512
181	P	G	Oatley West	164,327	8,306	3,287
182	PP(np)	W	Oran Park #	164,352	8,307	3,287
183	P	S	Paddington	180,133	9,105	3,603
184	P	G	Padstow	110,906	5,606	2,218
185	P	G	Panania	409,191	20,683	8,184
186	P	WS	Parramatta	1,534,956	77,587	30,699
187	P	WS	Parramatta North with Harris Park	279,977	14,152	5,600
188	P	G	Peakhurst/Mortdale	293,200	14,820	5,864
189	P	WS	Penrith	302,974	15,314	6,059
190	P	G	Penshurst	243,622	12,314	4,872
191	P	S	Petersham	250,301	12,652	5,006
192	PRC(np)	N	Philadelphia Anglican Church #	129,072	3,914	2,581
193	P	W	Picton	138,435	6,997	2,769
194	PP	WS	Pitt Town	549,335	27,767	10,987
195	PP	W	Port Kembla	99,087	5,009	1,982
196	P	N	Pymble	645,893	32,648	12,918
197	P	WS	Quakers Hill	953,294	48,186	19,066
198	P	S	Randwick	788,258	39,844	15,765
199	PP	G	Regents Park	34,828	1,760	697
200	PP	G	Revesby	66,798	3,376	1,336
201	P	WS	Richmond	199,733	10,096	3,995
202	PP	WS	Riverstone	74,632	3,772	1,493

	Parish, Prov.P, R.Church, Prov.R.C.	Region	Parochial Unit	Net Operating Receipts for 2016	Variable PCR charge for 2018	Church Land Acquisition Levy for 2018
203	P	G	Riverwood - Punchbowl	249,565	12,615	4,991
204	P	W	Robertson	143,912	7,274	2,878
205	P	WS	Rooty Hill	1,121,671	56,697	22,433
206	PP	W	Rosemeadow	205,154	10,370	4,103
207	P	N	Roseville	934,541	47,238	18,691
208	P	N	Roseville East	354,989	17,944	7,100
209	PP	WS	Rouse Hill	346,647	17,522	6,933
210	P	N	Ryde	703,245	35,547	14,065
211	PP	G	Sadleir	235,392	11,898	4,708
212	P	G	Sans Souci	151,703	7,668	3,034
213	P	N	Seaforth	294,650	14,894	5,893
214	P	WS	Seven Hills	298,817	15,104	5,976
215	P	W	Shellharbour	175,680	8,880	3,514
216	P	W	Shellharbour City Centre	438,609	22,170	8,772
217	P	W	Shoalhaven Heads	157,471	7,960	3,149
218	P	G	Smithfield Road	278,490	14,077	5,570
219	P	W	Soul Revival	376,999	19,056	7,540
220	P	G	South Carlton	288,596	14,588	5,772
221	P	S	South Coogee	114,354	5,780	2,287
222	P	W	South Creek	366,175	18,509	7,324
223	P	G	South Hurstville	171,553	8,671	3,431
224	P	S	South Sydney	280,952	14,201	5,619
225	P	WS	Springwood	747,045	37,761	14,941
226	PP	WS	St Clair	120,859	6,109	2,417
227	P	G	St George	105,192	5,317	2,104
228	P	G	St George North	883,921	44,679	17,678
229	P	N	St Ives	1,814,448	91,714	36,289
230	P	WS	St Marys	201,793	10,200	4,036
231	P	S	Strathfield and Homebush	249,103	12,591	4,982
232	P	S	Summer Hill	356,000	17,995	7,120
233	PP	S	Surry Hills	391,946	19,812	7,839
234	PP	W	Sussex Inlet	117,739	5,951	2,355
235	P	W	Sutherland	337,218	17,045	6,744
236	P	W	Sutton Forest	248,069	12,539	4,961
237	P	S	Sydney - Christ Church St Laurence	1,473,533	74,482	29,471
238	P	S	Sydney - Church Hill (York Street)	1,454,046	73,497	29,081
239	P	S	Sydney - St Andrew's Cathedral	0	-	-
240	P	S	Sydney - St James, King Street	1,768,309	89,382	35,366
241	P	W	Sylvania	288,585	14,587	5,772
242	P	W	The Oaks	136,238	6,886	2,725
243	P	N	Thornleigh - Pennant Hills	487,818	24,658	9,756
244	P	WS	Toongabbie	481,946	24,361	9,639

	Parish, Prov.P, R.Church, Prov.R.C.	Region	Parochial Unit	Net Operating Receipts for 2016	Variable PCR charge for 2018	Church Land Acquisition Levy for 2018
245	P	N	Turrumurra	1,212,220	61,274	24,244
246	P	N	Turrumurra South	469,022	23,708	9,380
247	P	W	Ulladulla	262,420	13,264	5,248
248	RC(np)	S	Unichurch (Uni. NSW) #	509,130	15,441	10,183
249	P	S	Vaucluse and Rose Bay	290,593	14,689	5,812
250	P	N	Wahroonga - St Andrew's	352,082	17,797	7,042
251	P	N	Wahroonga - St Paul's	221,640	11,203	4,433
252	P	N	Waitara	256,498	12,965	5,130
253	P	S	Watsons Bay	295,199	14,921	5,904
254	P	S	Waverley	288,689	14,592	5,774
255	P	WS	Wentworth Falls	282,293	14,269	5,646
256	P	WS	Wentworthville	125,987	6,368	2,520
257	P	N	West Lindfield	226,677	11,458	4,534
258	P	WS	West Pennant Hills	899,352	45,459	17,987
259	P	N	West Pymble	760,656	38,449	15,213
260	P	N	West Ryde	592,813	29,965	11,856
261	P	W	West Wollongong	416,479	21,052	8,330
262	PP	WS	Westmead	166,225	8,402	3,325
263	P	WS	Wilberforce	293,556	14,838	5,871
264	P	N	Willoughby	406,234	20,534	8,125
265	P	N	Willoughby Park	254,980	12,888	5,100
266	P	WS	Windsor	145,166	7,338	2,903
267	P	W	Wollondilly	<i>219,915</i>	11,116	4,398
268	P	W	Wollongong	974,977	49,282	19,500
269	P	S	Woollahra	171,847	8,686	3,437
270	P	G	Yagoona	290,224	14,670	5,804
				<b>110,022,965</b>	<b>5,535,000</b>	<b>2,200,459</b>

#### Notes

The 7 parochial units without property (shown marked with #) are charged a lower rate of variable PCR reflecting the absence of the component for the property insurance premium, except that Glenmore Park and Oran Park have volunteered to pay the variable charge percentage applicable to parishes with property.

Where a parish's 2016 financial statements have not yet been received, or have been received recently and the figure for net operating receipts either has not yet been reviewed or has been reviewed and is still subject to an outstanding query, the estimate shown in the table above (in italics, with shading) is the actual net operating receipts for 2015.

## Proposal for the establishment of the Anglican Church Growth Trust

(A report from a Working Group of ENC, MPC and NCNC.)

### Key Points

- The Diocesan Mission, in particular Priorities 1 and 4, seeks to reach the lost in the Diocese and to do so in a changing and growing city
- To date the work of church growth has been largely undertaken through Evangelism and New Churches (“ENC”), the Mission Property Committee (“MPC”) and New Churches for New Communities (“NCNC”)
- While the work of each body has been effective, there is a clear need for greater co-ordination

### Purpose

1. The purpose of this report is to present findings and recommendations for co-ordinated Diocesan outreach and church growth.

### Recommendations

2. The Synod receive this report.
3. The Synod consider the following motion to be moved “by request of the Standing Committee” –
- “Synod, noting –
- (i) the report *Proposal for the Establishment of the Anglican Church Growth Trust*,
  - (ii) the report *Review of the Mission Property Committee* in response to Synod resolution 21/16 and 33/16 (the ‘MPC Report’),
- requests the Standing Committee to consider –
- (a) ways to facilitate appropriate coordination between the Mission Property Committee, Evangelism and New Churches, and New Churches for New Communities in supporting church planting and revitalisation throughout the diocese, and
  - (a) amending the *Mission Property Ordinance 2002* to implement the recommendations in the MPC Report in relation to the composition of the Mission Property Committee, and notes with gratitude the long-standing efforts of the retiring Chair of the Mission Property Committee, Mr Geoff Kyngdon.”

### Background

4. Sydney’s population is expected to grow by 860,000 by 2026 and by a further 880,000 in the following 10 years. There is anticipated growth in new areas, as well as increased density in existing parts of the city.
5. The Diocesan Mission expressed in *Mission 2020* prioritises the desire to reach all the lost in our Diocese with the life-changing gospel of Jesus and the need to respond to the changing face of our society.
6. There are three diocesan organisations charged with advancing and supporting evangelism, church and community growth.
- (a) ENC is responsible for evangelism and church planting across both greenfield and brownfield situations, with a particular emphasis on ministry personnel.
  - (b) MPC is responsible for acquisition of new sites and building of new buildings, principally in greenfield sites.
  - (c) NCNC is responsible for the promotion of new church communities and the raising of funds for these new facilities.
7. A summary of these three organisations is contained in the table attached (Appendix 1).
8. The respective constituting documents for these three organisations are –
- (a) ENC – *Evangelism and New Churches Ordinance 2010*,
  - (b) MPC – *Mission Property Ordinance 2012*, and
  - (c) NCNC – Archbishop’s Terms of Reference 2014 and related Statement of Policies.
9. At its 28 August 2017 meeting, the Standing Committee received a report from the MPC Review Committee in response to the following resolutions of the 2016 Synod –



### **21/16 Membership structure of Mission Property Committee**

Synod records its appreciation and thanks to God for the good work of all members of the Mission Property Committee in securing sites and buildings for new churches in greenfield areas, and for its advice and support of parishes in brownfield areas; and requests Standing Committee to review the membership structure of the Mission Property Committee in consultation with its chairman and deputy chairman.

### **33/16 Resourcing the management and development of parish property**

Synod, noting the report "Funding for Urban Renewal" and noting in particular the recommendation contained in draft Synod motion 8.5(b)(vi), requests that Standing Committee establish an appropriate task-force or committee (made up of people with relevant expertise) to serve as a resource to parishes in managing and developing parish property for gospel benefit.

10. The recommendations of the MPC Review Committee were that –
  - (a) the governance arrangements of the MPC be changed, so that it comes under a smaller, dedicated body, instead of directly under the Standing Committee;
  - (b) an executive director should be appointed with authority to make decisions and to progress projects;
  - (c) the MPC composition should include a number of clergy; and
  - (d) the MPC skills matrix should be amended to include property development expertise as well as church planting experience.
11. The MPC Review Committee outlined a range of issues for the MPC which are considered in this report.
12. At its 18 September 2017 meeting, the Standing Committee considered the following recommendations from the Working Group of ENC, MPC and NCNC –
  - (a) the Standing Committee agree in principle to the creation of the Anglican Church Growth Trust as outlined in this report, subject to the availability of funds for the purpose of employing an executive director for the foreseeable future,
  - (b) the Standing Committee request that the following motion be moved at the forthcoming session of Synod "by request of the Standing Committee" –

‘Synod, noting the report Proposal for the Establishment of the Anglican Church Growth Trust from the Working Group of ENC, MPC and NCNC, requests the Standing Committee to –

    - (a) establish by Ordinance the Anglican Church Growth Trust ("ACGT") as a Body Corporate, with membership and objects reflecting the proposal in the report, and
    - (b) review the relevant ordinances for ENC and MPC and the Archbishop's Terms of Reference for NCNC in order to accommodate the establishment of the ACGT.’
13. Having considered the Working Group's recommendations, the Standing Committee determined to recommend that Synod consider the motion to be moved "by request of the Standing Committee" set out in paragraph 3 above.

### **Process**

#### *Planning workshops*

14. Two planning workshops were held with a Working Group made up of representatives from ENC, MPC and NCNC under the auspices of the Archbishop. These took place in October 2016 and July 2017, with a facilitator independent of the three bodies.
15. Supporting documentation for these workshops included –
  - *Mission 2020* Diocese of Sydney
  - Constituting documents for each organisation
  - Existing Strategic Direction for each organisation
  - Briefing paper prepared for a potential overarching body
  - External legal advice regarding the legal structure of the overarching body

*Results of workshops*

16. A number of general observations emerged from these workshops, including the following –
  - (a) there is a clear desire for outreach, growth and sustainability of ministries,
  - (b) there is a need for people, land and buildings towards any missional efforts, and
  - (c) the emphasis to date has focused on greenfield initiatives, but there is an increasing desire to promote brownfield opportunities.
17. With regard to greenfield initiatives, the workshops observed that –
  - (a) North West and South West sectors have previously been the principal focus of diocesan-led missional efforts,
  - (b) fixed buildings have been built to date, but the prospect of relocatable structures is being considered, and
  - (c) there is some frustration with the pace of progress, driven by issues of strategy, finance and resources.
18. With regard to brownfield opportunities, the workshops observed that a different set of issues applies here with –
  - (a) competing demands and priorities,
  - (b) advice being needed for parishes who are often under-resourced in this area, and
  - (c) the particular need for human resources.
19. In order to address the brownfield opportunity issues, a template was considered, with the following three levels –
  - (a) Hold – where the status quo is appropriate and no further development is intended,
  - (b) Invest – where land is considered satisfactory and there is an opportunity to upgrade the built facilities, and
  - (c) Harvest – where there is opportunity to develop the land, create an income stream and opportunities for joint ventures.
20. A number of other matters were identified as required for an efficient and comprehensive approach to the Diocesan Mission. These requirements are as follows –
  - (a) a diocesan scan of assets to ensure currency of the Diocesan Asset Register,
  - (b) A suitable narrative to the parishes, so that they can understand the broader Diocesan Vision,
  - (c) the need to prioritise sites strategically was agreed,
  - (d) the development of trust and co-ordination between Diocesan bodies including MPC, Anglicare, Anglican Schools Corporation and the parishes.
21. The planning meetings also identified the problem of the current disparate and limited funding arrangements for the three bodies and their work, as expressed in the following summary.
  - Parish Greenfield Levy only delivers \$2m annually for land acquisition
  - There is a general lack of appetite by parishes for additional levies
  - There is a limit to Synod funding
  - Donors present an opportunity for significant funding for land acquisitions and buildings

**Proposed new structure**

22. In response to these identified needs and issues, the Working Group proposed that an overarching body be established, being the corporate entity responsible for the coordination and support of the various divisions responsible for outreach, church and community growth.

*Structure and Responsibilities*

23. The overarching body would be called the Anglican Church Growth Trust (“ACGT”).
24. The AGCT would be constituted as a corporate entity by the Standing Committee and would have responsibility for –
  - (a) setting strategic direction for diocesan growth,
  - (b) establishment of new churches/communities and reinvigoration of existing churches,
  - (c) raising up and training of ministry personnel,
  - (d) purchase of land in growth areas,
  - (e) co-ordinating the design and construction of new facilities,

- (f) providing advice to existing parishes on development opportunities,
  - (g) co-ordinating a review of existing diocesan assets and ensuring the currency of the Diocesan Asset Register,
  - (h) raising funds for ministry staff involved in both greenfield and brownfield initiatives, and
  - (i) raising funds for new ministry facilities.
25. The ACGT, utilising the existing roles of ENC, MPC, NCNC, would have divisions with a broad remit –
- (a) evangelism and new ministries, with a particular emphasis on personnel (ENC),
  - (b) real property –
    - (i) greenfield and brownfield initiatives (MPC),
    - (ii) asset review and management, and
  - (c) fundraising function (NCNC).
26. The role of the Anglican Church Property Trust (“ACPT”) would be in parallel to that of the ACGT and the relationship defined.

*Governance*

27. The ACGT would have ultimate authority for the direction of each division, having regard for the objects set by Standing Committee, with the following governance arrangements –
- Each division would retain its own board to oversee its area of responsibility
  - Each division would report to the ACGT
  - The ACGT would report to the Standing Committee with an annual report to the Synod
  - Attached is the organisational chart developed by the Working Group consultants Prolegis (Appendix 2)
28. A suggested board composition would include –
- (a) size being commensurate with best governance practice,
  - (b) membership to include the Archbishop (as President) and representatives of the three divisions ENC, MPC and NCNC, and
  - (c) appointments to be made by –
    - (i) Standing Committee – 6 members,
    - (ii) Archbishop – 2 members, and
    - (iii) Board – up to 2 members.

*ACGT Executive Director*

29. The Working Group anticipated that the AGCT would appoint an Executive Director, initially part time, leading to full time. The Executive Director would work with the divisions and more widely with other Diocesan organisations to fulfil the strategic objectives of the ACGT.

For and on behalf of the Working Group of ENC, MPC and NCNC.

ROBERT MACKAY

20 September 2017

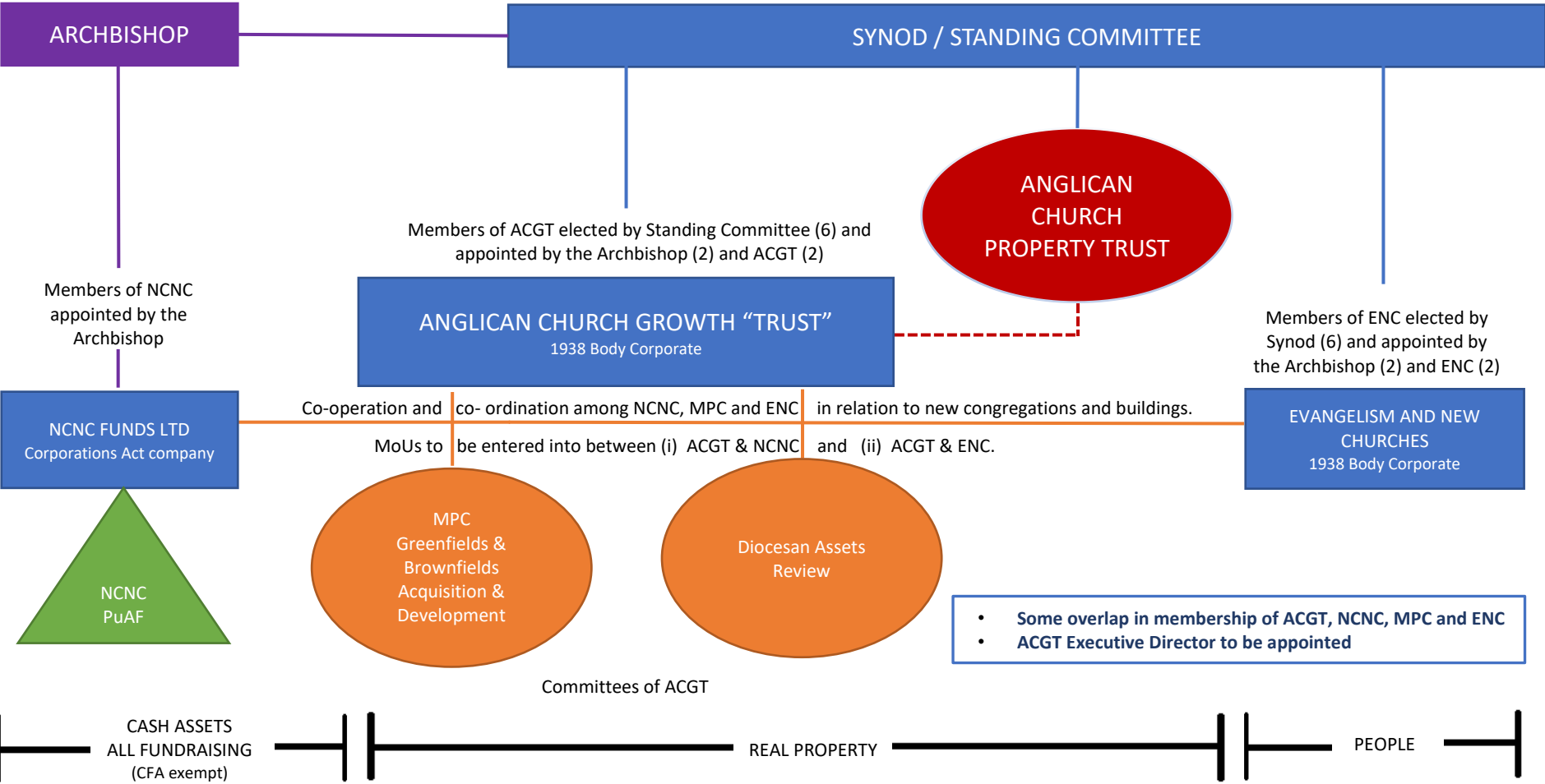
## Appendix 1

**Organisational Summary of ENC, MPC & NCNC**

The three represented organisations presented their respective strategic purpose and areas of overlap and synergy were identified.

The following table summarises the three organisations and their current responsibilities.

<b>Organisation</b>	<b>ENC</b>	<b>MPC</b>	<b>NCNC</b>
<b>Purpose/Objective</b>	Evangelism Establishing new churches	Address property issues in support of the Diocesan Mission 2020	Promoting new church communities Raising funds focus for the building of new facilities
<b>Roles</b>	<ol style="list-style-type: none"> <li>1. Plant new churches <ul style="list-style-type: none"> <li>• Existing churches plants</li> <li>• Additional to existing churches</li> <li>• Greenfield and Brownfield opportunities</li> </ul> </li> <li>2. Raise evangelists</li> <li>3. Build Cross Cultural ministry</li> <li>4. Regrow existing churches to be mission minded</li> </ol>	<ol style="list-style-type: none"> <li>1. Acquire greenfield sites</li> <li>2. Build new church buildings</li> <li>3. Support financially sustainable practices, including assisting NCNC in fundraising</li> <li>4. Provide strategic advice</li> <li>5. Engage with stakeholders</li> </ol>	<ol style="list-style-type: none"> <li>1. Emphasis on new communities, not buildings</li> <li>2. Facilities not necessarily like church building</li> <li>3. To meet gospel needs and service orientated needs</li> <li>4. Fund raising to take advantage of tax incentives</li> </ol>
<b>Funding</b>	Synod Parishes Donors	Synod – parish levy	Donors
<b>Governance</b>	Synod Ordinance	Synod Ordinance	Under the Archbishop



## Restructure of the investments of the Diocesan Endowment

(A report from the Glebe Administration Board.)

### Key Points

- The Standing Committee passed the *St Andrew's House Trust (Variation of Trusts) Ordinance 2017* (the "Ordinance") on 31 July 2017. The Ordinance provided for the removal from the Diocesan Endowment ("DE") of its 50% interest in the St Andrew's House Trust ("SAHT").
- Under the Ordinance, the DE's 50% interest in the SAHT was removed on 1 September 2017 and reallocated for the general purposes of the Diocese. Distributions from this interest will become an additional source of income for the Synod separate from the DE.
- The principal reason for removing the DE's 50% interest in the SAHT was to restructure the investment of the DE to better reflect its status as a perpetual endowment through a more diversified portfolio.
- Modelling undertaken by GAB's investment asset consultant, Mercer, indicates that the restructured DE is likely to enhance the DE's investment returns.
- As a consequence, it is expected that total distributions to Synod (from the combination of the DE and the SAHT) will increase.

### Purpose

1. To inform Synod about a significant restructure of the investments of the DE resulting in –
  - (a) the removal from the DE of its 50% interest in the SAHT,
  - (b) the realignment of the interest in the SAHT as an investment held for the general purposes of the Anglican Church in the Diocese of Sydney, and
  - (c) the net income from the interest in the SAHT and any other amount realised from the capital of the interest being applied in accordance with the direction of the Synod.

### Recommendation

2. That Synod receive this report.

### Background

3. GAB is the trustee of the DE which is property held on trust for the purposes of the Diocese under the *Diocesan Endowment Trust Ordinance 2016*.
4. By clause 4 of the Diocesan Endowment Trust Ordinance 2016 –
  - (a) the DE is held on trust for the purposes of the Anglican Church of Australia in the Diocese of Sydney, and
  - (b) GAB, as trustee of the DE, is to act in a way which preserves the real value of the DE and, subject to this requirement, enables distributions to be paid to the Standing Committee each year to be applied in accordance with the determination or direction of the Synod.
5. This, in effect, defines a perpetual endowment.
6. In order to fulfil the purposes of the DE, the property of the DE is invested in a diversified range of asset classes in accordance with a strategic asset allocation. The reason for investing in a diversified range of assets is to ensure consistency of returns.
7. However, the DE's strategic asset allocation has not been able to achieve the level of diversification typical of a perpetual endowment. In particular, the holding of the historical investment in the St Andrew's House building (representing some 40% of the total portfolio of the DE as at 31 December 2016) meant that the DE was disproportionately invested in a large, illiquid asset whose investment performance is heavily tied to prevailing commercial property market conditions and the circumstances specific to the particular asset.
8. This disproportionate investment in the St Andrew's House building gave rise to a "concentration risk" which significantly impacted the investment performance of the entire DE portfolio for the following reasons –

- (a) St Andrew's House is a large illiquid asset. The DE's interest in the SAHT represented about 40% of the net assets of the DE. This made it almost impossible to diversify the DE into a typical perpetual endowment portfolio.
- (b) The illiquidity made making adjustments to the level of investment in the asset classes of the DE's portfolio (known as "rebalancing") more complex.
- (c) The variability in the market revaluation of St Andrew's House each year caused other asset classes of the DE to be out of alignment with their strategic allocations.
- (d) The volatility in the commercial property market added extra risk to the DE in the long term.

9. By way of comparison, the Long Term Pooling Fund ("LTPF") which is held on trust by the Anglican Church Property Trust is 100% liquid and invested as a typical diversified endowment portfolio. The combined net return of just the liquid asset classes (i.e. excluding the interest in SAHT) of the DE over 5 years as at 30 June 2017 was 9.03% pa compared to 11.21% pa for the LTPF. The LTPF's stronger return on the liquid assets is a direct result of the diversification within the LTPF.

10. Given the concentration risk, and the illiquid nature of the SAHT investment, GAB considered the best way to optimise the long-term returns of the DE as a perpetual endowment would be –

- (a) to remove the SAHT investment from the DE's portfolio, and
- (b) to implement a revised strategic asset allocation, based on the removal of this investment, to obtain the benefits of a diversified portfolio which reflects the DE's status as a perpetual endowment.

11. In order to achieve this outcome, the GAB promoted to the Standing Committee, and the Standing Committee passed the Ordinance at its meeting on 31 July 2017. Under clause 7 of the Ordinance, the Archbishop determined that the DE's 50% interest in the SAHT would be removed on 1 September 2017.

#### **Consequences of the restructure**

12. The removal of the SAHT investment from the DE portfolio means that the size of the DE was reduced from \$163 million to \$97 million (as at 1 September 2017). The restructured DE portfolio will be invested in a manner which better reflects its status as a perpetual endowment. GAB's obligation to maintain the real value of the DE and make distributions for spending by the Synod only applies to the restructured portfolio.

13. Following its removal from the DE, the 50% interest in the SAHT is held for the general purposes of the Diocese. The net income from the interest and any other amount realised from the capital of the interest will be paid or applied by the Standing Committee in accordance with the determination or direction of the Synod. The trustee of the SAHT, the St Andrew's House Corporation ("SAHC") will make distributions directly to the Standing Committee for this purpose as an additional source of investment income for the Synod. The SAHC is responsible to the Synod for the level of distributions from SAHT and any volatility in those distributions.

14. This means that while distributions from the restructured DE portfolio will be materially less than at present in dollar terms, a higher distribution rate from the DE is projected. Further, when the projection of enhanced distributions from the DE is taken together with the additional source of income from the SAHT, it is expected that the total amount available for spending by the Synod in future years will increase. The table in paragraph 21 seeks to illustrate the expected increases based on the modelling performed by Mercer, given standard market conditions and current estimates of distributions from the SAHT under its existing policies.

#### **Results of the modelling – Restructured DE Portfolio**

15. Mercer is the investment asset consultant for GAB. GAB engaged Mercer to undertake modelling of a restructured DE (without the 50% interest in the SAHT) to assist GAB better understand the investment objective, strategic asset allocation, expected return and the risk associated with the investment of a perpetual endowment, and its impact on projected distributions to the Synod.

16. At its meeting on 24 May 2017, GAB approved a revised strategic asset allocation for the DE based on the removal of its 50% interest in the SAHT, subject to the approval of Standing Committee. In order to obtain the benefit of a diversified portfolio which reflects the DE's status as a perpetual endowment, the GAB approved investments in 2 new asset classes as follows –

- Direct Property – Mercer Direct Property Fund
- Unlisted Infrastructure – Mercer Unlisted Infrastructure Fund

17. As full implementation of the revised strategic asset allocation will take up to 2 years (to gain relevant exposures in the Unlisted Infrastructure Fund), GAB will use a combination of the Mercer Direct Property Fund and the Mercer Listed Infrastructure Fund as a proxy in the interim.

18. These asset classes were chosen because they –

- (a) reduce the volatility of returns,
- (b) enable the DE to take advantage of the illiquidity premium within these asset classes (as the DE has a relatively low requirement for liquidity),
- (c) provide extra protection against future inflation,
- (d) when combined within the DE's portfolio, increase the probability of maintaining the real value of the DE while maintaining a 3.5% pa total spend rate,
- (e) are expected to enhance the overall rate of return of the DE,
- (f) provide greater exposure to the industrial property sector through the Direct Property Fund, and
- (g) provide exposure to infrastructure assets globally which will help to further diversify the investment portfolio of the DE.

19. Modelling undertaken by Mercer indicates that the revised strategic asset allocation for the DE will have the following enhanced characteristics –

- (a) The probability of meeting the investment objective of 3.5% + CPI over 20 years is 79.8%, compared to the current 70% probability.
- (b) A greater probability of maintaining the real value of the DE without any reduction in spending.
- (c) A long-term expected return of 7.2% pa (compared to the previous long term expected return of 6.3%)
- (d) As a consequence of higher expected returns, a higher distribution rate to Synod is projected due to the extra expected capital growth of the DE.

#### Distributions for spending by the Synod

20. The removal of the 50% interest in the SAHT from the DE and its reallocation as an investment of the Synod will give rise to two direct sources of investment income for the Synod –

- (a) Distributions from the restructured DE, in line with the current smoothing methodology.
- (b) Distributions from the 50% interest in the SAHT. Currently the SAHC makes quarterly distributions to its stakeholders based on rolling forecasts of not less than 3 years of income.

21. The table below summarises the projected amounts available for spending by the Synod from the DE (with the 50% SAHT interest) for the period 2018 to 2026 and compares these amounts to corresponding projections for the DE (without the 50% SAHT interest) and the Synod's stand-alone 50% SAHT interest. The amounts shown in the table **should be treated as indicative only** and rely on a number of assumptions, including standard market conditions and an estimate of distributions from the SAHT based on its current policies. The amounts are also net of projected administration expenses (see further below).

Year	DE with 50% SAHT interest	DE without 50% SAHT interest		Combined	
	DE distribution to Synod (with 50% SAHT interest)	DE distribution to Synod	SAHT distribution available to Synod from the previous year	Amount available to Synod for spending	Increase in amount available to Synod for spending
2018	4,690,000	4,690,000	0	4,690,000	0
2019	4,820,000	2,560,000	2,456,000	5,016,000	196,000
2020	4,930,000	2,640,000	2,512,000	5,152,000	222,000
2021	5,050,000	2,710,000	2,568,000	5,278,000	228,000
2022	5,170,000	2,890,000	2,624,000	5,514,000	344,000
2023	5,290,000	2,960,000	2,679,000	5,639,000	349,000



	DE with 50% SAHT interest	DE without 50% SAHT interest		Combined	
2024	5,430,000	3,030,000	2,735,000	5,765,000	335,000
2025	5,570,000	3,210,000	2,800,000	6,010,000	440,000
2026	5,730,000	3,380,000	2,866,000	6,246,000	516,000
					<b>2,630,000</b>

22. In summary, the projections indicate an increase of \$2.63 million in the total amount available to the Synod for spending over the period 2018 to 2026. In addition, the revised structure carries a much improved probability of maintaining the real value of the DE.

#### *Transitional issues*

23. In order to transition from a single source of funding for the Synod to two sources of funding, the Ordinance provides for the following arrangements –

- (a) The amount distributed by the DE to the Synod for spending in 2017 will remain at \$4.4 million. However as the \$4.4 million was determined on the assumption that distributions from the 50% SAHT interest during 2017 would be paid in full to the DE, any remaining distributions from this interest in 2017 will be paid to the DE notwithstanding the date for removing the interest from the DE being 1 September 2017.
- (b) The amount distributed by the DE to the Synod for spending in 2018 will remain \$4.69 million. Again, this is notwithstanding the removal date of the 50% interest in the SAHT from the DE being 1 September 2017. Maintaining funding to the Synod at this level in 2018 is intended to provide certainty in the last year of the Synod's current funding triennium.
- (c) Distributions from the SAHT during 2018 will be paid into a Synod "provisioning" fund. The Synod or the Standing Committee will pass an ordinance toward the end of 2018 to appropriate these funds for spending by the Synod in 2019 together with the relevant amount from the DE for 2019, as part of its normal appropriations and allocations processes. Distributions from the SAHT in subsequent years will be treated in the same way. This means, for example, that in 2019 the total projected amount available for spending by the Synod of \$5,016,000 will be comprised of \$2,560,000 from the DE and \$2,456,000 from the SAHT (see shaded boxes in above table).

24. The arrangements referred to in (a) and (b) above are reflected in clause 6 of the Ordinance.

#### *Administration Expenses*

25. It will be necessary to revise the structure of fees and other administration expenses incurred in managing both the DE and the Synod's investment in the SAHT upon its removal from the DE.

26. The cost of administering the DE is an important factor to be managed if distributions are to be made to the Synod at levels which maintain the DE's real value. In November 2013, the GAB indicated to the Standing Committee that it would seek to ensure that administration costs for the DE (excluding external investment management fees and the costs of Financial Services) are less than 1.1% of the net assets of the DE.

27. The following is a table which sets out the administration costs of the DE as a percentage of the net value of the DE for the period 2010 to 2017.

Year	Admin expenses of the DE (% of average net assets over the year)	Average Net Asset value of the DE over the year (\$000s)
2010	3.27%	113,604
2011	0.97%	112,400
2012	0.97%	118,498
2013	0.98%	128,832
2014	0.82%	139,487

Year	Admin expenses of the DE (% of average net assets over the year)	Average Net Asset value of the DE over the year (\$000s)
2015	0.88%	147,747
2016	0.87%	156,827
2017	0.79%	162,592*

\*using Mercer's forecast

28. Upon the removal of the DE's 50% interest in SAHT, the net value of the DE was reduced from \$163 million (as at 1 September 2017) to \$97 million. However as most of the administration costs of the DE are fixed, there will only be a modest reduction in those costs.

29. In order to recover the administration costs of the DE after the removal of its 50% interest in the SAHT, it is necessary to reset the rate at which the DE is charged in 2018. This will be sufficient to recover the projected administration costs of the DE in 2018. Assuming the projected administration costs of the DE in future years increase by CPI, the administration costs of the DE as a percentage of its net value are expected to decline in much the same way as they have declined during the period between 2010 and 2016.

30. There will be additional work involved in managing the Synod's 50% interest in the SAHT. The cost associated with this additional work still needs to be finalised. However, the projections shown in the table in paragraph 21 assume that this additional work can be undertaken within the existing cost structures in place immediately prior to the removal of the DE's 50% interest in the SAHT.

#### **Potential disadvantages of the DE restructure**

31. The removal from the DE of the 50% interest in the SAHT is intended to optimise the DE's performance as a perpetual endowment. As noted above, the modelling undertaken suggests that this is likely to result in the total amount available for spending by the Synod from the restructured DE combined with the Synod's stand-alone 50% interest in the SAHT being greater than the amount distributed from the DE in its previous form.

32. Synod's 50% interest in the SAHT is expected to continue to perform well for the following reasons.

- It has generated significant and increasing cash distributions in the past 4 years.
- Whether the market valuation of the SAHT goes up or down, this interest is expected to continue to distribute consistent cash to its stakeholders.
- The reserving policy undertaken by the SAHC accounts for future rental voids, maintenance costs and rental expenses. The policy seeks to ensure that distributions are stable year on year and increased by CPI.
- The distribution rate over the past 5 years from the SAHC has been about 1% greater on average than the distribution rate from the DE.

33. However, in making its decision to pass the Ordinance, the Standing Committee was made aware of the potential disadvantages in agreeing to remove the 50% SAHT interest from the DE and holding it as a stand-alone investment for the Synod. These are outlined below.

#### *Concentration risk*

34. There will be an increased concentration risk to the Synod in that a higher proportion of Synod's income in the future will be derived from commercial and retail property. Transferring the 50% SAHT interest from the DE will enable GAB to further diversify the DE portfolio by investing in the Mercer Direct Property Fund and Mercer Unlisted Infrastructure Fund. The result for the Synod will be an overall increase in the components of its income being derived from commercial and retail property assets.

#### *Volatility*

35. Although the SAHC has a reserving policy, the distributions from the 50% SAHT interest may be more volatile than distributions from the DE. At the moment the income from the 50% SAHT interest does not directly flow through the DE and then to the Synod. Any variation in the income from the 50% SAHT interest does not directly affect Synod. The smoothing effect of the DE's distribution formula ensures that total spending generally increases by CPI each year. An interruption to the cash distribution flow from the SAHT interest would have an impact on Synod and the ministries it funds in the following year. However the SAHT already employs significant smoothing strategies to mitigate the risk of fluctuating returns, and these strategies are not impacted by the proposed changes.

*Illiquidity*

36. The 50% SAHT interest is illiquid. As a standalone asset it is not readily sold and converted into cash.

*Investment risk*

37. The market value of the 50% SAHT interest is dependent on the commercial property market (among other factors). Synod may see significant valuation changes year on year. If a major tenancy is vacant for a prolonged period of time, this impacts the market value of the 50% SAHT interest and also cash distribution flows. However it should be noted that this does not equate to the Synod taking on any additional risk overall compared with the previous arrangements.

For and on behalf of the Glebe Administration Board.

ROSS SMITH

*Chair, Glebe Administration Board*

30 August 2017

## Safe Ministry Board and Professional Standards Unit Annual Report 2016-2017

(A report from the Safe Ministry Board and Professional Standards Unit.)

### Introduction

1. This report is provided under the *Safe Ministry Ordinance 2001* (cl 17) and the *Discipline Ordinance 2006* (cl 114) for the period 1 July 2016 to 30 June 2017 (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 of 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 Ordinance 2001*. The SMB is tasked with ensuring that safe ministry, child protection and child abuse issues are properly dealt with throughout the Diocese. This includes development and review of practices and policies in these areas. The functions of the Board are defined in clauses 5 and 6 of the Ordinance.
4. The members of the SMB over the reporting period were: the Rev. Dr Keith Condie (Chair), Mrs Juliet Buckley, Dr Tim Channon, Ms Stephanie Cole, the Rev. Steven Layson, the Rev. David Mears, the Rev. Gary O'Brien, the Rev. Janine Steele, Dr Ruth Shatford AM, the Rev. Jon Thorpe (resigned May 2017), and Mr Alex Trevena.
5. The SMB has met 8 times in the reporting period.

### Professional Standards Unit (PSU)

6. There have been some changes to the PSU team over the reporting period and subsequently.
7. Brenda Sheppard joined the team in mid-March 2017 to provide administrative support, particularly for Safe Ministry Training.
8. Kylie Williams joined the team on 1 April 2017 as Training Consultant for Safe Ministry Training, bringing much experience to the role after having worked in this area for Anglican Youthworks over the past seventeen years.
9. The Rev. Catherine Wynn Jones continues to serve as PSU Chaplain (Manager, Pastoral Support and Education), The Rev. Neil Atwood as Parish Consultant for Safe Ministry, Mrs Annelie Singh as Personal Assistant and the Unit's Administrator and Lachlan Bryant as Director.
10. Stephanie Menear resigned from her position as Manager, Legal Support just after the end of the reporting period, in early July 2017. We are sorry to see Stephanie go and are very thankful for her diligent and faithful service in the role since 2014. Stephanie will be taking up a role with the NSW Ombudsman's Office. We will be looking to fill this position in due course.
11. In practice much of the work of the PSU derives from the Safe Ministry Board, 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.
12. The Director has overall responsibility for the PSU and is responsible for the day-to-day administration of the complaints and discipline procedure for clergy and church workers (*Discipline Ordinance 2006*) and the National Register (*National Register Canon 2007 Adopting Ordinance 2008*).
13. When the PSU receives a complaint alleging abuse by a member of the clergy or church worker, the Chaplain follows 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 PSU Contact Persons.
14. The PSU 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**) and a National Register check. The PSU provides ongoing support and advice to office holders, parishes and organisations in this regard.

15. Anglicare's Case Manager for Pastoral Care and Assistance for Care Leavers provides a pastoral and caring response to former residents of the Church of England Homes and Sydney Anglican Mission Society Homes, who have complained of abuse or mistreatment during their time at the Homes. The Case Manager, Ms Angela Ferguson, currently works from Anglicare's Telopea offices, under the management of the Rev. Dr Andrew Ford, General Manager Mission and Partnerships.

#### **The Royal Commission into Institutional Responses to Child Sexual Abuse (Royal Commission)**

16. This is the subject of a separate report to the Synod from the Royal Commission Steering Committee. Only limited information will be provided in this Report.

17. The Royal Commission commenced in 2013 and has been charged with examining institutional responses to the sexual abuse of children in the context of institutions throughout Australia including churches and their agencies.

18. The Royal Commission presents an important opportunity for the Diocese to review both past and current practices from a 'best practice' perspective.

19. A Steering Committee was appointed by Standing Committee in December 2012 to oversee the response of the Diocese to the Royal Commission and to provide the Director of the PSU with a point of reference for undertaking this work.

20. Additional funding for resources to respond to the Royal Commission has been allocated by the Standing Committee which is being administered by the Steering Committee. Significant work has been done in all PSU files relevant to the Royal Commission and a major revision of PSU policies.

21. In March 2017 the Diocese was involved in Case Study 52, a public hearing of the Royal Commission to inquire 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.

22. The Royal Commission completed its public hearings schedule in March 2017 and the work of the Commission will be completed when the Commission's final report is provided to the Governor-General on 15 December 2017.

#### **Review of the Safe Ministry Ordinance 2001**

23. In 2014 the SMB considered the *Safe Ministry Ordinance 2001* and formed the view that that some parts of the Ordinance have either never been used or have become outdated. The Ordinance has been referred to the Standing Committee for review, and a review Committee has been appointed. The work of the review Committee is ongoing.

#### **Safe Ministry Policy Resolution 24/15**

24. The SafeMinistry.org.au website and the Safe Ministry Journey policy model were launched at Synod in 2015. Synod passed the following motion at that time (Resolution 24/15):

Synod –

- (a) affirms the following diocesan Safe Ministry Policy Statement adopted by the Synod in Motion 18/04 –

“The Anglican Church of Australia is committed to the physical, emotional and spiritual welfare and safety of all people, particularly within its own community. To ensure the safety of children and vulnerable people in our communities, the Church will –

- carefully recruit and train its clergy and church workers
- adopt and encourage safe ministry practices by its clergy and church workers
- respond promptly to each concern raised about the behaviour of its clergy and church workers
- offer pastoral support to any person who has suffered abuse, and
- provide supervision of and pastoral accountability to any person known to have abused a child or another vulnerable person.”;

- (b) encourages all parishes and organisations that have not adopted the diocesan Safe Ministry Policy Statement to do so;

- (c) recognises the SafeMinistry.org.au website as an important access point for survivors of abuse in the Diocese of Sydney for seeking information and support and for reporting abuse;

- (d) commends the SafeMinistry.org.au website to parishes in the Diocese of Sydney for safe ministry support, information and resources; and
- (e) recommends each parish adopt the Safe Ministry Journey policies for Parishes, and specifically the policy documents for those serving in the following roles –
  - Ministers
  - Safe Ministry Representatives
  - Head of Youth Ministry
  - Youth Ministry Leaders
  - Head of Children’s Ministry
  - Children’s Ministry Leaders

25. Both SafeMinistry.org.au website and the Safe Ministry Journey policy documents have been well received and are being fairly well utilised. A circular was sent to all parishes (Rectors, Wardens and Safe Ministry Representatives) on 26 February 2016 bringing the Synod motion to their attention and encouraging them to adopt the new Safe Ministry Journey policy documents: <http://safeministry.org.au/safe-ministry-policies-website-circular-february-2016/>.

26. In terms of the SafeMinistry.org.au website, over the reporting period there were 41,245 unique website visits. The most visited page is the Resources page for parishes. The visits from other parts of Australia and other countries are also increasing.

27. The SMB encourages all parishes that have not yet accessed the SafeMinistry.org.au website and utilised the Safe Ministry Journey policy documents to do so as soon as possible.

#### **Archbishop’s Meetings with Survivors**

28. Throughout the reporting period the Archbishop has continued to make himself available to listen to complainants and relate to them pastorally. This usually includes the making of an appropriate apology on behalf of the Church. During the reporting period there were six apology meetings with survivors and their family members in PSU matters and one apology meeting with a Care Leaver.

29. These meetings are of immense value in almost all cases and survivors are appreciative of the effort taken by the Archbishop and the PSU Chaplain to arrange them.

#### **Screening of Lay Workers**

30. All paid lay church workers in the Diocese are required to apply for the Archbishop’s authority. This involves their completing a comprehensive screening and disclosure Lifestyle Questionnaire with the applicable Regional Bishop or his representative.

31. All workers in ‘child-related’ employment (including licensed or authorised ministers and unpaid volunteers) must undertake a Working With Children Check. In addition, it is recommended that parishes seek full disclosure of any relevant history and fully complete reference checks with prior supervisors or employers.

32. 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.

#### **The Working With Children Check**

33. In 2013 the NSW Government introduced laws that require all clergy and each person involved in child-related work in parishes (or organisations), to obtain a Working With Children Check (WWCC) number and to have this number verified online by the relevant parish or church authority. The *Parish Administration Ordinance 2008* was amended to authorise the Registrar to collect relevant details of persons involved in child-related work in parishes. In the course of the last year the Registrar has been undertaking a progressive collection of this data from parishes and then verifying the WWCC number for each person.

34. At the date of this report the WWCC details have been collected and verified from approximately 70 per cent of parishes and a total of 11,051 people. Based on the numbers to date, it seems almost 20,000 people in the Diocese of Sydney are involved in parish ministry to children or have a WWCC number verified for other reasons. The collection of WWCC details from the remaining parishes will continue throughout the next year.

35. The term of a person’s WWCC number generally expires 5 years after it was issued which means WWCC numbers will need to be renewed and re-verified starting in mid-2018. The government has not yet released full details of what will be required but parishes will be notified as information becomes available.

36. Some exemptions to the WWCC apply. In many cases careful thought is required before an exemption is relied upon. Penalties apply for non-compliance with the requirements of the WWCC legislation.

### **Screening of Ministry/Ordination Candidates, Clergy and Paid Lay Ministers**

37. All candidates for ordination by the Archbishop are required to complete a comprehensive screening and disclosure questionnaire. This is administered by Ministry Training and Development (**MT&D**) in consultation with the PSU.

38. Ordination/ministry candidates undergo extensive assessment and screening by way of reference-checking, general psychological testing, interviews, chaplaincy supervision reports and Moore College reports. A PSU record check and National Register check are also undertaken. The *Discipline Ordinance 2006* provides a mechanism for pre-ordination disclosure and consideration of prior sexual misconduct or abuse.

### **Training of Volunteer Lay Children's and Youth Workers – Safe Ministry Essentials/Refresher**

39. The Diocese is a member of the National Council of Churches' Safe Church Training Agreement. There are 37 independent churches and other dioceses who are members of the Safe Church Training Agreement across Australia.

40. The Safe Ministry Essentials course remains the mandated safe ministry training for the Diocese followed by *Safe Ministry Refresher* every 3 years.

41. The PSU took on full responsibility for the delivery of Safe Ministry Training across the Diocese from 1 April 2017. This had previously been outsourced to Youthworks since 1999. The key reason for this change was that the SMB approved of the development of online safe ministry training for the Diocese in late 2016, and it was therefore ideal for the PSU to assume this responsibility to manage more effectively the transition from face-to-face training to online training as the primary mode of safe ministry training across the Diocese. The SMB and PSU are grateful for the work of Youthworks in safe ministry training over the past 18 years which has ensured that the Diocese is well placed in this area for the years ahead.

42. In anticipation of taking on this responsibility the PSU set up a new website in February 2017 as the place to go for all safe ministry training needs in the Diocese (<https://safeministry.training>). The safe ministry training website has gone well since its soft launch in February 2017 and there were 11,801 unique visits to the site before the end of the reporting period. Apart from the website, the key contacts for safe ministry training inquiries are:

- Brenda Sheppard, Safe Ministry Training Administrator; email: [brenda@safeministry.org.au](mailto:brenda@safeministry.org.au), phone: (02) 9265 1588.
- Kylie Williams, Safe Ministry Training Consultant; email: [kylie@safeministry.org.au](mailto:kylie@safeministry.org.au), phone: 0416 158 075.

### **The development of online safe ministry training**

43. Online safe ministry training is being developed for implementation over the next reporting period. The main points to note about the training are as follows:

- All the current safe ministry training courses will be available online. The Refresher course will be launched in October 2017, and the Essentials course will be available in early 2018. Both have been thoroughly re-worked and adapted for the different modes of learning that online courses involve including online self-directed modules and a webinar. The Junior Leaders course for under 18 year olds will also be available in early 2018.
- Additional optional modules are planned to focus on equipping people for safe ministry when working with a variety of ministry groups, such as seniors, intellectually and physically disabled people, refugees, people with English as a second language. These modules will be made available over time once the foundational courses are online.
- Complete translations into other languages are also planned.
- With the online system making safe ministry training much more accessible, the local trainer system will conclude in early 2018. Face-to-face training will still be available at regional events run by the PSU at various times throughout the year.
- A number of new roles have been created with the new training system including Webinar Presenters, Webinar Producers (managed by the PSU) and Local Safe Ministry Online Assistant (managed by the local church to assist their members with accessing online training).

44. The key messages for parishes at this stage are:
- The PSU continues to aim for accessible, affordable, quality training for leaders in our churches no matter what the platform.
  - The online training platform will help equip people in our churches better than ever before to undertake ministry safely with a wide range of individuals and groups.
45. For more information please visit <https://safeministry.training>.

#### **Training of Ministry/Ordination Candidates and Clergy**

46. Eight Safe Ministry Modules have been developed and are being taught through Moore College, Ministry Training and Development, and Youthworks College as part of their courses and programs.

47. Following the change to the *Parish Administration Ordinance 2008* in 2013 requiring ministers in the Diocese to complete Safe Ministry Training once every three years, the SMB decided to include this training as part of the Diocesan triennial *Faithfulness in Service* Seminars conducted in June 2014. This allowed those ministers and licensed church workers who came to the *Faithfulness in Service* Seminars in 2014 to fulfil all safe ministry training requirements for the next three years by attending the one day.

48. The SMB decided that there would be no Safe Ministry Training component at the 2017 *Faithfulness in Service* Seminars. Therefore all clergy and other workers who relied upon attendance at the Safe Ministry Training component at the 2014 Conference, to maintain Safe Ministry Training currency, were required to undertake the Refresher course through the normal channels (run by a Local Safe Ministry Trainer at their local parish or a regional training event) before the Conference week in June 2017 in order to remain up to date in their training requirements.

49. The *Faithfulness in Service* Seminars were held in five locations across the five regions of the Diocese from 19 to 23 June 2017 from 9:00 am to 4:30 pm each day. The seminars were promoted with the theme of 'Core Strength,' focusing on building resilience of attendees in their lives and ministry and protective behaviours to keep families and churches safe. Archbishop Glenn Davies preached on 1 Tim 4:1-16 at the start of each seminar. During the morning sessions the Rev. Dr Keith Condie and Mrs Sarah Condie, Co-Directors of the Institute for Mental Health & Pastoral Care with Anglican Deaconess Ministries, presented on Core Strength with a focus on building resilience. For the afternoon sessions Mrs Andrea Musulin, Director of the WA Child Protection Society, presented on domestic violence and how protective behaviours education can help to build resilience to prevent domestic violence from occurring and to break the cycle.

50. Attendance at each of the sessions was as follows:

Date	Venue	Attendees
19 June	Ryde	330
20 June	UTS, Broadway	321
21 June	Figtree	198
22 June	Rooty Hill	278
23 June	Hoxton Park	142
	Total	1,269

51. A URL with video recordings of the presentations on the day will be provided to 73 people who received an exemption prior to the Conferences being presented.

52. We have received 689 feedback surveys from attendees to date. Generally the seminars appear to have been very well-received although 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.

#### **Safe Ministry Representatives (SMRs)**

53. The role of SMRs in parishes continues to be pivotal in ensuring parishes comply with safe ministry requirements. Neil Atwood, Parish Consultant for Safe Ministry plays an invaluable role in supporting, resourcing and equipping SMRs in their role.

54. The PSU provides support and assistance to SMRs by telephone and email. There continues to be a significant level of direct enquiry from parishes and support given to them, particularly around the requirements of the WWCC.



55. Since 2008 it has been mandatory for each parish to nominate an SMR.
56. As at time of writing, almost all parishes have provided current SMR details to the Registry. That leaves several parishes as not having an SMR according to the Registry. Parishes should ensure that the appropriate paperwork has been returned notifying the Registry of the appointment of their SMR.
57. During the reporting period:
- (a) training sessions were held for SMRs at Hoxton Park on 27 August 2016 and on 15 October 2016 at Seven Hills on vulnerable adults and Safe Ministry;
  - (b) 14 parish-based audit/training sessions were undertaken with SMR's and their Rectors; and
  - (c) the PSU's safe ministry database record keeping software was made available to parishes through the SafeMinistry.org.au website from early 2016. The centralised database is referred to as Safe Ministry Records Online (SaMRO), (based on a modified open source church management system called 'Jethro') and 35 parishes are now using it.

### **Protective Behaviours**

58. The PSU has been keenly interested in the topic of Protective Behaviours education for parents, children, teachers, church workers and others for some time. Over the first half of 2017 significant headway has been made towards making Protective Behaviours training in the Diocese a reality.

59. The PSU facilitated Suzanne Bocking to run a 1.5 hour workshop on Protective Behaviours called 'Safeguarding Children and Young People' at Moore Theological College on 9 May 2017. It was compulsory for all the faculty to attend and an invitation was also made to the student body comprising a total attendance of 67. Cath Wynn Jones attended to introduce Suzanne and provide any pastoral support and answer PSU related questions that might be required. Topics included prevalence of abuse in Australia, why children are vulnerable, who are the offenders, where abuse occurs, indications of abuse, prevention tools, receiving a disclosure and online safety. Feedback was received from a number of attendees saying that this information is greatly needed and that the content was much better than they expected. There was also great interest shown towards safe ministry training going online.

60. On the morning of 22 June 2017 the PSU organised a workshop called "Empowering Children to Protect Themselves" which was open to the staff of Anglican and independent schools. Andrea Musulin presented at the workshop on how schools can contribute significantly to the personal safety of children by empowering them to disclose abuse when it occurs by proactively teaching them Protective Behaviours. Andrea stressed why this is especially important following our learnings from the Royal Commission and the 10 principles of safe organisations published by the Royal Commission. It was acknowledged that this may be mandated following the end of the Royal Commission. Andrea went through some of the resources and materials that have been developed by the Child Protection Society of WA and sketched what is covered in the protective behaviours training curriculum for the different school age groups. The event was publicised through EdComm and the Heads of Independent Schools Association. Attendees were able to claim 3 hours of QTC Registered PD addressing 6.2.2 and 6.3.2 from the Australian Professional Standards for Teachers towards maintaining Proficient Teacher Accreditation in NSW. Forty participants attended and excellent feedback was received following the workshop with many schools interested in contributing towards the costs of having Andrea present further on this topic in future. We are thankful to Dr John Collier, Head of St Andrew's Cathedral School, for partnering with us to host the event at the School.

61. Such interest was shown by the participants in these recent opportunities for some Protective Behaviours training that the Director has arranged a meeting with a number of his Catholic counterparts in Sydney with a view to partnering to adapt the Protective Behaviours materials developed in WA by the Child Protection Society (and used in the Catholic Archdiocese of Perth) for the NSW context. The PSU is also undertaking significant work to develop an online Protective Behaviours training module for those in our parishes which should be available later this year.

### **The Taskforce on Resisting Pornography**

62. The PSU called together a Taskforce on Resisting Pornography in early 2013 to begin looking at the impact pornography has on the church and what can be done about this.

63. In June 2016 the Standing Committee encouraged the Archbishop to set up a three year Taskforce on Resisting Pornography to address this important issue.

64. The Rev. Marshall Ballantine-Jones has been appointed the Chairman of the Archbishop's Taskforce. The other members of the Taskforce are Mr Lachlan Bryant (PSU Director), Ms Marilyn Buckley (social worker and educator), Mr John Burns (Senior School Counsellor and psychologist, Shore School), the Rev. Dr Keith Condie (Co-Director of the Institute for Mental Health & Pastoral Care with Anglican Deaconess Ministries), the Rev. Gary O'Brien (MT&D), Mr Greg Powell (psychologist), Ms Karen Triggs (counsellor and psychotherapist) and Dr Patricia Weerakoon (sexologist).

65. The main work that the Taskforce has been undertaking over the last 6 months or so is the development of a website to help equip and resource parishes, schools, individuals and others in dealing with and responding to the issue of pornography, its use, and the challenges we face in the church, schools and our other organisations as a result. It is hoped that the website will be ready to be launched at Synod in October this year.

#### **Safe Ministry Guidelines and Other Advice**

66. The PSU continues to receive inquiries 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 each staff member receiving at least half a dozen inquiries per week and sometimes many more than this.

#### **Care of Survivors of Abuse and Complainants**

67. It is the role of the PSU 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 PSU funds. A caring response is the first important step along the road of healing for survivors of abuse.

#### **Tears and Hope Service**

68. Tears and Hope is a church service held each year for survivors of abuse, hosted by the Rev. Ed Vaughan (Rector of St John's Darlinghurst) with the assistance of the PSU Chaplain. In 2016 it was held on 21 November and was well attended.

#### **Pastoral Care and Assistance Scheme**

69. 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 church workers. The Scheme is an alternative to litigation which can be a protracted and harrowing process for survivors. The Scheme includes a mechanism for external assessment if necessary.

70. Currently there are two identical schemes, one for matters that fall largely within the responsibility of parishes and one for Care Leavers matters that are the responsibility of the Sydney Anglican Home Mission Society (**SAHMS**).

71. Between 1 July 2015 and 30 June 2016 there were 5 payments under the Diocesan scheme and 9 payments were funded under the SAHMS scheme.

72. 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 now been incorporated into the Scheme.

#### **Abuse and Sexual Misconduct Complaints Protocol**

73. 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 [reportabuse@sydney.anglican.asn.au](mailto:reportabuse@sydney.anglican.asn.au)). 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.

74. 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 PSU is able to assist the complainant in reporting the matter to the Police.

75. The five Contact Persons are Mrs Margaret Fuller (Illawarra), Ms Nicky Lock (Northern Beaches), Ms Rosemary Royer (Northern Suburbs), Mr Richard Elms (Western Suburbs) and Mr Rob Carroll (Southern Suburbs).

76. The Contact Persons meet four times a year with the Director and Chaplain for training and coordination of their roles.

#### **Discipline Ordinance**

77. The process for complaints regarding misconduct or child abuse by clergy or church workers is governed by the *Discipline Ordinance 2006*. The specific offences covered in the Ordinance are: child abuse, sexual abuse, unchastity, drunkenness, neglect of ministerial duty, non-payment of just debts, disgraceful conduct, conviction of a serious criminal offence, failure to report suspected child abuse, grooming, inappropriate pastoral conduct involving a child, and possession, production or distribution of child exploitation material.

78. Where a complaint is received by the PSU that includes an allegation of criminal behaviour a report is made to the NSW Police if the complainant is not able to make that report.

79. The Director receives complaints against clergy and church workers of the Diocese and administers the complaints process under the *Discipline Ordinance 2006*. Primarily complaints involve child sexual abuse or adult sexual misconduct. Each matter usually involves a Contact Person taking an initial report and complaint and if applicable offering counselling to the alleged victim. The PSU 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.

80. 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 Professional Standards Committee for review and recommendations. Unresolved matters regarding clergy can be referred to a Tribunal.

81. 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.

82. 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 Holy Orders. There are also conciliation provisions, lesser sanctions and other recommendations available in appropriate circumstances. The Archbishop or relevant church authority (in the case of an unlicensed 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**

83. The Director received seven new complaints under the Discipline Ordinance during the reporting period.

84. The Director made two complaints under the Discipline Ordinance (clause 10) during the reporting period.

85. The Professional Standards Committee met five times and considered 28 matters in the reporting period.

86. No matters were referred to a Tribunal during the reporting period.

### **The Professional Standards Committee**

87. There are five members of the Professional Standards Committee. Under the provisions of the *Discipline Ordinance 2006*, the Committee's function is to consider complaints and make recommendations to the Archbishop concerning these matters.

88. This Committee meets as required and is currently scheduled to meet every second month.

### **Adjudicator**

89. Nine matters concerning unpaid lay respondents were referred to an Adjudicator for determination during the reporting period.

### **Parish Recovery Teams**

90. Parish Recovery Teams (PRTs) are generally available to assist parishes where allegations of abuse or misconduct by clergy or church workers have arisen. A PRT works in a parish to deal with the complex pastoral issues that arise once these matters come to light. PRTs aid those members of the parish who are affected and work towards the healing of the parish as a whole.

91. In 2007 a group of nine volunteers for our PRTs was trained by Pastor Tim Dyer of John Mark Ministries. From 2010 to 2012 a new team of nine volunteers was trained.

92. Due to numbers of Parish Recovery Team consultants being unable to continue with PRT work, due to health and other reasons, a new team of 14 was trained throughout 2014 and 2015.

93. Two PRTs were deployed during the reporting period for new matters. One of these PRTs involved two secondary teams of four consultants each to run congregational meetings.

### **The Professional Standards Unit Oversight Committee**

94. The Standing Committee approved of the establishment of a Professional Standards Unit Oversight Committee (PSUOC) in November 2015 that monitors the finances and operations of the PSU and receives and considers complaints made about the PSU, among other things.

95. There are five members of PSUOC, and the Chair of the Committee is Bishop Peter Lin.

96. PSUOC is required to meet a minimum of four times a year and has considered one complaint in the reporting period.

### **Cooperation with NSW Government Agencies and Other Churches**

97. The Director of the PSU continues to be a member of the NSW Police Child Protection and Joint Investigation Squad Advisory Council.

98. The National Network of Directors of Professional Standards from Anglican Dioceses across Australia meets together each quarter. The Director of the PSU attends these meetings regularly. 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.

### **Finance**

99. PSUOC receives and monitors accounting reports for the PSU. PSU accounts are reported in the Synod Funds reports provided to members of Synod.

100. The Standing Committee, on the recommendation of the Diocesan Resources Committee, approved the allocation of a start up grant to the PSU for the development of online safe ministry training in late 2016. Since 1 April 2017 the PSU has retained the Parish Cost Recovery Charge for safe ministry training cognisant with its assumption of responsibility for delivery of safe ministry training across the Diocese.

101. Following detailed submissions to the Diocesan Resources Committee from the Chair of the Safe Ministry Board and Director of Professional Standards in 2015, it was recommended to Standing Committee that PSU costs be fully recoverable under the Parish Cost Recovery charge.

102. The implementation of this recommendation by the Standing Committee with the approval of Synod has resulted in the PSU slowly continuing to find itself on more a sustainable financial footing towards the end of the reporting period.

### **Conclusion**

103. As we approach the end of the fifth and final year since the Royal Commission was established, we look forward to receiving its final recommendations and reviewing our practices further in the light of those recommendations. To that end it is vital for the PSU to be fully and adequately resourced for the years to come.

On behalf of the Safe Ministry Board and Professional Standards Unit.

THE REV. DR KEITH CONDIE  
Chair

Safe Ministry Board  
14 July 2017

LACHLAN BRYANT  
Director

Professional Standards Unit  
14 July 2017

# Statement of Funding Principles and Priorities 2019 – 2021

## 1. Background

Our Vision is to see Christ honoured as Lord and Saviour in every community.

As a Diocese we have committed ourselves afresh, in prayerful dependence on the Holy Spirit, to glorify God and love our neighbour by proclaiming the Lord Jesus Christ, calling people to repent and living lives worthy of him.

In that light, we have identified several key factors in each of the 4 priorities at this point in our mission –

1. Reach all the lost in our Diocese with the life-giving gospel of Christ
  - 1.1. Engaging with our local community and creating opportunities for evangelism at the local and diocesan level
  - 1.2. Mobilising more people to share Christ's love in word and deed
  - 1.3. Strengthening our invitation, welcoming and integration
2. Deepen spiritual maturity among our members –
  - 2.1. Ensuring congregational gatherings are significant places for spiritual growth
  - 2.2. Enriching Christian fellowship through small groups
  - 2.3. Strengthening personal and family devotions through prayer and Bible reading
3. Equip our members to exercise their gifts –
  - 3.1. Strengthening leadership skills of clergy, especially rectors
  - 3.2. Identifying and unleashing the gifts of church members
  - 3.3. Encouraging risk-taking and new initiatives in outreach and discipleship
4. Respond to the changing face of our society –
  - 4.1. Loving our neighbours in local and cultural communities
  - 4.2. Reaching children and youth
  - 4.3. Connecting with people over 60 years of age
  - 4.4. Planting new churches in rapid growth areas

The nature of most of the priorities and key factors identified in our Mission 2020 statement above mean that action to pursue those objectives will primarily involve initiatives at the local parish level. Furthermore, many of the key factors identified above are part of an individual's response to the grace and mercy shown by God when we surrender to his Lordship. As such they fundamentally shape the way we live and spend our time, the way we relate to others and the way we gather, but they do not necessarily require financial resources from the Synod.

As a Synod we want to allocate and distribute money to various ministries and organisations which provide support to those particular priorities and key factors which need financial resources and are best organised, delivered and supported at a diocesan level.

The Glebe Administration Board, as manager of the Diocesan Endowment, and St Andrew's House Corporation, as manager of St Andrew's House, continue to provide the bulk of the funds available each year for distribution by Synod. A small number of parishes with very substantial lease and other property income provide a significant further source of Synod funds.

A fundamental principle that shapes the document is that significant weighting is given to the long-term nature of diocesan life. There are always many current opportunities but Synod should give particular priority to the long term in the use of funds.

In this document some funding expressions are used that have the following meanings –

“Parish Cost Recovery charge (“PCR”) is a recovery of direct (e.g., minister's superannuation) and indirect (e.g., Professional Standards Unit) costs incurred centrally on behalf of all parishes.

“Levy” is a charge to raise funds from parishes for specific purposes.

“Assessment” is a charge to raise funds from parishes for the general purposes of Synod.

## **2. A framework for the strategic use of our money**

We are an organisation that exists for the long term – till Christ returns.

Our budgets should reflect this, and contain long term goals as well as short term expenditures.

Long term spending provides for the infrastructure needs for the future – for example for the acquisition of land for church sites and investment in the recruiting, training and equipping of people for long term ministry.

We continue to support the work of the Mission Property Committee which was set up in 2002 to plan and oversee the work of acquiring land for future church sites in areas of population growth. Since 2013 we have funded this work through a levy on parishes.

It is proposed that we will continue to give priority in our budgeting process for the recruiting, training and equipping, principally through the work of Moore Theological College (“MTC”) but also through Youthworks College and Ministry Training and Development (“MT&D”).

Should further funds become available to Synod in this triennium we would consider options such as –

- increasing the funding provided for training and equipping of people
- providing for the long term property needs of the Cathedral
- providing support for church buildings in greenfield areas through New Churches for New Communities
- providing funding for urban renewal (brownfields development)
- providing support for ministry in socially disadvantaged areas.

## **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 a particular geographical area that is parish based, episcopally led and synodically governed under an Anglican constitution.
- (b) We are a long term organisation that seeks to grow. Wherever possible we seek to resource growth that is both immediate and long term, especially by investing in growing ministries of the gospel and/or those activities which will enhance and promote its growth.
- (c) We need to invest strategically in long term infrastructure, both in people and property.
- (d) 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 review and evaluation primarily through periodic discussion with the elected representatives on the board, and
    - (3) be based on information supplied in an appropriate way (a statement as to the suggested procedure is contained in Appendix 3 to this paper) and
  - (ii) wherever possible program outcomes should be measured, either quantitatively or qualitatively.
- (e) 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.
- In this light, and recognising the scarcity of resources, it is our intention to give priority in this triennium to funding initiatives that strengthen leadership skills of clergy, especially rectors (priority 3.1).
- (b) The Diocesan network also needs to pay for Synod-determined costs –
- (i) annual meetings of Synod,
  - (ii) Standing Committee costs,
  - (iii) Secretariat (according to a service level agreement),
  - (iv) representatives to attend General Synod, and
  - (v) 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) Professional Standards Unit,
  - (v) safe ministry program, and
  - (vi) 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 should continue to be raised to assist the Mission Property Committee to fund the acquisition of land for future church sites.
- (f) Any financial support for buildings in brownfield or greenfield areas should be by way of funds raised through the Large Receipts Policy or proposed Property Receipts Levy, rather than as an allocation of capital or income from the Diocesan Endowment or distributions from St Andrew's House Corporation.

## 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 a particular geographical area that 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.

This network of Christian ministries occurs in **a particular geographical area** because the primary focus and responsibility of Sydney Anglicans is to minister the gospel of salvation primarily to all people living 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.

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.

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, the Secretariat provides legal support and the Professional Standards Unit 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 it is **episcopally led**. It is appropriate that the network as a whole, being a network of Christian ministry, should be led by ministers 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 1(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 consumed to produce those outcomes.

The Synod funding schedule has been arranged under 4 headings – long term requirements, immediate requirements, long term Mission commitments and current Mission activities. The concept of financial accountability is particularly important when assessing current Mission 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 Mission 2020. 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 Mission 2020 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.

Standing Committee intends to hold a series of meetings with the recipients of Synod funding as a Mission 2020 commitment. 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.

## 2/05 Stipends, Allowances and Benefits for 2018

(A report on behalf of the Standing Committee.)

### Key Points

- Recommended minimum stipends remain unchanged for 2018
- Standing Committee suspended operation of the policy adopted in August 2016
- 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. The circular to ministers and wardens entitled "Guidelines for the Remuneration of Parish Ministry Staff for 2018" (the "Guidelines") was published in August this year and provides details of the recommended stipends, allowances and benefits for ministers, assistant ministers and lay ministers for 2018.

### Recommended Minimum Stipends

3. The policy adopted in August 2016 which indicated the 2018 stipend would be set at 76% of Average Weekly Earnings would have required a decrease in the stipend from the level applying in 2017.
4. Accordingly, Standing Committee suspended operation of the policy and agreed to set the recommended minimum stipend for 2018 at \$65,714, which is unchanged from the recommended minimum stipend for 2017 –

	% of Minister's Minimum Stipend	2018 Minimum Stipend \$ pa
Minister	100	65,714
Assistant Ministers, Lay Ministers & Youth and Children's Ministers (Theological degree or Advanced Diploma) –		
5 <sup>th</sup> and subsequent years	95	62,428
3 <sup>rd</sup> and 4 <sup>th</sup> year	90	59,143
1 <sup>st</sup> and 2 <sup>nd</sup> year	85	55,857
Youth and Children's Ministers (Diploma) –		
7 <sup>th</sup> and subsequent years	85	55,857
4 <sup>th</sup> to 6 <sup>th</sup> year	75	49,286
1 <sup>st</sup> to 3 <sup>rd</sup> year	65	42,714

### Remuneration Packaging

5. The maximum level of stipend sacrificed to a minister's expense account ("MEA") 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. Certain expenditure can be reimbursed to the minister from the MEA. Benefits received in this way are exempt from fringe benefits tax and income tax.

### Superannuation Contributions

6. 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 and Church Land Acquisitions Levy Ordinance 2015*. Superannuation for lay ministers is paid separately. As for 2017, the amount of the superannuation contribution is generally set at 17% of the applicable minimum stipend, accordingly the annual contributions proposed for 2018 are –

	2018
Minister	11,171
Assistant Ministers, Lay Ministers & Youth and Children's Ministers (Theological degree or Advanced Diploma)–	
7 <sup>th</sup> and subsequent years	11,171
1 <sup>st</sup> to 6 <sup>th</sup> year	10,054
Youth and Children's Ministers (Diploma) –	
7 <sup>th</sup> and subsequent years	9,496
1 <sup>st</sup> to 6 <sup>th</sup> year	8,379

**Travelling Allowances/Benefits**

7. The diocesan scale for the travelling allowance to be paid to ministers, assistant ministers, lay ministers and youth and children's ministers for 2018 is calculated in accordance with the following scale –

- (a) a fixed component of \$8,047 (2017 – \$8,047) per annum to cover depreciation, registration, insurance etc, plus
- (b) a reimbursement at the rate of \$246 (2017 – \$246) for every 1,000 kilometres travelled by the person concerned on behalf of the church or organisation which he or she serves.

8. Travel benefits may be provided through an MEA in lieu of a travel allowance in accordance with the guidelines published in the Guidelines.

**Remuneration for Occasional Services**

9. The recommended rates for clergy who take occasional services are –

	<b>2018 \$</b>
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 –

- (a) If the total return journey of the person taking the occasional service is 75 kilometres or less, a travelling allowance of 80 cents per kilometre should be paid (2017 – 80 cents). If further kilometres are travelled, the travel allowance should be negotiated.
- (b) Meals should be provided where necessary.
- (c) As pension benefits may be reduced according to other income received, the recommended rates are open to negotiation.
- (d) 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). The worker should also be paid a travelling allowance at the rate of 80 cents per kilometre to cover any travel costs incurred while performing their duties (2017 – 80 cents).

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 generally be included under the parish's workers compensation insurance policy.

**Male and Female Student Ministers**

14. The recommended assistance for student ministers working one full day per week for 2018 is –

	<b>% of Minister's Minimum Stipend</b>	<b>2018 \$ pa</b>
Studying for a degree	12.5	8,214
Studying for a diploma	10.0	6,571

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 2017 the national minimum wage for adults has been \$18.29 per hour. This means that the recommended stipend allows for no more than 8.6 hours work per week if studying for a degree, and 6.9 hours if studying for a diploma. The minimum wage will be reviewed next on 1 July 2018.

- (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 are payable if the remuneration exceeds \$450 per month.
- (g) Workers 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.

JAMES FLAVIN

*Chair, Stipends and Allowances Committee*

29 August 2017

## The Same-Sex Marriage Debate

(A report from the Standing Committee.)

### Key Points

- In response to Synod resolution 26/16, the Standing Committee authorised the production and distribution of the booklet *What Has God Joined Together?* 75,000 copies have been printed and distributed to parishes.
- Over the past year, the Archbishop and Bishops have been actively advocating for the "No" case, both within our churches and more broadly in the wider community, and encouraging clergy and laity to do likewise.
- The Diocese of Sydney has been working closely with Sydney Catholics, Australian Christian Lobby and Marriage Alliance to bring together a coalition of groups who support the current definition of marriage (i.e., a life-long exclusive union between one man and one woman).
- Coalition for Marriage Limited was registered in July 2017. The purpose of this entity is to co-ordinate and execute the "no" campaign. The company has 4 members (including Archbishop Davies) and 4 directors (including Bishop Michael Stead as Chair). There has been a diocesan contribution to funding the Coalition for Marriage.

### Purpose

1. The purpose of this report is to update the Synod on the steps that have been taken over the past 12 months in relation to the ongoing debate about same-sex marriage in Australia.

### Recommendation

2. That Synod receive this report.

### Sydney Anglican participation in the Same-Sex Marriage Debate in Australia

3. In October 2016, Synod passed resolution 26/16 in the following terms –

#### Debate concerning same-sex marriage

Synod, in light of the on-going debate as to whether the legal definition of marriage should be changed to include same-sex relationships, and consistent with its long-standing and previously expressed position in relation to marriage and human sexuality –

- (a) continues to affirm that marriage, as a gift from God who made us male and female, is the union of a man and a woman to the exclusion of all others, voluntarily entered into for life,
- (b) notes that the inclusion of same-sex relationships within the legal definition of marriage would lead to a deeply regrettable divergence between the inherent meaning of marriage and its legal definition,
- (c) expresses deep concern, based on experience both overseas and more recently in Australia, about the impact that a change in the legal definition of marriage would have on the freedom of individuals and organisations to uphold the view that marriage is inherently a union between a man and a woman,
- (d) commends for consideration the booklet prepared by the Archbishop's Plebiscite Task Force *What Has God Joined Together?* as a resource to assist Sydney Anglicans and others prepare for and engage in public debate on this issue,
- (e) calls on Rectors in the Diocese to incorporate teaching on marriage, human sexuality and religious freedom in the teaching program of their parish,
- (f) encourages all Christians to participate fully in the democratic processes open to us in this country to seek to persuade our nation of the goodness and wisdom of ensuring the legal definition of marriage in the Marriage Act 1961 remains aligned with its inherent meaning,
- (g) urges all Christians to engage lovingly and respectfully in the debate about marriage, and condemns any vilification, bigotry or other expressions of hatred or fear directed against anyone, not exclusively but especially members and supporters of the gay, lesbian, bisexual, trans or intersex (LGBTI) community,

- (h) believes respectful advocacy for the legal definition of marriage to remain unchanged does not constitute hate speech or bigotry,
- (i) calls on our political leaders to model respectful debate which is courteous and persuasive and does not assume a lack of goodwill from those with whom they disagree, and
- (j) recognises marriage as a bedrock institution of society and therefore considers that, despite its cost, a plebiscite is both a justifiable and the preferred means of establishing whether a majority of the Australian community genuinely wish to change the legal definition of such an institution.

#### **Marriage Booklet - What Has God Joined Together?"**

4. The draft version of the booklet *What Has God Joined Together?* was circulated at Synod in 2016. The booklet was redrafted in light of feedback from Synod members. Pursuant to paragraph (d) of the above resolution, the Standing Committee authorised the expenditure of up to \$50,000 from the publishing reserve for the printing and distribution of 75,000 copies of the booklet *What Has God Joined Together?*. These booklets were distributed in early February 2017 to all parishes that requested copies. At that time, 223 out of 272 parishes requested approximately 50,000 copies in total. Since then, several other parishes that missed the first mail-out have also requested copies. At the time of writing this report (September 2017), there are about 5,000 copies of the booklet still on hand and available for distribution to churches on request.

The full text of the marriage booklet is available online at <http://sydneyanglicans.net/marriage>. It is also available in Chinese (Traditional and Simplified script) at <http://sydneyanglicans.net/marriage/translations>.

#### **Advocacy and Public Engagement by the Archbishop and Bishops**

5. The Archbishop and Bishops have been actively advocate for the “no” case, both within our churches and more broadly in the wider community, and encouraging clergy and laity to do likewise. For example, the Archbishop published an opinion piece in *The Australian* on 31 March 2017, entitled “Beware the barge of bullies trumpeting diversity”. The article began with this paragraph –

There is only one upside from the recent attacks and unprecedented abuse directed at an academic and the directors of Christian organisations: people are beginning to wake up and take notice. They are starting to understand that the campaign for same-sex marriage is not sailing on a raft of rainbows but on a barge of bullies.

It concluded:

In what kind of “diversity” do we as Australians really believe? I want to live in a land that respects the individual, that allows freedom of expression and freedom of faith. I want to be able to be free to convince my fellow Australians that Jesus Christ is Lord of all creation and that true freedom is only to be found in him. I also want to live in a land where others can contradict my views and espouse their own beliefs without fear of persecution or intimidation. That is true diversity. That is true freedom of speech and freedom of religion of which we ought to be justly proud and that I would happily defend with my life.

6. On 16 August 2017, the Archbishop wrote a letter for distribution to Sydney Anglicans (see Appendix 1), in response to the Federal Government’s decision to hold a voluntary postal poll on same-sex marriage. The letter explained why the Diocese of Sydney had committed to being a lead partner in the Coalition for Marriage, working together with over 80 organisations to defend Australia’s man-woman definition of marriage. The letter encouraged Sydney Anglicans to consider supporting this Coalition by signing up as a volunteer and/or or providing a financial contribution.

#### **Same-sex Marriage Postal Poll**

7. In August 2017, the Federal Government announced a voluntary postal poll on same-sex marriage, to be conducted by the Australian Bureau of Statistics. After a legal challenge to the poll was dismissed by the High Court on 6 September, the first postal ballots were sent out on 12 September 2017. Voters have been encouraged to return their forms by Friday 27 October, with Tuesday 7 November being the final deadline to return forms. The results of the postal poll are due to be announced on Wednesday 15 November 2017.

8. If the majority of respondents vote ‘Yes’ in the Government’s postal survey on same-sex marriage, the Marriage Act will be changed to legislate for same-sex marriage, probably by the end of this year. A majority “No” vote will not necessarily guarantee the alternative, but it will “hold the ground” for the time being, and reframe the debate going forward to ensure that protecting freedom of religion for individuals and institutions is given more consideration that has hitherto been countenanced.

9. The Government has indicated that it has not yet determined the form of the Bill to amend the Marriage Act, and that this will not be a part of the postal poll process. This means that the Australian public has no guarantees as to whether and how freedom of speech and religion will be protected should same-sex marriage be legislated, nor any guarantee that any such “protections” would remain in place for any length of time, given the fact that the key leaders of the Labor party have committed to winding back any protections that they consider unnecessary.

#### **Diocesan participation in the Coalition for Marriage Limited**

10. Over the past 12 months, the Diocese of Sydney has been working closely with Sydney Catholics, Australian Christian Lobby and Marriage Alliance to bring together a coalition of groups who support the current definition of marriage (i.e., a life-long exclusive union between one man and one woman). There are currently more than 80 partner organisations, which includes faith-based groups and other pro-marriage groups.

11. Anticipating the possibility of a postal plebiscite or similar, Coalition for Marriage Limited was registered in July 2017. The purpose of this entity is to co-ordinate and execute a public “no” campaign.

12. At its meeting on 31 July 2017, the Standing Committee approved expenditure of \$20,000 from Synod Contingencies for the diocesan contribution to form this company. The company has 4 members and 4 directors –

#### Members

Archbishop Glenn Davies  
Archbishop Anthony Fisher  
Lyle Shelton (ACL)  
Damian Wyld (Marriage Alliance)

#### Directors

Bishop Michael Stead (Chair)  
Kieran Walton  
Lyle Shelton  
Damian Wyld

13. The Coalition for Marriage has been developing the strategy for the “No” campaign over the past 18 months. Focus-group and comprehensive telephone surveys have indicated that the “No” case can be won. Although at present about 60% of Australians indicate that they are in favour of same-sex marriage, in many cases this view is based on uninformed assumptions. Extensive testing has demonstrated that, when people come to realise that same-sex marriage has negative consequences – for what kids are taught in schools, for the children who are conceived for the sake of same-sex partners as well as negative consequences for freedom of religion and freedom of speech – support for same-sex marriage drops away.

14. The first television ad, which aired in the week commencing 29 August 2017, focused on the impact that changing the definition of marriage will have on the way gender and sexuality are taught in schools. The premise of the ad is that same-sex marriage and the safe schools program are both based on the same radical sexual ideology – that gender is fluid, heteronormativity is harmful, and that procreation is irrelevant to parenting. Because of this shared ideology, same-sex marriage and the safe schools program are mutually reinforcing. If Australia endorses same-sex marriage, it endorses the ideology underlying Safe-schools.

15. The effect of the first ad was what had been hoped. It shifted the debate to focus on the consequences of changing marriage. It also provoked an anticipated over-reaching histrionics from those on the other side of the debate, with *ad hominem* (or more precisely *ad feminam*) attacks on the women in the ad, cries of “red herring”, and allegations of lies. However, the claims of the ad have held up, and the three brave mothers stood firm under the weight of a torrent of abuse of social media.

16. It has been reported that the “Yes” campaign already has \$10,000,000 of television advertising alone planned for the postal survey period (8 weeks). There is no public funding for the Coalition for Marriage, and it is unlikely to attract corporate sponsorship. The overwhelming majority of funds will have to come through donations. Notwithstanding the fact the City of Sydney is spending \$110,000 of public money on “Yes” banners and the ACT government is funding a “Yes” campaign on its buses, there is likely to be a public outcry if (for example) Anglicare or an Anglican School used their funds to support the “no” case, because these bodies receive government funding.

#### **Diocesan risk mitigation**

17. The primary reasons why Christians should vote no to changing the definition of marriage is that it will enshrine a view of marriage which is contrary to God’s good plans for society. As people who are called to love their neighbour, this is ample justification for opposing the change on theological grounds alone.

18. There are also significant secondary reasons to oppose this change, because of the direct and serious consequences it will have:



- for all Anglican entities which seek to employ staff who support a Christian ethos

The example of Ireland demonstrates what is likely to happen if same-sex marriage becomes law. Prior to Irish referendum on same-sex marriage, the **Employment Equality Act** granted specific exemptions for “religious, educational or medical institutions” to anti-discrimination provisions, to allow schools etc. to hire staff “to maintain the religious ethos of the institution”.

Within months of the referendum affirming same-sex marriage, the parliament made sweeping amendments to section 37, to curtail its scope almost completely.<sup>1</sup> It now only applies to employment positions where religious belief is a “genuine, legitimate and justified occupational requirement”. The change was celebrated as a necessary step in ensuring full legal equality for LGBTI people – “The passage of this Bill by the Oireachtas marks the final step in a remarkable year for equality for LGBT people”.<sup>2</sup>

The impact on Anglican schools and other Anglican entities would be profound. Current practice in many schools in requiring that the Principal/Head must be a Christian would be illegal, as would be any preferencing for Christian staff. The change would be slow, but within a generation, we could have nominally Christian schools, with only a handful of Christians on staff.

- for Anglicans schools, Anglicare and other bodies in receipt of government funding

Overseas experience indicates that there is a real risk for Anglican bodies that government registration and/or funding will increasingly be tied to “equality compliance”. Faith-based schools in the UK that do not teach young children about sexual orientation and gender identity issues are facing possible deregistration. In the UK, Vishnitz Girls School, an orthodox Jewish school has failed two education authority inspections and could be closed for refusing to “explicitly” teach girls between the ages of 3 and 11 years about sexual orientation and gender re-assignment.

A legal recognition of same-sex marriage will put Anglican bodies who operate in the “secular” society, who wish to maintain and promote a Christian understanding of marriage, in opposition to the law of the land and vulnerable to funding and/or regulatory pressure to conform their teaching to the legal definition of marriage.

- for freedom of religion/freedom of speech for all

Freedom of religion is more than a freedom to worship in private, behind closed doors. It entails a right to manifest those beliefs in the public sphere, to teach those beliefs to one’s children, to promote those beliefs in the public sphere, and for religious organisations such as schools and hospitals to be shaped by those beliefs, without those beliefs being curtailed by the threat of economic boycott, vilification, prosecution, or the withdrawal of public funding. Proponents of the “yes” case openly acknowledge that it will lead to the suppression of religious voices and the supremacy of the secular state. For example, Aubrey Perry argued in the SMH<sup>3</sup>

This survey offers us a conscious opportunity to make a firm stand in support of a secular government and to reject discrimination or favouritism based on religion. It’s our opportunity to say that religion has no part in the shaping of our laws... This little ballot box could deliver the kind of good that changes the course of a nation and moves us toward a government free from religious influence...

If the legal definition of marriage is changed to include same-sex couples, there will remain a very significant proportion of the Australian population who continue to believe that marriage is only between a man and woman, but who will have no legal protection against any detriment they may suffer as a result of continuing to hold, teach and promote that belief about marriage. The more the church is forced to retreat from the world, and speak what we believe in secret in the safety of our churches, the more we inhibit our ability to effectively reach this generation with the saving message of the gospel of Jesus Christ.

<sup>1</sup> Amending Act: <http://www.irishstatutebook.ie/eli/2015/act/43/section/11/enacted/en/html#sec11>

<sup>2</sup> <http://www.thejournal.ie/dail-teachers-section-37-bill-2480209-Dec2015/>

<sup>3</sup> <http://www.smh.com.au/comment/this-survey-is-about-much-more-than-samesex-marriage-20170831-gy83b6.html>

19. The Standing Committee has taken the view that it is prudent – indeed, wise stewardship – for the Diocese to use some of its resources to mitigate these risks. It is for this reason that the Standing Committee resolved on 18 September 2017 to authorise a one-off draw-down of \$1,000,000 from the Diocesan Endowment as its contribution as a partner in the Coalition for Marriage.

For and behalf of the Standing.

BISHOP MICHAEL STEAD  
*Chair of the Diocesan Religious Freedom Reference Group*

21 September 2017



## Archbishop of Sydney

16 August 2017

Dear brothers and sisters

In a matter of weeks, Australians will be asked to decide whether to change the definition of marriage, via a voluntary postal vote.

This is a monumental decision for the Australian public. Since the beginning of creation marriage been defined as the exclusive and life-long union of a man and a woman. As Christians we know it is God's plan; but it is God's plan for humanity, not just the people of God. It is the best structure for society and for the procreation of children in the secure nurture of a family with a mother and a father. Furthermore, this understanding of marriage is reinforced by the Lord Jesus in Matthew 19, where he tells his disciples that marriage is God's idea, and is uniquely expressed in the union of a man and a woman.

Our opposition to including same-sex couples in the marriage bond is not a homophobic reaction. Rather it is our contention that retaining the definition of marriage is best for our society, and especially for the socialisation of children. At the moment, same-sex couples have access to all the benefits that a married couple enjoys, except for the descriptor of 'being married'. There is good reason for this distinction, as same-sex couples cannot by virtue of their biological sameness conceive children. The bearing of children is intricately connected to the sexual union of a man and a woman.

While the proponents of change use the mantra of 'marriage equality', the use of this phrase is deceptive. We recognise that all people are equal in God's sight, regardless of their sexual identity. No one denies that loving relationships can exist between two persons of the same sex. However, men and women are not the same. It is the very differences between the sexes that enhance the marriage union and create the opportunity of the bearing of children.

However, there are also distinct and serious consequences in changing the definition of marriage. We know from recent experiences in the United Kingdom and North America that the ramifications of such a change are profound. Their experience shows us that if the law is changed, it will have direct impact on people of faith and faith-based institutions.

Despite the claims of some, that religious freedom will be protected, all proposed legislation to date has been totally inadequate to safeguard people who work for church-run institutions such as schools, hospitals and universities. It is also unclear

whether church-based organisations will be free to employ staff who share their church's teachings and ethos. In some countries where marriage has been redefined, schools are prevented from teaching that marriage is between a man and a woman, even in faith-based schools.

For these reasons, the Diocese of Sydney has committed to being a lead partner in the Coalition for Marriage. This is a newly-founded partnership of over 80 organisations which has been formed to support the campaign to defend Australia's man-woman definition of marriage.

I invite you to consider helping this Coalition by signing up as a volunteer or providing financial support, both of which can be done at the Coalition's website: <http://www.coalitionformarriage.com.au/anglican>

**Our most urgent task is to ensure that everyone who supports marriage between a man and a woman is enrolled to vote by Thursday, 24 August.**

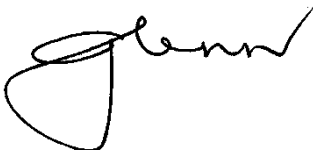
If you haven't already done so, please enrol to vote now. If you have recently moved, ensure your details have been updated with the Australian Electoral Commission. Please ensure that all of your adult family members have done the same. More information and the relevant links are also available at the Coalition For Marriage website.

I also encourage you to be informed about these issues. In February this year, we produced a booklet entitled *What has God Joined Together?* It explains God's pattern for marriage, why it is best for society as a whole, and the negative consequences of same-sex marriage. Please make use of this resource, which is available from your rector, and also online at <http://www.sydneyanglicans.net/marriage>.

The voluntary postal vote has been called a referendum on religious freedom and freedom of speech, and it's very important we all make our voices heard. As Australians, we are not imposing our views on others, rather we are expressing our views as citizens of the country, which we believe is for the good of all Australians.

Please prayerfully consider how you will support this campaign.

Grace and peace



Glenn N Davies  
Archbishop of Sydney

## Mission Property Committee

(A progress report from the Mission Property Committee.)

### Key Points

- A strategically located site in Bringelly has been acquired by the Mission Property Committee in July 2017
- The new Leppington Church was officially opened in March 2017

### Purpose

1. To report progress in the work of the Mission Property Committee (“MPC”) in acquiring land and constructing ministry buildings in areas of the Diocese which are experiencing or are likely to experience a rapid increase in population.

### Recommendation

2. That Synod receive this report.

### Background

3. Under the *Mission Property Ordinance 2002*, the MPC is required to undertake a number of functions including the acquisition of land and the construction of ministry buildings in areas of the Diocese which are experiencing or are likely to experience a rapid increase in population.

### Strategic Land acquired in Western Sydney

4. The MPC acquired 162 Badgerys Creek Rd, Bringelly in July 2017.

5. The cost of \$4.65 million was materially funded by all parishes across the Diocese through the Synod approved greenfields land acquisition levy ordinance (the “Ordinance”). The Ordinance commenced in 2013 and promotes the *Diocesan Mission 2020*. This enables all parishes to support the establishment of church sites in new growth areas.



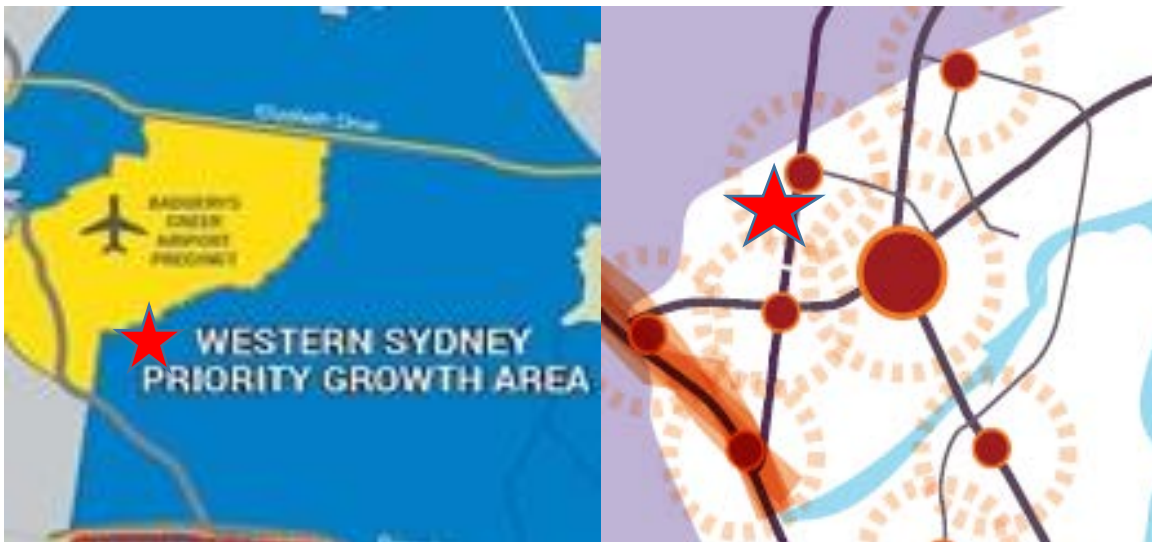
### From a paddock to a church:

*MPC Bringelly site*

6. The 3-hectare site has sufficient land area on which to construct a new church building with car parking areas and room for future expansion in the coming decades.

7. With a forecast population of over 50,000, the land adjoins the future town centre. It is likely to be rezoned from rural to urban purposes in the next 5 years. The site will benefit from new road and rail infrastructure for the Badgerys Creek Airport.





 **Strategic location - Infrastructure and future town centre:**  
*MPC Bringelly site*

### Opening of Leppington Church building

8. The Leppington church building involved refurbishment of an existing building with capacity of 100 persons for the growing church and community. Opened in March 2017, the project features a kitchen, Sunday school rooms and car parking area. A nearby ministry residence provided by MPC was completed in November 2016.



**Leppington church building**

9. The Hope Leppington church plant is now well situated to continue to grow in numbers, under God, in line with the growing community forecast to reach 50,000 people. Funds are currently being raised by the Archbishop's New Churches for New Communities for a larger 250 seat auditorium.

10. MPC continues to address priority property issues in support of the *Diocesan Mission 2020* and our 5 strategic objectives:



For and on behalf of the Mission Property Committee

GEOFF KYNGDON

*Chair*

19 August 2017

## Review of the Mission Property Committee

### 21/16 Membership structure of Mission Property Committee

### 33/16 Resourcing the management and development of parish property

(A report from the Standing Committee.)

#### Key Points

- The Mission Property Committee (“MPC”) has been very effective in strategic purchases of land for future ministry sites, within the constraints of available funds
- Changes of governance and the appointment of an executive director would enhance its effectiveness in its building roles
- A source of funding is needed to initiate re-developments

#### Purpose

1. The report describes the findings of a review of the resourcing and membership structure of the MPC.

#### Recommendations

2. That the Synod receive this report from the MPC Review Committee (“Committee”).
3. That Synod pass the following motion to be moved “by request of the Standing Committee” –
 

“Synod, noting the report of the Mission Property Committee Review Committee provided in response to Synod resolutions 21/16 and 33/16 –

  - (a) requests that Standing Committee, subject to progress on any other developments that affect the MPC, consider amending the *Mission Property Ordinance 2002* to implement the Committee’s recommendations, and
  - (b) notes with gratitude the long-standing efforts of the retiring Chair of the MPC, Mr Geoff Kyngdon.”

#### Background

4. At its session in 2016, Synod passed the following resolutions –

##### **21/16 Membership structure of Mission Property Committee**

“Synod records its appreciation and thanks to God for the good work of all members of the Mission Property Committee in securing sites and buildings for new churches in greenfield areas, and for its advice and support of parishes in brownfield areas; and requests Standing Committee to review the membership structure of the Mission Property Committee in consultation with its chairman and deputy chairman.”

##### **33/16 Resourcing the management and development of parish property**

“Synod, noting the report “Funding for Urban Renewal” and noting in particular the recommendation contained in draft Synod motion 8.5(b)(vi), requests that Standing Committee establish an appropriate task-force or committee (made up of people with relevant expertise) to serve as a resource to parishes in managing and developing parish property for gospel benefit.”

5. At its meeting on 5 December 2016 the Standing Committee appointed a committee comprising the Rev Phillip Wheeler, Canon Stephen Gibson and Mr Clive Ellis to undertake the work requested in resolution 21/16 and report to a future meeting of the Standing Committee.
6. At its meeting on 5 December 2016 the Standing Committee also noted Synod resolution 33/16 and –
  - (a) noted that pursuant to clause 9(1)(e) of the *Mission Property Ordinance 2002* the Mission Property Committee is already responsible for providing advice and support to parochial units which seek to acquire land, sell or otherwise realise land, construct or renovate ministry buildings, develop land, or rationalise or better utilise their land (and has been doing so for a number of years),
  - (b) requested the committee responsible for undertaking the review of the membership structure of the Mission Property Committee under Synod resolution 21/16 to take into account the



- responsibilities of Mission Property Committee under clause 9(1)(e) in conducting its review, and
- (c) requested the committee to conduct a review to determine the resources that would be necessary to allow the MPC to –
    - (i) develop some generic guidelines to assist parishes in determining the priorities for facilities development, and
    - (ii) be more proactive with regards to the development of the facilities of existing parishes.
7. Since we began our review there have been several additional events which intersect with our work, and we respond to them in the course of this report –
- (a) an Anglican Church Growth Trust (ACGT) has been proposed. Under this proposal a Trust would be established, with its own Board and an executive director. It would coordinate the work of fund raising by NCNC, church planting by ENC, and the property acquisition and development work of the MPC. It is anticipated that a proposal will be presented to Standing Committee in September,
  - (b) MPC have presented a report to Standing Committee in July 2017 with a proposal for funding early stages of re-developments in brownfield areas,
  - (c) an Appendix to the same MPC report set out “*Generic Guidelines – Overarching principles to assist parishes in determining the priorities for facilities development*”, and
  - (d) in a brief report to the same July meeting the Strategic Resource Group declared its preliminary support for the funding concept from the MPC, and indicated it would bring a further report in August.

### Consultation

8. The Committee has conducted its work by seeking the views of a wide range of people who have varying levels of contact or involvement with the MPC. We invited them to respond to a survey, and we met with some of them. The survey was initially on paper and then online. The questions in the survey are shown in Appendix 1.
9. Those interviewed or invited to respond to the survey included –
- representatives of parishes in both greenfield and brownfield areas;
  - regional bishops;
  - members of the MPC;
  - ACPT members;
  - members of SDS, who carry out much of the work for the MPC;
  - some members of Standing Committee;
  - NCNC members; and
  - consultants or professional services providers to the MPC.

10. Our review was undertaken at a time when SDS was understaffed in the Property area. An experienced manager had left, and there was a delay in appointing a suitable replacement. The same staff service all parishes and the diocese in property matters. We have taken this into account in our review.

### Current Composition

11. Clause 7 of the *Mission Property Ordinance 2002* (‘Ordinance’) provides that the MPC is to be composed of six persons elected by Standing Committee and three persons appointed by the Archbishop. These nine offices are to be filled after the 1<sup>st</sup> ordinary session of each ternary Synod. Vacancies may be filled, respectively, by the Standing Committee or by the Archbishop. The ordinance contains no further constraints or guidance on composition. The current membership is shown in Appendix 2.

12. A quorum of four people is sufficient to constitute an MPC meeting.

### Current Resourcing

13. In addition to the volunteer efforts of MPC members, the Sydney Diocesan Secretariat employs a division of personnel under the title “Parish and Property Services.” This group is responsible for insurance, the MPC and the Anglican Church Property Trust. Of this, approximately  $\frac{3}{4}$  FTE have been available to service the MPC with services ranging from Secretarial, contract negotiation, preparation and execution,

14. The funds available to the MPC for acquisition of properties and construction of ministry facilities are:
- funds raised by the land levy paid by parishes;

- proceeds from the sale of excess land;
- donations raised mainly by NCNC and directed to MPC for the construction of facilities; and
- fees applied to some parishes for efforts undertaken by the MPC on behalf of parishes.

### **A Brief History of the MPC**

15. The Synod in 2002 adopted a 10-year mission to see people come to know Jesus as their Lord and Saviour. Its big goal was to see 10% of the people in the Diocese become members of Bible-based churches. As part of the long-term thinking behind the mission, it was recognised that a long-term property strategy was needed. This would help ensure that ministry bases were available in the developing areas of the Diocese.

16. The Mission Property Ordinance 2002 was passed. It created a Mission Property Fund ('Fund') and a Mission Property Committee ('MPC'). It set out how the Fund was to be managed, and how the MPC was to be constituted and would operate. The Standing Committee was required to determine the priorities for spending the Fund (clause 5C) under principles set out in clause 5B. The functions of the MPC were set out in clause 9.

17. This review is presented under the headings of three major tasks assigned to the MPC under the Ordinance –

- (a) acquire land in greenfield areas;
- (b) construct buildings for ministry on those lands; and
- (c) provide advice and support to parishes seeking:
  - (i) to acquire, sell or realise land,
  - (ii) to construct or renovate ministry buildings,
  - (iii) to develop land, or
  - (iv) to rationalise or better utilise their land.

18. In addition to these tasks the MPC provides advice to Standing Committee about the strategic value of properties proposed to be sold. It could be described as 'the property committee of Standing Committee'.

19. The Ordinance also commissions the MPC to raise funds for buildings, but this task is now carried out by NCNC.

### **Achievements**

20. The MPC has purchased land at Oran Park, Marsden Park, Stanhope Gardens, East Leppington, Riverstone, Bringelly, Austral and Rossmore. It has completed construction of ministry centres at Kellyville, Rouse Hill, Hoxton Park and Oran Park, and is working on buildings at East Leppington, Stanhope Gardens Riverstone and Marsden Park. MPC oversaw the allocation of the \$20m funds drawn from the Diocesan Endowment in 2007. This was used for the Hoxton Park building, land purchases and the development of 9 parish facilities. MPC provided oversight of the parish construction projects. These projects have enabled the expansion of the ministries in Rooty Hill, Naremburn, Broadway and others.

### **Land in greenfield areas**

21. The MPC has used information about land releases and planned growth areas from the government and other sources to plan and prioritise land purchases, and to make the purchases as funds became available.

22. In 2013 parishes began to contribute to the Mission Property Fund through the land levy. This has raised \$2 million per year to acquire new land. The land levy was reviewed after 12 months and has been continued in the years since. It has enabled the Committee to better schedule its planned purchases of land.

23. Greenfield land purchases were the first and major task of the MPC, and the membership includes the required expertise to carry out this work. As land releases occur slowly and predictably, the SDS staff have been able to handle this area of work. Reports of the progress of planned and actual purchases have been provided to the Standing Committee and the Synod. It seems that parishes see the great value of having their land levies used in this way, and do not object to the impost. This work of proactively seeking sites for future ministry locations where up to 50,000 people might in the future live and work is of great strategic importance. Unless land is acquired very early in the development of a greenfield area a suitable site for a ministry centre becomes very difficult to purchase. There is often a 5-10 year time lag from purchase until development in an area might begin in earnest. The MPC is commended for its efforts in this complex area of urban development.

### **Buildings in greenfield areas**

24. Funding for buildings on greenfield sites comes from generous donors – corporate, parish and individual. NCNC is the body that raises funds for these facilities. Of course, increased funding would allow this to proceed more quickly. Currently only one ministry centre has been constructed with three further projects before various Councils for Development Application approval before letting of contracts for construction.

25. The construction of ministry facilities in greenfield areas has attracted more comments than the purchase of sites. The purchase of land does not create a new parish or ministry. However planning for a building and a ministry to utilise the building and reach the area is the trigger for a new parish. This raises questions about who ought to conduct this ministry and have oversight. Every land acquisition is within an existing parish in the diocese. It is at the discretion of the Bishop of the area as to the future ministry at that location. Inevitably then planning for buildings raises the question of priorities in a way that attracts more scrutiny. Whereas land purchase priorities are based on data concerning land releases and anticipated demographics, the priority for buildings is based on perceived ministry priorities. When there are multiple sites and plans for buildings at several locations in different regions and yet limited funds for construction, determining priorities is not easy. It is suggested that these decisions ought not rest with the MPC alone but rather Standing Committee or some other advisory group.

26. The building projects also require a responsiveness that is different from the land purchases. In the course of planning and gaining approval from Council and in the construction phase, many minor decisions need to be made. If these decisions have to be referred to a meeting of the MPC there will be delays which can lead to increased costs, frustration and possibly lost opportunities. Furthermore the process of gaining a DA involves multiple consultants and maintaining pressure upon Council authority to expedite approval. This is very time-consuming and complex, and MPC is seriously under resourced once multiple projects are before different Councils. MPC identifies this process of gaining approval as one of the chief bottlenecks in delivery of the vision.

27. This suggests that it would be helpful to have someone with authority to make those minor decisions without reference to the MPC. This could be achieved by appointment of an executive director or a revision of the delegation given to SDS staff as they implement the MPC's policies and decisions.

28. SDS is in the process of replacing the former experienced property officer, restoring their number in this area to the usual two. We also note that SDS and the ACPT have agreed to jointly fund an additional property manager, taking their strength to three. With this further appointment the staff allocated to MPC work should increase from the present  $\frac{3}{4}$  FTE to  $1\frac{1}{2}$  FTE. Even with these improvements there is still under-resourcing given the size and complexity of the Synod vision.

### **Brownfield properties**

29. As has been highlighted in several recent reports, there is huge scope and need for improving or re-developing the ministry facilities of existing parishes. MPC and SDS are already doing work in this area.

30. This work may be initiated by any of several means –

- a parish may be conscious of the need to improve ministry facilities;
- developments adjacent to a church site may make it imperative that the site be included. An example is the parish of Brighton-Rockdale, where developments proposed on adjoining sites could leave the Rockdale site 'stranded' with a size too small to develop on its own;
- an approach may be made from the developer of an adjoining site who sees that including the church site would improve the profitability of their own development.

31. Increasingly this work will be carried out in conjunction with external developers, as the funding requirements are well beyond the capacity of most parishes. We consider it essential that the MPC have access to sympathetic developers who can envisage projects and ideas in a way that most parishes will not, and who know how these developments work and can therefore negotiate on equal terms with external developers to gain the best outcome for our churches. This is a different function from architectural design or project management.

32. Each project might cost in the vicinity of \$5-10k for initial feasibility to determine viability. The projects deemed feasible both financially and strategically for ministry would then require additional seed funding to develop the concept to DA stage with consultants, architects and financiers. This seed funding would be recovered from the project once it is underway, and recycled for subsequent projects.

33. Major brownfield developments need to be self-funding. While initial seed funding is required to develop these projects to DA stage, once financing can be obtained from developers and banks the seed funding should be recouped and returned to MPC. In some cases the seed funding might be written off

where a development fails to proceed. MPC is developing a proposal for this sort of approach currently. What is clear is that there simply will not be sufficient funds available in the Diocese to provide substantial grants to parishes in brownfield areas for re-developments. There may be assets sales and consolidation of property resources as parishes amalgamate or rationalise and this capital may be available for development, however until Synod has an appetite for a 'brownfield' property levy similar to the current 2% greenfield levy to purchase land, there will simply not be centrally available funds for brownfield developments.

34. Even if a small levy were agreed, it generates a small amount annually (\$2m) compared with the massive project costs of developments – typically multi-million dollars – and so very few parishes would be assisted. As recent Synod debates highlighted, the decision as to which parishes is very difficult! There are currently at least 30 brownfield projects under consideration that are likely to be financially viable, and so there are opportunities for developments in brownfield areas that will advance the ministry of our diocese.

35. Our Committee discussed how this might be done before we became aware of a proposal from the MPC for just such a process outlined in its report to Synod. We recommend the further development of a concept such as this.

### **Resourcing**

36. The SDS personnel perform a great role in supporting the MPC along with their regular work for parishes. Even with the present vacancy filled, the amount of work which could be generated by MPC in its 3 areas may be overwhelming. The planned addition of another staff member will alleviate this, and it remains to be seen how much the SDS property team can manage. If the Growth Trust proposal is implemented, an executive director may further relieve some of the load.

37. Funding is an ongoing issue – more would be better! The land levy provides a regular and predictable stream of funds for land purchases. The Growth Trust would expect to stimulate contributions by donors for the construction of ministry facilities. And the proposed Property Levy – if it proceeds and is applied as suggested by the MPC – would provide an ongoing source of seed funds to initiate some brownfield re-developments.

### **Governance**

38. The Mission Property Ordinance was passed in 2002. In more recent years there has been a focus on governance in the Diocese as in the corporate world. Synod and Standing Committee have proposed, discussed, refined, approved and further amended a set of governance principles (2013 to 2017). Many diocesan organisations are modifying their structures to comply with these principles.

39. MPC is a committee of the Standing Committee. In our view, the Standing Committee is too large and too remote from the workings of the MPC, especially as the MPC works increasingly in brownfield areas. The business of Standing Committee is far wider than MPC work alone, and some of the MPC's work is confidential as projects are developed. Standing Committee cannot provide responsive and close oversight of the MPC's work in the way that is desirable.

40. The proposal for the Growth Trust could change the governance of the MPC, giving it to a board which would also coordinate the work of NCNC (in raising funds), ENC (in providing church planters) and MPC (in their property role). We see this as a desirable development.

41. We also consider it desirable that the MPC have as a member a clergy person (ideally a Rector without a conflict of interest) with church planting insights and experience. This input would help to ensure that ministry strategies are reviewed and challenged, rather than assumed. Determining priorities and decisions about acquisitions and buildings must be driven by a ministry strategy and experience as much as by demographics, town planning considerations, financial constraints and architectural issues. Questions such as land size, style of building, capacity, and whether land for ministry housing is to be included, have lasting implications and must be resolved carefully based on well-researched ministry strategies.

42. The question has been raised: should the quorum for a MPC meeting require a member of the clergy to be present? While this may be desirable, it would mean that the inability of the clergy member to attend would prevent MPC meetings from proceeding. That would be a poor use of the time of the professional people who give their time to the work of the MPC.

### **Commendations**

43. We want to thank all the members of the MPC, who work diligently to create ministry facilities. We especially want to thank Geoff Kyngdon, who has chaired the MPC from soon after its inception to the present. Peter Kell was the original chair in 2002 until he became CEO of Anglicare in 2004, when Geoff replaced him. Geoff will retire from this role at the end of this year. He has led a fledgling organisation to become a key partner in supporting the ministry of the gospel of Jesus into the future.

**Recommendations**

44. We have not tried to develop fine details of the following recommendations, because they may be overtaken by the other developments mentioned above.

45. We recommend –

- (a) the governance arrangements of the MPC be changed, so that it comes under a smaller, dedicated body instead of directly under Standing Committee;
- (b) an executive director should be appointed with authority to make decisions and to progress projects;
- (c) the MPC composition should include a member of the clergy; and
- (d) the MPC Skills Matrix should be amended to include property development expertise as well as church planting experience.

For and on behalf of the Standing Committee

CLIVE ELLIS

*Chair, MPC Review Committee*

18 August 2017

## Survey questions

- (a) What is the nature of your interaction with the MPC?
- (b) What has been your experience of working with the MPC?
- (c) What comments would you make regarding the MPC's capacity to perform its functions?
- (d) What changes would you recommend to the functions of the MPC?
- (e) What changes would you recommend to the membership structure of the MPC?
- (f) What additional resources would be required by the MPC to be more proactive with regards to the development of the facilities of existing parishes?
- (g) Do you have any other comments you would like to make regarding the MPC?
- (h) In the event that the committee seeks further information, would you be willing to discuss these matters in person or by telephone? If so, please provide your name and contact details.
- (i) Is there anyone else that you are aware of, that you would particularly recommend that the Committee consults with?

## Current membership of the MPC

Member	First appointed	Years	Nature
Mrs Emma Ellis	25 July 2016	1	Standing Committee
Mr Bruce Litchfield	1 November 2008	9	Standing Committee
Mr Robert B Mellor	1 November 2010	7	Standing Committee
Mr Trevor J Ratcliff	1 November 2007	10	Standing Committee
Mr Michael Rowe	21 March 2016	1	Standing Committee
Ms Maureen Peatman	25 February 2013	4	Standing Committee
Mr Glynn N Evans	1 June 2010	7	Archbishop
Mr Geoff R S Kyngdon	1 November 2002	15	Archbishop
Bishop Ivan Y Lee	1 November 2002	15	Archbishop

## Mission Property Committee proposal to provide guidance to parishes undertaking development projects

(A report from the Mission Property Committee.)

### Key Points

- The MPC estimates that additional funding of \$500,000 p.a. is required to meet demand for advising consultants to progress up to 10 parish projects to the feasibility / Development Application stage
- It is recommended that the Standing Committee MPC review sub-committee support the MPC proposal to provide guidance to parishes and prioritise adequate resourcing of \$500,000 p.a. from various sources in 2018 and include this initiative in the funding principles for the triennium period 2019-2021

### Purpose

1. To propose that Standing Committee adequately resource parishes by funding the MPC with \$500,000 p.a. to provide professional and strategic guidance to parishes undertaking development on existing church sites.
2. To provide recommendations on the role of the various diocesan stakeholders (parishes, SDS management, Regional Bishops, MPC, NCNC, ENC, and Standing Committee/Synod) in parish projects. MPC will advise on property development options on parish sites, and be responsible for providing recommendations to Standing Committee.

### Recommendations

3. That the Synod receive this report.

### Background

#### *Demand for resourcing new church facilities in existing parish locations*

4. The ACPT owns approximately 1,100 property titles on trust for parishes. Each parish typically comprises a church, hall and rectory. Many are well located to transport infrastructure which have been up zoned to permit multi-level residential or mixed use development.
5. The number of church buildings across the Diocese has reduced from approximately 400 in 1980 to approximately 350 in 2017. This is due to a pattern of parishes selling off a portion of land holdings to primarily fund building projects. This is an unsustainable practice especially in light of the population growth envisaged in existing urban areas.
6. There has been a structural shift in housing choice across Sydney with greater acceptance of family living in medium and high density housing. Sydney now has more than 100 suburbs where at least half the population lives in a flat or apartment. The 2016 census, released last month, found 42.1 per cent of all dwellings in Greater Sydney are now medium or high-density, representing a 3.5% increase over 2011, a trend set to continue with about 70 to 80 per cent of dwellings constructed in Sydney in 2016 being medium and high density. In Q2, 2017 NSW Government announcement of construction of 5 new inner city medium to high density schools. Ministry to the increasing number of those living in apartments provides both challenges and opportunities. Given that we have approximately 350 church buildings across 270 parishes in these areas opportunities for development on existing sites need to be explored.
7. The NSW Department of Planning reports the population of Greater Sydney is set to increase by 1.74 million people in the 20 years to 2036, with 75%, or 1.3 million, forecast in existing urban areas. There is significant population growth and underlying demand to warrant consideration of the development of existing church sites. Many of these are located within the catchments of the urban renewal corridors and medium density infill locations.
8. Regional bishops have identified 31 parishes that are proposing existing church redevelopment projects. This represents over 10% of existing parishes. These are all at different stages (Refer annexure 2). However the majority of parishes are in need of seed funding to progress the planning, including the testing of project feasibility.
9. Adjoining apartment developments often create pressure for parishes. The parish may either form a consolidated development site or will need to respond to the new built form and vehicular access arrangements. This means that parishes must deal with the property development issues as a priority and perhaps earlier than they would have otherwise envisaged.

10. Accordingly, the MPC recognises that there is a need for resourcing new church facilities in existing parish locations, but parishes are inadequately resourced to advance the opportunities to do so.

*Learning from previous property development ventures*

11. SDS management has observed well-meaning parish volunteers, many of whom may not have expertise in dealing with property projects, be commercially taken advantage of by developers who see the church as a “soft touch”.

12. Historically organisations within the Diocese have been unsuccessful in self managing Brownfield property development. The Moore West (1995) and Bishops court – Greenoaks apartments (2005) developments, where the diocese acted as a property developer, failed chiefly due to a lack of management expertise. This method of the diocese taking on development risks to construct and sell whilst high return is also high risk. An alternative method of obtaining development approval for higher density development in conjunction with a suitable development partner is of relatively lower risk.

13. Appointment of trusted expert advisors will address the aforementioned past failures. Such advisors have the appropriate skills and track record of delivering successful projects. They would conduct a risk assessment with appropriate mitigants (refer annexure 5). They would negotiate with developers and owners of adjoining sites.

14. Lessons learnt from the 2005 / 2006 Synod New Capital Project (NCP) include –

- (a) The significant development constraints on church sites due to heritage listings (27 state listed and approximately 100 local listed heritage items). Restrictive church land zoning issues were also highlighted. There is an inconsistent zoning approach between local government areas. As a result, any proposal to unlock the value in these sites is likely to require expert advice and a period of 3 to 5 years to completion,
- (b) Church trust property is underutilised. There is a total seating capacity of 62,000 across some 350 church buildings in the Diocese. An average Sunday attendance in 2016 is approximately 50,000 adults. Assuming potential for 2 congregations per church building each week utilisation is only 40%. Church buildings are particularly underutilised during most days of the week. Proposals to develop land and encourage mixed uses that are compatible with the church and assist in outreach and connection with the local community are to be encouraged. Wisdom is required in balancing the potential for encouraging other uses such as an income producing lease which should not be pursued if it prohibits new ministry initiatives.
- (c) There is a reluctance from church members to consider the sale of surplus land given the significant emotional attachment of members to church buildings, and
- (d) Any “top down” approach is a poor fit for the parochial culture of the Diocese. The Diocese exists for the parishes not vice versa.

15. SDS management has held meetings with a significant number of parishes over the last decade and anecdotal evidence is that parishes do not have funds sufficient to embark on property redevelopment projects given that seed funding to conduct project feasibility analysis in excess of \$25,000+ is required. Those parishes which do have sufficient funds often appoint the wrong type of consultants. There are a significant number of parishes each year expending significant funds and efforts in requesting architects to prepare detailed projects that are not economically feasible.

16. The charter of the Diocesan Regional Architectural panels is to provide architectural and site master planning advice to parishes. However there is currently a gap in addressing development feasibility, authority approvals or project funding. If appropriately resourced, SDS management could assist parishes in appointment of an advising consultant to conduct an initial economic development feasibility advice first.

17. There is no one size fits all model, with each parish project having a unique brief reflecting the diverse church sites and also the parish: history; ministry strategy, and growth/ life cycle stage. As such, a purely commercially driven approach whereby only external consultants are appointed to deliver parish projects is not considered appropriate.

18. Under the *Mission Property Ordinance 2002*, the MPC has been tasked, among other things, to provide advice and support to parishes which seek to develop their land. However the Parish Property Services team of SDS management does not currently have the capacity to serve the forecast level of service required to provide guidance to these parishes proposing projects. In response to this demand for advice, in June 2017 the MPC and ACPT have partnered to jointly allocate ongoing funding of an additional Manager, Parish Property. This position will assist parishes and the work of MPC with recruitment underway in the second half of 2017.



### Possible structural changes to address problems

19. While the MPC and ACPT have provided funding for an additional manager, Parish Property; there is ongoing opportunity for structural reform of diocesan organisations in order to better support parishes who are seeking property development.

#### *Roles and responsibilities of Diocesan Stakeholders*

20. Based on the lessons learnt from the above experiences, the recommended roles and responsibilities for existing church building and redevelopment projects follows.

- (a) Parishes should –
  - (i) articulate the parish ministry strategy and initiate property projects at the parish grassroots level, and
  - (ii) agree to match dollar for dollar any Diocesan funding for the first \$25,000, such investment typically improving the ownership of the project by the parish (who has “skin in the game”) and its prospects for success.
- (b) Regional bishops should –
  - (i) endorse the parish ministry strategy,
  - (ii) provide detailed comments by involving his Architectural Panel at the appropriate time, and
  - (iii) rank parish ministry priorities across each region for seed funding to be brought to the MPC/Standing Committee.
- (c) Evangelism and New Churches (ENC) should provide ministry overlay and priorities for new church plants/repotting as appropriate in conjunction with the regional bishop,
- (d) External property consultants should be appointed to provide independent professional/commercial advice as required,
- (e) Standing Committee should provide –
  - (i) appropriate funding and approval of priority ranking of funding allocations (in accordance with Synod directions), and
  - (ii) follow a staged gateway approval process for a parish project to provide clarity on the process of binding approvals prior to a parish investing significant resources into a project.
- (f) MPC should provide –
  - (i) high level strategic guidance to parishes and Regional Bishops including –
    - (a) use of Graphical Information System (GIS) to identify location of population growth corridors and development potential of parish sites, and
    - (b) considering and proposing alternative and innovative land uses, delivery models and strategic partnerships to ensure the ongoing sustainability of the subject parish and the asset, and
  - (ii) recommended priority ranking of funding of parish projects to Standing Committee for consideration according to the following criteria –
    - (a) urgency in relation to responding to the timing of adjoining development sites,
    - (b) ministry priority determined by regional bishop/ENC,
    - (c) relative forecast dwelling and population growth within the parish (refer annexure 1),
    - (d) suitability of land for church use in line with parish ministry strategy,
    - (e) potential for harvest from development proceeds/income generation based on complementary development of the site, and
    - (f) project feasibility/prospects of delivery where MPC will give priority to harvesting the low hanging fruit, i.e., those sites with a high chance of success on full or partial redevelopment, and
  - (iii) quarterly reporting to the Standing Committee on the progress of each project the recipient of funding.
- (g) SDS management should –
  - (i) provide guidance to the aforementioned diocesan stakeholders throughout the development process, regular communication and manage expectations, and

- (ii) recommend practitioners whom the parish can engage (subject to a competitive tendering process) based on references from other parishes within each diocesan region based on shared parish experiences and input from other Christian churches within that geographical area. The type of expertise required may include (in chronological order: property advisor/land economist; development manager; lawyer; town planner; commercial negotiator; architect; heritage, project manager; quantity surveyor; hydrologist; traffic expert; ecologist; engineer; acoustic; contamination etc. It is not recommended that the parish choose its own practitioners without first consulting SDS management. It is the past experience of the ACPT that parishes, with the best will in the world, have unfortunately been misled by less than optimal advice. The Diocese is viewed as a soft target by the market, and the Diocese needs to prove the market is wrong. This will also mean we can engage these consultants on proper commercial terms, ensuring the ACPT is not exposed to unnecessary liability.

### **Funding a proposal to provide guidance to Parishes undertaking development projects**

21. The Synod 2016 debate regarding the Funding Urban Redevelopment (FUR) proposal had the potential to inform these initiatives. There was a general consensus that the issue of church facilities in growth areas is of strategic importance for Mission 2020 and needs to be addressed.

22. During 2016/2017 regional bishops have requested SDS management, on behalf of the MPC, to provide assistance to 31 parishes (approximately 10% of all parishes) considering harvest type redevelopment projects (refer annexure 2). It is envisaged that upon announcement of such an initiative a significantly greater number of parishes will come forward. There is a demand for greater resourcing to enable a coordinated approach.

23. In response there is merit in a smaller scale seed funding of parishes (to be refunded upon project completion) to enable the testing of the feasibility of projects and enable some to proceed to the development approval stage. This has the potential to unlock the site value through redevelopment in the short to medium term (3-5 years) with the ability to produce a (sometimes significant) income stream, thereby effectively recycling funds and multiplying the impact to a significantly larger number of parishes in the longer term (5+ years). While parishes are typically "cash poor," many have significant land assets.

24. It is noted such a scheme could be self-funding over the medium term. In comparison to land sales, lease income provides predictable income streams suited to Synod distribution whilst retaining an appreciating asset. This is demonstrated by the following four parish properties' distributed lease income of \$1,240,075 for Synod distribution in 2017 –

(a) Ryde (Kirkby Gardens 96 apartments)	\$529,877
(b) Manly (Corso Shops)	\$257,742
(c) Church Hill (1 York Street office tower)	\$247,964
(d) St James King Street (St James Hall)	\$204,492

25. The changing nature of the Sydney property market currently has real opportunities for us to expand the number of parishes contributing significantly to diocesan initiatives.

### **Conclusion**

26. The MPC has identified a bottleneck that impacts large projects (and potential projects) across the Diocese, often preventing them from ever reaching their initial planning approval stage. The bottleneck is that most parishes hesitate to commit any funds for professional consulting to a project which may not reach fruition, but cannot confirm the viability of a project without engaging consultants. In the absence of confident support, most projects falter and stall.

27. The MPC's contention is that this bottleneck will be removed if, in the course of advising parishes at an early stage, the MPC could access a fund from which to provide a significant portion of the initial consulting fees. If those projects that the MPC identify as most worthy of investment could be financially supported at the initial stages (where the majority currently falter), it should result in a significant increase of investment in development of urban areas among parishes.

28. Any of these projects that are intended to produce an income could then repay the initial consulting fees from the proceeds of the development.

29. It is recommended that the Standing Committee support in principle the funding of \$500,000 p.a. over the 4 year period 2018-2021 for parishes in undertaking development on church sites within non-Greenfield locations to be allocated in accordance with the priorities as outlined in paragraph 20(f)(ii).

**Next steps**

30. The MPC requests that the Standing Committee considers how best to adequately resource the MPC to fund the subject parishes including the following options –

- (a) allocation of the first \$500,000 pa of additional funds arising from the proposed Property Receipts Levy (PRL),
- (b) a 0.5% Parish Development Levy applied to all parish income to raise \$500,000 pa over the next triennium funding period (2019-2021),
- (c) approaching all potential supporters including -
  - (i) Individual Christian investors/companies, and
  - (ii) the Diocesan Endowment,
- (d) inclusion of consultant costs associated with parish projects in the PCR,
- (e) allocation of a portion of the sale/lease proceeds from parish projects to a parish development fund to cover the MPC costs and be recycled towards further brownfield projects.

31. The expectation is that not all parish projects (say 50%) will proceed beyond the feasibility stage. For those projects which do proceed, the application of the large receipts policy by Standing Committee may be used to effectively recycle any windfall gains to be paid into a fund held exclusively for future parish projects.

32. Consideration may be given to funding parish projects having regard to –

- (a) the approval of priority funding for each project being endorsed by the Standing Committee,
- (b) parishes matching funding dollar for dollar for the first \$25,000, and
- (c) parishes agreeing that potential windfall gains at the project completion will be subject to the allocation of development proceeds in accordance with the large receipts policy, if applicable.

33. Endorses the establishment of a future parish property development fund with the objective of becoming financially sustainable over the longer term. Such a fund to be available to progressively work through the various property priorities of each parish including -

- (a) Harvest (site redevelopment),
- (b) Invest (capital expenditure for expansion),
- (c) Hold (current facilities acceptable – regular maintenance only required),
- (d) Funding allocations to allow parishes to –
  - (i) respond to developments on land adjoining church sites. This may include submissions to local council, expert advice, feasibility, joint developments, and
  - (ii) Acquire strategic sites adjacent to parish land or in identified in-fill locations, the MPC has funds to move quickly and purchase that land for the particular parish or the establishment of a new church, and/or consider the development potential by purchasing that land. (For Example Anglican Schools Corporation and Anglicare campus masterplans typically include strategies to act swiftly to acquire adjoining sites as they become available).

For and on behalf of the Mission Property Committee.

GEOFF KYNGDON  
*Chair*

29 August 2017

- Annexure 1 Dwellings forecast (2017-21) by Sydney Metropolitan LGA (Source: NSW Department of Planning)
- Annexure 2 List of parishes where the Regional Bishop requested assistance for harvest projects 2016-17
- Annexure 3 Generic guidelines - Overarching principles to assist parishes in determining the priorities for facilities development,
- Annexure 4 Church Property Development Procedure
- Annexure 5 Managing Project Risks

**Dwellings proposed (2017-21) by LGA (Source: NSW Department of Planning)**

Local Government Area	2016-17 to 2020-21	Ranking	Additional Population (3 persons per dwg)
PARRAMATTA	21,450	High	64,350
SYDNEY	18,250	High	54,750
BLACKTOWN*	13,600	High	40,800
CANTERBURY - BANKSTOWN	12,200	High	36,600
CAMDEN*	11,800	High	35,400
BAYSIDE	10,000	High	30,000
CUMBERLAND	8,850	High	26,550
THE HILLS*	8,350	High	25,050
LIVERPOOL*	8,050	High	24,150
RYDE	7,550	High	22,650
WOLLONGONG*	7,400	High	22,200
CAMPBELLTOWN*	6,700	High	20,100
PENRITH*	6,600	Medium	19,800
INNER WEST	5,750	Medium	17,250
SUTHERLAND*	5,150	Medium	15,450
GEORGES RIVER	4,600	Medium	13,800
SHELLHARBOUR*	4,550	Medium	13,650
HORNSBY	4,200	Medium	12,600
KU-RING-GAI	4,000	Medium	12,000
STRATHFIELD	3,650	Medium	10,950
NORTHERN BEACHES*	3,200	Medium	9,600
NORTH SYDNEY	2,950	Medium	8,850
SHOALHAVEN*	2,750	Medium	8,250
BURWOOD	2,550	Medium	7,650
FAIRFIELD	2,250	Medium	6,750
RANDWICK	2,200	Low	6,600
CANADA BAY	2,150	Low	6,450
LANE COVE	1,850	Low	5,550
WOLLONDILLY*	1,450	Low	4,350
WAVERLEY	1,250	Low	3,750
WILLOUGHBY	1,200	Low	3,600
HAWKESBURY*	1,100	Low	3,300
BLUE MOUNTAINS	650	Low	1,950
MOSMAN	300	Low	900
WOOLLAHRA	300	Low	900
HUNTERS HILL	150	Low	450
<b>Sydney Metropolitan Area</b>	<b>199,000</b>		

\* Denotes LGA also has greenfields locations

\*\* Forecasts have been rounded to the nearest 50 dwellings

### List of parishes where the Regional Bishop requested assistance for harvest projects 2016-17

	Parish	Region
1	Appin	Wollongong
2	Arncliffe	Georges River
3	Bankstown	Georges River
4	Berala	Western
5	Bondi	South Sydney
6	Brighton-Rockdale	Georges River
7	Campsie	Georges River
8	Concord - Burwood	South Sydney
9	Darlinghurst	South Sydney
10	Drummoyne	South Sydney
11	Dulwich Hill	South Sydney
12	Epping	Northern
13	Forestville	Northern
14	Frenchs Forest	Northern
15	Gerringong	Wollongong
16	Granville	Western
17	Hurstville	Georges River
18	Huskisson	Wollongong
19	Leichhardt	South Sydney
20	Lidcombe	Western
21	Menangle	Wollongong
22	Newtown-Erskineville	South Sydney
23	Northbridge	North Sydney
24	North Ryde	Western
25	Oakhurst	Western
26	Penrith	Western
27	Redfern	South Sydney
28	Riverwood-Punchbowl	Georges River
29	Ryde	Northern
30	Surry Hills	South Sydney
31	Toongabbie	Western

#### Notes:

1. List is not comprehensive
2. Only includes projects where harvest/site redevelopment opportunities are proposed. Does not include build or hold projects.

## Generic guidelines - Overarching principles to assist parishes in determining the priorities for facilities development

1. There are two strategic objectives for church property developments.

Firstly to provide contemporary church buildings in support of the parish ministry strategy for community outreach.

Secondly to unlock the value in underdeveloped property assets to fund the mission in the parish and beyond (allocation of proceeds as determined by the Standing Committee).

The following actions should be considered on a case by case basis –

- (a) project feasibility allows the parish to know the highest and best use, and then measure this against the ministry outcomes which may not necessarily be the highest commercial use of the asset, prior to commencing negotiations with third parties,
- (b) fund proposal to authority approval stage, this results in a significant uplift,
- (c) consider allowing church land to be mortgaged,
- (d) retention of land ownership where feasible (refer above principles),
- (e) selection of appropriate development partners/builders/purchasers in a competitive environment following appropriate due diligence, and
- (f) Once construction is underway, the value of the church asset is being increased by the developer, and subject to controls in place, in the event of builder failure the ACPT would have the right to step in and nominate a third party to complete the project.

2. Summary Actions by Parish

### Step 1

Parish analysis

- A. Hold

(built form meets ministry needs – Capex for maintenance and repair).

It is desirable to allocate a minimum of 1% of the replacement value of a building towards building maintenance. Parish budgets and spending are generally less than 0.1%. This leads to higher maintenance costs over the longer term. A long term maintenance plan is required. Funding sources may include grants programs. For example over 450 parish projects have received \$10+million in grant funding under the 2010-16 CBP grants program.

- B. Invest/build

(built form does not meet ministry needs – define need → future builds - Capex for new buildings, repair and maintenance).

- C. Harvest

Partly or completely redevelop the site to meet ministry needs achieving, if possible:

- income stream for parish.
- income stream for future ministry in other brownfield sites as determined by SC on recommendations by MPC.
- hold title to the land.

**Step 2**

Refer parish recommendations to MPC for consideration.

**Step 3**

MPC to provide seed funding for site investigation.

**Step 4**

Proceed with the intention of achieving the proposed redevelopment utilising the experts recommended by ACPT.

3. Further detailed matters.
4. Parish to prepare a CAPEX which leads to determination of –
  - (a) hold (capex for maintenance),
  - (b) Invest/build (apply cap ex to get property up to appropriate facility plus repair/essential maintenance), or
  - (c) harvest (completely redevelop the site; or a combination of invest and harvest on the site).
5. Principles to be applied in this order for harvesting –
  - (a) **MINISTRY CANNOT BE COMPROMISED.** Property projects purpose is to support ministry strategy. Parish to determine how ministry requirements translate to a property strategy and any compatible / complimentary uses.
  - (b) Maintain ownership of contiguous land as first priority, and of separated land such as separate rectory site.
  - (c) Maintain underlying ownership of land, or maintain it by e.g., by long term leasing rather than outright sale.
  - (d) Competitive process managed by a consultant independent of the parish with potential builders/developers/joint venture partners who are credit worthy, have a good track record and are a good fit with the Diocese will be invited to tender. Only in a competitive environment is the highest and best value to be obtained.
  - (e) Anglican entities, such as Anglicare, Anglican Schools Corporation etc. to be invited to submit expressions of interest by way of a coordinated consultation through the ACPT (not ad hoc direct approaches with each parish). The parish will then be in a position to make an informed decision as to the relative merits of each submission e.g., commercial versus missional value of proceeding with Anglican entities. It is important to note that while Anglican entities have a shared gospel mission, the property strategy may not always be compatible.
  - (f) Joint venture may include leasing part or all of the land for 50 years (the average useful life of buildings is 50 years, e.g., 60 Martin Place is being demolished and rebuilt at present).
  - (g) For church sites which have a large enough site area, consider designs in which the church facilities are separate to compatible non-church uses. This has the advantage of a completely separate ground lease, with ACPT able to separate its risks from the developer's interest.
  - (h) From a practical point of view, multi storey development will largely consist of the upper storeys being residential. If feasible the ACPT retains 100% but not less than 76% overall controlling ownership in a strata subdivision. This concept needs to be explored as it may mean that the parish/ ACPT will need to raise funds for the development. Before any decision made in this regard, the usual procedure for developments of this type is to lodge the development application, obtaining development consent, then sell the required number of proposed dwellings/ floor space off the plan thus giving the ACPT the basis for obtaining funds for the development from a bank. Standing Committee is unlikely to support a development that has significant debt at the end of the construction period regardless of ongoing income stream.
  - (i) Historically, church building programs have required the parish to raise a portion of funds from 3 sources: 1 Fundraising by church members 2 Capital injection (property sale, bequest) 3 Loan (must also cover any pledges). Where feasible, it is proposed to minimise the sale of assets, with the principle of focussing on retention of the value of the asset for future ministry expansion and potential rental income as opposed to a cash sum.

6. Types of development models

The parish needs to understand the possibilities of development so that the parish can maximise the benefit of the development for its ministry. These include the following models in order of priority –

- (a) Boundary adjustment and/or subdivision. It depends on the facts of the site. It may be possible to reconfigure the site via a boundary adjustment to retain part of the site for ministry and have part of the site for harvesting. If a boundary adjustment is possible it may not be necessary to obtain development consent. Alternatively, subdivision for excess land where a development consent is required.
- (b) Development with long term lease. ACPT retains ownership.
- (c) Joint venture whereby the land is developed and ACPT retains a majority interest in the stratum – with an aspiration goal / preference to hold 75% of stratum as set out above.
- (d) Land swap: land swap with either Council (which usually has large land holdings) or a private developer. The land swap would need to include the building of new facilities.



## Church property development procedure

There are 6 stages of a project –

### Stage 1: Concept to initial proposal

#### 1.1 Ministry Strategy document

- (a) Potential development can be wrapped around the future Ministry (prepared by parish leadership (and wider congregation consulted at appropriate milestones in consultation) with Regional Bishop).
- (b) The ministry strategy helps members to understand, support and be accountable to the common purpose. The more detail the better and typically includes –
  - (i) purpose statement, vision, Mission, core values, SMART (Strategic, Measurable, Attainable, Realistic, Time Bound) goals, action plans for each ministry,
  - (ii) a summary of key demographics of target community and church members including forecast growth, ages,
  - (iii) plan for outreach to the community and discipling members,
  - (iv) desired future state in 10 years (under God, what does success look like?), then contrast with current reality (be open to question the status quo), identify gaps and how to address them,
  - (v) what church and the community will look like at 2, 5 and 10 year patterns,
  - (vi) plan to address what lies ahead.
- (c) Only once the ministry strategy is clearly articulated can the property strategy be considered.

#### 1.2 Property Strategy/Masterplan

- (a) Parish determines how the ministry strategy translates to the property strategy. Determine accommodation brief, interaction of various ministry spaces, best location on the church property when considering the planning controls.
- (b) A new church building may support, but not attract, ministry growth.
- (c) Summarise good qualities and inadequacies of current buildings and property.
- (d) Determine the problem to be addressed/issue to be overcome by the property masterplan. This may include building, property, staff capacity obstacles.
- (e) Write down all the current and future church needs for each property/building. Consider the following questions: Will the current site accommodate the ministry objectives? Can a major building project be avoided? Can the parish relocate to a property owned by others for certain ministries? How do we maximise the ministry and development potential of the property? Can the existing buildings be altered internally to address issue? For example, removal of large stage area, multipurpose flat flooring with portable staging, dividing walls for small group ministry etc. Can additions to the existing building be made? Can a relocatable building temporarily address the needs? Can the parish relocate staff housing or offices off-site and use the vacated space for expansion? Can the parish use a staged approach to demolish older single storey building with more efficient multilevel buildings? Can the parish buy up adjoining properties for ministry expansion? Should the parish sell existing facilities to acquire a more appropriate property with an existing building? Has the parish sought expert advice independent of the church membership?

- 1.3 Development feasibility study prepared by an independent property advisor.
  - (a) SDS management can provide a Graphical Information System (GIS) analysis to inform the site feasibility study, and then advise the parish on next steps with recommended experts. There is no generic guidance. Each ministry and site is site specific.
  - (b) The feasibility study will identify highest and best land use, requirements of the mission/parish property strategy. Parish then can make an informed decision. For example to forego certain profit margins of the highest commercial use to meet ministry objectives.
  - (c) We have observed that the most common mistake is parishes appoint an architect at the beginning of the process prior to determining the ministry strategy and project feasibility and leading to significant costs. The property advisor is to manage the process which will include sub consultants of town planner, valuer and architect (sketch plans only as informed by the advisor – the architect does not drive this process).
- 1.4 SDS management assists in seeking in principle approval from Standing Committee / MPC

Stage 2: Initial proposal to final proposal

Stage 3: Development approval

Stage 4: Documentation and finance

Stage 5: Contracts to completion (building construction)

5.1 Compliance with Building Works Kit and Major Project Kit

Stage 6: Post completion

6.1 Defects period

6.2 Fire Safety Certificate

6.3 Ongoing CAPEX requirements

## Risk management

1. On the risk spectrum, the Diocese has a low risk appetite/tolerance.
2. SDS management has a significant partnership role with the parish and other diocesan stakeholders to ensure that the risks associated with a proposed project are addressed and appropriately managed. These risks include key objective, stakeholder (internal and external), key person, design, feasibility, financing, consultant, builder, contract, project management, communication and reputational (refer Annexure 4).
3. In addition to the negative risks being appropriately mitigated, positive risks are required to take hold of opportunities. The proposed brownfield initiative will address the risk that the pattern of brownfield land sales will be continued in well-developed submissions to Standing Committee without parishes being adequately resourced to develop their lands in accordance with the aforementioned principles. By not appropriately responding to the continued rapid population growth and being proactive in resourcing parishes at the earliest/feasibility stages, the Diocese risks having no permanent presence that is considered critical to the success of the mission. Acquiring new brownfield sites is cost prohibitive. Alternative church plant models on land owned by others, chiefly public schools, will be increasingly uncertain in our post Christian society.
4. So as to properly mitigate the finance risk, the Standing Committee has historically not favoured the servicing of significant borrowings from any rental income, rather the preferred approach has been that the entire construction debt is paid at project completion by way of the sale of a majority of the development floor space. However, where a site is identified as one from which significant rental returns are possible, a business case could be developed. This would involve selling a relatively lower proportion of floor space and taking on a greater portion of debt, with the loan and interest to be funded from the rental proceeds received. Such a strategy would require agreements for lease to be in place and the approval of bank finance. This issue will need to be considered further on a case by case basis.
5. Identify the risk profile applicable to the proposed development.
  - Minimal risk: lease for 50-99 years and take a ground rent.
  - Minimal risk: Project Delivery Agreement (PDA): provides the land and a guaranteed amount delivered to the ACPT on realisation of the sale with profit share above the minimum amount, plus leasing the land which eventually returns to the ACPT.
  - Moderate/higher risk: joint venture with levels of strata being delivered to ACPT and levels of strata being delivered to the joint venture partner.
  - High risk: take total risk on the development, where ACPT/parish takes the whole risk, and receives the whole benefit. This option should not be discarded out of hand before it is explored.

The current view of the Standing Committee is to sell that proportion of air space in the development so as to be debt free. Typically this will require at least 75% of the floor space in any development project to be pre-sold with 20% deposits held. Such a proposal will require an assessment of the project risks as identified above, in order to consider the potential to fund a development from a minority proportion of debt funding from an ongoing rental income stream.

A decision cannot be made about which option is applicable without exploring the risk and benefit of each option.
6. Key Risks - Property projects commonly lead to the following key risks arising:
  - (a) Key objective
 

The key objectives need to be articulated and understood by all stakeholders. They will usually flow from the underlying ministry strategy of the parish. If the key objectives are not clearly articulated and understood the project may fail to adequately support and may even detract from the ministry strategy of the parish.

(b) Stakeholder

The parish and the ACPT are not the only key stakeholders. They may also include other internal stakeholders such as the Standing Committee of Synod, the regional bishops and regional council, and a financier (such as the Finance & Loans Board).

There are also external stakeholders such as the local council, heritage authorities, external financiers and the local community (particularly neighbours of the church site). Consultation with these stakeholders will be required to varying degrees and at different stages of a project.

A failure to understand the perspectives and procedures of all key stakeholders may mean that necessary approvals are not obtained, or are delayed, adding to the time taken to undertake the project. A failure to manage stakeholder risk may also impact adversely on the reputation of the Diocese, the parish, or an agency within the Diocese or parish or their relationship with the community.

(c) Key Person

It is important that key persons, both clergy and laity, are able to be involved in the project until completion and that - where appropriate - succession planning is carried out. If key persons are removed, there is a risk that the project objectives may not be met.

(d) Design

Where a proposed project involves the construction of a building, the project brief and the design both need to allow the key objectives of the project to be attained in a cost effective and functional manner.

Issues such as environmental sustainable design and the need for ease of ongoing repairs and maintenance are also part of the design risk. The design of the proposed building needs to be appropriately documented by way of plans and specifications.

(e) Feasibility

A rigorous feasibility study will identify and address the significant issues raised (both financial and non-financial) which go to the heart of whether the project can be successfully implemented. The feasibility study will identify what needs to be done to undertake a project to attain the key objectives, the projected project revenues, the projected expenses and the projected time frame.

Not only must the revenues and expenses be understood, but also the time at which the revenues are to be received and the expenses incurred. Projected cash flows (both inflows and outflows) are an important part of the feasibility.

The feasibility will contain assumptions, which must be tested to determine if they are realistic. Important issues of a non-financial nature will also need to be examined. Such issues might include local government planning rules, and whether the project complies with those rules and, if not, whether the matters of non-compliance make it difficult to obtain approval or meet the project budget.

The feasibility should contain a sensitivity analysis which allows the impact on revenues, expenses and cash flows to be measured should any of the assumptions (including assumptions about non-financial matters) turn out to be incorrect in a material respect. A feasibility study may show that a proposed project needs to be revised or that there are other alternatives for achieving the key objectives for which the project is being undertaken.

In an extreme case, the study may show that a project is not feasible. Even if a project is feasible, the feasibility study will need to be reviewed and updated if there is delay in obtaining approvals for the project.

(f) Financing

The method by which the project is to be financed needs to be well understood. Is sufficient finance available to meet any cost overruns? If funds are to be borrowed to meet the costs of the project, is the proposed loan on appropriate terms? Does the parish have the capacity to pay the interest on the loan facility? Does it have the capacity to service the loan if the project expenses increase, or if completion of the project is delayed?

(g) Consultant

Consultants need to be appointed who have the expertise and experience to provide advice about the proposed project. There may be a range of consultants who need to be appointed – including architects, project managers, town planning experts, quantity surveyors, land surveyors, engineers and valuers.

(h) Builder

An appropriate builder must be appointed (by the ACPT on behalf of the Parish) to undertake the project. The builder must have demonstrated an ability to undertake the proposed project, and also have proven financial capacity.

(i) Contract

Contracts, particularly building contracts, need to be on appropriate terms. For example a building contract needs to contain the detailed plans and specifications about the work to be undertaken. It needs to make clear the rights and responsibilities of the parties on matters such as payments, withholdings, insurance, project supervision, variations and weather delays.

(j) Project Management

The project must be properly managed throughout its various stages. A failure to ensure appropriate management can add significantly to the cost of a project or detract from its quality or increase the time it takes to complete it.

The parish will frequently want to have a “hands-on” role in managing its project. Does the parish have the capacity and expertise to do this? Specialist management skills may be especially needed during the construction or development stage. Are such skills available for the project? Please note that the ACPT may require the appointment of an independent project manager (at the parish’s expense).

(k) Communication

There needs to be adequate and timely communication between the stakeholders during the course of the project to ensure that expectations about roles, responsibilities and outcomes are managed. Communication is also necessary to maintain relationships between the stakeholders and the reputations of those involved in the transaction.

## Proposal for a Property Receipts Levy

(A report of the Standing Committee.)

### Key Points

- There is a Scriptural basis for the sharing of parish property income: where there are churches who are in circumstances of “plenty”, it is appropriate to encourage them to share this blessing with those who are in need elsewhere.
- A Property Receipts Levy is considered preferable to the existing Large Receipts Policy with regard to property income because of its inherent transparency and equity. If the proposed levy is adopted by Synod, the Standing Committee intends adopting a revised form of the Large Property Receipts Policy contemplated by Synod in 2015 (shown in Appendix 3) with regard to proceeds from the sale of parish property.
- In line with the theological foundation of the levy being found in “sharing out of surplus”, the proposed levy applies to property income **net** of property expenses related to that income-producing property. This ensures that parishes with income-producing properties that are more expensive to maintain are not unduly levied, while all parishes are able to steward their income-producing properties using the income from those properties prior to the levy being applied.
- It is desirable to ensure that any proposal to shift monies away from well-endowed parishes is accompanied by a compelling vision as to how those monies will be applied to gospel purposes.

### Purpose

1. The purpose of this report is to provide relevant information regarding a proposal to implement a Property Receipts Levy in place of the current Large Receipts Policy of the Standing Committee.

### Recommendations

2. That Synod receive this report.
3. That Synod consider the following motion to be moved “by request of Standing Committee” – ‘Synod, noting the report “Proposal for a Property Receipts Levy” –
  - (a) affirms the principle that the proposed levy should apply only to parish property income,
  - (b) agrees that a property levy should be applied against net, rather than gross, property income because of the theological principle of “a sharing out of surplus”,
  - (c) agrees in principle, that –
    - (i) offertory income (including regular giving, donations, bequests etc) should be used to meet the stipend, allowances and benefits of the minister of the parish and, to the extent possible, other recurrent ministry expenditure of the parish (including maintenance of non-income producing property),
    - (ii) property income should first be used to meet property expenditure, including the maintenance of buildings and adequate provision for future capital expenditure on commercial property before it is used to support recurrent ministry expenditure, and
    - (iii) a proportion of a parish’s surplus property income (i.e., non-offertory income) should be shared with the wider Diocese,
  - (d) supports in principle a Property Receipts Levy (“PRL”) as outlined in the report and attached schedule, and
  - (e) requests the Standing Committee to pass an ordinance to implement a PRL with respect to property income from 2018.’
4. That Synod not consider any amendments which are likely to give rise to material changes to the structure of the proposed Property Receipts Levy unless modelling is available to show the effect of the proposed amendment.

### Background

#### *Historical background*

5. This Diocese has had a policy relating to large receipts since 1960, when it established a “Special Receipts Committee” in response to the following recommendation of the Property Trust –

“That in cases where parishes are to have greatly enhanced receipts and such amounts are, in fact beyond the reasonable needs of the parish, then the surplus should be allocated for other parishes etc and/or diocesan objectives.”

6. This policy position was ultimately reflected in regulations made by the Standing Committee and became known as the Large Receipts Policy (“LRP”). The sale threshold, beyond which the policy applied, was set at \$100,000 in 1975, which was gradually increased to its current level of \$500,000 in 2004. Similarly, a threshold for lease income was set at \$20,000 pa in 1997 and has been increased over time to its current threshold of \$50,000 pa (set in 2012). At its meeting on 19 September 2016, the Standing Committee modified the LRP so that the LRP would also be triggered by a bill for an ordinance with the expectation of investment income exceeding \$50,000 pa.

7. The rationale for the LRP arises from the character of the trusts on which all property is held for every parish: church trusts are not private trusts for the benefit of individual beneficiaries or even for the group of persons who meet and exercise ministry on that property at a particular time. Rather, they are charitable trusts under which the property is devoted to designated purposes of the Diocese in perpetuity, subject to a power to vary those trusts under section 32 of the Anglican Church of Australia Trust Property Act 1917.

*Characteristics of the current Large Receipts Policy*

8. The current LRP broadly provides that where the expected sale proceeds from parish property will exceed \$500,000 or where the expected lease or investment proceeds will exceed \$50,000 pa, the normal expectation is that 15% of the proceeds will be made available for the broader ministry needs of the Diocese. The policy also provides that a higher percentage may be appropriate if the large receipt from a sale exceeds \$1,000,000.

9. As an indication of the volume of funds generated through the LRP, sale contributions under the LRP each year generates in the order of \$450,000, although this fluctuates dramatically. Lease contributions under the LRP have contributed –

- (a) an average \$1,131,000 per annum over the last six years to the Synod budget (between 20% and 25% of the income in the Synod budget), and
- (b) in the order of \$250,000 per annum directly to other ministries in the Diocese.

10. There are several reasons why the current policy has proved unsatisfactory –

- (a) The sale threshold is set at such a level that almost every property sale triggers the policy.
- (b) The 15% amount is presented as a flat contribution against the whole of the sale, lease or investment proceeds with no provision for offsets or expenses that would reasonably be excluded from the income figure before a contribution is expected.
- (c) It is now common practice for a leasing authority for church trust property to be provided within a trust ordinance, rather than a specific parish leasing ordinance. This raises issues of interpretation of the LRP as to whether these trust ordinances constitute a bill for an ordinance that triggers the LRP.
- (d) There is a similar interpretation issue when a bill for a trust ordinance will authorise multiple leases that in aggregate exceed the LRP. As one ordinance is being presented, one interpretation of the LRP is that the LRP should then apply to the aggregate of the leases.
- (e) Licence income is excluded from the policy, yet many parishes receive licence income that far exceeds the LRP threshold.

11. For various reasons, it has become common when a parish submits a bill for an ordinance for lease or sale of a property to seek a partial or full exemption from the application of the policy. This has led to a perception that the policy is applied inconsistently and therefore is unpredictable in its operation.

*LPRP approved in principle at Synod in 2014*

12. Out of a desire to address these problems, the Standing Committee promoted to the Synod in October 2014 a proposed Large Property Receipts Policy (“LPRP”). The LPRP specified that contribution amounts should only apply after the “reasonable property needs” of the parish have been met. The concept of “reasonable property needs” was not extensively defined in the LPRP however the LPRP contemplated that further clarity as to the meaning of reasonable property needs would be provided by guidelines prepared by the Standing Committee. The LPRP also introduced progressive contribution bands for sale and lease income, rather than a single contribution percentage.

13. Although the Synod approved the LPRP in principle in October 2014, it requested that the Standing Committee consult with parishes and bring a revised form of the LPRP to the 2015 session of Synod taking into account feedback received during the consultation.

*Proposal for a levy requested by Synod in 2015*

14. The Standing Committee duly prepared a revised form of policy for Synod in 2015 which if adopted, would among other things, increase the large property receipts thresholds in the policy and provide that the Standing Committee would be guided by the parish in determining its reasonable property needs. However, the Standing Committee also indicated to the Synod that a Property Receipts Levy (“PRL”) may be preferable to a Large Property Receipts Policy. Accordingly, Synod resolution 22/15 was carried in the following terms –

‘Synod –

- (i) noting the Large Property Receipts Policy (“LPRP”) approved in principle at its last session in October 2014,
- (ii) noting its request that the Standing Committee consult with parishes about the LPRP with a view to bringing a revised form to this session,
- (iii) noting the revised form of the LPRP included in the Standing Committee’s report to Synod on this matter (“Report”) together with an outline of a possible Property Receipts Levy as an alternative to the LPRP,
- (iv) noting that during the consultation process some parishes indicated a preference for a form of Property Receipts Levy instead of a LPRP,

agrees that a Property Receipts Levy along the lines described in the Report may be preferable to a LPRP, and therefore requests the Standing Committee to collect the necessary financial data from parishes, and undertake the necessary modelling and further consultation to bring to the Synod no later than its session in 2020 a proposal for a Property Receipts Levy to be considered as an alternative to a LPRP.’

*Synod in 2016 requests options for the levy that results in significant additional funding*

15. At its ordinary session in 2016, the Synod passed resolution 4/16 in the following terms, giving further guidance regarding the form of levy –

‘Synod, noting the report “Funding church planting in urban areas” –

- (a) recommends that the Regional Bishops and the Department of Evangelism and New Churches (“ENC”) encourage and facilitate inter-parochial partnerships, where needed, to allow larger churches to resource the planting of churches in urban areas,
- (b) requests the Large Property Receipts Policy Committee, when presenting the proposed Property Receipts Levy, to include in its modelling an option that provides significant additional funding for ministry initiatives, and
- (c) agrees that if additional funding were provided through a Property Receipts Levy, additional funding for ENC is worthy of strong consideration in order to support church planting initiatives in urban areas.’

*Appointment of a subcommittee*

16. The Standing Committee tasked a committee (“the committee”) comprising the Rev Craig Roberts (Chair), Bishop Michael Stead and Mr Geoff Kyngdon to collect financial data from parishes and undertake some financial modelling in order to propose a Property Receipts Levy. In doing so, the committee has considered as its starting point the primary theological principles relevant to consideration of this matter, and produced a brief outline of these principles in the following section of this report.

**Theological Principles**

17. There are four theological principles that are important to our consideration of the existing Large Receipts Policy and any proposed replacement: Generosity, equality, stewardship, and equity with transparency.

*Generosity in fellowship*

18. It is sometimes argued that there should not be any compulsory levies on church income, because this goes against the New Testament principle of generosity, as expressed in 2 Cor 9:7 – “Each should give what he has decided in his heart to give, not reluctantly or under compulsion, for God loves a cheerful giver”.

19. However, the principle of generosity is also a key justification for two existing diocesan financial structures –

- (a) The existing Large Receipts Policy (“LRP”), which encourages generosity within the local congregation, because the local congregation needs to provide the financial support for its



minister, rather than be reliant on non-offertory income to fund its ministries. A large receipts policy encourages a local congregation to give generously to support the work of local ministry, because “the worker is worth his keep” (Matt 10:10, cf. 1 Tim 5:17-18).

- (b) The Greenfield levy, which we as a Diocese, through legislated generosity, bound ourselves to.

20. In both cases, the Diocese committed to these forms of legislated generosity, as a natural outworking of our common identity and mission in Christ.

*Equality (Sharing the “plenty”)*

21. Paul’s encouragement to the church at Corinth to contribute to a collection for the sake of other churches in need was based on the principle of equality. The “plenty” experienced by one congregation was not something to be hoarded selfishly, but rather something to be recognised as a provision from God to be used for the sake of others in need.

Our desire is not that others might be relieved while you are hard pressed, but that there might be equality. At the present time your plenty will supply what they need, so that in turn their plenty will supply what you need. Then there will be equality, as it is written: “He who gathered much did not have too much, and he who gathered little did not have too little.”(2 Cor 8:13-15)

22. God has blessed us in order for us to be able to be a blessing to others. Where there are churches who are in circumstances of “plenty”, it is appropriate to encourage them to sharing this blessing with those who are in need elsewhere.

*Stewardship*

23. The New Testament encourages us to be good stewards who consider that “our” material riches are in fact resources entrusted to us by our heavenly master, to be used for his purposes and for which we are accountable to him (Matt 25:14-30; Luke 19:12-27, cf. Luke 16:1-13). For those entrusted or endowed with more, more is expected.

From everyone who has been given much, much will be demanded; and from the one who has been entrusted with much, much more will be asked. (Luke 12:48)

24. Where a parish has significant non-offertory income streams generated by the capital assets entrusted to it, it is appropriate that proportionately more should be expected from the parish to provide for other parishes who have not been entrusted with as much.

*Equity with Transparency*

25. The three principles above underpin the existing LRP. There is a fourth principle that indicates the need for a modification to the existing policy – that of equity with transparency. There is a degree of inequity in the way that the existing LRP applies to parishes. The LRP is a policy of Standing Committee that applies to property sale and leasing ordinances. It does not apply to income received from licences not subject to an ordinance. This means that Parish A, which receives (say) annual **lease** income of \$90,000 is subject to the LRP, whereas Parish B, which also receives (say) \$90,000 p.a. by way of two **licences** for \$45,000 is not subject to the LRP. This is an inequity in our system that needs to be addressed.

26. Furthermore, the subjective basis of the existing LRP does not always lead to a consistency of outcomes. The current LRP relies on an assessment of a parish’s “reasonable property needs” and what constitutes a “windfall gain”, both of which are open to subjectivity and inconsistent application. The proposed levy is a straight-forward mathematical formula that applies to parishes consistently across the board, and allows each parish to readily determine the impact of the levy on its affairs. This liberates parish leadership from wrestling with definitions and allows everyone to anticipate the precise impact of the policy well in advance.

**Considerations of a levy vs a policy**

*Benefits of a levy vs. a policy*

27. One of the principal reasons for considering a levy flowed from the desire to share among more parishes the responsibility for contributing to Synod funded ministry. Currently, four parishes provide 96% of lease contributions to the Synod budget. A levy is able to be administered simply (alongside the parish cost recoveries [“PCR”]) and so allows all parishes with property income to contribute efficiently. It is not expected that the amount contributed by the current four largest contributors would vary significantly, but would be supplemented by contributions from all parishes.

28. As noted above, the practice of parishes seeking a partial or full exemption from the application of the existing policy has resulted in the perception that the policy may be applied inconsistently or may be

unpredictable in its operation. The proposed levy is intended to be a simple application to all non-offertory income, and so consistent and transparent in its operation.

29. The existing policy has created uncertainty, particularly as an increasing number of leases are authorised by a single trust ordinance. The existing policy leaves open for interpretation the question of whether a trust ordinance that provides for multiple leases should trigger the LRP, and creates inequality for parishes who use the preferred vehicle of a trust ordinance, rather than separate leasing ordinances. In contrast, the proposed levy does not discriminate between lease and licence income in a parish, and provides certainty around how parishes will contribute to the wider work of the diocese.

30. The current policy has a single, prescribed contribution amount, which does not address the varying levels of property income among parishes, and has resulted in the situation where it is exceptional that a parish contributes the prescribed amount. The levy incorporates progressive contribution bands which provide opportunity to establish a contribution-free threshold and successive contribution levels that represent the will of the Synod with regard to proportional giving.

31. The process by which parishes seek exemption requires significant discussion and reporting, followed by debate at Standing Committee. Accordingly, the process of administering the policy becomes quite time consuming for all involved, and is still prone to the perception of being inequitable and opaque. By contrast, the proposed levy is administratively simple and is to be applied without variation due to circumstance, so is expected to be equitable as well as efficient.

#### **Property Receipts Levy characteristics**

32. There are a number of key issues that have been raised and considered during the consultation process held over a number of years, which have contributed to the design of the proposed levy. These are briefly outlined below.

##### *A levy on property income*

33. The proposed levy is intended to apply to recurring income rather than proceeds from the sale of property. In the event that Synod adopts the proposed levy, the Standing Committee intends adopting an amended form of the Large Property Receipts Policy considered by Synod in 2015 as shown in marked form in Appendix 3.

34. There are two types of income that parishes may receive –

- (a) Through the generosity of the current parishioners, all parishes receive offertory (which for the purposes of this paper is defined widely, to include bequests and other donations, including large one-off donations).
- (b) Some parishes receive income from land and buildings, or interest and investments. This is known as “property income” and is available to those parishes as a result of the generosity of previous generations and the advantages of geography. Parishes with property income may have substantial assets and the opportunity to generate significant additional income. The proposed PRL is intended to apply only to property income, as a means of redistributing wealth throughout the diocese.

35. With respect to the PRL, a parish’s “property” includes both its real property (land and building assets) and its personal property (investment assets, e.g., trust funds, term deposits). The levy will apply equally to income generated from both classes of assets. To do otherwise (for example, to exempt investment income as was suggested in feedback sessions) would discourage parishes from investing in their real property. Whether a parish has a property generating lease income, or whether the property is sold and the proceeds invested, the levy will apply regardless. Applying to both forms of property income is also demonstrably more equitable and transparent.

##### *Application to property income net of related expenses*

36. A levy could be applied either to the gross property income of a parish, or to a parish’s property income net of related expenses. Applying the levy to the gross amount would have the advantages of being simpler to administer and easier to forecast the amount of funds raised by the levy. However, given that the theological foundation of the levy is found in “sharing out of surplus”, the form of proposed levy recommended by the committee applies to property income **net** of property expenses related to that income-producing property.

37. Applying the levy to net property income rather than gross property income also ensures that parishes with income-producing properties that are more expensive to maintain are not unduly levied. For example, consider two parishes, each with a property generating income of \$100,000 p.a. One parish may have related property expenses (including mortgage repayments) of \$80,000 p.a. which means that the net income to the parish is only \$20,000 p.a. The other parish has relatively few expenses (say \$10,000 p.a.), and receives a net income of \$90,000 p.a. If the levy were applied against gross income, both parishes would be expected to contribute the same amount, with the first parish drawing from net income of only \$20,000 while the second can draw from net income of \$90,000. However, if applied against net income, each parish contributes in proportion to their net income received. This satisfies the principles of "equality" and "equity".

38. Applying the levy to net property income rather than the gross property income allows parishes to steward their income-producing properties using the income from those properties prior to the levy being applied. It was felt appropriate that the maintenance and improvement of income-producing properties should be able to be paid for with the income prior to any levy being applied.

39. Applying the levy to net property income rather than gross also allows the proposed levy to address many of the concerns raised during consultations with parishes. Following consultation with parishes, the Committee identified that the following expenses should be considered as deductible –

- (a) principal and interest portions of mortgage repayments on income-generating properties,
- (b) lease payments for a place of public worship (for example, if a parish uses property income to finance the rent it pays for a leased church meeting place), and
- (c) mortgage repayments, lease payments or housing allowances for a residence for ministry staff where there is a corresponding residential property owned by the parish that is generating lease income (for example, where a ministry residence owned by a parish is unsuitable for its purpose and is rented out in order to fund the leasing of another residence for a minister).

The Standing Committee subsequently added the following further category of deductible expense –

- (d) property insurance component of the Parish Cost Recovery (PCR) charge.

40. It is expected that the deduction for expenses from income producing property is capped at the amount of the total income from that property - i.e., parishes are not allowed to offset "pooled expenses" against "pooled income". For example, consider a parish with a hall and a residence both generating property income. The hall attracts \$10,000 of property income with related property expenses of \$50,000; while the residence generates \$42,000 in income, with related property expenses of \$5,000.

	<u>Hall</u>	<u>Residence</u>
Net property income =	\$10,000 - \$10,000 (Capped) +	\$42,000 - \$5,000 = \$37,000

41. The intention of this aspect of the policy is to ensure equity across parishes in the application of the policy.

42. By allowing reasonable expenses to be offset, parishes are not penalised for appropriate financial decisions or decisions made for the care of their staff. For example, if a parish leased out a residence that was not suitable for their ministry staff and used the income to pay a housing allowance, it would seem unreasonable for any portion of the income that is used towards the housing allowance to attract the levy. Similarly, if a parish does not have a suitable property in which to conduct its public ministry, but uses property income to fund the rental of a suitable place of public worship, it would seem unreasonable to levy any portion of that property income that is needed to fund the rental of the place of worship.

*Limiting the amount of expenses that may be offset*

43. Consideration was given to applying the levy to property income net of all property related expenses, including expenses for ministry properties. While this may seem attractive in terms of using property income to maintain property, such a mechanism will have a number of unreasonable consequences which render this option unworkable and as such has not been pursued –

- (a) All parishes need to maintain their ministry properties whether they have property income or not. Where a parish is fully utilising its properties for ministry purposes, it has no other income sources to maintain and improve its properties, and this must be fully funded by the congregation. Such a mechanism would give further advantage to parishes that have property income, allowing ministry property expenses to offset levy contributions.
- (b) Such a mechanism would favour parishes with larger property income: consider two parishes with similar property income where the first can afford to use the property income to maintain the ministry property, while the other parish needs the property income to supplement other

ministry costs. In this example the first parish would be able to offset all of their property income and contribute \$0 to the levy; while the parish in greater need will contribute the full portion of the levy.

- (c) There is significant capacity for most parishes to spend on ministry property and totally offset any property income. In 2015, parishes in the Diocese spent in total more than ten times as much on ministry property than on income producing property. One result of this reality is that the number of parishes contributing anything through the levy would be expected to dramatically reduce, meaning that a larger burden will be placed on a smaller number of parishes.
- (d) The purpose of the levy is to share among more parishes the responsibility for contributing to Synod funded ministry. The levy must be by some measure predictable, because ministries funded by the Synod will rely on the proceeds of the levy. Introducing the possibility that parishes may offset ministry property expenses to reduce their contribution to the levy has potential to significantly change spending patterns and ultimately introduces a level of unpredictability that will make the levy unworkable.

#### *Modelling of application of the levy*

44. It is anticipated that Synod may be desire to test the application of the levy against gross property income, or in an expanded form of net income that allows expenditure on ministry property to be offset. Accordingly, to outline the possibilities and demonstrate the likely required contribution bands under different models, appendix 4 outlines three different models of levy application, as well as indicative contribution amounts from each parish under each model.

#### *Efficient administration of the levy*

45. In order for the proposed levy to be administered efficiently, existing categories of income and expenditure currently used in the Prescribed Financial Statements ("PFS") have been employed to define net property income and it is intended that the levy contributions be calculated from audited financial statements submitted by parishes each year in a similar fashion to the Parish Cost Recoveries.

46. While total property income can easily be identified from existing categories in the PFS (4-3000 and 4-5000), and "Expenses for property lease income" (6-7000) captures most expenses related to property income, the other expenses identified as deductible in paragraphs 39 are not currently captured by a unique account code in PFS. It is intended that these additional categories will be assigned unique account codes in the PFS so that parishes can report these amounts in their annual financial returns.

#### *Consistent application of levy, with option to remain under ordinance*

47. The theological principles of equality and equity with transparency suggest that the proposed levy should apply as uniformly as possible, and involve as simple a calculation as possible. In order to achieve this, the proposed levy avoids any reference to "reasonable property needs" and allows certain deductions to all parishes, with no place for "special case" exemptions. It is expected that this will result in greater efficiency and integrity of administration of the levy.

48. Many parishes have an ordinance that sets out the percentage contribution from existing lease income. These ordinances will continue to operate on their current terms until the expiry date of the ordinance. The PRL would not apply to lease income which is already levied in some manner under ordinances (i.e., there is no "double taxation"). Parishes will have the option to renew their ordinances on expiry, and parishes not currently subject to special arrangements will have the option to seek special arrangements via an ordinance.

49. It is anticipated that Standing Committee would consider such ordinance conditions in light of the contribution that would otherwise be made under the levy, and then to take into account any exceptional circumstances in the parish. The committee expects that this approach will allow a gradual transition to a levy-based approach that will not jeopardise ministries which are currently funded through present ordinance arrangements. At the same time, the option for special arrangements via ordinance allows flexibility for genuinely exceptional circumstances.

#### *Creation of a sinking fund as an allowable property expense in arriving at net property income*

50. Consideration was given to treating any funds that a parish sets aside for future expenses (in a sinking fund) related to property income, as an additional form of property expense (and consequently reducing the amount of income upon which the parish is levied). This approach would likely have the benefit of encouraging parishes to set aside funds for their future property needs, but would also add an additional level of complexity, while reducing the predictability of the level of income from the levy.

51. Ultimately, given the desire to apply the levy with equity and transparency, it was felt that this is better achieved with a simple levy applied on the income after actual costs only are taken into consideration. This also has the additional benefit of neither advantaging nor disadvantaging any parishes over others.

52. It was also noted that the PCR does not allow for a sinking fund type offset in calculations for the PCR, and suggested that the levy is best applied on the same principles as the PCR. Consequently, if exemptions for funds added to a sinking fund are worthy of pursuit, it would be more appropriate to consider these in conjunction with the net operating receipts rather than being applied only to this proposed levy.

*The effect of a property levy in addition to the PCR and Greenfields Land levy*

53. Each parish's property income is already being assessed alongside their offertory income through the Parish Cost Recoveries and the Greenfields Land levy. The proposed contribution rates have been set mindful of this economic reality.

**Forecast proceeds of the levy**

54. Various modelling has been used to determine the likely income from this proposed levy, with the expectation that this proposal should result in a net increase of at least \$500,000 p.a. available for ministry funding. This arises from the expectation that those parishes who currently contribute will not give substantially less, while many other parishes will provide contributions in addition to the amounts currently received. However, this forecast income cannot be viewed as anything more than an indication, for several reasons –

- (a) The modelling has necessarily relied on data from parishes in 2015, whereas the levy could only reasonably commence using accounts from 2018 at the earliest. Significant changes will have occurred in those intervening years.
- (b) The current PFS accounts provided by parishes do not specify certain types of expenses which will be deductible for the purpose of calculating the levy (e.g., mortgage repayments on income producing properties).
- (c) The proposed levy may encourage parishes to spend more on the maintenance of their income-producing properties, which will reduce the amount to which the levy would apply.

55. By Synod resolution 4/16, the Synod expressed its recognition that additional funds may be generated through the proposed PRL, and asked the Committee to provide an option in its modelling that would generate significant additional funding for ministry initiatives. The resolution went on to identify Evangelism and New Churches as worthy of strong consideration as a recipient of additional funding if additional funding became available through the proposed levy.

**Application of funds**

56. It is outside the terms of reference of the committee to develop a detailed proposal for the use of the additional funds generated by the proposed PRL. However, the committee recommends that the following principles should be present in any proposal for application of funds generated by the proposed levy –

- (a) Existing Synod commitments should be maintained: The current LPRL and/or ordinance variations currently generates in excess of \$1m per annum, which funds a range of ministry initiatives. This funding should be maintained, and the framework below is only to apply to "additional" funds raised by the PRL above an agreed benchmark figure.
- (b) Funds derived from capital assets should be used to build the capital base of the Diocese: The PRL funds have been derived from capital assets and as a matter of principle, should be used to build the capital base of the Diocese. We therefore do not recommend that the funds used "to support church planting initiatives in urban areas" (as per Synod resolution 4/16).
- (c) Funds derived from the PRL should be used for the benefit of existing urban areas of the Diocese: The PRL funds should be used to stimulate property development for parishes in urban areas. This fills the obvious gap in our Diocesan Property strategy. We currently have a Greenfields levy and NCNC as a strategy for church expansion in the developing areas of Sydney (where 30% of the population growth is projected to occur) but no strategy to support church expansion in the rest of the diocese (where 70% of the growth is projected to occur).

57. The committee has become aware of the proposal of the Mission Property Committee to provide guidance to parishes undertaking Brownfields projects, which will require significant funding. The committee is of the view that such a proposal is consistent with the principles outlined above, and strong consideration should be given to funding that proposal with the proceeds of the PRL.

58. The committee also suggests that any additional funds not required for the Synod budget and beyond the needs (up to a maximum of \$500,000) of the MPC proposal for brownfield development, may be

provided as grants for capital development to fund urban renewal, and suggests the following framework as a mechanism to apply those funds –

- (a) Grants to be administered by the Mission Property Committee (which may need to have its terms of reference and membership augmented accordingly).
- (b) Any parish may apply for a dollar-for-dollar matching grant, on the following basis –
  - (i) The parish must be able to contribute at least \$50,000 from funds that it has raised internally for that project.
  - (ii) There is no maximum project size, but the maximum grant is \$250,000.
  - (iii) Priority will be given to parishes that have not previously received a grant.
  - (iv) Priority will be given to projects that increase ministry capacity (eg. expanded church, new hall) rather than projects which restore or maintain existing capital assets.
  - (v) The Standing Committee may provide further guidelines to the MPC to assist it to assess the priority projects.
  - (vi) The MPC will determine a list of priority projects in a given year.
- (c) If there are insufficient funds for all priority projects, the grants are to be applied in proportion to the matching amount raised by the applicant parishes.

59. The intended effect of these principles is that parishes who have a sufficiently missional and supported project (as demonstrated by an ability to raise \$50,000 or more internally) could expect to have that amount matched by the Diocese for their project.

60. The threshold of a \$50,000 matching amount is intended to ensure that only projects of a certain size are provided grants and the scheme is not overwhelmed with applicants. A parish with a significantly larger project could apply for a grant up to \$250,000 provided the parish could raise \$250,000 internally. It is felt that these measures will be transparent, easy to administer, and should generally ensure that the funds raised go to worthy missional projects that have the backing of the congregations involved.

#### **Commencement, phase in and review**

61. If the proposed levy is passed in Synod in 2017, it will apply to income generated in 2018, which will be reported through the PFS in 2019, with the levy being paid in 2020.

62. It is expected that most parishes will contribute to the proposed levy. In order to minimise the impact on ministries, the proposed levy incorporates a phase-in period where –

- (a) in the first year of application (i.e., 2020), contributions would only attract 33% of the normal levy contribution for each parish,
- (b) in the second year (2021), contributions would attract 67% of the normal levy contribution, and
- (c) in the third year, the full levy would apply for the first time.

63. The proposed levy should be reviewed 5 years after commencement, with subsequent review periods being set at that time.

For and on behalf of the Standing Committee.

THE REV CRAIG ROBERTS  
*Chair, Large Receipts Policy Review Committee*

22 August 2017

**SCHEDULE**

**Proposed Property Receipts Levy**

*Income to which the levy applies*

1. A levy is applied at the rate set out in paragraph 4 to each parish’s “net property income”, unless the property income is already subject to contribution under ordinance.
2. Net property income is the total property income (from licences and leases on commercial and ministry residences, and from dividends, distributions and interest) net of expenses incurred for those income-generating properties, and other named deductions as set out below. The standard diocesan chart of accounts describes the relevant income as follows –

- 4-3000 Property Income (lease rental from commercial and residential properties, licence fees and casual booking fees)
- 4-5000 Finance income (bank interest, investment income and ACPT Client Fund income)
- 6-7000 Expenses for Property lease income\*, including costs and payments in relation to –
  - 6-7500 mortgage repayments on leased properties
- 6-9000 Other expenses deductible for the purposes of this levy, including –
  - 6-9### leases for a place of public worship
  - 6-9### mortgage repayments, leases or allowances for a residence for ministry staff where there is a corresponding residential property owned by the parish that is attracting lease income in order to fund the ministry residence in use
  - 6-9### property insurance component of the Parish Cost Recovery (“PCR”) charge.

\* A deduction for expenses from income producing property is capped at the amount of the total income from that property. i.e., parishes are not to offset “pooled property expenses” against “pooled property income”.

3. The levy for each parish is calculated as follows = [4-3000] + [4-5000] – [6-7000] – [6-9000]

*Contribution amounts*

4. The following table sets out the rate at which the levy is applied –

Net property income	% Levy to be applied (within the income band)	Levy contribution
\$0-10,000	0%	0% of every dollar
\$10,000-50,000	5%	5% of every dollar > \$10K
\$50,000-100,000	15%	\$2,000 + 15% of every dollar > \$50K
\$100,000-200,000	25%	\$9,500 + 25% of every dollar > \$100K
\$200,000-400,000	35%	\$34,500 + 35% of every dollar > \$200K
\$400,000+	45%	\$104,500 + 45% of every dollar > \$400K

**Example applications of levy***Example application of various amounts*

1. To illustrate the application of the levy, the following are examples of the levy contribution with various amounts of net property income –
  - (a) net property income of \$20K would contribute \$500
  - (b) net property income of \$40K would contribute \$1,500
  - (c) net property income of \$67K would contribute \$4,550
  - (d) net property income of \$170K would contribute \$27,000
  - (e) net property income of \$285K would contribute \$64,250
  - (f) net property income of \$1,000K would contribute \$374,500

*Example of parish with funds earning interest*

2. A parish may be setting aside funds over many years for the purpose of a new parish hall. In such a situation, there may be \$500,000 in an account earning interest of 3% pa. For this parish, assuming no other income or associated costs, the net income is \$15,000 pa. The contribution arising from that interest amount would be \$250.

*Examples of various sources of property income*

3. A parish may have investment income of \$10,000. If the parish has no other property income, the parish will contribute \$0 to Synod funds.
4. A parish may have investment income of \$10,000, and a leased property with income of \$23,000 and related expenses of \$3,000. This parish has net property receipts of \$30,000 from which \$1,000 would be contributed to Synod funds via the PRL.
5. A parish may have property income from a leased residential property of \$30,000 p.a., but may be providing a housing allowance to a staff member of 30,000 p.a. This parish will contribute \$0 to Synod funds from the lease income.



## Large Receipts Policy of Standing Committee (currently in place)

### *Church Trust Property*

1. Property is "church trust property" if it is subject to any trust for or for the use, benefit or purposes of the Anglican Church in the Diocese of Sydney or any parochial unit or diocesan organisation in the Diocese.
2. All church property in this Diocese has been donated to trustees, or has been acquired with money placed in the hands of trustees, for the purposes of parochial units or diocesan organisations or for specific or general purposes within the Diocese.
3. Church trusts are not private trusts for the benefit of individual beneficiaries but are charitable trusts under which the property (subject to the power to vary those trusts under section 32 of the *Anglican Church of Australia Trust Property Act 1917*) is devoted to designated purposes in perpetuity. It is not held on trust solely for a group of persons who may have the right to use it for the time being and the obligation to maintain it.
4. When an Ordinance is promoted to provide for the sale or lease of church trust property the Standing Committee represents the interest of the Diocese as a whole and has established these guidelines to assist promoters in an appropriate sharing with the Diocese.

### *Large Receipts*

5. The Synod and the Standing Committee have recognised that many sale ordinances (and some leasing ordinances) may contain a "windfall" element.
6. Among several Synod and Standing Committee resolutions on this subject, 3 can be summarised as –
  - (a) Where parishes have greatly enhanced receipts which are beyond their reasonable needs, then the surplus should be shared with the rest of the Diocese.
  - (b) It is not in the interests of any parish to be in a position where free-will offerings of the people are not needed to maintain its work.
  - (c) Parishes should review their resources and incomes to identify any which might be allocated to new housing areas.
7. A bill for an ordinance involves a "Large Receipt" if –
  - (a) expected sale proceeds exceed \$500,000; or
  - (b) expected leasing or investment income exceeds \$50,000 pa.

### *Sharing with the rest of the Diocese*

8. The normal expectation for a large receipt is that 15% of the proceeds will be added to the capital of the Diocesan Endowment and benefit the Diocese generally by helping to increase distributions of income available to the Synod. Notwithstanding this, upon special application, 15% of the proceeds may be allocated to other Diocesan beneficiaries to further the Diocesan Mission.
9. A higher percentage may be appropriate if the large receipt exceeds \$1 million.
10. In addition to any allocation under 10.11 or 10.12 the promoters of an ordinance may recommend specific allocations for parochial or extra-parochial purposes.
11. A bill for an ordinance meeting these guidelines would not normally be referred to an ordinance review panel.
12. The promoters of a bill involving a large receipt may give reasons why these guidelines should not be followed for their bill.

### **Relationship with proposed property levy**

By resolution 52/15, the Synod requested the Standing Committee to adhere to these guidelines for large receipts until such time as a proposal for a levy as an alternative to a large property receipts policy is considered by Synod.

## Large Property Receipts Policy

The original form of the Large Property Receipts Policy considered by Synod in 2015, is shown below with amendments in marked form indicating proposed changes to the policy for adoption by the Standing Committee.

### Large Property Receipts Policy

#### Church Trust Property

1. Property is "church trust property" if it is subject to any trust for the use, benefit or purposes of the Anglican Church in the Diocese of Sydney or any parochial unit or diocesan organisation in the Diocese.
2. All church trust property in this Diocese has been donated to trustees, or has been acquired with money placed in the hands of trustees, for the purposes of parochial units or diocesan organisations or for specific or general purposes within the Diocese.
3. Church trusts are not private trusts for the benefit of individual beneficiaries but are charitable trusts under which the property (subject to the power to vary those trusts under section 32 of the Anglican Church of Australia Trust Property Act 1917) is devoted to designated purposes in perpetuity. It is not held on trust solely for a group of persons who may have the right to use it for the time being and the obligation to maintain it.

#### Rationale for this policy

4. The Standing Committee Synod considers that it is the responsibility of each parish to ensure, as far as possible, that its reasonable property needs for effectively undertaking ministry are met.
5. The Standing Committee Synod recognises that in order to meet a parish's reasonable property needs it is sometimes necessary or desirable to sell ~~or lease~~ church trust property held for the parish.
6. The Standing Committee Synod also recognises that sometimes the sale ~~and leasing~~ of parish property will give rise to a large property receipt which is beyond the reasonable property needs of the parish.
7. In these circumstances, the Standing Committee Synod considers that a portion of the large property receipt in excess of the reasonable property needs of the parish should be shared with the rest of the Diocese.

#### When does this policy apply?

8. This policy will only apply if there is a large property receipt. For the purposes of this policy, a large property receipt will arise if –
  - (a) the net sale proceeds of parish property is expected to exceed \$1,000,000, ~~or~~
  - (b) ~~the net leasing income from parish property is expected to exceed \$100,000 pa.~~

#### What are the reasonable property needs of a parish?

9. The reasonable property needs of a parish means that combination of land, buildings and associated infrastructure (and the means to maintain, renovate or replace such property) as is reasonably required by the parish to effectively undertake its ministry both currently and into the foreseeable future.
10. The Standing Committee will be guided by the parish in identifying its reasonable property needs.

#### Promotion of bills which give rise to a large property receipt

11. The statement of evidence accompanying a bill for the sale ~~or lease~~ of parish property which gives rise to a large property receipt should identify the reasonable property needs of the parish. If those reasonable property needs are currently not met –
  - (a) the statement of evidence should also include a plan to ensure the parish meets those needs, and

- (b) the bill should provide, as a first priority, for the application of the large property receipt in or toward meeting those needs in accordance with that plan and in conformity with any policy of the Standing Committee concerning the application of sale proceeds ~~and property income~~.
12. If a bill for a sale ~~or lease~~ of parish property gives rise to a large property receipt and –
- (a) the reasonable property needs identified by the parish are less than the amount of the large property receipt, or
  - (b) the parish does not adequately identify or plan to meet its reasonable property needs, the amount necessary to meet the reasonable property needs of the parish is, for the purposes of this policy, taken to be \$1,000,000 ~~in the case of a bill to sell parish property and \$100,000 pa in the case of a bill to lease parish property~~.

### Sharing with the rest of the Diocese

13. The ~~Standing Committee's~~ Synod's normal expectation for a large property receipt arising from a bill for an ordinance to sell parish property is that the parish should share 15% of any amount in excess of its reasonable property needs with the Mission Property Committee as an addition to the Mission Property Fund. If the excess is expected to be greater than \$500,000, the percentage shared should be higher than 15%.
14. Any preference that the parish wishes to express concerning the application of a large property receipts payment to a particular Mission Property Committee project should be expressed in the Statement of Evidence which accompanies the bill rather than in the bill itself.
- ~~15. The Synod's normal expectation for a large property receipt arising from a bill for an ordinance to lease parish property is that the parish should share 30% of any amount in excess of its reasonable property needs with the Synod for allocation as part of its annual budgeting process or, upon special application, with other Diocesan beneficiaries. If the excess is expected to be greater than \$50,000 pa, the percentage shared should be higher than 30%.~~

### Review of bills for large property receipts ordinances

- ~~16.~~ 15. A bill for an ordinance which gives rise to a large property receipt but is promoted on the basis that the reasonable property needs identified by the parish are less than the amount of the large property receipt (under paragraph 12(a) above) will not usually be referred to an Ordinance Review Panel provided the bill makes provision for the sharing of a portion of the large property receipt in accordance with the normal expectations of the Standing Committee ~~Synod~~ under this policy.

### Grant of relief from policy

- ~~17.~~ 16. The Standing Committee will consider any request for relief (in part or whole) from the sharing of a portion of a large property receipt in accordance with the normal expectation ~~of the Synod~~ under this policy. Such relief will not be granted unless the promoters of a bill involving a large property receipt give sufficient reasons for an exception.

### Reports concerning amounts shared under the policy

- ~~18.~~ 17. A report will be provided to the Synod each year identifying all amounts shared under this policy with the Mission Property Fund and other diocesan beneficiaries in the preceding year ~~and with the Synod for allocation as part of its budget in the following year~~.

### Amendment of the policy

- ~~19.~~ 18. The Standing Committee may make amendments to this policy provided such amendments are reported to the next ordinary session of the Synod.

### Sunset

- ~~20. This policy ceases to operate on the first day of the ordinary session of the Synod in 2020.~~

## Modelling of levy contributions

It is anticipated that Synod may desire to test the application of the levy against gross property income, or in an expanded form of net income that allows expenditure on ministry property to be offset. Accordingly, to outline the possibilities and demonstrate the likely required contribution bands under different models, below are three different models of levy application as well as indicative contribution amounts from each parish under each model.

This modelling uses data directly from the 2015 parish returns (the latest complete data available) and accordingly only takes into account income that has been distributed to a parish. Please note that these models can only be viewed as indicative, as the presence of the levy will likely change spending behaviour.

### Model 1: Levy on gross property income

	Contribution bands					Total
<b>From</b>	\$10,000	\$50,000	\$100,000	\$200,000	\$400,000	
<b>to</b>	\$50,000	\$100,000	\$200,000	\$400,000		
<b>% levy</b>	5%	10%	20%	30%	40%	
<b>Total</b>	\$262,478	\$298,082	\$499,451	\$762,053	\$629,739	<b>\$2,451,802</b>
	115	38	26	6	10	<b>195</b>
	<i>(No. of parishes with total property income in this range)</i>					

### Model 2: Levy on net property income (recommended)

	Contribution bands					Total
<b>From</b>	\$10,000	\$50,000	\$100,000	\$200,000	\$400,000	
<b>to</b>	\$50,000	\$100,000	\$200,000	\$400,000		
<b>% levy</b>	5%	15%	25%	35%	45%	
<b>Total</b>	\$250,429	\$401,430	\$582,234	\$702,013	\$624,419	<b>\$2,560,525</b>
	118	40	19	9	7	<b>193</b>
	<i>(No. of parishes with total property income in this range)</i>					

### Model 3: Levy on net property income (with deduction for ministry property expenses)

	Contribution bands			Total
<b>From</b>	\$0	\$50,000	\$100,000	
<b>to</b>	\$50,000	\$100,000		
<b>% levy</b>	15%	30%	50%	
<b>Total</b>	\$470,551	\$380,437	\$1,515,971	<b>\$2,366,958</b>
	73	17	18	<b>108</b>
	<i>(No. of parishes with total property income in this range)</i>			

**Indicative contribution amounts from each parish, under each model**

*Note: These indicative contribution amounts are based on 2015 data provided by each parish in their Prescribed Financial Statements and on the contribution percentages detailed in Appendix 4.*

Parish	Property Income (P.I.)	1. Levy on gross P.I.		2. Levy on net P.I.		3. Levy on P.I. net of all property expenses	
		\$	%	\$	%	\$	%
Abbotsford	\$62K	\$3K	5%	\$4K	6%	\$7K	12%
Albion Park	\$17K	\$0K	2%	\$0K	2%	\$0K	0%
Annandale	\$86K	\$6K	7%	\$7K	9%	\$14K	17%
Arncliffe	\$38K	\$1K	4%	\$1K	4%	\$4K	10%
Artarmon	\$19K	\$0K	2%	\$0K	2%	\$0K	0%
Ashbury	\$25K	\$1K	3%	\$1K	3%	\$0K	0%
Ashfield, Five Dock and Haberfield	\$424K	\$97K	23%	\$114K	27%	\$67K	16%
Asquith / Mt Colah / Mt Kuring-gai	\$19K	\$0K	2%	\$0K	2%	\$0K	0%
Auburn - St Philip	\$40K	\$2K	4%	\$1K	2%	\$2K	6%
Auburn - St Thomas	\$3K	\$0K	0%	\$0K	0%	\$0K	0%
Austinmer	\$8K	\$0K	0%	\$0K	0%	\$0K	0%
Balgowlah	\$87K	\$6K	7%	\$6K	7%	\$7K	8%
Balmain	\$39K	\$1K	4%	\$1K	4%	\$0K	0%
Bankstown	\$24K	\$1K	3%	\$1K	3%	\$3K	13%
Barrenjoey	\$67K	\$4K	6%	\$3K	4%	\$5K	8%
Baulkham Hills	\$33K	\$1K	3%	\$1K	3%	\$2K	7%
Beacon Hill	\$24K	\$1K	3%	\$1K	3%	\$3K	11%
Beecroft	\$62K	\$3K	5%	\$2K	4%	\$0K	0%
Bellevue Hill	\$152K	\$17K	11%	\$19K	12%	\$14K	9%
Belmore w/ M. Hill & C. Park	\$33K	\$1K	3%	\$1K	3%	\$0K	0%
Belrose	\$71K	\$4K	6%	\$5K	7%	\$6K	8%
Berala	\$1K	\$0K	0%	\$0K	0%	\$0K	0%
Berowra	\$4K	\$0K	0%	\$0K	0%	\$0K	0%
Berry	\$11K	\$0K	1%	\$0K	1%	\$0K	0%
Beverly Hills with Kingsgrove	\$40K	\$1K	4%	\$1K	4%	\$0K	0%
Blackheath	\$12K	\$0K	1%	\$0K	1%	\$0K	0%
Blacktown	\$136K	\$14K	10%	\$19K	14%	\$10K	7%
Blakehurst	\$13K	\$0K	1%	\$0K	0%	\$0K	0%
Bomaderry	\$10K	\$0K	0%	\$0K	0%	\$0K	0%
Bondi	\$159K	\$19K	12%	\$24K	15%	\$2K	1%
Bowral	\$26K	\$1K	3%	\$1K	3%	\$0K	0%
Brighton/Rockdale	\$105K	\$8K	8%	\$8K	8%	\$5K	5%
Broadway	\$524K	\$137K	26%	\$35K	7%	\$2K	0%
Bulli	\$31K	\$1K	3%	\$1K	3%	\$0K	0%
Burwood	\$103K	\$8K	7%	\$9K	9%	\$3K	3%
Cabramatta	\$11K	\$0K	0%	\$0K	0%	\$0K	0%
Cambridge Park	\$1K	\$0K	0%	\$0K	0%	\$0K	0%
Camden	\$90K	\$6K	7%	\$5K	5%	\$0K	0%
Campbelltown	\$154K	\$18K	12%	\$23K	15%	\$15K	10%
Campsie	\$33K	\$1K	4%	\$1K	4%	\$0K	1%

Parish	Property Income (P.I.)	1. Levy on gross P.I.		2. Levy on net P.I.		3. Levy on P.I. net of all property expenses	
Canterbury with Hurlstone Park	\$26K	\$1K	3%	\$1K	3%	\$0K	0%
Caringbah	\$28K	\$1K	3%	\$1K	3%	\$0K	0%
Carlingford and North Rocks	\$4K	\$0K	0%	\$0K	0%	\$1K	15%
Castle Hill	\$16K	\$0K	2%	\$0K	2%	\$0K	0%
Centennial Park	\$18K	\$0K	2%	\$0K	2%	\$0K	0%
Chatswood	\$11K	\$0K	0%	\$0K	0%	\$0K	0%
Cherrybrook	\$0K	\$0K	0%	\$0K	0%	\$0K	0%
Chester Hill with Sefton	\$1K	\$0K	0%	\$0K	0%	\$0K	0%
Christ Church Northern Beaches	\$68K	\$4K	6%	\$4K	6%	\$0K	0%
Church Hill	\$420K	\$95K	23%	\$114K	27%	\$143K	34%
Clovelly	\$83K	\$5K	6%	\$2K	2%	\$5K	6%
Cobbitty	\$30K	\$1K	3%	\$1K	3%	\$0K	0%
Concord and Burwood	\$45K	\$2K	4%	\$2K	4%	\$5K	11%
Concord North	\$8K	\$0K	0%	\$0K	0%	\$0K	0%
Concord West w/ Concord Nth	\$52K	\$2K	4%	\$2K	4%	\$0K	0%
Coogee	\$55K	\$3K	5%	\$3K	5%	\$7K	12%
Cooks River	\$17K	\$0K	2%	\$0K	2%	\$0K	0%
Corrimal	\$41K	\$2K	4%	\$1K	3%	\$3K	7%
Cranebrook with Castlereagh	\$25K	\$1K	3%	\$1K	3%	\$0K	0%
Cremorne	\$162K	\$19K	12%	\$23K	14%	\$25K	15%
Cronulla	\$37K	\$1K	4%	\$1K	4%	\$2K	6%
Croydon	\$33K	\$1K	3%	\$1K	3%	\$0K	0%
Culburra Beach	\$3K	\$0K	0%	\$0K	0%	\$0K	0%
Dapto	\$51K	\$2K	4%	\$2K	4%	\$0K	0%
Darling Point	\$334K	\$67K	20%	\$71K	21%	\$103K	31%
Darling Street	\$328K	\$65K	20%	\$37K	11%	\$0K	0%
Darlinghurst	\$401K	\$88K	22%	\$79K	20%	\$117K	29%
Dee Why	\$14K	\$0K	1%	\$0K	1%	\$0K	0%
Denham Court	\$12K	\$0K	1%	\$0K	1%	\$1K	9%
Doonside	\$0K	\$0K	0%	\$0K	0%	\$0K	0%
Drummoyne	\$30K	\$1K	3%	\$1K	3%	\$0K	0%
Dulwich Hill	\$68K	\$4K	6%	\$4K	6%	\$7K	11%
Dundas/Telopea	\$86K	\$6K	7%	\$7K	9%	\$0K	0%
Dural District	\$7K	\$0K	0%	\$0K	0%	\$0K	0%
Eagle Vale	\$8K	\$0K	0%	\$0K	0%	\$0K	0%
Earlwood	\$30K	\$1K	3%	\$1K	3%	\$0K	0%
East Lindfield	\$44K	\$2K	4%	\$2K	4%	\$0K	0%
Eastgardens	\$22K	\$1K	3%	\$1K	3%	\$2K	8%
Eastwood	\$29K	\$1K	3%	\$1K	2%	\$0K	0%
Emu Plains	\$1K	\$0K	0%	\$0K	0%	\$0K	0%
Enfield and Strathfield	\$49K	\$2K	4%	\$2K	4%	\$0K	0%
Engadine	\$2K	\$0K	0%	\$0K	0%	\$0K	0%
Enmore/Stammore	\$20K	\$0K	2%	\$0K	2%	\$0K	0%
Epping	\$107K	\$8K	8%	\$11K	10%	\$12K	11%

Parish	Property Income (P.I.)	1. Levy on gross P.I.		2. Levy on net P.I.		3. Levy on P.I. net of all property expenses	
Ermington	\$6K	\$0K	0%	\$0K	0%	\$0K	0%
Fairfield with Bossley Park	\$39K	\$1K	4%	\$1K	3%	\$0K	0%
Fairy Meadow	\$16K	\$0K	2%	\$0K	2%	\$0K	0%
Figtree	\$5K	\$0K	0%	\$0K	0%	\$0K	0%
Forestville	\$34K	\$1K	4%	\$1K	4%	\$0K	0%
Frenchs Forest	\$5K	\$0K	0%	\$0K	0%	\$0K	0%
Freshwater	\$19K	\$0K	2%	\$0K	2%	\$0K	0%
Georges Hall	\$1K	\$0K	0%	\$0K	0%	\$0K	0%
Gerrington	\$3K	\$0K	0%	\$0K	0%	\$0K	0%
Gladesville	\$239K	\$39K	16%	\$37K	16%	\$43K	18%
Glebe	\$111K	\$9K	8%	\$9K	8%	\$10K	9%
Glenhaven	\$3K	\$0K	0%	\$0K	0%	\$0K	0%
Glenmore Park	\$1K	\$0K	0%	\$0K	0%	\$0K	0%
Glenquarie	\$46K	\$2K	4%	\$1K	3%	\$3K	6%
Gordon	\$35K	\$1K	4%	\$1K	4%	\$0K	0%
Granville	\$10K	\$0K	0%	\$0K	0%	\$0K	0%
Greenacre	\$53K	\$2K	4%	\$0K	1%	\$1K	2%
Greenwich	\$139K	\$15K	11%	\$19K	14%	\$29K	21%
Greystanes - Merrylands West	\$20K	\$1K	3%	\$0K	0%	\$0K	0%
Guildford with Villawood	\$70K	\$4K	6%	\$1K	2%	\$0K	0%
Gymea	\$18K	\$0K	2%	\$0K	2%	\$0K	0%
Harbour Church	\$0K	\$0K	0%	\$0K	0%	\$0K	15%
Helensburgh and Stanwell Park	\$26K	\$1K	3%	\$1K	2%	\$0K	0%
Hornsby	\$31K	\$1K	3%	\$1K	3%	\$0K	0%
Hornsby Anglican Chinese Church	\$5K	\$0K	0%	\$0K	0%	\$1K	15%
Hornsby Heights	\$6K	\$0K	0%	\$0K	0%	\$0K	0%
Hoxton Park	\$35K	\$1K	4%	\$1K	4%	\$0K	0%
Hunters Hill	\$87K	\$6K	7%	\$8K	9%	\$0K	0%
Hurstville	\$2K	\$0K	0%	\$0K	0%	\$0K	0%
Hurstville Grove	\$3K	\$0K	0%	\$0K	0%	\$0K	0%
Huskisson	\$4K	\$0K	0%	\$0K	0%	\$0K	0%
Ingleburn	\$0K	\$0K	0%	\$0K	0%	\$0K	0%
Jamberoo	\$30K	\$1K	3%	\$1K	3%	\$2K	5%
Jannali	\$2K	\$0K	0%	\$0K	0%	\$0K	0%
Kangaroo Valley	\$24K	\$1K	3%	\$0K	1%	\$1K	5%
Katoomba	\$36K	\$1K	4%	\$1K	4%	\$4K	11%
Keiraville	\$3K	\$0K	0%	\$0K	0%	\$0K	0%
Kellyville	\$32K	\$1K	3%	\$1K	3%	\$0K	0%
Kensington Eastlakes	\$83K	\$5K	6%	\$7K	8%	\$5K	6%
Kiama	\$34K	\$1K	4%	\$1K	4%	\$0K	0%
Killara	\$38K	\$1K	4%	\$1K	4%	\$0K	0%
Kingsford	\$45K	\$2K	4%	\$2K	4%	\$3K	7%
Kingswood	\$26K	\$1K	3%	\$1K	3%	\$0K	0%
Kirribilli	\$16K	\$0K	2%	\$0K	2%	\$0K	0%

Parish	Property Income (P.I.)	1. Levy on gross P.I.		2. Levy on net P.I.		3. Levy on P.I. net of all property expenses	
		\$	%	\$	%	\$	%
Kurrajong	\$24K	\$1K	3%	\$1K	3%	\$0K	0%
Lakemba	\$38K	\$1K	4%	\$1K	4%	\$3K	8%
Lalor Park and Kings Langley	\$40K	\$2K	4%	\$2K	4%	\$4K	9%
Lane Cove and Mowbray	\$142K	\$15K	11%	\$19K	14%	\$21K	15%
Lavender Bay	\$87K	\$6K	7%	\$4K	5%	\$0K	0%
Lawson	\$3K	\$0K	0%	\$0K	0%	\$0K	0%
Leichhardt	\$253K	\$43K	17%	\$45K	18%	\$67K	26%
Leura	\$25K	\$1K	3%	\$1K	3%	\$0K	0%
Lidcombe	\$12K	\$0K	1%	\$0K	1%	\$0K	0%
Lindfield	\$28K	\$1K	3%	\$1K	3%	\$0K	0%
Lithgow	\$32K	\$1K	3%	\$1K	2%	\$0K	0%
Liverpool	\$110K	\$9K	8%	\$12K	11%	\$8K	7%
Liverpool South	\$5K	\$0K	0%	\$0K	0%	\$0K	0%
Longueville	\$91K	\$6K	7%	\$8K	9%	\$20K	22%
Lord Howe Island	\$1K	\$0K	0%	\$0K	0%	\$0K	0%
Lower Mountains	\$2K	\$0K	0%	\$0K	0%	\$0K	0%
Lugarno	\$3K	\$0K	0%	\$0K	0%	\$0K	0%
Macquarie	\$64K	\$3K	5%	\$4K	6%	\$12K	18%
Malabar	\$108K	\$9K	8%	\$9K	9%	\$16K	15%
Manly	\$411K	\$91K	22%	\$97K	24%	\$113K	28%
Maroubra	\$18K	\$0K	2%	\$0K	2%	\$0K	0%
Marrickville	\$179K	\$23K	13%	\$25K	14%	\$23K	13%
Menai	\$5K	\$0K	0%	\$0K	0%	\$0K	0%
Menangle	\$0K	\$0K	0%	\$0K	0%	\$0K	0%
Merrylands	\$87K	\$6K	7%	\$8K	9%	\$10K	12%
Minchinbury	\$10K	\$0K	0%	\$0K	0%	\$0K	0%
Minto	\$2K	\$0K	0%	\$0K	0%	\$0K	0%
Miranda	\$101K	\$7K	7%	\$7K	7%	\$1K	1%
Mittagong	\$2K	\$0K	0%	\$0K	0%	\$0K	0%
Mona Vale	\$20K	\$0K	2%	\$0K	2%	\$2K	10%
Moorebank	\$17K	\$0K	2%	\$0K	2%	\$0K	0%
Mosman - St Clement	\$149K	\$17K	11%	\$22K	15%	\$6K	4%
Mosman - St Luke	\$151K	\$17K	11%	\$9K	6%	\$0K	0%
Moss Vale	\$19K	\$0K	2%	\$0K	2%	\$0K	0%
Mt Druitt	\$33K	\$1K	3%	\$1K	3%	\$3K	10%
Mulgoa	\$36K	\$1K	4%	\$1K	3%	\$4K	11%
Narellan	\$16K	\$0K	2%	\$0K	2%	\$0K	0%
Naremburn/Cammeray	\$3K	\$0K	0%	\$0K	0%	\$0K	0%
Narrabeen	\$38K	\$1K	4%	\$1K	4%	\$0K	0%
Neutral Bay	\$164K	\$20K	12%	\$26K	16%	\$18K	11%
Newport	\$22K	\$1K	3%	\$1K	3%	\$0K	0%
Newtown with Erskineville	\$128K	\$13K	10%	\$17K	13%	\$15K	12%
Norfolk Island	\$0K	\$0K		\$0K		\$0K	
Normanhurst	\$113K	\$10K	8%	\$13K	11%	\$1K	1%



Parish	Property Income (P.I.)	1. Levy on gross P.I.		2. Levy on net P.I.		3. Levy on P.I. net of all property expenses	
North Epping	\$17K	\$0K	2%	\$0K	2%	\$0K	0%
North Ryde	\$39K	\$1K	4%	\$0K	1%	\$2K	6%
North Sydney	\$604K	\$168K	28%	\$184K	30%	\$137K	23%
Northbridge	\$75K	\$5K	6%	\$6K	8%	\$0K	0%
Northmead and Winston Hills	\$19K	\$0K	2%	\$0K	2%	\$0K	0%
Norwest	\$19K	\$0K	2%	\$0K	2%	\$0K	0%
Nowra	\$28K	\$1K	3%	\$1K	3%	\$0K	0%
Oak Flats	\$0K	\$0K	0%	\$0K	0%	\$0K	0%
Oakhurst	\$76K	\$5K	6%	\$6K	8%	\$2K	2%
Oatley	\$43K	\$2K	4%	\$2K	4%	\$0K	0%
Oatley West	\$0K	\$0K	0%	\$0K	0%	\$0K	0%
Oran Park	\$1K	\$0K	0%	\$0K	0%	\$0K	0%
Paddington	\$105K	\$8K	8%	\$10K	9%	\$13K	12%
Padstow	\$1K	\$0K	0%	\$0K	0%	\$0K	0%
Panania	\$2K	\$0K	0%	\$0K	0%	\$0K	0%
Parramatta	\$761K	\$231K	30%	\$265K	35%	\$284K	37%
Parramatta North w/ Harris Park	\$106K	\$8K	8%	\$11K	10%	\$7K	6%
Peakhurst/Mortdale	\$10K	\$0K	0%	\$0K	0%	\$0K	0%
Penrith	\$139K	\$15K	11%	\$1K	1%	\$0K	0%
Penshurst	\$42K	\$2K	4%	\$1K	2%	\$3K	6%
Petersham	\$22K	\$1K	3%	\$1K	3%	\$0K	0%
Philadelphia Anglican Church	\$2K	\$0K	0%	\$0K	0%	\$0K	15%
Picton	\$1K	\$0K	0%	\$0K	0%	\$0K	0%
Pitt Town	\$27K	\$1K	3%	\$0K	2%	\$0K	0%
Port Kembla	\$89K	\$6K	7%	\$5K	6%	\$11K	13%
Putney	\$0K	\$0K		\$0K		\$0K	
Pymble	\$29K	\$1K	3%	\$1K	3%	\$0K	0%
Quakers Hill	\$0K	\$0K		\$0K		\$0K	
Randwick	\$494K	\$125K	25%	\$138K	28%	\$90K	18%
Regents Park	\$0K	\$0K	0%	\$0K	0%	\$0K	0%
Revesby	\$0K	\$0K	0%	\$0K	0%	\$0K	0%
Richmond	\$20K	\$1K	3%	\$0K	1%	\$1K	3%
Riverstone	\$25K	\$1K	3%	\$1K	3%	\$2K	10%
Riverwood - Punchbowl	\$41K	\$2K	4%	\$2K	4%	\$0K	0%
Robertson	\$0K	\$0K	0%	\$0K	0%	\$0K	0%
Rooty Hill	\$8K	\$0K	0%	\$0K	0%	\$0K	0%
Rosemeadow	\$70K	\$4K	6%	\$5K	7%	\$6K	8%
Roseville	\$19K	\$0K	2%	\$0K	2%	\$0K	0%
Roseville East	\$30K	\$1K	3%	\$1K	3%	\$2K	6%
Rouse Hill	\$13K	\$0K	1%	\$0K	1%	\$0K	0%
Ryde	\$672K	\$196K	29%	\$227K	34%	\$224K	33%
Sadleir	\$53K	\$2K	4%	\$3K	5%	\$5K	9%
Sans Souci	\$36K	\$1K	4%	\$1K	4%	\$1K	3%
Seaforth	\$30K	\$1K	3%	\$1K	3%	\$0K	0%

Parish	Property Income (P.I.)	1. Levy on gross P.I.		2. Levy on net P.I.		3. Levy on P.I. net of all property expenses	
Seven Hills	\$4K	\$0K	0%	\$0K	0%	\$0K	0%
Shellharbour	\$8K	\$0K	0%	\$0K	0%	\$0K	0%
Shellharbour City Centre	\$26K	\$1K	3%	\$1K	3%	\$0K	0%
Shoalhaven Heads	\$0K	\$0K	0%	\$0K	0%	\$0K	0%
Smithfield Road	\$59K	\$3K	5%	\$3K	6%	\$6K	10%
Soul Revival Church, S. Shire	\$0K	\$0K		\$0K		\$0K	
South Carlton	\$4K	\$0K	0%	\$0K	0%	\$0K	0%
South Coogee	\$20K	\$1K	3%	\$0K	0%	\$0K	0%
South Creek	\$35K	\$1K	4%	\$1K	4%	\$0K	0%
South Hurstville	\$42K	\$2K	4%	\$2K	4%	\$0K	0%
South Sydney	\$87K	\$6K	7%	\$5K	6%	\$4K	5%
Springwood	\$14K	\$0K	1%	\$0K	1%	\$0K	0%
St Clair	\$1K	\$0K	0%	\$0K	0%	\$0K	0%
St George	\$46K	\$2K	4%	\$2K	3%	\$1K	2%
St George North	\$29K	\$1K	3%	\$1K	3%	\$0K	0%
St Ives	\$2K	\$0K	0%	\$0K	0%	\$0K	0%
St Marys	\$7K	\$0K	0%	\$0K	0%	\$0K	0%
Strathfield and Homebush	\$53K	\$2K	4%	\$2K	5%	\$1K	2%
Summer Hill	\$64K	\$3K	5%	\$4K	6%	\$7K	11%
Surry Hills	\$260K	\$45K	17%	\$50K	19%	\$28K	11%
Sussex Inlet	\$0K	\$0K	0%	\$0K	0%	\$0K	0%
Sutherland	\$44K	\$2K	4%	\$1K	2%	\$3K	7%
Sutton Forest	\$40K	\$2K	4%	\$2K	4%	\$0K	0%
Sydney-Cathedral of St Andrew	\$0K	\$0K		\$0K		\$0K	
Sydney-Christ Church St Laurence	\$326K	\$65K	20%	\$71K	22%	\$70K	22%
Sydney-St James King Street	\$864K	\$272K	32%	\$313K	36%	\$325K	38%
Sylvania	\$79K	\$5K	6%	\$6K	8%	\$7K	9%
The Oaks	\$12K	\$0K	1%	\$0K	1%	\$0K	0%
Thornleigh - Pennant Hills	\$6K	\$0K	0%	\$0K	0%	\$0K	0%
Toongabbie	\$5K	\$0K	0%	\$0K	0%	\$0K	0%
Turrumurra	\$78K	\$5K	6%	\$6K	8%	\$0K	0%
Turrumurra South	\$3K	\$0K	0%	\$0K	0%	\$0K	0%
Ulladulla	\$23K	\$1K	3%	\$0K	2%	\$0K	0%
Unichurch (UNSW)	\$0K	\$0K		\$0K		\$0K	
Vaucluse and Rose Bay	\$103K	\$8K	7%	\$10K	10%	\$3K	3%
Wahroonga - St Andrew	\$10K	\$0K	0%	\$0K	0%	\$0K	0%
Wahroonga - St Paul	\$76K	\$5K	6%	\$6K	8%	\$5K	7%
Waitara	\$34K	\$1K	4%	\$1K	4%	\$0K	0%
Watsons Bay	\$55K	\$2K	5%	\$3K	5%	\$0K	0%
Waverley	\$172K	\$21K	12%	\$28K	16%	\$32K	19%
Wentworth Falls	\$15K	\$0K	2%	\$0K	2%	\$0K	1%
Wentworthville	\$1K	\$0K	0%	\$0K	0%	\$0K	0%
West Lindfield	\$32K	\$1K	3%	\$1K	3%	\$1K	3%
West Pennant Hills	\$8K	\$0K	0%	\$0K	0%	\$0K	0%

Parish	Property Income (P.I.)	1. Levy on gross P.I.		2. Levy on net P.I.		3. Levy on P.I. net of all property expenses	
West Pymble	\$5K	\$0K	0%	\$0K	0%	\$0K	0%
West Ryde	\$35K	\$1K	4%	\$1K	4%	\$0K	0%
West Wollongong	\$93K	\$6K	7%	\$7K	7%	\$0K	0%
Westmead	\$36K	\$1K	4%	\$1K	4%	\$1K	2%
Wilberforce	\$28K	\$1K	3%	\$1K	3%	\$1K	2%
Willoughby	\$21K	\$1K	3%	\$1K	3%	\$0K	0%
Willoughby Park	\$67K	\$4K	5%	\$4K	7%	\$5K	8%
Windsor	\$48K	\$2K	4%	\$1K	3%	\$3K	7%
Wollondilly	\$6K	\$0K	0%	\$0K	0%	\$0K	0%
Wollongong	\$198K	\$27K	13%	\$34K	17%	\$21K	10%
Woollahra	\$31K	\$1K	3%	\$1K	3%	\$2K	7%
Yagoona	\$98K	\$7K	7%	\$5K	5%	\$0K	0%

## Application of funds from the proposed Property Receipts Levy

(A report from the Strategic Research Group.)

### Key Points

- The Strategic Research Group endorses the principles for application of funds outlined by the Large Receipts Policy Review committee, including that funds derived from capital assets should be used to build the capital base of the Diocese.
- The proposed Property Receipts Levy (“PRL”), if adopted by the Synod, is expected to generate additional funds of at least \$500,000 p.a. from 2020. The SRG recommends that additional funds be used to –
  - Create a Parish Property Development Fund (funded by the first \$500,000 of additional proceeds raised by the PRL each year) from which the Mission Property Committee can contribute to the cost of engaging consultants in the early stages of parish projects
  - Create an urban development grant (with any remaining additional proceeds raised by the PRL) administered by the Mission Property Committee to provide capital development grants to stimulate property development of existing parishes

### Purpose

1. To provide recommendations to the Synod regarding any application of additional funds raised by the proposed Property Receipts Levy.

### Recommendations

2. That the Synod receive this report.
3. That the Synod pass the following motion to be moved “by request of Standing Committee” – ‘Synod, noting the report “Application of funds from the proposed Property Receipts Levy” –
  - (a) supports the creation of a Parish Property Development Fund (“PPDF”) as outlined in the report at paragraph 21(A), funded by the first \$500,000 of additional proceeds raised by the Property Receipts Levy (“PRL”) each year, and
  - (b) supports the creation of an urban development grant administered by the Mission Property Committee as outlined in the report at paragraph 21(B), funded by any additional proceeds raised by a PRL in excess of those required by the PPDF, and
  - (c) requests the Standing Committee to pass an ordinance to implement the PPDF and the urban development grant in conjunction with the implementation of the PRL.’

### Background

4. At its meeting on 19 July 2017, the Strategic Research Group (“SRG”) noted a request from the Large Receipts Policy Review Committee (“LRPR Committee”) to provide advice as to the application of any additional funds arising from the proposed Property Receipts Levy (“PRL”).
5. The SRG is aware that, simultaneous to the development of the PRL proposal, the Mission Property Committee (“MPC”) has provided a report which describes barriers and bottlenecks to parishes undertaking infrastructure expansion projects, and what could be done to minimise these impediments.

### Discussion

6. The LRPR Committee has not itself been tasked to identify how additional funds may be applied. However, the LRPR Committee provided the following principles as a framework for discussion around a proposal to be put to Synod for the application of any additional funds raised by the PRL –
  - (a) existing Synod commitments should be maintained,
  - (b) funds derived from capital assets should be used to build the capital base of the Diocese, and
  - (c) Funds derived from the PRL should be used for the benefit of developing the property infrastructure of existing parishes.
7. The SRG endorses these principles.

8. Capital projects range in size, and various mechanisms are already available to fund the small and medium projects (parishes often struggle to achieve larger projects). For example –

- (a) Small projects (typically up to \$50,000): The NSW Government Community Building Partnership Grant (CBPG) program is available for smaller projects. Since its inception in 2009, some 463 parishes have been awarded some \$10.12 million in funding. With the average grant awarded being approximately \$20,000, this Government scheme assists (even with 100% of funding in some cases) for smaller projects.
- (b) Medium projects (typically up to \$800,000): The Finance and Loans Board (FLB) typically lends for projects of this size range, and without the need of a mortgage. In 2017, the average initial loan size is \$475,000, and since 2015 the average initial loan size has been \$365,000. These loans must be repaid.

9. At its meeting on 31 July 2017, the Standing Committee agreed that any proposal for a levy which is likely to generate additional funds should be presented alongside a clearly articulated missional purpose for those additional funds. The SRG has formed the view that any additional funds arising from the proposed PRL would best be used to address a key need in our current strategy, by assisting parishes to navigate the path of larger capital projects. To simply divert these funds to reorganise, or even expand the scope of existing activities, would be a lost opportunity.

10. The 2016 Mark Bilton review's first area of recommendation focused on our property infrastructure, stating that "...these physical assets have been the backbone and a facilitator of success for generations. However, there now needs to be a comprehensive review of their role and value." Using additional funds generated from the PRL provides a rare opportunity to assist parishes in this area, and will benefit generations to come.

*The Mission Property Committee's proposal*

11. The MPC has provided a draft report to the Standing Committee that addresses this matter. According to the MPC report, the number of Diocesan church buildings has declined from approximately 400 (in 1980) to 350 (in 2017). A common scenario is that a parish sells one building to pay for significant upgrades and expansion of another one. However, with 70% of the growth of Sydney projected to be in existing areas with increasing density, there is unprecedented need for the Diocese to assist parishes in their property development and expansion.

12. In a similar vein, the report to Synod in 2016 entitled, '33/14 Ministry progress and brownfields' grants' noted that "the presence of strong leadership and the number of newcomers is critical to parish numerical growth, but well-timed property development to accommodate growth is demonstrably important to stimulate sustained growth."

13. With the rapidly changing "landscape" of Sydney property, opportunities are opening up for rezoning and associated income generation. There may be great prospect to unlock significant value, which can in turn be directed towards ministry outcomes.

14. The MPC report includes that over 25 parishes in the Diocese are known to be seeking to redevelop their church or ministry precinct. The MPC identified a bottleneck that impacts large projects (and potential projects) across the diocese, often preventing them from ever reaching their initial planning approval stage. The bottleneck is that most parishes hesitate or cannot afford to commit any funds for professional consulting to a project which may not reach fruition. The problem is that it is difficult to progress or confirm the viability of a project without engaging appropriate consultants. In the absence of confident support, professionally engaged consultants and appropriate independent advice, most projects falter and stall.

15. The MPC's contention is that this bottleneck will be removed if, in the course of advising parishes at this stage, the MPC could access a fund from which to provide a significant portion of the initial consulting fees. If those projects that the MPC identify as most worthy of investment could be financially supported at the initial stages (where the majority currently falter), it should result in a significant increase of investment in development of the capital infrastructure of existing parishes. The MPC report suggests that such a fund would require approximately \$500,000 per year for maximum effectiveness.

16. The MPC suggests that any of these projects that produce income should then repay the funds utilised from such a scheme, which can then in turn be used to assist others. There would of course be projects in which the MPC's help is limited to getting the parish to "DA Stage", and others still that may be determined as not feasible.

17. The result would be akin to a permanent development fund, similar to those used by other denominations.

18. The proposed fund wouldn't be expected to fund larger scale projects, however it will help to address this issue in that, in some cases, using appropriate consultants early will allow the identification of revenue

generation possibilities. In other cases, project feasibility parameters will be established before further consultants are engaged.

#### *Grant Scheme for mid-sized projects*

19. The proposal for the Property Receipts Levy includes a recommendation for the creation of a grant scheme to assist parishes with mid-sized development projects. The LRPR committee suggested that any additional funds not required for the Synod budget and beyond the needs of the MPC proposal for brownfield development, may be provided as grants for capital development to fund urban renewal. The LRPR committee suggested a dollar-for-dollar matching framework administered by the MPC as a mechanism to apply those funds, and included a threshold of \$50,000 matching amount with the intention of ensuring that only projects of a certain size are provided grants and the scheme is not overwhelmed with applicants. A parish with a significantly larger project could apply for a grant up to \$250,000 provided the parish could raise \$250,000 internally.

20. It is noted that loans are also available from the Finance and Loans Board. This aspect of the use of the funds would be particularly advantageous to smaller parishes.

#### **Recommended application of funds**

21. The report of the LRPR Committee and the proposal of the MPC both expressed the view that the proceeds from the proposed PRL be used to leverage the expansion of the capital base of the Diocese. The SRG supports this view as well, as recommends the application of funds through two mechanisms as outlined below –

- (A) That the first \$500,000 of additional proceeds from the PRL be used to establish and maintain a Parish Property Development Fund (“PPDF”), as follows –
  - (i) The PPDF is to be administered by the MPC ((which may need to have its terms of reference and membership augmented accordingly to ensure wider ministry expertise; or a new body).
  - (ii) The purpose of the PPDF is to enable the appointment of external advising consultants to provide strategic guidance to parishes, from the point of initial feasibility study to lodgement of Development Application (and in some circumstances, the preparation of a Construction Certificate). The type of expertise required may include property advisors, land economists, development managers, lawyers, town planners, commercial negotiators, architects, project managers, hydrologists, heritage experts, traffic experts, ecologists, structural engineers, geotechnical engineers, or experts in noise, contamination etc.
  - (iii) The first \$25,000 of any funding from the PPDF is to be matched dollar for dollar by the Parish, with any proposed exceptions to be approved by Standing Committee. This is calculated on a project basis (that is, a parish needs to contribute 50% of the first \$50,000 of all of the required consultants, rather than each consultant).
  - (iv) Where a project leads to income generation on completion, the indexed contribution from the PPDF for the project should be repaid into the PPDF as a priority.
  - (v) Projects will be prioritised according to the following criteria –
    - (a) urgency in relation to responding to the timing of adjoining development sites, or rezoning opportunities,
    - (b) potential for return from development proceeds or income generation based on complimentary development of the site,
    - (c) relative forecast population growth within the LGA,
    - (d) ministry priority
    - (e) suitability of land for church use in line with parish ministry strategy,
    - (f) project feasibility and prospects of delivery (with a higher priority to harvesting the low hanging fruit: i.e. those sites with a high chance of success on full or partial redevelopment), and
    - (g) funding feasibility.
- (B) That any remaining additional proceeds generated by the PRL (being any funds beyond the \$500,000 required PPDF and any funds allocated to, but not required for, the PPDF in a given year), be used to provide capital development grants to stimulate property development of existing parishes, as follows –

- (i) Grants are to be administered by the Mission Property Committee (which may need to have its terms of reference and membership augmented accordingly to ensure wider ministry expertise).
- (ii) Any parish may apply for a dollar-for-dollar matching grant, on the following basis –
  - (a) The parish must be able to contribute at least \$50,000 from funds that it has already raised, or will raise, internally for that project (with any exceptions to be approved by Standing Committee).
  - (b) There is no maximum project size, but the maximum grant is \$250,000.
  - (c) Priority will be given to parishes that have not previously received a grant.
  - (d) Priority will be given to projects that increase ministry capacity (e.g., expanded church, new hall) rather than projects which restore or maintain existing capital assets.
  - (e) The Standing Committee may provide further guidelines to the MPC to assist it to assess the priority projects.
  - (f) The MPC will determine a list of priority projects in a given year.
- (iii) If there are insufficient funds for all priority projects, the grants are to be applied in the priority determined by the Mission Property Committee.

For and on behalf of the Strategic Research Group

THE REV DR RAJ GUPTA

8 August 2017

## 24/16 Domestic Violence

(A report from the Domestic Violence Task Force.)

### Purpose

1. The purpose of this report is to inform the Synod about progress in the work of the Domestic Violence Task Force, and to recommend adoption of a Provisional Domestic Abuse Policy and Good Practice Guidelines.

### Recommendations

2. Synod receive this report and the accompanying *Responding to Domestic Abuse: Provisional Policy and Good Practice Guidelines* (the “Domestic Abuse Response”).

3. Synod pass the *Provisional Sydney Anglican Policy on Responding to Domestic Abuse* (set out in Section 1 of the Domestic Abuse Response) (the “Provisional Policy”) as a policy of the Synod.

4. If the Provisional Policy is passed as a policy of the Synod, that Synod consider passing the following motion to be moved “by request of Standing Committee” –

“Synod, noting –

- (i) the report *24/16 Domestic Violence* (the “Report”), and
- (ii) the accompanying document *Responding to Domestic Abuse: Provisional Policy and Good Practice Guidelines* (the “Domestic Abuse Response”), and
- (iii) the *Provisional Sydney Anglican Policy on Responding to Domestic Abuse* (set out in Section 1 of the Domestic Abuse Response) (the “Provisional Policy”) –
  - (a) commends the Provisional Policy to all clergy and parish councils for use in churches,
  - (b) invites clergy and church members to provide comments and feedback on the Domestic Abuse Response (including the Provisional Policy) to Standing Committee by 30 April 2018,
  - (c) requests that the Standing Committee bring to the Synod session in 2018 proposed amendments to the Provisional Policy, and
  - (d) requests the Standing Committee to consider and, if thought fit, act on the recommendations referred to in the Report.”

### Background

5. In 2013, the Synod passed resolution 33/13 Domestic violence and educating clergy in the following terms –

“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, as 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 or 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.”

6. Moore College and Ministry Training and Development provided a progress report to the Synod at its session in 2015.

7. At its meeting on 25 May 2015, the Standing Committee appointed a Task Force to further develop a diocesan response to domestic violence with the following membership and terms of reference –

‘Further to resolution 33/13 “Domestic Violence and Educating Clergy”, and noting the reports received from Moore Theological College and Ministry Training and Development in response, Standing Committee appoints a Task Force to further develop a diocesan response to domestic violence. The Task Force is to comprise Mrs Kate Bradford, Ms Michelle England, Canon Sandy Grant, Archdeacon Kara Hartley, the Rev Martin Kemp, Mrs Nicky Lock, the Rev David O’Mara, the Rev Rob Smith and Dr Jill Wheeler, subject to their consent. The Task Force must consult with domestic violence victims or their representatives and with the Diocesan Doctrine Commission, Moore Theological College and Ministry, Training and



Development. The Task Force shall consider the following matters and report back to the Standing Committee with recommendations –

- (a) about developing, adopting and communicating a diocesan domestic violence policy statement, along with advice for good pastoral practice,
- (b) about facilitating education of lay membership of our churches on the issue (e.g., via preparation of suitable resources),
- (c) about educating our youth in regards to the recognition and prevention of domestic violence, and
- (d) about encouraging further developments in our education of clergy and church workers in this area (e.g., recognising warning signs in marriage preparation).<sup>7</sup>

8. The Rev Catherine Wynn Jones was subsequently appointed as an additional member of the Task Force. Ms Michelle England resigned as a member in July 2016.

9. The Task Force commenced meeting in November 2015 and, as by the date of its interim report had met on 6 occasions. Its interim report, received by Synod in 2016, reported, among other matters, on the following –

- (a) an agreed headline definition and expansive description of domestic violence,
- (b) consultations with domestic violence victims, particularly the design,
- (c) a surveying of rectors concerning domestic violence, and
- (d) a collation of information from diocesan organisations concerning their response to domestic abuse.

10. In 2016, the Synod passed resolution 24/16 Domestic Violence in the following terms –

“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.”

11. Following the Synod session in 2016, the Task Force, as at the date of this report, has met on an additional 6 occasions, taking the total meetings to 12.

12. The Task Force invited representatives from Anglicare to attend its meetings, and has greatly benefited from the input of Glenda Devlin, Head of Strategy and Service Development, Community Services, and Jacqui Leonard, Family and Relationship Services Manager, Nowra.

13. The Task Force, in considering its terminology, has chosen ordinarily to use the expression “domestic abuse” (rather than “domestic violence”). This is to avoid the damaging misapprehension not uncommon in our contexts that only physical abuse counts as domestic violence. We have also chosen to refer to “victims” of domestic abuse, but acknowledge many victims go on to become survivors.

14. The Task Force has prioritised the following areas, in which it is required to make recommendations –

- (a) completing its consultation with domestic abuse victims,
- (b) developing a draft domestic abuse policy,
- (c) developing draft good practice pastoral guidelines for responding to domestic abuse,
- (d) preparing further resources on domestic abuse,
- (e) monitoring the delivery of education and professional development in the area of domestic abuse by diocesan organisations, including Moore Theological College, Youthworks College, Ministry Training and Development, Mary Andrews College, and the Professional Standards Unit, and
- (f) developing further recommendations regarding our response to domestic abuse.

15. The Task Force or its members have also been involved in additional areas of consultation and liaison –

- (a) liaison with Anglicare in appointment of a Domestic Violence Adviser,
- (b) liaison with members of General Synod and other dioceses regarding matters associated with domestic abuse, including assistance in drafting motions for General Synod in September 2017,
- (c) consultation with the Doctrine Commission,
- (d) liaison with journalists, especially the ABC, including the supply of detailed answers to questions, and
- (e) participation in the inter-faith round table discussion with the NSW Minister for the Prevention of Domestic Violence.

16. These areas of work are described further below.

#### **Consultation with domestic abuse victims**

17. As part of understanding the particular issues of those experiencing domestic abuse within church contexts, the Task Force continued to consult formally with a small number of victims.

18. A detailed protocol was developed by the Task Force for conducting the consultations, management of records and use of data gathered. It was reviewed by Professor Michael Martin, Chair, ANU Human Research Ethics Committee.

19. The primary purpose of the consultation is to hear from, and speak with, those living within the Anglican Diocese of Sydney that have had experience of domestic abuse in church settings, with a view to understanding how our churches have responded to them. As such our consultations were as a listening exercise first and foremost, sensitising Task Force members personally to examples of domestic abuse, outside and additional to their previous personal pastoral or professional experience.

20. As at the date of this report, there have been 6 interviews conducted with 5 female victims and 1 male victim. Unsurprisingly, the testimony is often harrowing. In terms of church responses, there were both good and bad experiences.

21. It should be noted that our protocol meant we could not formally consult with persons who were experiencing current or recent issues with domestic abuse or who were currently involved in court proceedings related to domestic violence.

22. The Task Force notes that its ethical constraints also prevent use of the consultation material to prepare qualitative research for publication in conjunction with its report, since there was no provision in the protocol for disclosing data to other parties, even in de-identified ways.

23. However, the Task Force was also provided with de-identified and redacted victim reports and reflections collated by an advocate. Members of the Task Force also consulted further with victim advocates, and conversed informally with other victims, including some ministry spouses who had survived abuse at the hands of perpetrators who were clergy or lay ministers.

24. The Task Force considers that further quantitative and/or qualitative research in relation to domestic abuse in church contexts should be undertaken, with appropriate independence and academic rigour. Preferably such research should involve the Anglican Church of Australia as a whole, perhaps alongside other denominations. However the Task Force determined that this matter requires detailed consideration before a specific recommendation in this regard could be formulated.

### **Developing a draft domestic abuse policy and guidelines**

25. With the assistance of the Diocesan Researcher, we have been able to compile and review a wide range of church, faith-based and secular resources, literature, and research in the area of responding to domestic abuse.

26. The Task Force eventually determined to use the Church of England's document "Responding Well to Domestic Abuse: Policy and Practice Guidance" as a framework, adopting considerable detail from this document. This document built helpfully on an earlier version of the Church of England's guidelines first published in 2006, which we had already considered favourably in many respects, though it reflected the breadth of its theological context. It came highly recommended by several advocates for domestic violence victims, and compared well to other alternatives.

27. We acknowledge with gratitude the work and experience represented in this Church of England resource.

28. Of course, although many similarities remain, at numerous points the framing, theological understanding, emphasis and detail in our policy and guidelines had to be adapted to our local context, both the external legal and social context in NSW Australia, and to the internal evangelical Anglican context of the Diocese of Sydney.

29. Additional input was drawn from many other sources and individual experts consulted, along with some original material prepared by members of the Task Force.

30. Recently, the Task Force asked its chair, Canon Sandy Grant, to take leave from his parish work to complete the drafting of policy, guidelines and additional resources. The parish of St Michael's Cathedral, Wollongong, graciously released him to work on this matter, and by agreement, will be reimbursed for no more than 80 hours of his time, upon supply of timesheets, at reasonable rate, from funding Standing Committee supplied to the Task Force in 2015. Canon Grant did not vote on any matters affecting the finances of the Task Force and the parish he serves.

### *Policy statement*

31. The policy statement has several sections –

- The actual policy statement
- Thinking Theologically: 10 statements about domestic abuse
- What you need to do in a church
- A Flow Chart for responding
- A list of key phone numbers and websites

32. The actual policy statement begins with the key statement that "**All forms of domestic abuse are wrong and must stop.**" It then includes our definition of domestic abuse. In its specific policy statements it addresses the following areas in turn –

- (a) It speaks in general of the safer environment we want to promote.
- (b) It then recognises that we already have 'high level' policy guidance regarding domestic abuse from *Faithfulness in Service* (although it does not currently use that specific term).
- (c) It then recognises certain basic facts about domestic abuse.
- (d) Finally it moves to our response, addressing policy actions in the following contexts –

- (i) in all our activities;
- (ii) in our public statements;
- (iii) when concerns are raised; and
- (iv) for those in our care.

33. The Task Force spent considerable time thinking theologically about domestic abuse. This resulted in preparation of '10 statements about domestic abuse'. This theological thinking is designed to accompany the proposed policy statement in publication. The Task Force consulted members of the Doctrine Commission particularly over this matter, and is grateful for feedback received which strengthened our thinking.

34. There is a short section that follows in the policy section outlining things a church or parish needs to do as part of a good basic response to domestic abuse, for its prevention, as well as for care of victims. It begins with the position that a victim's safety is our highest priority, before attending to other matters that Christians sometimes, and understandably, hurry towards, such as reconciliation.

35. In response to frequent requests from clergy and others, a Flow Chart outlining a basic overview for responding to disclosures of domestic abuse has been prepared.

36. The Flow Chart will be accompanied by a one page listing of key organisations' phone numbers and websites with information for responding to the possibility of domestic abuse in various contexts.

37. We envisage that the Flow Chart and listing of phone numbers and websites should be published as a stand alone, double-sided reference sheet. We also recommend that the policy statement, theological thinking and what a church needs to do sections should be published in a small booklet.

38. The Task Force recommends that monies should be spent on proper layout, graphic design and printing for these publications. Such funding could be taken from the balance of funding allocated to the Task Force in 2015, and if insufficient, by application to current Synod Fund contingencies.

39. In considering the policy, the Standing Committee felt it would be appropriate to label it "provisional" in order to elicit on-going feedback on the policy from clergy and church members. The Standing Committee proposes reviewing the Provisional Policy in light of the feedback with a view to bringing to the Synod session in 2018 proposed amendments.

#### *Good Practice Guidelines*

40. The Good Practice Guidelines are also substantially based on the Church of England document mentioned above. Along with the policy section, they have been thoroughly reviewed by representatives of Anglicare and by an independent clinical psychologist, all with expertise in the area of domestic abuse, and also by the Director and Chaplain of the PSU, and by the Safe Ministry Board.

41. The Good Practice Guidelines are fairly comprehensive, as our research suggests that clergy and church workers are often naïve, under-educated and under-resourced in this area. Perpetrators of domestic abuse can sometimes present very well in public, and are often very deceptive and manipulative.

42. The structure of the Guidelines is as follows –

- (a) Responding to victims
  - (i) Initial disclosure
  - (ii) Immediate action
  - (iii) Your response to disclosure
  - (iv) Record keeping and follow up
- (b) Responding to alleged or known perpetrators
  - (i) Record keeping and follow up
- (c) Additional guidance for clergy and licensed lay ministers
  - (i) Responding to victims
  - (ii) Responding to perpetrators
  - (iii) Perpetrator programs
- (d) Pastoral Issues (i.e. within a congregation or parish)
- (e) Clergy and domestic abuse
  - (i) Alleged perpetrator who is a member of the clergy
- (f) Mediation

43. The Guidelines conclude with a case study.

### Appendices and other resources

44. The Policy and Good Practice Guidelines are supplemented by a series of 11 Appendices, which provide extensive additional background information and advice.

45. The Appendices are as follows –

- (a) An expansive description of Domestic Abuse
- (b) Domestic Abuse Facts
  - (i) Who experiences domestic abuse?
  - (ii) Domestic Abuse Statistics for Australia
  - (iii) Challenging misconceptions about domestic abuse
  - (iv) Recognising domestic abuse in adult victims
  - (v) Recognising domestic abuse in children
  - (vi) Who are the perpetrators of domestic abuse?
  - (vii) Recognising perpetrators of domestic abuse
  - (viii) Particular Types of Domestic abuse
- (c) Legal Framework
- (d) Domestic Abuse: Policy Guidance from *Faithfulness in Service*
- (e) Suggested Parish Policy on Domestic Abuse
- (f) Draft Safety and Exit plan
- (g) Marriage Preparation: Recommended good practice
- (h) Synod Resolutions related to Domestic Abuse
- (i) Timeline of Public Statements by Diocesan Leadership addressing Domestic Abuse
- (j) “Walking Through It: A Family Violence Survivor’s Reflection”
- (k) Doctrine Commission on Divorce and Remarriage

46. The Appendices again draw on the Church of England document and also on entirely new work provided by the Diocesan Researcher and the SDS Legal Counsel.

47. Additional resources have been prepared in part or full. These have not been included in the Appendices but could be published in other contexts. These include –

- (a) a Review the Research Base on Domestic Violence and Religion (noting recent public discussion about this matter);
- (b) a reflection on Domestic Abuse and Pathological Thinking, that might expand to explore the significance of personality disorders and other psychological conditions;
- (c) an essay on Domestic Abuse and the Language of Submission and Headship;
- (d) material further expressing perspectives from victims and survivors, useful to church leaders and members, for example, “Things I Wish You Understood: An Open Letter to Ministers From a Family Violence Survivor,” recently published anonymously on The Gospel Coalition Australia website; and
- (e) an annotated bibliography of helpful books and articles.

48. Other possible material is under consideration for development either as future additional appendices to the Policy and Guidelines, or as independent resources. This includes –

- (a) Some standard diagrams adapted to our context, such as the “cycle of violence”, the “power and control wheel” and/or the “8 Signs of Abuse” infographic. These more visual presentations of the varieties and patterns of abuse may help some victims and those supporting them, identify the pattern of abuse and manipulation and exploitation of power more easily than merely verbal descriptions sometimes permit.
- (b) Advice for those who want to date on how to avoid those likely to be abusers. (Proverbs 22:24-25 says “Do not make friends with a hot-tempered man, do not associate with one easily angered, or you may learn his ways and get yourself ensnared.”)
- (c) Advice for clergy and church workers where abuse evident in a relationship appears to be of lower significance and does not reach any level requiring reporting to Police (or child protection authorities). E.g. What if it’s non-physical, lower level emotional and verbal abuse in one or both directions? What is good practice then? What if one or both parties want to explore reconciliation? There are common questions from clergy.

**Monitoring the delivery of education and professional development**

49. The Task Force has continued to monitoring the delivery of education and professional development in the area of domestic abuse by diocesan organisations, including Moore Theological College, Youthworks College, Ministry Training and Development, Mary Andrews College, and the Professional Standards Unit.
50. In 2017, Moore Theological College has reported that –
- (a) the College maintains its domestic violence policy, which is prominently displayed in several places on its website,
  - (b) a clear statement of the College’s position on domestic violence is delivered during the First Year Orientation program,
  - (c) year 1 and year 3 have formal class input provided by Anglicare on the topic, accompanied by the invitation to speak to the Dean of Students, Dean of Women or chaplains if the topic raises issues,
  - (d) the Safe Ministry module, conducted in second year, addresses the issue of domestic violence directly,
  - (e) a “Protective Behaviours” seminar conducted for faculty, staff and students by a professional in March 2017, covered mainly child sexual abuse, but also touched on domestic abuse,
  - (f) Moore Women have received input on domestic violence from a clinical psychologist (who is also a clergy wife),
  - (g) Moore Women have released a significant publication, “Domestic Violence: A Starting Point in Supporting Victims”, distributed to all spouses and made available to the men of the College,
  - (h) there is a compulsory education session for all chaplains (i.e. male faculty, and visiting female chaplains) on domestic violence, and
  - (i) although there is no formal requirement this topic should be covered in chaplaincy groups, a number have done so.
51. In 2017, Youthworks College has reported the following –
- (a) Continuing practice is to deal with domestic violence when it comes up in the context of a number of units including Sexuality and Identity, Young Adult Ministry, and Family Ministry.
  - (b) In another Critical Reflection/Personal Formation unit, the College is mandating that domestic violence will be one topic in a sequence of regular topics addressed. The nature of the unit includes an examination of biblical material, opportunity for theological reflection, and a consideration of practical application.
  - (c) This means students will interact with the issue as a matter of course at least twice in the time they are at the College, including engagement with outside expertise on at least one of those occasions.
  - (d) The College does not have a Domestic Violence Policy as it is not a residential college, but would consider development of one appropriate to its context if that is felt to be advisable.
52. In 2017, Mary Andrews College has reported that –
- (a) the College does not have a domestic abuse policy at present, because of the part-time nature of the student body and lack of any ‘common space’, and
  - (b) the topic is addressed in Pastoral Care in the syllabus, and in other practical subjects as the issue arises.
53. In 2017, additional to what was noted in its own report to Synod in 2015, Ministry Training and Development reported that –
- (a) A training day on domestic violence was held for all the assistant ministers in the Ministry Development (“MD”) program for new ministers. Nicky Lock, an experienced counsellor in this area, was the presenter.
  - (b) There are plans for all assistant ministers in the MD program to attend additional training on dealing with domestic violence during the time that they are in the program, building on what they have done at Moore College.
  - (c) The new Confidential Questionnaire required of all ordination candidates now includes a question which gives an opportunity to discuss any inappropriate behaviour. The question reads, “Have you ever engaged in bullying, verbal abuse or violence within your family or with others?”.

- (d) All assistant ministers in the MD program have also attended the *Faithfulness in Service* training day this year organised by the PSU which had training on understanding and dealing with domestic violence.
- (e) It anticipates the outcome of the work by the Task Force on Domestic Violence and how MTD might use the resources and advice that comes from this group.

54. In 2017, and as reported separately in its report, the Professional Standards Unit conducted its triennial *Faithfulness in Service* Seminars across the five regions of the Diocese. For the afternoon sessions Mrs Andrea Musulin, Director of the WA Child Protection Society presented on domestic violence and how protective behaviours education can help to build resilience to prevent domestic violence from occurring and to break the cycle.

#### **Further recommendations regarding our response to domestic abuse**

55. The Task Force is making some additional recommendations for consideration of the Synod and its Standing Committee.

##### *Training*

56. The Task Force recommends that Anglicare be requested to develop a basic training module, in consultation with Moore College, Ministry Training and Development, the Professional Standards Unit, and Anglican Youthworks, aimed at assisting clergy and church workers in understanding domestic abuse and how those serving in churches can respond well to this issue.

57. The Task Force notes that any training module should consider learning outcomes along the following lines: that by the end of the module, with use of personal notes and learning resources, participants should be able to –

- (a) list key statistics and describe possible behaviours relating to domestic abuse,
- (b) evidence responding appropriately to information about domestic abuse,
- (c) describe a range of ways to manage risk to adults who are vulnerable and children,
- (d) list and describe referral pathways and the roles of supporting agencies, and
- (e) reflect on the implications of responding well to domestic abuse for traditional Christian teaching about marriage.

##### *Screening, care and discipline of clergy and church workers*

58. The Task Force encourages the PSU to continue monitoring and responding appropriately to all concerns reported regarding licensed clergy, lay ministers, and voluntary church workers in the diocese in relation to domestic abuse allegations, and also with concerns about poor pastoral practice in care of victims. The Task Force also supports the upholding and application of all relevant diocesan standards and disciplinary procedures, as they touch the issue of domestic abuse and our response to it, including the Church Discipline Ordinance as appropriate.

59. The Task Force recommends those reviewing the Church Discipline Ordinance to consider measures to ensure that a clergy person or church worker can be appropriately required to receive guidance and specialised help and/or disciplined in cases of domestic abuse, which do not constitute sexual abuse or serious criminal behaviour already covered by the ordinance.

60. The Task Force recommends those reviewing the Church Discipline Ordinance consider measures to ensure that a clergy person or church worker can be required to receive guidance and specialised help in cases of serious failure to provide appropriate pastoral care to a victim of domestic violence. By “serious failure”, we refer to provision of pastoral care in a manner that puts the safety of a victim or their family at risk and demonstrates a wilful disregard of the Synod’s policy and guidelines in this area.

61. The Task Force applauds Anglicare for the appointment of a Domestic Violence Adviser, part of whose job description involves working with the Sydney Diocese to ensure parishes are well equipped and able to respond to family violence situations by providing appropriate resources.

62. The Task Force recommends publicising to parishes the existence of the Anglicare Domestic Violence Adviser and encourages liaison with the Adviser.

63. The Task Force recommends consideration be given to recommending extension – with sufficient funding for staffing and training – of the PSU Contact Person and Chaplain system, so that it is available to provide advice, support and resources to those in our churches who have experienced domestic abuse. The Task Force notes that the PSU already provides responses to inquiries received in this area though it is not funded for this. It also notes that the workload in this area can reasonably be expected to increase.

64. The Task Force recommends that the Episcopal team, in consultation with PSU and Anglicare, develops a protocol for providing pastoral support to clergy, lay ministers, and/or their spouses, who have experienced domestic abuse.

65. The Task Force recommends that the Archbishop, in consultation with Ministry Training and Development, determine, by consultation with appropriate professionals, whether screening of ordination and other ministry candidates needs to be improved to address concerns about candidates who may display evidence of personality types, or psychological disorders, or other tendencies or attitudes associated with a heightened risk of domestic abuse.

### **Concluding Recommendations**

66. The Task Force recommends that the Synod make a confession that domestic abuse has occurred among members of our churches and an apology for failures to respond well pastorally to such situations (alongside acknowledgement for those clergy and members who have responded in more helpful ways). The Task Force notes the following wording from resolution regarding this topic, was passed at the recent session of General Synod –

“We grieve with victims and survivors of domestic abuse, and pray for their healing and recovery. We give thanks for those women and men, clergy and lay people, who have faithfully supported, cared for and protected such victims in our churches and communities.

However, we also confess with deep shame 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 has failed adequately to support victims and call perpetrators to account.”

67. In November 2016, the General Synod Standing Committee made amendments to *Faithfulness in Service*. This included an amendment be made in section 6 “Personal behaviour”, adding the following sentence at the end of paragraph 6.3: “Abuse in a family or domestic context is commonly known as “family and domestic violence”. The Task Force commends the Standing Committee’s separate report recommending that these amendments from the General Synod Standing Committee be adopted by the Synod of the Diocese of Sydney.

68. The Task Force recommends that the proposed Provisional Policy be adopted by the Synod as a policy of Synod.

69. The Task Force recommends that all parishes, and if considered helpful, diocesan organisations, adopt as their own, and implement, the Domestic Abuse Policy and Good Practice Guidelines, modified as appropriate to their context.

70. The Task Force recommends that the Standing Committee consider how best to resource parishes and organisations with further resources and training materials in the area of responding to domestic abuse.

71. The Task Force recommends that the Standing Committee determine how best to review our policy, guidelines and other procedures and resources in the area of domestic abuse periodically.

72. The Task Force recommends that the Standing Committee consider reappointing the Task Force, possibly with some changes to membership as required, to continue work for another year, especially to receive feedback on the Provisional Policy and Guidelines, and to further work on some of these recommendations and incomplete tasks.

For and on behalf of the Task Force

CANON A. R. (SANDY) GRANT  
*Chair*

20 September 2017



## Anglican Diocese of Sydney

# ***Responding to Domestic Abuse: Provisional Policy and Good Practice Guidelines***

### ***A Word from the Archbishop***

God is love. The Bible reveals him 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 **Provisional 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 clergy and 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 abuse counts as domestic violence. We have also chosen to refer to **victims** of domestic abuse but acknowledge many victims go on to become survivors.

## *Section 1*

# *Provisional Sydney Anglican Policy on Responding to Domestic Abuse*

## **SECTION 1:**

### **Provisional Sydney Anglican Policy on Responding to Domestic Abuse**

#### **1.1 We acknowledge domestic abuse exists, is wrong and must stop**

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- 1.1.1 All forms of domestic abuse are wrong and 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
- 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. Abuse involving children should follow child protection procedures

#### **1.2 We are committed to safe places**

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The Anglican Diocese of Sydney is committed to promoting and supporting safer environments that:

- 1.2.1 Recognise equality amongst people
- 1.2.2 **Promote a culture of healthy relationships** of mutual responsibility 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 clearly and consistently

#### **1.3 We uphold Faithfulness in Service**

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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

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- 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 need to obtain advice from those with professional expertise when faced with situations of domestic abuse.
- 1.4.6 Where mistakes in caring for people in difficult situations are made, an apology should be offered

## 1.5 We respect people who come to us for help

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We shall respond to domestic abuse by valuing, listening to and respecting both victims and alleged or known perpetrators of domestic abuse, while 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.

## 1.6 We uphold Scripture and its abhorrence of abuse in our words and public statements

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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 used to justify or excuse any form of abuse
- 1.6.2 Clearly teach that the Bible does not condone abuse and should not be used to demand a spouse tolerate or submit to domestic abuse
- 1.6.3 Raise awareness of domestic violence agencies, support services, resources and expertise

## 1.7 We ensure safety first

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- 1.7.1 **Safety First** – Ensure that those who have experienced domestic abuse can find safety and informed help as a first priority
- 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** – Work with the appropriate statutory authorities during an investigation into domestic violence, 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
- 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 support to those in our care

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- 1.8.1 **Offer informed care** – Ensure that informed and appropriate pastoral care is offered to any adult, child or young person who has suffered domestic abuse
- 1.8.2 **Go at the victim's pace** – We will never pressure any victim of domestic abuse to forgive, submit to, or restore a relationship with an offender
- 1.8.3 **Reconciliation comes with conditions** – Understand that any reconciliation between victim and offender is dependent principally upon genuine repentance and reformation of the offender, and also upon the willing grace of the victim
- 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 **Equal access to care** – we will 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

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- 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. Accordingly, any attempt to distort the biblical concepts of headship and submission to justify abusive behaviour 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 sin. 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 always an appropriate step to be considered and should never be discouraged (Proverbs 27:12; 1 Corinthians 7:10-11; cf. 1984 Doctrine Commission Report, *21/82 The Remarriage of Divorced Persons* (1984), para. 4.12, Appendix 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 support 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 offers forgiveness and calls for repentance. When domestic abuse has been indicated as a factor in separation, attempts made at reconciliation should not be suggested until it is clear that the

perpetrator has demonstrated genuine repentance and taken full responsibility for their actions. Such repentance includes being able to demonstrate an understanding of what led the person to behave in an abusive manner, and an understanding of what was wrong with their behaviour (Luke 3:8-14; Romans 12:9; 2 Corinthians 7:8-11).

- 1.9.8 Any attempts made at reconciliation should only proceed slowly and cautiously, after consultation with experienced domestic violence services. Domestic abuse research and statistics showing that true reformation in such cases takes time and considerable effort on the part of the perpetrator, and, for some, may never be achieved. Therefore the caution of a victim in being reconciled to an offender 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 compromise the safety or pastoral care of victims of domestic abuse.
- 1.9.10 Christians with a genuine desire to be faithful to Scripture will hold different views on the question of when divorce is appropriate. However such views should not impact on 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 a sad but appropriate action in the circumstances of domestic abuse please see the attached 1984 Doctrine Commission report extract, para. 4:13, Appendix 11.

## **1.10 What do you need to do in your church?**

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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 and reformation** – by the abuser

**Define and clarify** the state of the relationship

- 1.10.1 A victim's physical and emotional safety must be our first concern. This must be attended to before other matters (such as a desire for reconciliation) can be addressed. Other matters may be considered according to the priorities suggested above, 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

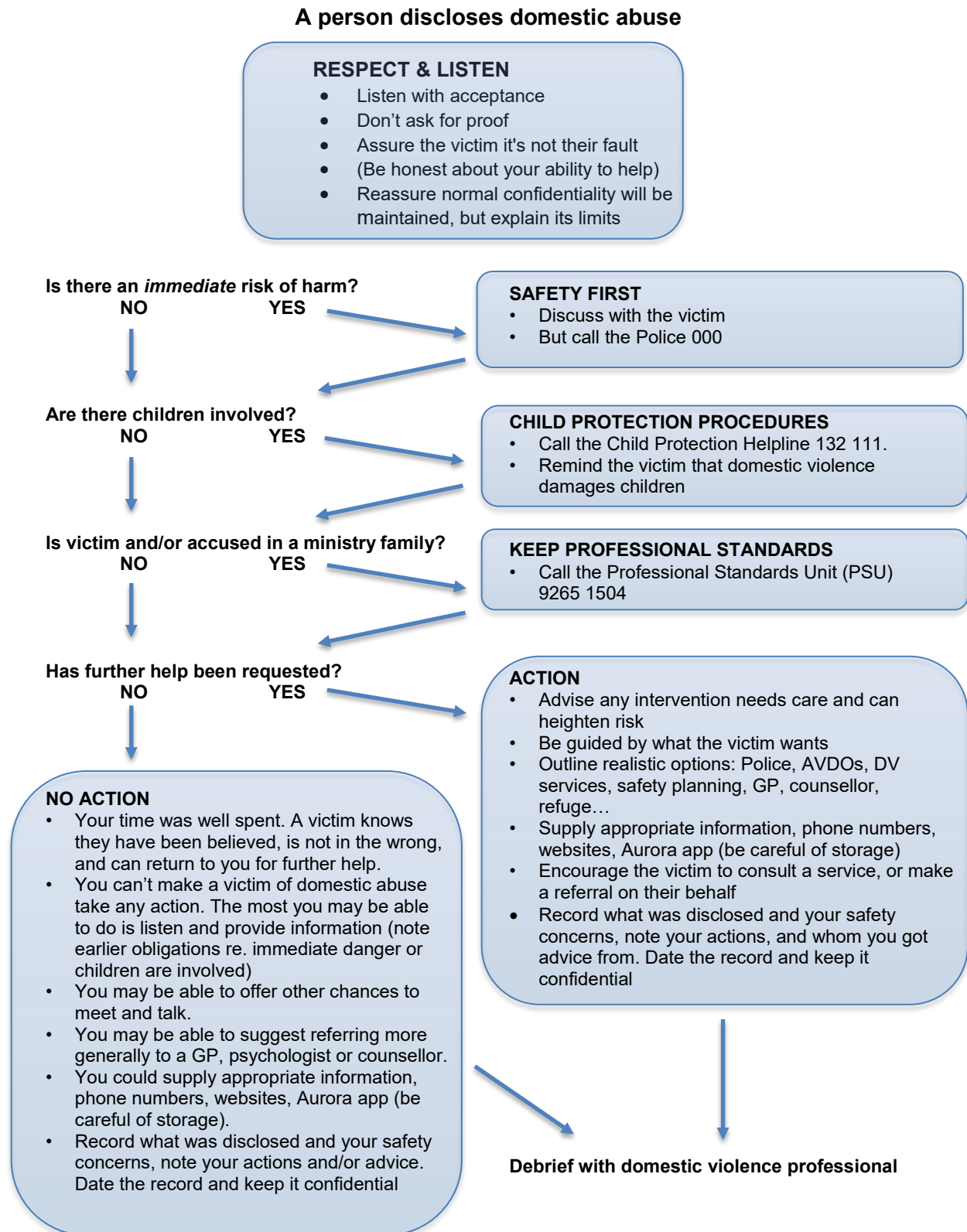
## 1.11 Key steps for prevention and care

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- 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 5 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



## 1.12 Domestic Abuse Flowchart



### 1.13 Domestic Abuse – key telephone numbers and websites for help

AGENCY	CONTACT DETAILS
<p><b><u>1800 Respect national helpline:</u></b> 24/7 national number for sexual assault, family &amp; domestic violence counseling and advice</p>	<p><b>1800 737 732</b> <b>1800respect.org.au</b></p>
<p><b><u>Anglicare Domestic Violence Adviser</u></b> Advice to clergy and lay ministers in the Anglican Diocese of Sydney especially for domestic abuse in a church-related setting</p>	<p><b>0438 826 556 (business hours)</b></p>
<p><b><u>Aurora App</u></b> The Aurora domestic and family violence app is for people experiencing domestic abuse or for those worried about their relationship. The app contains useful information including emergency contacts, the kinds of behaviour considered to be domestic abuse, vital links to support services available in NSW. Importantly, the app allows the user to message their trusted friends and family members or call emergency services immediately. The Aurora app has been built with numerous safety features that allow people to use it discreetly and seek assistance without risk of “tipping off” a perpetrator and endangering themselves. It was developed in consultation with NSW Police and experts from the domestic violence sector</p>	<p><b>free to download from iPhone App Store &amp; Android Google Play</b></p>
<p><b><u>Child Protection Helpline</u></b> Contact this helpline if you think a child or young person is at risk of harm from abuse</p>	<p><b>132 111</b> <b>reporter.childstory.nsw.gov.au/s/mrg</b></p>
<p><b><u>Daisy App</u></b> Australia-wide alternative to the Aurora app</p>	
<p><b><u>Lifeline</u></b> 24 hour telephone crisis line</p>	<p><b>131 114</b> <b>www.lifeline.org.au/get-help</b></p>
<p><b><u>NSW Domestic Violence Line:</u></b> 24/7 for comprehensive information and referrals to nearby support services, for all categories of domestic violence</p>	<p><b>1800 65 64 63</b> <b>domesticviolence.nsw.gov.au/get-help</b></p>
<p><b><u>NSW Rape Crisis Centre</u></b> counseling service for <i>anyone</i> in NSW – men and women – who has experienced or is at risk of sexual assault</p>	<p><b>1800 424 017</b> <b>www.nswrapecrisis.com.au</b></p>
<p><b><u>No To Violence: Men's Referral Service:</u></b> Telephone counselling, information and referral service for men using violence in families, male victims, and for their friends or relatives</p>	<p><b>130 766 491</b> <b>ww.ntvmrs.org.au</b></p>
<p><b><u>Professional Standards Unit</u></b> Advice about abuse involving clergy or church workers in the Anglican Diocese of Sydney</p>	<p><b>9265 1604</b> <b>safeministry.org.au</b></p>

N.B. Addresses for local refuges are generally not made public for security's sake.

*Section 2:  
Addressing Domestic Abuse:  
Good Practice Guidelines*

## **SECTION 2:**

### **Addressing Domestic Abuse: Good Practice Guidelines**

#### ***Preamble***

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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**

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*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 2. This also briefly notes other particular categories of domestic abuse

#### **2.2 Initial Disclosure**

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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.

- 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

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- 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. 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

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- 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

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Please also see the guidance from *Faithfulness in Service* paragraphs 4.36 and 4.37 (noted in Appendix 4) 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 6 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

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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/](http://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
- 2.6.9 **Where to get help** – Share information about helplines and accountability programs

## 2.7 Record keeping and follow up re. perpetrators

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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 responding to 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
  - Do not try to investigate or 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
  - 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

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- 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 to perpetrators

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- 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 “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 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 may be real** – Recognise that perpetrators may express real remorse for the damage that they have wrought on others in their relationships. A perpetrator may ask for forgiveness from God and seek to live a repentant life even though they may be unable to regulate their emotions and behaviour sufficiently to be reconciled in a relationship
- 2.9.7 **Repentance must be real and visible** – Ask for and 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?
- 2.9.8 **Support** – Assure them of your support 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

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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.

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.

## 2.11 Pastoral issues

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- 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
- 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 support both parties safely, noting that a clergy person or church worker cannot support 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

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- 2.12.1 **Care for clergy** – 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 are advised to develop a protocol for support. This protocol could include 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

## 2.13 Clergy and Domestic Abuse – Alleged perpetrator

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- 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, which involves sexual abuse of an adult, or conviction for an offence punishable by imprisonment for 12 months or more, 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](http://www.sds.asn.au))

## 2.14 Mediation

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- 2.14.1 **Get professional help** – Mediation is a specialist ministry that needs to 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. Family Relationship Centres are a good referral option for family dispute resolution and have designated processes to ensure the safety of all concerned

## A Case Study: Andrew and Jody

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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. 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
3. Legal Framework
4. Domestic Abuse: Policy Guidance from *Faithfulness in Service*
5. Suggested Parish Policy on Domestic Abuse
6. Draft Safety and Exit plan
7. Marriage Preparation: Recommended good practice
8. Synod Resolutions related to Domestic Abuse
9. Timeline of Public Statements by Diocesan Leadership addressing Domestic Abuse
10. "Walking Through It: A Family Violence Survivor's Reflection"
11. Doctrine Commission on Divorce and Remarriage

## **Appendix 1: An expansive description of Domestic Abuse**

*This Australian Parliamentary Library Research Publication<sup>1</sup> 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'.

<sup>1</sup> 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](http://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/BN/2011-2012/DVAustralia) (accessed 15/8/2017)

## **Appendix 2: 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.
- 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**

#### *Prevalence of Domestic Violence in Australia<sup>1</sup>*

- 1 in 6 women (17%) and 1 in 20 men (5%) had experienced threatened or actual physical or sexual violence by a partner they had lived with.<sup>2 3</sup>
- 6% of women reported some form of interpersonal violence in the previous two years. Almost 5% of women and 3% of men had experienced emotional abuse by their current partner in a 12 month period between 2011 and 2012. 25% of women and 14% of men have experienced emotional abuse by a partner since the age of 15.
- Violence by a current partner was more common when emotional abuse was present. Around a third of the women (and 18% of men) who had experienced emotional abuse by their current partner had also experienced violence by them.

#### *Who experiences Domestic Violence and Abuse?<sup>4</sup>*

- 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.

<sup>1</sup> 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>. 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.

<sup>2</sup> Australia's National Research Organisation for Women's Safety (2015), *Violence against women: Additional analysis of the Australian Bureau of Statistics' Personal Safety Survey, 2012*, Horizons Research Report, October 2015. Accessed May 2016 at <http://anrows.org.au/>

<sup>3</sup> This means that almost 1.5 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.

<sup>4</sup> 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.

- Most victims are between the ages of 20 and 39.<sup>5</sup> 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.
- Indigenous women and girls were 35 times more likely than the wider female population to be hospitalised due to family violence.<sup>6</sup>
- 25% of children in Australia have been witnesses to domestic violence.<sup>7</sup>

#### *Reported incidents of Domestic Violence in NSW<sup>8</sup>*

- Every week NSW Police deal with over 1,250 domestic violence related incidents.<sup>9</sup>
- Between 2005 and 2014, there were 169 intimate partner homicides (129 females and 40 males) in NSW, comprising one third of all homicides. The number of homicides rose by almost 50% during this period. 63% of those women killed by a former partner had ended the relationship with the domestic violence abuser within three months of the homicide.<sup>10</sup>
- 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.<sup>11</sup>

### **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.

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<sup>5</sup> 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>.

<sup>6</sup> 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/>

<sup>7</sup> 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://earlytraumagriev.anu.edu.au/files/ImpactofDVonChildren.pdf>

<sup>8</sup> Most 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.

<sup>9</sup> 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/>

<sup>10</sup> Stephanie Ramsey (2015) "Intimate partner Homicides in NSW: 2005-2014", *Bureau Brief*, Issue no.111, November 2015, Bureau of Crime Statistics and Research. Accessed 4 August 2017 at [http://www.bocsar.nsw.gov.au/Pages/bocsar\\_news/Intimate-partner-homicides-in-NSW-2005-to-2014.aspx](http://www.bocsar.nsw.gov.au/Pages/bocsar_news/Intimate-partner-homicides-in-NSW-2005-to-2014.aspx)

<sup>11</sup> 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 2012 Personal Safety Survey suggested that 1 in 6 Australian women and 1 in 20 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;
- 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;
- 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;
- 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.

### **Survivor View (13 year old)**

*It's only in the last year or so that I began to think that a family could be a good place to be...a home". I'm the eldest, and I took a lot of my Dad's fury – or just being drunk which is what it often was. I know my Mum wasn't always a saint – she could really wind him up – in fact she does it to me sometimes and then I get terrified that I'll react like him.*

*Anyway sometimes they would just argue and shout, but then I'd seen what he could do when he loses it. I had to take Mum to hospital once and it was just horrible. In fact I remember being amazed how she looked almost normal when they'd cleaned her up. But seeing it or even worse just hearing it was ... don't know ... I couldn't bear it, and I wanted to kill him. I couldn't I know – even if I was strong enough – so I just used to hold on to the little ones and sort of hide with them till it was over. But it did get so difficult. I didn't want to go home after school, so I'd stay out late sometimes with my mates. Then my Mum started saying I was just like him. That was the worst time ever.*

*One day my mum spoke to someone on a helpline. After that, they had a big row and then he left home. Things sort of calmed down, but I was still scared that he would come back or I'd be like him. Then we had this counsellor who talked to my Mum, and me and my sisters together. Somehow it all began to seem better and I felt it was possible to move on.*

## **6. Who are the perpetrators of domestic abuse?**

Most known perpetrators of domestic abuse are men. (This may to a certain extent also reflect the potential under-reporting of domestic abuse by 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;
- 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, 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, 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 3: 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
- Family Law Act 1975

#### **NSW Crimes (Domestic and Personal Violence) Act 2007<sup>1</sup>**

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**<sup>2</sup>:

- a. to ensure the safety and protection of all persons, including children, who experience or witness domestic violence, and
- b. to reduce and prevent violence by a person against another person where a domestic relationship exists between those persons, and
- 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, or
- 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); or
- ‘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.

<sup>1</sup> NSW Government, *Crimes (Domestic and Personal Violence) Act 2007*, accessed 4 August 2017 at <https://www.legislation.nsw.gov.au/#/view/act/2007/80>

<sup>2</sup> 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 enable<sup>3</sup>:

- 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.
- 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.<sup>4</sup>

More information is available from the NSW Government Domestic Violence website<sup>5</sup>, Women's Domestic Violence Court Assistance Scheme or a local Women's Domestic Violence Court Advocacy Service.<sup>6</sup> 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.<sup>7</sup>

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<sup>3</sup> 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](http://www.police.nsw.gov.au/community_issues/domestic_and_family_violence)

<sup>4</sup> NSW Government, *Crimes (Domestic and Personal Violence) Act 2007*, accessed 4 August 2017 at <https://www.legislation.nsw.gov.au/#/view/act/2007/80>

<sup>5</sup> 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>

<sup>6</sup> Women's Domestic Violence Court Advocacy Service, accessed 4 August 2017 at <http://www.wdvcasnsw.org.au/>

<sup>7</sup> 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 1975<sup>8</sup>

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.<sup>9</sup> 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.
- 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*<sup>10</sup> (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 serious<sup>11</sup> physical or psychological harm.<sup>12</sup>*

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:<sup>13</sup>

- 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)
- Law enforcement (e.g. police)

<sup>8</sup> Australian Parliament, *The Family Law Act 1975*, accessed 2 August 2017 at <https://www.legislation.gov.au/Details/C2016C01106>

<sup>9</sup> 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>

<sup>10</sup> 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>

<sup>11</sup> Here, "serious" means sufficient to warrant a response by a statutory authority irrespective of a family's consent

<sup>12</sup> 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](https://www.police.nsw.gov.au/community_issues/domestic_and_family_violence/policy)

<sup>13</sup> 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.<sup>14</sup>

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.

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<sup>14</sup> Childstory Reporter, *Welcome to the ChildStory Reporter Community*, accessed 4 August 2017 at <https://reporter.childstory.nsw.gov.au/s/>



## **Appendix 4: 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**.<sup>1</sup>*

*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.<sup>2</sup>*

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.*

<sup>1</sup> 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.

<sup>2</sup> Although the actual phrase "domestic abuse" is not currently used, the Sydney Synod will soon consider the national General Synod's recommended amendment in *Faithfulness in Service* to explicitly note at this point in para. 6.3 that "Abuse in a family or domestic context is commonly known as "family and domestic violence."

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 5: Suggested Parish Policy on Domestic Abuse**

### **Parish of ..... Policy for Responding to Domestic Abuse**

**All forms of domestic abuse are wrong and 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
- 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)
- 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
- Where mistakes in caring for people in difficult situations are made, an apology should be offered

#### **5. We respect people who come to us for help by –**

- Valuing, listening to and respecting both victims and alleged or known perpetrators of domestic abuse, while 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 used to justify or excuse any form of abuse
- Clearly teaching that the Bible should not be used to demand a spouse tolerate or submit to domestic abuse
- Raising awareness of domestic violence agencies, support services, 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

- 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 violence, 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
- 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 support to those in our care by –**

- Offering informed care – Ensuring that informed and appropriate pastoral care is offered to any adult, child or young person who has suffered domestic abuse
- Going at the victim's pace – 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 also upon the willing grace of the victim
- 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 any one 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](http://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](http://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](http://www.lifeline.org.au/get-help)
  - 24 hour telephone crisis line.
- Professional Standards Unit: **9265 1604** or [safeministry.org.au](http://safeministry.org.au)
  - Advice about abuse involving Anglican clergy or church workers

## **Appendix 6: Draft Safety and Exit plan**

*Ordinarily safety planning would be done with an experienced professional in the field of responding to domestic violence. 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 violence 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 7: 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 Minnesota<sup>1</sup>.

This was research based in the United States from a national sample of over 20,000 couples taking the Enrich questionnaire.

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<sup>1</sup> 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 Egalitarian<sup>2</sup> 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.

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<sup>2</sup> Note that 'Egalitarian' here in Prepare/Enrich is not defined primarily in theological terms.

## **Appendix 8: 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)

## **Appendix 9: 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.<sup>1</sup>*

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 Answers<sup>2</sup>**

#### **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

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<sup>1</sup> 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).

<sup>2</sup> 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 10: 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, Australia<sup>1</sup>)

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 was placed in harm's way, and again received a tirade of abuse that left me trembling

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<sup>1</sup> 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 11: 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.*

## General Synod – Safe Ministry to Children Canon 2017 Adopting Ordinance 2017

### Explanatory Report

#### Key Points

- The Bill will adopt a Canon of the General Synod which prescribes a code of conduct and minimum standards and guidelines for safe ministry to children. The legislation has been designed to promote a nationally consistent approach to minimum standards for safe ministry to children.
- Pursuant to the Canon, the prescribed standards initially will be in relation to screening, training and persons of concern. The General Synod Standing Committee will have power to amend these standards and prescribe further standards and guidelines by a two-thirds majority. These will apply automatically in a diocese that has adopted the Canon.
- Once the Canon has been adopted in a diocese (as opposed to its approval in-principle), the Diocese will be audited by General Synod to ensure that it has procedures that effectively monitor observance and provide for an appropriate response to instances of non-observance. The results of the audit will be uploaded to the General Synod website.
- There are some important issues in relation to the Canon that still need to be resolved. For this reason, it is proposed that the Bill be approved in principle in 2017 and that further consideration be deferred to the next ordinary session of Synod.

#### Purpose of the bill

1. The primary purpose of the bill for the *General Synod – Safe Ministry to Children Canon 2017 Adopting Ordinance 2017* (“the Bill”) is to prescribe a code of conduct and minimum standards and guidelines for safe ministry to children.

#### Recommendations

2. That Synod receive this report.
3. That Synod approve the Bill as an ordinance of the Synod in principle and defer further consideration of the Ordinance until the next ordinary session of the Synod.

#### Evidence Given

##### *Explanatory Memorandum*

4. 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. The “Standing Committee” referred to in the Appendix is the General Synod Standing Committee and not the Standing Committee of our Diocese.

5. The Explanatory Memorandum reflects the Canon in its original form. The Canon was amended ‘on the floor’ at General Synod. The substantive amendments were as follows:

- (a) substituting a new paragraph (c) in the definition of “diocesan audit” to provide that the audit is not of whether clergy and church workers have observed the standards and followed the guidelines, but rather that the diocese has in place procedures that effectively monitor observance and provide for an appropriate response to instances of non-observance, and that these monitoring procedures have also been followed (clause 3);
- (b) extending the definition of “ministry to children” to include a person who supervises a person who undertakes ministry to children (clause 3);
- (c) excluding members of a diocesan synod from the definition of “safe ministry role” and also members of a diocesan council if the diocese has established a separate safe ministry authority (clause 3);
- (d) inserting the word “substantial” in clauses 5(3) and 9(3) to enable the exemption for equivalent codes of conduct or standards and guidelines where the Church body has equivalents that give “substantial” effect to the code of conduct or standards and guidelines set out, or prescribed under, the canon;
- (e) providing that the requirement for national register assessments of persons undertaking voluntary ministry to children not commence until a date determined by the General Synod Standing Committee (Part 5 of the Second Schedule).

*Reference material*

6. The Canon:
  - (a) prescribes a code of conduct for safe ministry to children,
  - (b) prescribes minimum standards and guidelines for safe ministry to children, and
  - (c) implements the *Protocol for the disclosure of ministry suitability information between the churches of the Anglican Communion which the Anglican Consultative Council* in relation to the “ministry suitability information” that is to be taken into account before authorising clergy and church workers to undertake ministry to children.
7. Presently the prescribed code of conduct is the standards and guidelines of *Faithfulness in Service* set out in the following sections of *Faithfulness in Service*:
  - (a) section 3 (Putting this Code into Practice) so far as they relate to section 5 (Children), and
  - (b) section 5 (Children),

when read in each case with section 1 (About this Code) and section 2 (Key Terms).
8. The relevant version of *Faithfulness in Service* is the form tabled at the “17th ordinary session of the General Synod held in 2017”.
9. The minimum standards and guidelines for safe ministry to children with respect to screening, training and persons of concern that are prescribed by the Canon can be amended or supplemented with further standards and guidelines by a two-thirds majority of the General Synod Standing Committee. If the Canon is passed in our Diocese to the final stage (that is, beyond the in-principle adoption presently proposed) any such amendments or further standards and guidelines will apply automatically in our Diocese by operation of the Canon.
10. The prescribed minimum standards reference the following external material:
  - (a) Screening: Anglican Church of Australia *Safe Ministry Check*. There is a version for ordination candidates, clergy and paid/licensed/authorised church workers, and another version for volunteers.
  - (b) Training: Anglican Church of Australia *Safe Ministry Training Benchmarks*.
  - (c) Persons of Concern: Anglican Church of Australia *Policy for Safe Ministry with Persons of Concern*.
11. The reference material referred to in this section of the report (including the 2017 General Synod version of *Faithfulness in Service*) is available as a separate document online on the Synod this year page of SDS’s website ([www.sds.asn.au](http://www.sds.asn.au)).

*Approving adoption of the Canon in principle in 2017*

12. The Standing Committee (of our Diocese) has recommended to the Synod that the Canon be approved in principle in 2017 and that further consideration be deferred until the next ordinary session of the Synod.
13. Standing Committee supports the in-principle approval of the Canon, because a nationally consistent approach to minimum standards will provide greater protection to children in the Anglican Church of Australia. Standing Committee is also mindful that a nationally consistent approach is the preferred approach of the Royal Commission into Institutional Responses to Child Sexual Abuse.
14. The reason for Standing Committee recommending the adoption of the Canon in-principle only at this stage, is that there are some aspects of the Canon that still need to be worked through at General Synod Standing Committee in order to implement the Canon effectively in our Diocese. These include the following:
  - (a) The screening standards give rise to some issues for church workers under 18 years of age who undertake ministry to children. In parishes in our Diocese, unlike in many other dioceses in the Anglican Church of Australia, teenagers are often involved in ministry to children. The issues include:
    - (i) Church workers under 18 years of age would be required to obtain a National Criminal Records Check since they are unable to obtain the Working with Children Check in NSW.
    - (ii) All clergy and church workers (including volunteers) who undertake ministry to children would be required to complete the “Safe Ministry Check”. This requirement would include volunteer church workers who are themselves children. Currently there is only one form of the Safe Ministry Check for volunteers, which includes questions apparently focussed on adults like: “Have you ever engaged in any of the following conduct (personally, virtually or

by any electronic means)?

- sexual contact with a person under the age of consent
- production, sale, distribution or illegal use of child exploitation material
- conduct likely to cause harm to a child or young person, or to put them at risk of harm.”

- (b) The screening standards will require that all volunteers undertaking ministry to children undergo an assessment against the National Register. Based on the number of volunteers in parishes in our Diocese who have obtained Working with Children Check clearances, this may be approximately 15,000 people. Presently such a large number of assessments cannot be done efficiently. We are informed that the General Synod office is working on IT amendments to the National Register to improve its operation. However, notwithstanding the delayed commencement of this part of the Canon, it is not recommended that the Canon be adopted until this important practical issue is addressed.

*Order and good government*

15. The Canon is deemed by paragraph (a) of s 30 of the Constitution to affect the order and good government of the Church 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.

For and on behalf of the Standing Committee

ROBERT WICKS  
*Diocesan Secretary*

18 September 2017



*Safe Ministry to Children Canon 2017**General Background*Actions of the General Synod and the Standing Committee to promote a national approach to safe ministry to children

1. The General Synod and the Standing Committee have over the last 13 years adopted a series of policies and practices designed to promote a national approach to safe ministry to children and vulnerable people.
2. In 2004 the General Synod adopted the Church's **Safe Ministry Policy Statement** (33/04(b)):
 

"The Anglican Church of Australia is committed to the physical, emotional and spiritual welfare and safety of all people, particularly within its own community. The Church will:

  - o carefully recruit and train its clergy and church workers;
  - o adopt and encourage safe ministry practices by its clergy and lay church workers;
  - o respond promptly to each concern raised about the behaviour of its clergy and lay church workers;
  - o offer pastoral support to any person who has suffered abuse; and
  - o provide pastoral support to and supervision of any person known to have abused a child or another vulnerable person."
  - 3. The General Synod in 2004 also adopted **Faithfulness in Service** as the national code for personal behaviour and the practice of pastoral ministry by clergy and lay church workers and as the code of conduct for observance by bishops, and authorised the revision of Faithfulness in Service by the Standing Committee (33/04(e), (f)). Faithfulness in Service has been subsequently revised by the Standing Committee (SC2005/2/040; SC2006/1/030; SC2006/2/062; SC2011/1/48; SC2011/2/33; SC2016/1/33; SC2016/2/29).
  - 4. The General Synod in 2004 also adopted the **Safe Ministry Check** as the national applicant and referee questionnaires for the selection of ordination candidates and for the screening of clergy and church workers who have contact with children in their ministry, and authorised the revision of the Safe Ministry Check by the Standing Committee (33/04(c), (d)). The Safe Ministry Check has been subsequently revised by the Standing Committee (SC2005/2/040; SC2013/2/30; SC2017/02/52).
  - 5. The General Synod in 2004 recommended (35/04(b), (c), (f), (k), (l)):
    - (a) that each diocese adopts a system for the selection of ordination candidates that includes:
      - (i) the Safe Ministry Check including the relevant diocesan or agency privacy policy;
      - (ii) a medical report;
      - (iii) a children's commission check or a criminal history check; and
      - (iv) some form of psycho-sexual assessment;
    - (b) that each diocese adopts a system for the screening of clergy that includes:
      - (i) the Safe Ministry Check including the relevant diocesan or agency privacy policy; and
      - (ii) a children's commission check or a criminal history check;
 and that screening is to be carried out immediately prior to:
      - (iii) their ordination as a deacon and as a priest;
      - (iv) the issuing of a licence or authorisation; and
      - (v) their consecration as a bishop;
 or at the expiry of a children's commission check or every three years, whichever first occurs;
    - (c) that each diocese adopts a system for the screening for all paid and voluntary church workers:
      - (i) who have direct and regular contact with children in their ministry; or
      - (ii) who supervise any such church workers;
 that includes:
      - (iii) the Safe Ministry Check including the relevant diocesan or agency privacy policy; and
      - (iv) a children's commission check or a criminal history check;
 and that screening is to be carried out immediately prior to their appointment or at the expiry of a children's commission check or every three years, whichever first occurs;
    - (d) that each diocese ensures that all clergy, and church workers:

- (i) who have direct and regular contact with children in their ministry; or
  - (ii) who supervise any such church workers;
- satisfactorily complete safe ministry training prior to their ordination as a deacon, employment or appointment and thereafter at regular intervals;
- (e) that each diocese adopts a system of pastoral support and pastoral supervision of known abusers of children or other vulnerable people within a parish or church organisation that includes:
    - (i) the entry into an agreement between the abuser and church leaders for the involvement of the abuser in the parish or church organisation; and
    - (ii) the establishment of an accountability and support group for the abuser.

6. The Standing Committee in 2005 affirmed that the effective implementation of the Safe Ministry Policy Statement adopted by the General Synod (33/04(b)) requires that there is as far as practicable **uniform safe ministry policies and procedures throughout the Church** (SC2005/3/063).

7. The General Synod in 2007 passed the **National Register Canon 2007** with the object of assisting 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.

8. The Standing Committee in 2011 approved **Safe Ministry Training Benchmarks** and recommended that each diocese and the Australian Defence Force review and if appropriate revise their safe training material to ensure that it complies with the benchmarks (SC2011/2/32).

9. The General Synod in 2014 adopted the **Charter for the Safety of People within the Churches of the Anglican Communion** which includes the commitment to adopt standards for the practice of pastoral ministry by clergy and other church personnel, to assess the suitability of persons for ordination as clergy or appointment to positions of responsibility in the church, and to promote a culture of safety in parishes and church organisations by education and training (22/14).

10. The General Synod in 2014 also recommended that each diocese implements a **professional standards audit process** (39/14).

11. The Standing Committee in 2017 recommended the **Policy for Safe Ministry in a parish where there is a risk of sexual abuse by a Person of Concern** as a resource for dioceses. Section 5 of this Policy places obligations on the bishop of the diocese or his or her delegate, the Director of Professional Standards of a diocese or his or her delegate, the minister and churchwardens, the members of the parish council, and the members of a parish accountability group, of a parish (SC2017/02/46).

Failure by dioceses of this Church, Provinces of the Anglican Communion and other denominations to disclose known or suspected abuse

12. Clergy and authorised lay persons in another Province of the Anglican Communion, who are known or suspected of having abused people, have moved to and become authorised for ministry in this Church without disclosure of this information, and continued to abuse people. The current informal disclosure system has not always ensured that accurate and complete information about such clergy and lay persons has been shared by other Provinces.

13. The Anglican Consultative Council in 2016 (ACC-16) by resolution 16.27 welcomed, and requested each member church of the Anglican Communion to implement, the **Ministry Suitability Information Protocol** which is intended to ensure that information as to the suitability for ministry of such clergy and lay persons is shared between Provinces.

14. Known or suspected abusers from another diocese or denomination have sometimes become authorised for ministry in a diocese without disclosure by the other diocese or denomination that knew of the abuse. The current informal disclosure system has not always ensured that accurate and complete information about such clergy and lay persons has been shared by other dioceses and denominations.

The Royal Commission into Institutional Responses to Child Sexual Abuse

15. The Royal Commission into Institutional Responses to Child Sexual Abuse was established in January 2013 and its terms of reference include “what institutions ... should do to better protect children against child sexual abuse and related matters in institutional contexts in the future”. The failure to achieve a nationally consistent approach to child protection in this Church has been 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, which was held between 17 and 22 March 2017.

16. Leaders of the Church appearing before the Royal Commission in Case Study 52 committed to **core national minimum standards for safe ministry to children**. This canon provides for such a national approach.

17. Royal Commission officers have advised that this canon is unlikely to conflict with its proposed recommendations.

*Object of the canon*

18. The object of this canon is:

- (a) to have a code of conduct for safe ministry to children;
- (b) to have minimum standards and guidelines for safe ministry to children; and
- (c) to implement the Ministry Suitability Information Protocol so far as it provides for obtaining and taking into account Ministry Suitability Information before authorising clergy and church workers to undertake ministry.

19. Ministry to children refers to work of a kind where a person:

- (a) is required to hold 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; or
- (b) exercises a pastoral ministry which has direct, regular and not incidental contact with children; or
- (c) provides services for children that are ancillary to the exercise of a pastoral ministry within paragraph (b) which involve contact with children during an overnight activity (such as camps and similar activities), or close, personal contact with children (such as changing clothes, washing and toileting). This will include parents or guardians or other family members; or
- (d) performs a professional standards role; or
- (e) performs a safe ministry role.

20. The Ministry Suitability Information Protocol is set out in the Third Schedule to assist in understanding the requirement for a church ministry assessment that involves obtaining and taking into account Ministry Suitability Information before authorising clergy and church workers to undertake ministry.

*Main provisions of the canon*

21. This canon provides for:

- (a) a code of conduct, which is the parts of Faithfulness in Service that relate to children;
- (b) clergy and church workers to observe the standards of conduct, and follow the guidelines for conduct unless there are cogent reasons for not doing so, contained in the code of conduct;
- (c) standards of screening, standards of training and for safe ministry with Persons of Concern;
- (d) each diocese to have standards, and guidelines unless there are cogent reasons for not doing so, that give effect to these standards and guidelines, and clergy and church workers in a diocese to observe the standards, and guidelines unless there are cogent reasons for not doing so, applicable to them that give effect to these standards and guidelines;
- (e) the General Synod, or the Standing Committee by a two-thirds majority after consultation with the Safe Ministry Commission and diocesan safe ministry authorities, to amend the code of conduct, and amend the standards and guidelines;
- (f) the code of conduct and the standards and guidelines not to deal with or concern the faith ritual or ceremonial of this Church other than in relation to the spiritual abuse of a child or the confession of child abuse;
- (g) the code of conduct not to apply to clergy and church workers in certain Church bodies other than a diocese or a diocesan safe ministry authority (those required to have a code of conduct pursuant to legislation or government funding such as schools and some welfare agencies that provide services to children, and those determined by the Standing Committee to have an equivalent code of conduct);
- (h) the standards and guidelines not to apply to clergy and church workers in a Church bodies other than a diocese or a diocesan safe ministry authority (those which provide services to children pursuant to legislation or government funding such as schools and some welfare agencies, and those determined by the Standing Committee to have equivalent standards and guidelines);
- (i) a diocese to have a code of conduct for safe ministry to children with additional standards and guidelines that are not inconsistent with the standards and guidelines in the applicable code of conduct;

- (j) a diocese to have additional standards and guidelines for safe ministry to children that are not inconsistent with the applicable standards and guidelines;
- (k) compliance by the General Synod and its organs and officers with the requirements relating to the code of conduct and standards and guidelines in relation to national professional standards roles and safe ministry roles, and by each diocese with the requirements relating to the code of conduct and standards and guidelines, and by its clergy and church workers with applicable diocesan standards and guidelines, to be audited by an independent person at intervals of three years and for the publication of the audit reports on the General Synod website.

*Powers of the Standing Committee in relation to the code of conduct and the standards and guidelines*

22. This canon gives to the Standing Committee the power to make amendments to the code of conduct or to any standards and guidelines. This is because of the paramount importance for the Church to be able to respond quickly to protect children rather than waiting three years for the next General Synod.

23. It is likely that it will be necessary to make amendments to one or both of the code of conduct, and the standards and guidelines, arising out of recommendations of the Royal Commission's final report, or a government child safe initiative. It is possible that it will also be necessary to make amendments to one or both of the code of conduct, and the standards and guidelines, to deal with the spiritual abuse of a child (as defined in the canon) or the confession of child abuse.

24. This power is limited in the following ways:

- (a) the power is limited to a code of conduct for safe ministry to children and standards and guidelines for safe ministry to children;
- (b) the power cannot be used to deal with, or in a manner which concerns, the faith ritual or ceremonial of the Church other than in relation to the spiritual abuse of a child (as defined in the canon) or the confession of child abuse;
- (c) the Standing Committee is required to consult with the Safe Ministry Commission and diocesan safe ministry authorities prior to making amendments to the code of conduct or the standards and guidelines;
- (d) the Standing Committee is required to pass a resolution making amendments to the code of conduct or the standards and guidelines, by a two-thirds majority;
- (e) the General Synod can repeal any amendments to the code of conduct or the standards and guidelines by passing a resolution;
- (f) a diocese can subsequently exclude the canon pursuant to section 30(d) of the Constitution.

*Application of the code of conduct, and standards and guidelines in the Province of Victoria*

25. In Victoria churches must observe the child safe standards under the Child Wellbeing and Safety Act 2005 (Vic).

26. The code of conduct meets the child safe standard requiring a code of conduct that establishes clear expectations for appropriate behaviour with children.

27. The standards of screening and training meet the child safe standard requiring screening, supervision, training and other human resources practices that reduce the risk of child abuse by new and existing personnel.

*The relationship between the code of conduct and standards and guidelines and a diocesan ordinance dealing with the same subject matter*

28. This canon will ensure there is a nationally consistent approach to safe ministry to children in all dioceses.

29. This occurs through the operation of s 30 of the Constitution, which provides that any diocesan ordinance dealing with the same subject matter as the code of conduct and the standards and guidelines will to the extent of any inconsistency have no effect.

*Audits*

30. This canon provides public accountability regarding safe ministry compliance through a process of audits. Independent public auditing is best practice for ensuring safe ministry compliance and minimising risk.

31. The nature of the audits is defined in the canon (section 3); and the scope of audits will be determined by the Standing Committee. Safe ministry compliance audits of all dioceses and the General Synod will be undertaken over a three year cycle or a lesser period determined by the Standing Committee. Audit reports will be provided to the diocese and the Standing Committee, and published on the General Synod website.

32. The General Synod and dioceses will only be audited in respect of their compliance with the code of conduct and the standards and guidelines under this canon, and not in relation to current practices.

33. It is intended that the cost of undertaking safe ministry compliance audits will be part of the assessment of dioceses pursuant to section 32(2)(b1) of the Constitution. This means that all dioceses will be contributing to the cost of undertaking the audits.

#### *Code of conduct*

34. The code of conduct is set out in the First Schedule, and is limited to the parts of Faithfulness in Service dealing with children, namely the standards and guidelines in:

- (a) section 3 (Putting this Code into Practice) so far as they relate to section 5 (Children), and
- (b) section 5 (Children),

when read in each case with section 1 (About this Code) and section 2 (Key Terms).

#### *Standards of screening*

35. The standards of screening are set out in Part 2 of the Second Schedule, and differ according to the following categories of clergy and church workers:

- (a) a person to be ordained as a deacon;
- (b) licensed clergy and the bishop of the diocese;
- (c) licensed, authorised and paid church workers;
- (d) voluntary church workers;
- (e) professional standards personnel and safe ministry personnel.

36. All categories of clergy and church workers require a national register assessment, and a safe ministry assessment.

37. Further, compliance with differing state and territory legislation for working with children is required. The following differences, which are provided for in the canon, are summarised below:

- a working with children check is required in New South Wales, Queensland, Victoria, Western Australia and the Northern Territory;
- a working with vulnerable people check is required in Tasmania and the Australian Capital Territory;
- a criminal history assessment or a risk assessment is currently required in South Australia.

38. A church ministry assessment is required for clergy and church workers, other than voluntary church workers, who were previously authorised for ministry in a Province (a member *church of the* Anglican Consultative Council other than this Church) or in another diocese of this Church or another denomination.

39. For those who are to be ordained as deacons, there is the further requirement of a medical assessment, and a psychological assessment which is to include an assessment of psychosexual maturity.

40. These standards apply to all such clergy and church workers ordained, licensed, authorised, elected, or appointed, after the standards come into force. Some of these standards (compliance with differing state and territory legislation for working with children, a national register assessment, and a safe ministry assessment) apply to such clergy and church workers when the standards come into force with the assessments to be completed within three years.

#### *Standards of training*

41. The standards of training are set out in Part 3 of the Second Schedule. They consist of the satisfactory completion of accredited training by different categories of clergy and church workers within a specified time frame, and at intervals of not more than three years after prior satisfactory completion of accredited training.

42. Accredited training is training that includes the course content in the Safe Ministry Training National Benchmarks so far as it relates to ministry to children, with reasonable adjustments for cultural, linguistic and ability diversity, and is delivered by persons who are accredited, and/or online training which is accredited, by a diocesan safe ministry authority, or equivalent training of another Church body or organisation.

43. These standards apply to all clergy and church workers ordained, licensed, authorised, elected, or appointed, after the standards come into force. These standards also apply to licensed clergy and church workers when the standards come into force with the accredited training to be completed within three years.

*Standards for safe ministry with Persons of Concern*

44. The standards for safe ministry with Persons of Concern are set out in Part 4 of the Second Schedule. They consist of actions required to implement the process specified in section 5 of the Persons of Concern Policy.

*Coming into force of particular provisions of the canon*

45. To enable dioceses to prepare for this canon, the following timetable will apply:

- standards of screening and standards of training will come into force on 1 January 2018;
- provisions as to a diocesan safe ministry authority will come into force on 1 January 2018;
- standards for safe ministry with Persons of Concern will come into force on 1 January 2019; and
- provisions as to audit will come into force on 1 January 2019.

*Coming into force in a diocese*

46. 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.

47. For any diocese adopting this canon after 1 January 2018 the standards of screening and training and provisions for a diocesan safe ministry authority will already be in force.

48. For any diocese adopting this canon after 1 January 2019 all provisions of the canon will already be in force.

*Notes on Clauses*

- |          |   |
|----------|---|
| Preamble | refers to the Safe Ministry Policy Statement adopted by the General Synod in 2004 and the Charter for the Safety of People within the Churches of the Anglican Communion adopted by the General Synod in 2014.  |
| Clause 1 | states the title of the canon.  |
| Clause 2 | states the object of the canon.   |
| Clause 3 | contains definitions of the following words and expressions used in the canon: <b>child, child abuse, Church authority, Church body, church worker, clergy, code of conduct, cogent, contact, controlled by a diocese or province or the General Synod, diocesan audit, diocesan safe ministry authority, General Synod audit, General Synod professional standards role, General Synod safe ministry role, licence, ministry to children, pastoral ministry, Person of Concern, prescribed code of conduct, prescribed standards and guidelines, professional standards process, professional standards role, Protocol, Safe Ministry Commission, safe ministry role, spiritual abuse, standards for safe ministry with Persons of Concern, standards of screening, standards of training, working with children check and working with vulnerable people check.</b> |
| Clause 4 | prescribes the code of conduct, and provides that the General Synod, or the Standing Committee by a two-thirds majority, may prescribe amendments to the prescribed code of conduct or a substituted code of conduct, and that clergy and church workers shall observe the standards of conduct, and follow the guidelines for conduct unless there are cogent reasons for not doing so, contained in the prescribed code of conduct.   |
| Clause 5 | provides that the prescribed code of conduct shall not apply to clergy and church workers in a Church body (which does not include a diocese a diocesan safe ministry authority) which has a code of conduct applicable to them pursuant to the laws of the Commonwealth or a State or Territory, a requirement or condition for registration, approval or funding to provide services for children under the laws of the Commonwealth or a State or Territory, or a contract or arrangement with the Commonwealth or a State or Territory or an agency or authority of the Commonwealth or a State or Territory. Otherwise, the prescribed code of conduct shall apply to clergy and church workers in a Church body unless the Standing Committee by a two-thirds   |

majority, on application by a province or diocese, determines that the Church body has an equivalent code of conduct for safe ministry to children. Details of Church bodies determined by the Standing Committee to have an equivalent code of conduct are to be published on the General Synod website.

- Clause 6 provides that a diocese may prescribe a code of conduct for safe ministry to children containing additional standards of conduct for observance, and additional guidelines for conduct to be followed, by clergy and church workers to whom the prescribed code of conduct applies that are not inconsistent with the prescribed code of conduct, or by clergy and church workers to whom a code of conduct specified in clause 5(3) applies that are not inconsistent with the standards of conduct and the guidelines for conduct contained in that code of conduct. This does not apply to clergy and church workers to whom a code of conduct specified in clause 5(2) applies.
- Clause 7 provides for the publication of the prescribed code of conduct on the General Synod website, and the tabling at the succeeding ordinary session of the General Synod of any amendments to the prescribed code of conduct, or any substituted code of conduct, prescribed by the Standing Committee.
- Clause 8 prescribes standards of screening, standards of training and standards for safe ministry with Persons of Concern, and provides that the General Synod, or the Standing Committee by a two-thirds majority, may prescribe amendments to the prescribed standards and guidelines or substituted standards and guidelines or further standards and guidelines, and that each diocese shall have standards, and guidelines unless there are cogent reasons for not doing so, that give effect to the prescribed standards and guidelines, and clergy and church workers in a diocese shall observe the standards, and guidelines unless there are cogent reasons for not doing so, applicable to them that give effect to the prescribed standards and guidelines.
- Clause 9 provides that the prescribed standards and guidelines shall not apply to clergy and church workers in a Church body (which does not include a diocese or a diocesan safe ministry authority) which is registered or approved or funded to provide services to children pursuant to legislation of the Commonwealth or a State or Territory, or provides services to children pursuant to a contract or arrangement with the Commonwealth or a State or Territory or an agency or authority of the Commonwealth or a State or Territory. Otherwise, the prescribed standards and guidelines shall apply to all clergy and church workers in a Church body unless the Standing Committee by a two-thirds majority, on application by a province or diocese, determines that the Church body has equivalent standards and guidelines. Details of Church bodies determined by the Standing Committee to have equivalent standards and guidelines are to be published on the General Synod website.
- Clause 10 provides for a diocese to prescribe additional standards and guidelines for safe ministry to children other than in relation to a Church body specified in clause 9(2), that are not inconsistent with the prescribed standards and guidelines, or in the case of a Church body specified in clause 9(3) that are not inconsistent with the standards and guidelines applicable to that Church body.
- Clause 11 provides for the publication of the prescribed standards and guidelines on the General Synod website, and the tabling at the succeeding ordinary session of the General Synod of any amendments to the prescribed standards and guidelines, or substituted standards and guidelines, or further standards and guidelines, prescribed by the Standing Committee.
- Clause 12 provides for the audit by an independent person of the compliance by the Primate, the General Secretary, the General Synod and the Standing Committee, and each diocese, with the provisions relating to the code of conduct and the prescribed standards and guidelines, for the Primate and the General Secretary, and a diocesan safe ministry authority to provide access to records and provide information to enable the audit to be undertaken, and for the publication of the audit reports on the General Synod website.

- Clause 13 provides for each diocese to have a diocesan safe ministry authority, and for the diocesan safe ministry authority to inform the General Secretary of the details of the screening and training of persons from the diocese who are being considered for appointment or election for a General Synod professional standards role or a General Synod safe ministry role.
- Clause 14 provides that the canon will come into force on and from the date appointed by the President, being not later than one calendar month from the date on which the canon is passed, other than the standards of screening, standards of training and standards for safe ministry with Persons of Concern prescribed under clause 8(1) which shall come into force on the date specified in the Second Schedule, clause 12 which shall come into force on 1 January 2019, and clause 13 which shall come into force on 1 January 2018.
- Clause 15 provides that the canon shall not come into force in a diocese unless and until the diocese by ordinance adopts the canon.
- First Schedule specifies the code of conduct.
- Second Schedule specifies standards of screening, standards of training and standards for safe ministry with Persons of Concern, and the dates on which they shall come into force.
- Third Schedule sets out the Ministry Suitability Information Protocol.



## General Synod – Safe Ministry to Children Canon 2017 Adopting Ordinance 2017

No 30, 2017

### Long Title

An Ordinance to adopt Canon No 4, 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 – Safe Ministry to Children Canon 2017 Adopting Ordinance 2017*.

#### 2. Adoption of Canon No 4, 2017

The Synod adopts Canon No 4, 2017 of the General Synod of the Anglican Church of Australia, the text of which is set out in the Schedule.

#### 3. Commencement

Except for this clause, this Ordinance commences on a date determined by resolution of the Standing Committee or on a date to be determined at the next ordinary session of this Synod, if the Standing Committee has not resolved that the Ordinance should commence by that date.

### Schedule

Whereas –

- A. in 2004 the General Synod adopted the Safe Ministry Policy Statement which states that this Church is committed to the physical, emotional and spiritual welfare and safety of all people, particularly within its own community, and includes the commitments to carefully recruit and train its clergy and church workers, adopt and encourage safe ministry practices by its clergy and lay church workers, and provide pastoral support to and supervision of any person known to have abused a child or another vulnerable person,
- B. in 2014 the General Synod adopted the Charter for the Safety of People within the Churches of the Anglican Communion which includes the commitments to adopt standards for the practice of pastoral ministry by clergy and other church personnel, to assess the suitability of persons for ordination as clergy or appointment to positions of responsibility in the church, and to promote a culture of safety in parishes and church organisations by education and training:

now the General Synod prescribes as follows:

### PART 1 - PRELIMINARY

#### Title

1. This canon is the Safe Ministry to Children Canon 2017.

#### Object

2. The object of this canon is:
  - (a) to prescribe a code of conduct for safe ministry to children;
  - (b) to prescribe minimum standards and guidelines for safe ministry to children; and
  - (c) to implement the Protocol so far as it provides for obtaining and taking into account Ministry Suitability Information before authorising clergy and church workers to undertake ministry to children.

#### Interpretation

3. In this canon, unless the context otherwise requires:
  - 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 authority** has the same meaning as in the National Register Canon 2007;

**Church body** 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 undertaking any ministry to children:

- (a) who is licensed or authorised by the bishop of a diocese; or
- (b) who is employed by a Church body; or
- (c) 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;

**clergy** means a person who is a bishop, priest or deacon in this Church;

**code of conduct** means a code of conduct for safe ministry to children;

**cogent** means clear, logical and convincing;

**contact** means physical contact, oral communication (whether face-to-face or by telephone), written communication or electronic communication (which includes email, instant messaging, social media and video chats);

**controlled by a diocese or province or the General Synod** has the same meaning as in the National Register Canon 2007;

**diocesan audit** means an audit as to whether:

- (a) any diocesan code of conduct containing additional standards of conduct for observance, and additional guidelines for conduct to be followed, is inconsistent with the standards of conduct and the guidelines for conduct contained in the prescribed code of conduct, or an equivalent code of conduct in respect of which the Standing Committee has made a determination under section 5(3);
- (b) a diocese has standards, and guidelines unless there are cogent reasons for not doing so, that give effect to the prescribed standards and guidelines;
- (c) a diocese has in place procedures which:
  - (i) effectively monitor observance by clergy and church workers in the diocese of the standards, and guidelines unless there are cogent reasons for not doing so, applicable to them that give effect to the prescribed standards and guidelines; and
  - (ii) provide for an appropriate response to instances of non-observance; and
- (d) the procedures in paragraph (c) have, in all material respects, been followed, and
- (e) any additional standards and guidelines for safe ministry to children prescribed by a diocese are inconsistent with the prescribed standards and guidelines, or equivalent standards and guidelines applicable to a Church body in respect of which the Standing Committee has made a determination under section 9(3);

**diocesan safe ministry authority** means a Church body with responsibility for safe ministry to children in a diocese, and where not established is the diocesan council;

**General Synod audit** means an audit as to whether:

- (a) any code of conduct that applies to clergy and church workers in a Church body in respect of which the Standing Committee has made a determination under section 5(3) gives substantial effect to the standards of conduct and the guidelines for conduct contained in the prescribed code of conduct as appropriately adapted to the context of the Church body;
- (b) the prescribed standards have been observed, and guidelines have been followed unless there are cogent reasons for not doing so, by the person or body appointing or electing clergy and church workers to a General Synod professional standards role or a General Synod safe ministry role;
- (c) any standards and guidelines for safe ministry to children that apply to clergy and church workers in a Church body in respect of which the Standing Committee has made a determination under section 9(3) give substantial effect to the applicable prescribed standards and guidelines as appropriately adapted to the context of the Church body;

**General Synod professional standards role** means a professional standards role to which a person is elected or appointed by the General Synod or the Standing Committee or the Primate or the General Secretary;

**General Synod safe ministry role** means a safe ministry role to which a person is elected or appointed by the General Synod or the Standing Committee or the Primate or the General Secretary;

**licence** means a licence, an authority, or a permission to officiate, issued by the bishop of a diocese;

**ministry to children** means work of a kind where a person:

- (a) is required to hold 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; or
- (b) exercises a pastoral ministry which has direct, regular and not incidental contact with children; or
- (c) provides services to children that are ancillary to the exercise of a pastoral ministry within paragraph (b) which involve:
  - (i) contact with children during an overnight activity (such as camps and similar activities); or
  - (ii) close, personal contact with children (such as changing clothes, washing and toileting); or
- (d) supervises the ministry of a person within any one or more of paragraphs (a) to (c); or
- (e) performs a professional standards role; or
- (f) performs a safe ministry role;

**pastoral ministry** includes the provision of spiritual advice and support, education, counselling, medical care, and assistance in times of need;

**Person of Concern** is a person who is currently participating or wishes to participate in the life of a parish or congregation and whose presence constitutes a risk of harm from sexual abuse to others in the parish or congregation;

**prescribed code of conduct** means the code of conduct prescribed under this canon from time to time;

**prescribed standards and guidelines** means the standards and guidelines prescribed under this canon from time to time;

**professional standards process** has the same meaning as in the Episcopal Standards (Child Protection) Canon 2017;

**professional standards role** means a role in:

- (a) recommending or determining whether an action is to be taken; or
- (b) providing support to a person;

under a professional standards process;

**Protocol** means the Protocol for the disclosure of ministry suitability information between the churches of the Anglican Communion which the Anglican Consultative Council referred to in resolution 16.27 passed in 2016, and the text of which is set out in the Third Schedule;

**Safe Ministry Commission** means the Safe Ministry Commission established pursuant to the Strategic Issues, Commissions, Task Forces and Networks Canon 1998;

**safe ministry role** means a role:

- (a) in recommending or determining standards and guidelines for safe ministry to children or with 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;

**spiritual abuse** has the same meaning as in the National Register Canon 2007;

**standards for safe ministry with Persons of Concern** means the standards for safe ministry with Persons of Concern for clergy and church workers;

**standards of screening** means the standards of screening for clergy and church workers;

**standards of training** means the standards of training for clergy and church workers;

**working with children check** has the same meaning as in the National Register Canon 2007;

**working with vulnerable people check** has the same meaning as in the National Register Canon 2007.

**PART 2 - CODES OF CONDUCT****Prescribed code of conduct**

4. (1) The code of conduct is prescribed in the First Schedule.
- (2) The General Synod, or the Standing Committee by a two-thirds majority, may by resolution amend the First Schedule by:
  - (a) prescribing amendments to the prescribed code of conduct or a substituted code of conduct; and
  - (b) determining the date on which the amendments to the prescribed code of conduct, or the substituted code of conduct, shall come into force.
- (3) The Standing Committee prior to amending the First Schedule shall consult with the Safe Ministry Commission and diocesan safe ministry authorities as to the proposed amendments to the prescribed code of conduct or the proposed substituted code of conduct, and the date on which the proposed amendments to the prescribed code of conduct, or the proposed substituted code of conduct, shall come into force.
- (4) Any amendments to the prescribed code of conduct, or any substituted code of conduct, shall not deal with or concern the faith ritual or ceremonial of this Church other than in relation to the spiritual abuse of a child or the confession of child abuse.
- (5) Subject to section 5, clergy and church workers shall:
  - (a) observe the standards of conduct, and
  - (b) follow the guidelines for conduct unless there are cogent reasons for not doing so, contained in the prescribed code of conduct.

**Equivalent code of conduct**

5. (1) In this section **Church body** does not include a diocese or a diocesan safe ministry authority.
- (2) The prescribed code of conduct shall not apply to clergy and church workers in a Church body which has a code of conduct applicable to them pursuant to:
  - (a) the laws of the Commonwealth or a State or Territory; or
  - (b) a requirement or condition for registration, approval or funding to provide services for children under the laws of the Commonwealth or a State or Territory; or
  - (c) a contract or arrangement with the Commonwealth or a State or Territory or an agency or authority of the Commonwealth or a State or Territory.
- (3) Subject to subsection (2), the prescribed code of conduct shall apply to clergy and church workers in a Church body unless the Standing Committee by a two-thirds majority, on application by a province or diocese, determines that the Church body has a code of conduct containing equivalent standards of conduct for observance, and guidelines for conduct to be followed, by its clergy and church workers as appropriately adapted to the context of the Church body that give substantial effect to the standards of conduct and the guidelines for conduct contained in the prescribed code of conduct.
- (4) The General Secretary shall publish on the General Synod website a list of all Church bodies that have been determined under subsection (3) to have an equivalent code of conduct, the date on which the determination was made, and if applicable the period during which the determination had effect.

**Additional code of conduct**

6. A diocese may prescribe a code of conduct containing additional standards of conduct for observance, and additional guidelines for conduct to be followed, by the following persons, other than clergy and church workers in a Church body specified in section 5(2):
  - (a) in the case of clergy and church workers to whom the prescribed code of conduct applies, that are not inconsistent with the standards of conduct and the guidelines for conduct contained in the prescribed code of conduct; or
  - (b) in the case of clergy and church workers to whom a code of conduct specified in section 5(3) applies, that are not inconsistent with the standards of conduct and the guidelines for conduct contained in that code of conduct.

**Publication of prescribed code of conduct**

7. (1) The General Secretary shall publish the prescribed code of conduct on the General Synod website.
- (2) The General Secretary shall table at each ordinary session of the General Synod any amendments to the prescribed code of conduct, or any substituted code of conduct, prescribed by the Standing Committee since the preceding ordinary session of the General Synod.

**PART 3 - STANDARDS AND GUIDELINES**

**Prescribed standards and guidelines**

8. (1) Standards of screening, standards of training and standards for safe ministry with Persons of Concern are prescribed in the Second Schedule.
- (2) The General Synod, or Standing Committee by a two-thirds majority, may by resolution amend the Second Schedule by:
  - (a) prescribing amendments to the prescribed standards and guidelines or substituted standards and guidelines;
  - (b) prescribing further minimum standards for observance, and guidelines to be followed, for safe ministry to children; and
  - (c) determining the date on which the amendments to the prescribed standards and guidelines, or substituted standards and guidelines, or further standards and guidelines, shall come into force.
- (3) The Standing Committee prior to amending the Second Schedule shall consult with the Safe Ministry Commission and diocesan safe ministry authorities as to the proposed amendments to the prescribed standards and guidelines, or proposed substituted standards and guidelines, or proposed further standards and guidelines, and the date on which the proposed amendments to the prescribed standards and guidelines, or proposed substituted standards and guidelines, or proposed further standards and guidelines, shall come into force.
- (4) Any amendments to the prescribed standards and guidelines, or any substituted standards and guidelines, or any further standards and guidelines, shall not deal with or concern the faith ritual or ceremonial of this Church other than in relation to the spiritual abuse of a child or the confession of child abuse.
- (5) Subject to section 9:
  - (a) each diocese shall have standards, and guidelines unless there are cogent reasons for not doing so, that give effect to the prescribed standards and guidelines; and
  - (b) clergy and church workers in a diocese shall observe:
    - (i) the standards, and
    - (ii) the guidelines unless there are cogent reasons for not doing so, applicable to them that give effect to the prescribed standards and guidelines.
- (6) The prescribed standards and guidelines apply to clergy and church workers who perform a General Synod professional standards role or a General Synod safe ministry role.

**Equivalent standards and guidelines**

9. (1) In this section **Church body** does not include a diocese or a diocesan safe ministry authority.
- (2) The prescribed standards and guidelines shall not apply to clergy and church workers in a Church body which:
  - (a) is registered or approved or funded to provide services to children pursuant to the laws of the Commonwealth or a State or Territory; or
  - (b) provides services to children pursuant to a contract or arrangement with the Commonwealth or a State or Territory or an agency or authority of the Commonwealth or a State or Territory.
- (3) Subject to subsection (2), the prescribed standards and guidelines shall apply to clergy and church workers in a Church body unless the Standing Committee by a two-thirds majority, on application by a province or diocese, determines that the Church body has equivalent standards for observance, and guidelines to be followed, by its clergy and church workers for

safe ministry to children as appropriately adapted to the context of the Church body that give substantial effect to the applicable prescribed standards and guidelines.

- (4) The General Secretary shall publish on the General Synod website a list of all Church bodies that have been determined under subsection (3) to have equivalent standards and guidelines, the date on which the determination was made, the applicable prescribed standards and guidelines for which the Church body has equivalent standards and guidelines, and if applicable the period during which the determination had effect.

#### **Additional standards and guidelines**

10. A diocese may prescribe additional standards and guidelines for safe ministry to children, other than for a Church body specified in section 9(2):
  - (a) that are not inconsistent with the prescribed standards and guidelines; or
  - (b) in the case of a Church body specified in section 9(3), that are not inconsistent with the standards and guidelines applicable to that Church body.

#### **Publication of prescribed standards and guidelines**

11. (1) The General Secretary shall publish the prescribed standards and guidelines on the General Synod website.
- (2) The General Secretary shall table at each ordinary session of the General Synod any amendments to the prescribed standards and guidelines, or substituted standards and guidelines, or further standards and guidelines, prescribed by the Standing Committee since the preceding ordinary session of the General Synod.

### **PART 4 – AUDIT**

#### **Audit**

12. (1) In this section:  
**church worker** has the same meaning as in the National Register Canon 2007;  
**independent person** means a person who:
  - (a) is not a member of the clergy or a church worker; and
  - (b) has experience in undertaking audits of a similar nature to a General Synod audit and a diocesan audit.
- (2) The General Secretary shall appoint an independent person to undertake a General Synod audit and a diocesan audit of each diocese at intervals of three years or such lesser period as determined by the Standing Committee, and provide as soon as practicable after the completion of the audit:
  - (a) a report of the General Synod audit to the Standing Committee; and
  - (b) a report of the diocesan audit to the diocesan council of the diocese concerned, the diocesan safe ministry authority of that diocese and the Standing Committee.
- (3) The General Secretary shall consult with diocesan safe ministry authorities as to when the audit of each diocese shall be conducted.
- (4) The Standing Committee shall determine the scope of the General Synod audit and a diocesan audit.
- (5) The Primate and the General Secretary shall provide access to such of their records, the records of the General Synod and the records of the Standing Committee, and provide such information, as requested by the independent person undertaking the General Synod audit as is reasonably necessary to enable the General Synod audit to be undertaken.
- (6) Each diocesan safe ministry authority shall provide access to such of the records of the diocese, and provide such information, as requested by the independent person undertaking the diocesan audit as is reasonably necessary to enable the diocesan audit to be undertaken.
- (7) The General Secretary shall as soon as practicable after:
  - (a) the report of the General Synod audit has been provided to the Standing Committee, and
  - (b) the report of the diocesan audit has been provided to the diocesan council of the diocese concerned, the diocesan safe ministry authority of that diocese and the Standing

Committee,

publish the report on the General Synod website.

- (8) The General Secretary is authorised to provide:
- (a) the report of the General Synod audit to an agency or authority of the Commonwealth or a State or Territory with responsibility for child safe standards in institutions providing services for children; and
  - (b) the report of a diocesan audit to an agency or authority of the Commonwealth, or an agency or authority of the State or Territory in which the diocese is located, with responsibility for child safe standards in institutions providing services for children.

## PART 5 – GENERAL

### Diocesan safe ministry authority

13. (1) Each diocese shall have a diocesan safe ministry authority.
- (2) A diocesan safe ministry authority shall at the request of General Secretary promptly inform the General Secretary of the details of the screening and training of persons from the diocese who are being considered for appointment or election for a General Synod professional standards role or a General Synod safe ministry role.

## PART 6 – COMING INTO FORCE

### Coming into force of particular provisions

14. (1) Subject to this section, this canon will come into force on and from the date appointed by the President, being not later than one calendar month from the date on which the canon is passed.
- (2) The standards of screening, standards of training and standards for safe ministry with Persons of Concern prescribed under section 8(1) shall come into force on the date specified in the Second Schedule.
- (3) Section 12 shall come into force on 1 January 2019.
- (4) Section 13 shall come into force on 1 January 2018.

### Coming into force in a diocese

15. The provisions of this canon affect the order and good government of the Church within a diocese and shall not come into force in a diocese unless and until the diocese by ordinance adopts this canon.

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## FIRST SCHEDULE

### Interpretation

1. In this Schedule:
- Faithfulness in Service** means Faithfulness in Service: A national code for personal behaviour and the practice of pastoral ministry by clergy and church workers as tabled at the 17<sup>th</sup> ordinary session of the General Synod held in 2017.

### Code of conduct

2. The code of conduct is the standards and guidelines of Faithfulness in Service set out in:
- (a) section 3 (Putting this Code into Practice) so far as they relate to section 5 (Children), and
  - (b) section 5 (Children),
- when read in each case with section 1 (About this Code) and section 2 (Key Terms).

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### Interpretation

1. In this Schedule, unless the context otherwise requires:

**accredited training** means:

- (a) training that:
  - (i) includes the course content in the Safe Ministry Training National Benchmarks so far as it relates to ministry to children, with reasonable adjustments for cultural, linguistic and ability diversity; and
  - (ii) is delivered by persons who are accredited, and/or online training which is accredited, by a diocesan safe ministry authority; or
- (b) training of another Church body or organisation that a diocesan safe ministry authority has determined is equivalent to the training in paragraph (a);

**church ministry assessment** means a reasonable endeavour made to obtain information about the person from the responsible authority, and if obtained consideration of that information;

**criminal history assessment** means consideration of a National Police History Check of the person;

**denominational authority** means a person or body of another denomination having authority to ordain, license, elect, appoint, dismiss or suspend a member of the clergy or a lay person of that denomination;

**diocesan authority** means a person or body of another diocese of this Church having authority to ordain, license, elect, appoint, dismiss or suspend a member of the clergy or a lay person of that diocese;

**information** means a written statement by a responsible authority which discloses:

- (a) whether or not there has been, and
- (b) if there has been, the substance of,

any untested allegation, charge, finding or admission of the commission of a criminal offence, or a breach of the rules in force in the applicable Province or diocese or denomination regarding the moral conduct of clergy and lay persons undertaking ministry, including rules relating to sexual conduct and conduct towards children and vulnerable adults;

**licensed clergy** means clergy issued with a licence;

**medical assessment** means consideration of a medical report of the person by a registered medical practitioner;

**National Register** means the National Register established under the National Register Canon 2007;

**national register assessment** means a check whether there is any information about the person entered in the National Register, and if so consideration of that information;

**Persons of Concern Policy** means the Policy for Safe Ministry in a parish where there is a risk of sexual abuse by a Person of Concern as tabled at the 17<sup>th</sup> ordinary session of the General Synod held in 2017;

**professional standards personnel** means clergy and church workers performing a professional standards role;

**Province** means a member church of the Anglican Consultative Council other than this Church and includes part of a Province;

**provincial authority** means the person or body in a Province having authority to ordain, license, elect, appoint, dismiss or suspend a member of the clergy or a lay person of that Province;

**psychological assessment** means consideration of a psychological report that includes an assessment of psychosexual maturity of the person by a registered psychologist;

**responsible authority** means:

- (a) a provincial authority; or
- (b) a diocesan authority; or
- (c) a denominational authority;

**risk assessment** means a risk assessment provided by the Department for Communities and Social Inclusion Screening Unit of South Australia;

**safe ministry assessment** means consideration of the person's completed Safe Ministry Check, and if applicable referees' completed Safe Ministry Checks;

**Safe Ministry Check** means a check that includes the applicable Safe Ministry Check as tabled at the 17<sup>th</sup> ordinary session of the General Synod held in 2017;

**safe ministry personnel** means clergy and church workers performing a safe ministry role;



**Safe Ministry Training National Benchmarks** means the Safe Ministry Training National Benchmarks as tabled at the 17<sup>th</sup> ordinary session of the General Synod held in 2017;

**screening authority** means:

- (a) in the case of a person to be ordained as a deacon, or a member of the clergy to be licensed, or a church worker to be licensed or authorised, the bishop of the diocese or his or her delegate; or
- (b) in the case of a member of the clergy to be elected or appointed as the bishop of the diocese, the electing or appointing body or its delegate; or
- (c) in the case of a church worker to undertake paid or voluntary ministry to children, the appointing person or body or their delegate; or
- (d) in the case of a professional standards personnel and safe ministry personnel, the electing or appointing body or its delegate.

## **PART 2 - STANDARDS OF SCREENING**

### **Application**

2. (1) This Part applies to all persons ordained as deacons, or licensed as clergy, appointed or elected as the bishop of a diocese, or licensed or authorised or appointed as church workers, after this Part comes into force.
- (2) This Part so far as it requires 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, or a criminal history assessment, or a risk assessment, applies to all persons licensed as clergy, appointed or elected as the bishop of a diocese, or licensed or authorised or appointed as church workers, when this Part comes into force.
- (3) This Part so far as it requires a national register assessment and a safe ministry assessment by the screening authority applies to all persons licensed as clergy, appointed or elected as the bishop of a diocese, or licensed or authorised or appointed as church workers, when this Part comes into force, except where the screening authority is reasonably satisfied this has previously been done, and where not so satisfied provided that these assessments are undertaken by 1 January 2021.
- (4) Subject to subclauses (2) and (3), this Part does not apply to persons ordained as deacons, licensed as clergy, appointed or elected as the bishop of a diocese, or licensed or authorised or appointed as church workers, when this Part comes into force.

### **Deacons**

3. The standards of screening for a person to be ordained as a deacon are:
  - (1) the person holds an unconditional 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; and
  - (2) the following assessments by the screening authority:
    - (a) 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;
    - (b) a national register assessment;
    - (c) a safe ministry assessment;
    - (d) a medical assessment;
    - (e) a psychological assessment; and
    - (f) where the person was previously authorised for ministry in a Province or in another diocese of this Church or another denomination, a church ministry assessment, except where reasonably satisfied this has previously been done.

### **Licensed clergy or the bishop of the diocese**

4. The standards of screening for a member of the clergy to be licensed, or to be elected or appointed as the bishop of the diocese, are:
  - (1) the person holds an unconditional 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; and

- (2) the following assessments by the screening authority:
  - (a) 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;
  - (b) a national register assessment;
  - (c) a safe ministry assessment; and
  - (d) where the person was previously authorised for ministry in a Province or in another diocese of this Church or another denomination, a church ministry assessment, except where reasonably satisfied this has previously been done.

**Licensed, authorised or paid church workers**

5. The standards of screening for church workers to be licensed or authorised or to undertake paid ministry to children are:
  - (1) the person holds an unconditional 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; and
  - (2) the following assessments by the screening authority:
    - (a) 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;
    - (b) a national register assessment;
    - (c) a safe ministry assessment; and
    - (d) where the person was previously authorised for ministry in a Province or in another diocese of this Church or another denomination, a church ministry assessment, except where reasonably satisfied this has previously been done.

**Voluntary church workers**

6. The standards of screening for church workers, who are not professional standards personnel and safe ministry personnel, to undertake voluntary ministry to children are:
  - (1) the person holds:
    - (a) an unconditional working with children check, or
    - (b) 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, or
    - (c) a conditional working with children check that authorises the voluntary ministry to be undertaken, or
    - (d) a conditional working with vulnerable people check by reason that the person has contact with a child as part of engaging in a regulated activity that authorises the voluntary ministry to be undertaken,  
 where required by the laws of the Commonwealth or a State or Territory; and
  - (2) the following assessments by the screening authority:
    - (a) 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 where a National Police History Check can be applied for by a volunteer or a risk assessment;
    - (b) a national register assessment; and
    - (c) a safe ministry assessment.

### **Professional standards personnel and safe ministry personnel**

7. The standards of screening for professional standards personnel, and safe ministry personnel, who have not otherwise been screened as a deacon, a licensed member of the clergy, the bishop of the diocese, or a licensed, authorized, paid or voluntary church worker, are a national register assessment by the screening authority.

### **Creation and retention of records**

8. Accurate records of the screening of clergy and church workers are to be created and maintained in a secure manner.

## **PART 3 - STANDARDS OF TRAINING**

### **Application**

9. (1) This Part applies to all persons ordained as deacons, or licensed as clergy, appointed or elected as the bishop of a diocese, or licensed or authorised or appointed as church workers, or elected or appointed as professional standards personnel or safe ministry personnel, after this Part comes into force.
- (2) This Part applies to all persons licensed as clergy, appointed or elected as the bishop of a diocese, or licensed or authorised or appointed as church workers, or elected or appointed as professional standards personnel or safe ministry personnel, when this Part comes into force, provided that accredited training is undertaken by 1 January 2021.

### **Accredited training**

10. The standards of training for clergy and church workers are satisfactory completion of accredited training:
- (1) (a) by the bishop of the diocese, within three years prior to his or her election or appointment, or in exceptional circumstances prior to his or her installation; or
- (b) by deacons, licensed clergy, and licensed, authorised, paid and voluntary church workers, within three years prior to being ordained, licensed, or authorised, 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 and in such case the training is to be completed as soon as practicable but not later than three months after being ordained, licensed, or authorised, or appointed to undertake ministry to children; or
- (c) by professional standards personnel, who are not a deacon, a licensed member of the clergy, the bishop of the diocese, or a licensed, authorised and paid church worker, within three years prior to election or appointment to a professional standards role; or
- (d) by safe ministry personnel, who are not a deacon, a licensed member of the clergy, the bishop of the diocese, or a licensed, authorised and paid church worker, within three years prior to election or appointment to a safe ministry role; and
- (2) by clergy and church workers in paragraph (a), at intervals of not more than three years after prior satisfactory completion of accredited training.

### **Creation and retention of records**

11. Accurate records of the satisfactory completion of accredited training by clergy and church workers are to be created and maintained in a secure manner.

## **PART 4 - STANDARDS FOR SAFE MINISTRY WITH PERSONS OF CONCERN**

### **Standards**

12. (1) The standards for safe ministry with a Person of Concern in a parish are the actions required to implement the process specified in section 5 of the Persons of Concern Policy.
- (2) The standards for safe ministry with a Person of Concern in a congregation are the actions required to implement the process specified in section 5 of the Persons of Concern Policy as adapted by a diocesan safe ministry authority to apply to a congregation.

### **Creation and retention of records**

13. Accurate records relating to the implementation of the Persons of Concern Policy in respect of each Person of Concern are to be created and maintained in a secure manner.

## PART 5 - COMING INTO FORCE OF PARTICULAR PROVISIONS

14. (1) Parts 2 (except paragraph (b) of clause 6(2)) and 3 when read with Part 1 of this Schedule shall come into force on 1 January 2018.
- (2) Paragraph (b) of clause 6(2) when read with Part 1 of this Schedule shall come into force on a date determined by the Standing Committee.
- (3) Part 4 when read with Part 1 of this Schedule shall come into force on 1 January 2019.

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## THIRD SCHEDULE

### Protocol for the disclosure of ministry suitability information between the churches of the Anglican Communion

#### Definitions

1. In this Protocol:

**Assessing Province** means the Province in which a Church authority is to assess whether the Church worker should be authorised for ministry;

**Authorising Province** means the Province or Provinces in which the Church worker is authorised, or has previously been authorised, to undertake ministry by a Church authority;

**Church authority** means the person or body responsible for authorising Church workers to undertake ministry in the Authorising Province or the Assessing Province;

**Church worker** means a member of the clergy or a lay person who:

- (a) is authorised, or has previously been authorised, to undertake ministry by a Church authority of the Authorising Province; and
- (b) has applied to undertake authorised ministry, or has been nominated for appointment to a position or office involving the undertaking of authorised ministry, in the Assessing Province;

**Ministry Suitability Information** means a written statement by a Church authority of the Authorising Province about the Church worker that discloses:

- (a) whether or not there has been; and
- (b) if so, the substance of;

any allegation, charge, finding or admission of the commission of a criminal offence, or the breach of the Authorising Province's rules regarding the moral conduct of clergy and lay persons undertaking ministry, including rules relating to sexual conduct and conduct towards children and vulnerable adults;

**Province** includes part of a Province.

#### System for the disclosure of Ministry Suitability Information by the Authorising Province

2. The Authorising Province will have and maintain a system for the disclosure of Ministry Suitability Information about a Church worker of the Province to the applicable Church authority of the Assessing Province that includes the following requirements:
  - (a) the applicable Church authority of the Province is to promptly deal with an application by the applicable Church authority of the Assessing Province for the disclosure of Ministry Suitability Information; and
  - (b) the applicable Church authority of the Province is to disclose the Ministry Suitability Information to the applicable Church authority of the Assessing Province.

#### System for assessing the suitability of a Church worker for authorised ministry in the Assessing Province

3. The Assessing Province will have and maintain a system for the assessment of the suitability of a Church worker to undertake authorised ministry in the Province that includes the following requirements:
  - (a) the applicable Church authority is to make an application to the Authorising Province for Ministry Suitability Information;
  - (b) the applicable Church authority is not to authorise the Church worker to undertake ministry in the Province unless and until it has carried out an assessment of whether the Church worker

- is a risk to the physical, emotional and spiritual welfare and safety of people that takes into account the Ministry Suitability Information disclosed by the Authorising Province; and
- (c) the applicable Church authority is to keep the Ministry Suitability Information confidential, except where its disclosure:
- (i) is required by law; or
  - (ii) is reasonably believed to be necessary to protect any person from the risk of being harmed by the Church worker; or
  - (iii) is necessary for the purpose of undertaking the assessment of whether the Church worker is suitable to undertake authorised ministry in the Province or any disciplinary action against the Church worker.

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

K SOWADA  
Deputy Chair of Committees

I Certify that this Ordinance was passed by the Synod of the Diocese of Sydney on 10 October 2017.

R WICKS  
Secretary

I Assent to this Ordinance.

GN DAVIES  
Archbishop of Sydney  
19/10/2017

## **General Synod - Episcopal Standards (Child Protection) Canon 2017 Adopting Ordinance 2017**

### Explanatory Statement

#### **Purpose of the bill**

1. The purpose of the bill for the *General Synod – Episcopal Standards (Child Protection) Canon 2017 Adopting Ordinance 2017* (“the Bill”) is to make diocesan bishops and former diocesan bishops subject to the jurisdiction of the Episcopal Standards Commission for certain child protection offences.

#### **Recommendations**

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

#### **Evidence Given**

4. 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. The “Standing Committee” and “Episcopal Standards Taskforce” referred to in the Appendix are bodies of the General Synod, not bodies of our Diocese.

5. The Canon includes a declaration in clause 4, that it affects the order and good government of the Church within a diocese and therefore does not come into force in a diocese unless and until that diocese by ordinance adopts it.

For and on behalf of the Standing Committee

ROBERT WICKS  
*Diocesan Secretary*

18 September 2017

*Episcopal Standards (Child Protection) Canon 2017**Explanatory Memorandum**General Background*

1. There are many reasons why there is not presently uniform episcopal standards legislation across the 23 dioceses of the Anglican Church of Australia. Within the church where we are privy to the organisation of the Church on a diocesan basis, many of the reasons for lack of uniformity make sense to us. The Church exists, however, within the context of an Australian society that has turned attention to the operation of the Anglican Church of Australia and other churches, as a result of the Royal Commission into Institutional Responses to Child Sexual Abuse.
2. The public hearing in Case Study 52 heard evidence on the lack of uniformity of episcopal standards legislation across the 23 dioceses. Attached to this explanation memorandum circulated with the original Bill 20 were the documents prepared by Mr Michael Shand QC of the Diocese of Melbourne for the Royal Commission that summarised the state of episcopal standards legislation. One lesson learned from the Royal Commission is that when it comes to the protection of children from sexual abuse, there is no room for compromise on standards. That extends to episcopal standards in relation to protecting children from child sexual abuse and responding to allegations of child sexual abuse.
3. Because it was apparent that the Episcopal Standards Canon 2007 (the 2007 Canon) was unlikely to be adopted by all dioceses, the Standing Committee at its October 2010 meeting set up the Episcopal Ministry Task Force (EMTF) that reported to the 16<sup>th</sup> General Synod. The EMTF included in its report a Model Episcopal Standards Ordinance.
4. Resolution 47/14 of the 16<sup>th</sup> General Synod commended for enactment by every diocese the proposed Model Episcopal Standards Ordinance attached to the Supplementary Report of the Standing Committee concerning a Model Episcopal Standards Ordinance. That has not been taken up by at least 11 of the 23 dioceses. The reality of that together with the imminence of Case Study 52 and the decision of the Appellate Tribunal in the matter of Bishop Slater and the Diocese of Grafton prompted the Standing Committee at the February 2017 meeting to set up an Episcopal Standards Task Force (Task Force) to assist the church to move towards the implementation of a national episcopal standards process.
5. The Standing Committee asked the Task Force to:
  - define the scope of the conduct to be subject to a National Episcopal Standards Scheme that is likely to receive broad national support
  - give consideration to an independent body to be responsible for the investigation and prosecution of action under a National Episcopal Standards Scheme
  - give consideration to the best means to implement a National Episcopal Standard Scheme including the applicability of the existing Canons – The Offences Canon 1962, the Episcopal Standards Canon 2007 and the Special Tribunal Canon 2007
  - give consideration to an effective means for the discipline of bishops formerly subject to the Special Tribunal including extending the jurisdiction of the Special Tribunal
6. The members of the Task Force are: Archbishop Davies, Bishop Goldsworthy, Archdeacons Copeman and Snell, Mr Blake SC, Mr Shand QC and Justice Mullins (as convenor).
7. The Task Force (apart from Mr Shand QC's dissent in respect of the recommendation in paragraph (a)) recommended to the Standing Committee at its May 2017 meeting:
  - (a) enactment of the Episcopal Standards (Child Protection) Canon 2017 ... that is confined to child protection matters, deals with fitness for office, and applies to both current and former diocesan bishops, but as far as the latter are concerned only in respect of conduct occurring while a diocesan bishop;
  - (b) amendment of s 56(6) of the Constitution to extend the jurisdiction of the Special Tribunal to former members of the House of Bishops or former bishop assistant to the Primate for offences specified by canon in respect of conduct while a member of the House of Bishops;
  - (c) amendment of the Offences Canon 1962 to insert a new section 2A that lists the offences that can apply to a former member of the House of Bishops or former bishop assistant to the Primate and be dealt with by the Special Tribunal and which specifically makes child abuse and failure to comply with the laws of a State or Territory requiring the reporting of child abuse to the police or other authority an offence under both sections 1 and 2 of the Offences Canon 1962."

8. At its May 2017 meeting Standing Committee received the Task Force's report and, in general terms, endorsed the three Bills for presentation to the 17<sup>th</sup> General Synod.
9. The rationale for the Bill for Episcopal Standards (Child Protection) Canon 2017 (Episcopal Standards Bill) is that it is imperative for the reputation of the church to implement a national approach to episcopal standards at the very least in respect of child protection matters. That will require cooperation among the dioceses and a willingness for those dioceses that enacted diocesan legislation based on the Model Episcopal Standards Ordinance that covers the same subject matter as the Episcopal Standards Bill to cede the regulation of this discrete area of episcopal standards to the proposed national legislation, or at the least, when dealing with a complaint involving a child protection matter against a current or former bishop subject to section 56(6) of the Constitution, to refer the complaint for hearing to the national Episcopal Standards Board (ESB) from which time the matter would then be dealt with under the Episcopal Standards Bill.
10. It was originally proposed that the Episcopal Standards Bill proceed on the basis that it dealt with fitness for office and not discipline, so that it could take effect as a canon under section 30 of the Constitution and commence on and from a date appointed by the President within one month from the date on which the canon was passed. To facilitate the commencement of the Bill, there was therefore no clause in Bill 20 as originally circulated that declared that its provisions affect the order and good government of the Church within a diocese. This was on the basis that if all dioceses were supportive of the rationale and requirement for this Bill, then it would be unlikely that any diocese would seek to rely on paragraph (c) of s 30 of the Constitution. The feedback on the original Bill 20 suggested that, commendable though the aim was for seeking an early commencement for the Bill, integrity in applying the provisions of the Constitution in enacting canons was also important. The Bill now provides expressly that its provisions affect the order and good government of the Church within a diocese, so the Bill will not come into force in a diocese until adopted by the diocese by ordinance.
11. There will be costs associated with this proposal that will be borne by the General Synod (and ultimately the dioceses), as a result of using processes and structures set up under the 2007 Canon (and extending the jurisdiction of the Special Tribunal), but that is a consequence of endeavouring to meet the anticipated criticism from the Royal Commission of a lack of a national approach to episcopal standards in child protection matters.
12. Whether or not a diocese has adopted the 2007 Canon, it is a canon that has been passed by the General Synod, with the Episcopal Standards Commission (ESC) in place as the investigator of information about relevant conduct and the ESB set up to hear questions that are referred by the ESC. The Episcopal Standards Bill is confined to defined examinable conduct and would take advantage of the existing processes and structures under the 2007 Canon for determining fitness for office. The Bill does not require dioceses to adopt the 2007 Canon.
13. When Bill 20 was circulated originally, in order to ensure that it dealt with fitness for office and did not affect the discipline of this Church that would otherwise attract the application of proviso (a) to s 30 of the Constitution, it modified some provisions in the 2007 Canon. On that basis section 12(1) of the 2007 Canon was modified, so that the relevant bishop was not compelled to provide a detailed report to the ESC in response to an investigation, but instead was allowed to provide a detailed report. Sections 12(2), 16(c), 48(c) and 51 of the 2007 Canon could not apply. Feedback on the original draft raised concern that there remained an argument that the Bill affected discipline and attracted the operation of s 28(1) of the Constitution. To avoid a challenge to the validity of the Bill on that basis, the Bill should be enacted following the procedure for a special Bill, unless the General Synod by votes of at least three-fourths of the members present in each house decide that it need not proceed as a special Bill. It will therefore now not be necessary to exclude the provisions of the 2007 Canon that affected discipline.
14. If the Episcopal Standards Bill is passed by the Synod, it is proposed that the canon apply to a current member of the House of Bishops or a bishop assistant to the Primate in the Primate's capacity as Primate (assistant to the Primate) for any conduct that falls within examinable conduct, wherever or whenever that conduct occurred, but that examinable conduct for a former member of the House of Bishops or assistant to the Primate (former Bishop) be confined to the same categories of conduct, but further confined to that which occurred while a member of the House of Bishops or assistant to the Primate, but whether before or after the commencement of the canon, and subject to the extension of the definition of examinable conduct for a former Bishop that is covered by clause 2(2) of the Bill.
15. It is a commonly held view that bishops who were formerly the subject of section 56(6) of the Constitution are amenable to the jurisdiction of the diocesan tribunal in the diocese in which they currently reside or are licensed. Although the Appellate Tribunal in its decision dated 19 January 2017 on the appeal by Bishop Slater decided it lacked appellate jurisdiction in that matter, it did make some observations at paragraphs [115] to [123] on possible limitations on diocesan legislative authority in relation to bishops. In particular, it noted at [115], in the context that more than one diocese may have a direct concern with issues of the status or fitness of a former diocesan bishop, the appropriateness of a common approach to the issue through a canon of the General Synod, it queried at [117] the possible limitations on the power of one bishop to depose another from



Holy Orders, and at [122] it sounded the need for caution when addressing the validity of a diocesan ordinance not supported by a canon of the General Synod with respect to the deposition of a bishop from Holy Orders. That is why in the area of episcopal standards relating to child protection, it is proposed that there be a national approach in dealing with both fitness for office and discipline of bishops who are or were the subject of s 56(6) of the Constitution.

16. When the original Bill was circulated, some concern was expressed by dioceses that had enacted diocesan Episcopal Standards legislation based on the 2014 Model Episcopal Standards Ordinance and have in place structures for investigating and determining episcopal complaints that the Bill is based on the 2007 Canon. There is a benefit for those dioceses, however, if there were a General Synod canon that authorised their Episcopal Standards ordinances, at least in respect of child protection.

17. The revised Episcopal Standards Bill which is now presented to the General Synod reflects some compromises to address the various concerns that have been raised since the original Bill circulated. It is proposed to recognise that a diocese may have in place what is referred to as a “complying ordinance” relating to episcopal standards or professional standards in which examinable conduct or misconduct which may give rise to a question of fitness of a bishop be determined by the board constituted under that ordinance that includes examinable conduct as defined in the Episcopal Standards Bill and which applies to a bishop who is or was the subject of section 56(6) of the Constitution.

18. Where a complaint involving a child protection matter under a complying ordinance would have been referred to the diocesan episcopal standards board or professional standards board, it may be referred instead to the national ESB to be dealt with under the Episcopal Standards Bill together with any other complaints against the same bishop (whether relating to child protection or not) which would have otherwise been heard by the diocesan board to determine the bishop’s fitness for office, and therefore avoiding bifurcation. From the date of the referral arising under the complying ordinance to the national ESB, the national ESC would then take over the matter in presenting it to the ESB and for the Episcopal Standards Bill to then apply for all processes from the referral onward.

19. The other compromise that is incorporated in this revised Episcopal Standards Bill is in respect of an appeal from the ESB. In lieu of the barrister reviewing the determination of the Board for procedural or jurisdictional error that is provided for presently in Part 8 of the 2007 Canon, the Bill now proposes modifications to the 2007 Canon for child protection matters, so that an appeal by way of rehearing to a Review Board that is constituted from the same panel that is used for constituting the ESB (and using the same process used for constituting the ESB) will be available.

20. If the President presides at the ESB hearing, then the Deputy President will preside at the Review Board hearing. Any panel member who was on the ESB for the hearing of the matter that is the subject of the appeal cannot be chosen for the Review Board hearing. As it is proposed that there will be an appeal, rather than a limited review, it is appropriate to give both the bishop and the ESC (if aggrieved by the determination) the right to appeal by giving notice to the General Secretary.

21. Under section 23(2) of the 2007 Canon the ESB consists of the President or Deputy President and “an equal number not exceeding two of the Episcopal and other members of the panel” which means that the ESB will comprise three members in total. Recognising the significance of an appeal in some instances may justify having a Review Board constituted by more than three members, it is proposed to give the President or Deputy President the power to constitute a board of either three or five members.

22. The national consistency in dealing with episcopal standards involving child protection will follow from all matters being able to be referred to the ESB and governed from that point in the process by the Episcopal Standards Bill (if enacted by the General Synod and then adopted by the diocese).

*Notes on Clauses*

Clause 1 provides for the title of the canon.

Clause 2 sets out in subclause (1) the definitions that apply to the canon.

The definition of **assistant to the Primate** is based on section 56(6)(b) of the Constitution.

The definition of **Bishop** covers existing and former bishops and assistants to the Primate within paragraphs (a) and (b) of section 56(6) of the Constitution.

The definitions of **child** and **child abuse** are the same as those in the National Register Canon 2007.

The definition of **complying ordinance** specifies the minimum requirements for an ordinance of a diocese relating to episcopal standards or professional standards to be treated as a complying ordinance for the purpose of the canon.

There is a definition of **examinable conduct** that applies to a Bishop who is currently covered by paragraphs (a) or (b) of section 56(6) of the Constitution.

There is a definition of **examinable conduct** that applies to a Bishop who was formerly covered by paragraphs (a) or (b) of section 56(6) of the Constitution and is limited to the specified conduct that occurred while a member of the House of Bishops or assistant to the Primate, but whether before or after the commencement of the canon.

The definition of **exempt conduct** relates to a category of conduct that would otherwise be examinable conduct if it had not been disclosed to the ordaining bishop prior to the subject Bishop's ordination as a deacon.

The definition of **former Bishop** applies to a Bishop whose conduct falls within paragraph (b) of the definition of examinable conduct.

As one of the areas of conduct that can fall within the definition of examinable conduct is the failure without reasonable excuse to perform a function under a professional standards process, there is a definition of **professional standards process**. It covers a process for determining the fitness for office of clergy or lay persons and a disciplinary process under Chapter IX of the Constitution where the conduct that is the subject of the process relates to child abuse.

There is a definition of **relevant diocesan bishop** that will be relevant where the canon applies to a former Bishop.

sets out in subclause (2) the circumstances in which the definition of examinable conduct in relation to a former Bishop could extend to other conduct that falls within subparagraphs (i) to (iv) of paragraph (b) of the definition of examinable conduct, but occurring before or after any period in which the Bishop was subject to section 56(6) of the Constitution that, together with the examinable conduct occurring while subject to section 56(6) of the Constitution, might call into question the fitness of the Bishop for office.

Clause 3 specifies in subclause (1) which provisions of the Episcopal Standards Canon 2007 are incorporated in this canon and the modifications that are made to their operation to reflect the confined scope of episcopal conduct that is regulated by this canon, that it applies to former Bishops in addition to bishops who are subject to s 56(6) of the Constitution and that there will be right of appeal from the decision of the Board to the Review Board.

clarifies in subclause (2) that the Episcopal Standards Board established by Part 6 of the 2007 Canon is the same Board that will have jurisdiction for the purpose of the canon.

Clause 4 states that the provisions of this canon affect the order and good government of this Church within a diocese and the canon requires adoption by the diocese in order to come into force in a diocese.

# General Synod - Episcopal Standards (Child Protection) Canon 2017 Adopting Ordinance 2017

No 31, 2017

## 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.

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

P COLGAN  
Deputy Chair of Committees

I Certify that this Ordinance was passed by the Synod of the Diocese of Sydney on 10 October 2017.

R WICKS  
Secretary

I Assent to this Ordinance.

GN DAVIES  
Archbishop of Sydney  
19/10/2017

# Ministry Standards Ordinance 2017

## Diocesan Tribunal Ordinance 2017

### Professional Standards Transition Ordinance 2017

#### Explanatory Report

Key Points
<ul style="list-style-type: none"> <li>• The Ministry Standards Bill will –                             <ul style="list-style-type: none"> <li>(a) provide an administrative process for the resolution of complaints concerning the fitness of church workers to hold an office or position, to remain in Holy Orders, to exercise ministry or perform any duties or functions, whether or not subject to any conditions or restrictions, and</li> <li>(b) establish a Professional Standards Board to be the determining body under the complaints process instead of the Diocesan Tribunal or a Disciplinary Tribunal.</li> </ul> </li> <li>• The Diocesan Tribunal Bill provides for the administration and operation of the Diocesan Tribunal, which by the 1961 Constitution, has jurisdiction to hear and determine charges of breaches of faith, ritual, ceremonial or discipline and offences as may be specified in the Constitution or by canon, ordinance or rule in respect of a person licensed by the Archbishop, or any other person in holy orders resident in the diocese.</li> <li>• The Transition Bill sets out transitional arrangements for the commencement of the <i>Ministry Standards Ordinance 2017</i> and the <i>Diocesan Council Ordinance 2017</i>.</li> </ul>

#### Purpose of the bills

1. The purpose of the bill for the *Ministry Standards Ordinance 2017* (“the Ministry Standards Bill”) is to make provision for resolving complaints concerning the fitness of church workers.
2. The purpose of the bill for the *Diocesan Tribunal Ordinance 2017* (“the Diocesan Tribunal Bill”) is to provide for the administration and operation of the Diocesan Tribunal.
3. The purpose of the bill for the *Professional Standards Transition Ordinance 2017* (“the Transition Bill”) is to set out transitional arrangements for the commencement of the *Ministry Standards Ordinance 2017* and the *Diocesan Council Ordinance 2017*.
4. The bills are collectively referred to in this report as “the Bills”.

#### Recommendations

5. That Synod receive this report.
6. That Synod pass the Bills as ordinances of the Synod.
7. That Synod request the Standing Committee to undertake a review of the operation of the *Ministry Standards Ordinance 2017* prior to the 2018 session of Synod.

#### Evidence Given

8. In 2014, the Synod requested the Standing Committee to appoint a committee consisting of three lay people and three members of clergy, together with a person appointed by the Archbishop, with terms of reference that included reviewing the *Discipline Ordinance 2006* (the “2006 Ordinance”) and related ordinances.
9. Subsequently the Standing Committee appointed a committee comprising Mr Michael Easton, Mr Garth Blake, Mr Lachlan Bryant, the Rev Michael Kellahan, the Rev Mark Charleston and the Rev Dr Hugh Cox. The Archbishop appointed Mr Doug Marr.
10. This report concerns the Committee’s review of the 2006 Ordinance. The Bills are recommended by the Committee to replace the 2006 Ordinance. This proposal is explained in more detail below.

#### *Discipline Ordinance 2006*

11. The Committee considers that, in general, the 2006 Ordinance has operated effectively in dealing with complaints concerning offences alleged to have been committed by church workers in the Diocese.
12. However the 2006 Ordinance has weaknesses:
  - (a) It is complex and the complexity has grown over the last decade as amendments have been made to widen the scope of offences covered by the ordinance and address practical difficulties in the

complaints process. It is apparent that complainants and respondents (and their lawyers) find it difficult to understand the process.

- (b) The process set out in the 2006 Ordinance is linear. A more flexible process is needed for dealing with complaints to ensure they are dealt with in the most beneficial, efficient and cost effective manner.
- (c) The 2006 Ordinance is disciplinary in nature. It involves charging church workers with offences and imposing disciplinary measures or sanctions for wrongdoing. Most professions have moved away from upholding standards through disciplinary processes and have adopted administrative processes that examine a person's fitness to practise the profession.

In substance the 2006 Ordinance has also moved in this direction over time. The list of offences and potential recommendations in dealing with those offences has expanded. The recommendations presently available to determining bodies under the 2006 Ordinance are not all disciplinary in nature. Many appear more relevant to the question of a church worker's fitness to practice ministry, whether this be at all, in a limited way or only with conditions or restrictions. Yet the 2006 Ordinance does not set out the question that a determining body must ask itself concerning a church worker – is it to impose a sentence for wrongdoing or to assess fitness based on conduct and make appropriate recommendations? This needs to be made clear since the outcome will vary depending on which question is being asked.

- (d) The range of conduct that can be dealt with under the 2006 is limited. There is conduct which, if committed by a church worker, would call into question their fitness to practice ministry, but is not presently examinable under the 2006 Ordinance (unless it was so grievous as to amount to the offence of disgraceful conduct). In some cases there is a legal obligation to address these matters, for example bullying where it gives rise to risks to health and safety in a workplace, but presently there is little capacity to enforce compliance in relation to some church workers. The Royal Commission has also highlighted the need for processes to hold church workers accountable in investigating and dealing with allegations of child abuse. Presently under the 2006 Ordinance there are few options for dealing with a person who fails to discharge their responsibilities in handling such claims.

#### *Ministry Standards Ordinance 2017*

13. The Committee has considered an array of Ordinances used in other dioceses across Australia to assess the available options. The Committee has formed the view that neither substantially amending the 2006 Ordinance nor adopting the Model Professional Standards Ordinance endorsed by the General Synod will meet the needs of the Diocese.

14. The Ministry Standards Bill is based on retaining the best parts of the 2006 Ordinance, while borrowing from some of the ordinances from other dioceses to update, improve and simplify the complaints process, and to align the complaints processes to an overriding purpose.

15. The most significant changes are:

- (a) adopting a complaints process that has the purpose of examining a church worker's fitness for office in place of a process that imposes sentences for the commission of wrongdoing, and
- (b) constituting a Professional Standards Board as the body to make determinations on complaints that are contested by respondents.

16. The complaints process under the Ministry Standards Bill is summarised in the diagram in Appendix 1. A summary of the effects of the provisions of the Ministry Standards Bill is set out in Appendix 2.

#### *Diocesan Tribunal Ordinance 2017*

17. The recent Appellate Tribunal decision concerning the Diocese of Grafton and Bishop Keith Slater has highlighted the need to distinguish between discipline and fitness for office. There is a place for a disciplinary process, for example when dealing with the commission of past offences by church workers who are no longer active in ministry. One of the difficulties identified by the Appellate Tribunal in that matter was where a diocese purports to have a professional standards regime but is fundamentally dealing with questions of discipline.

18. A Diocesan Tribunal operates in each diocese pursuant to Chapter IX of the 1961 Constitution and may hear charges that are promoted to it concerning alleged offences committed by clergy under the *Offences Canon 1962*. This Canon also authorises dioceses to prescribe other offences by ordinance.

19. The Ministry Standards Bill provides for the PSC and the Board to have capacity to recommend to the Archbishop that he appoint a person to promote a charge to the Tribunal in relation to a complaint. It is expected that this recommendation would be made if the relevant body considers that the complaint gives rise to issues



of discipline as opposed to questions about fitness, and that the Tribunal is therefore a more appropriate forum for the complaint.

20. The Diocesan Tribunal Bill replicates the existing provisions in the 2006 Ordinance with respect to the Tribunal, with appropriate modification.

*Professional Standards Transition Ordinance 2017*

21. The Transition Bill will provide that complaints made before the commencement of the Ministry Standards Bill as an ordinance but not yet finally dealt with will continue to be subject to the 2006 Ordinance. The Ministry Standards Bill and Diocesan Tribunal Bill will apply to complaints made after their commencement

22. The Transition Bill also provides for certain persons holding office under the 2006 Ordinance to also hold the equivalent office under the Professional Standards Ordinance and Diocesan Tribunal Ordinance. This provision will apply in relation to:

- (a) the Director of Professional Standards,
- (b) the persons holding office as the members of the Professional Standards Committee,
- (c) the persons holding office as the members of the Diocesan Tribunal, and
- (d) the persons holding office as the members of the Board of Enquiry.

23. The Transition Bill also requires the Archbishop-in-Council to appoint members of the new body, the Professional Standards Board, as soon as practical after commencement of the Bills.

24. The Transition Bill provides for the 2006 Ordinance to be repealed on a date determined by the Archbishop on the advice of the Chancellor. It is anticipated that the 2006 Ordinance will be repealed once all complaints made prior to commencement of the Ministry Standards Bill and Diocesan Tribunal Bill have been finally dealt with.

*Review*

25. If the Ministry Standards Bill is passed, it is recommended that the Synod request the Standing Committee to review the new ordinance prior to the 2018 session of Synod with a view to any amending legislation being brought to Synod in 2018. There are several reasons for this recommendation.

26. There will inevitably be some matters identified in the next 12 months as the Ministry Standards Bill is put into operation that will require amendments to be made to improve the complaints process.

27. The General Synod also passed canons concerning safe ministry matters at its recent session. Some canons will be considered by our Synod in 2017. If these canons are adopted, modifications will likely be needed to the Ministry Standards Bill to accommodate the requirements in these canons. There may also be areas of inconsistency between the professional standards regime applying to diocesan bishops and other clergy if the *Episcopal Standards (Child Protection) Canon 2017* is adopted in our Diocese.

28. Finally, the Committee is aware of the work that has been undertaken by the Domestic Violence Response Taskforce at the request of the Synod and is also aware of Synod resolution 24/16, by which Synod requested the 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”.

29. The Committee considers that if the Guidelines prepared by the Taskforce are adopted by the Synod, a period of time should be allowed for church workers to become familiar with these Guidelines before inserting such a ground of misconduct. The Committee has considered what may be appropriate in this regard and suggests a ground of misconduct in or to the effect of the following be inserted in the Ordinance by Synod in 2018 –

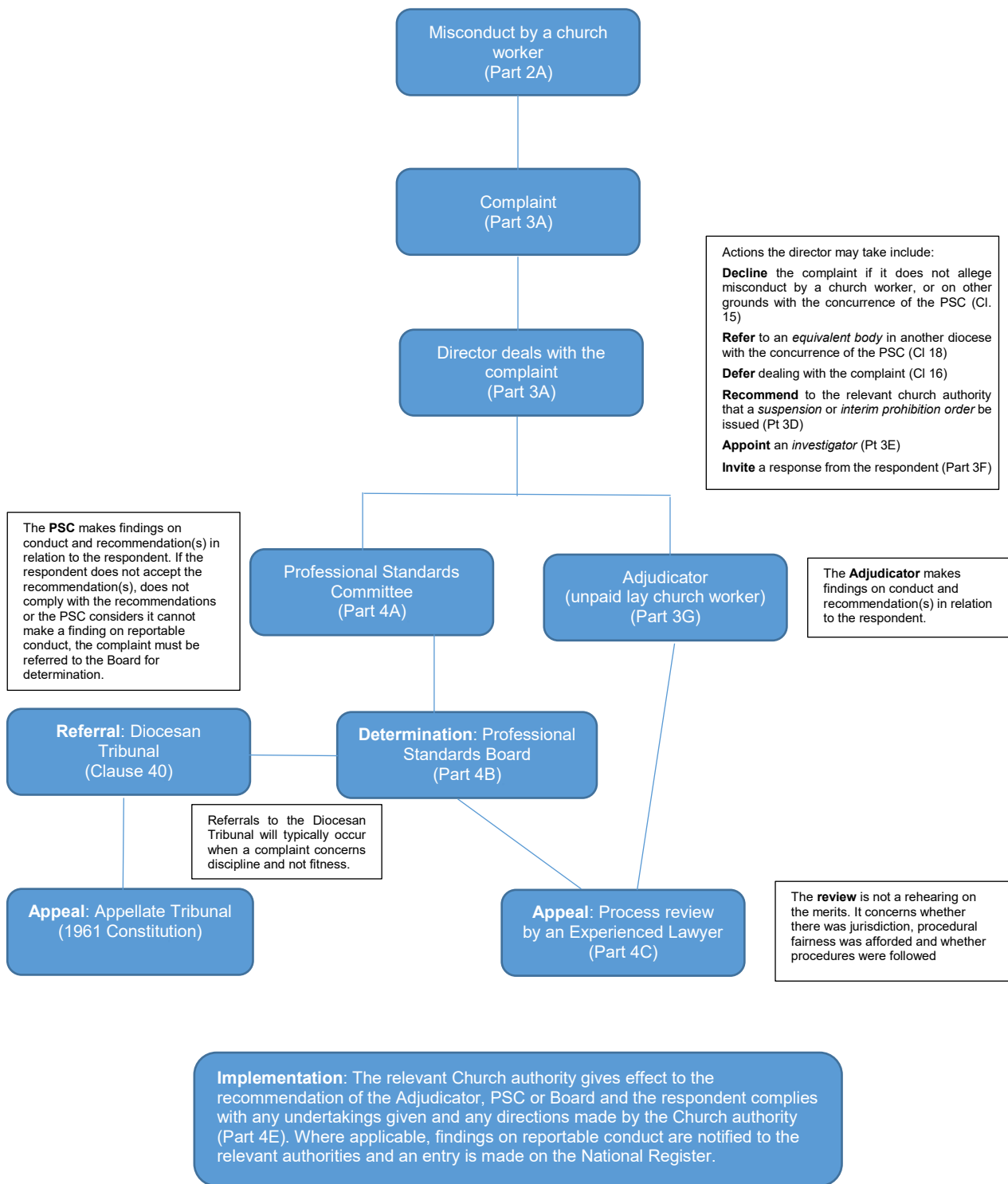
**“inappropriate pastoral care to a victim of domestic abuse**, which means providing pastoral care in a manner that puts the safety of a victim or their family at risk and demonstrates wilful or reckless disregard with the Synod’s *Responding Well to Domestic Abuse: Policy and Good Practice Guidelines*”.

For and on behalf of the Standing Committee

ROBERT WICKS  
*Diocesan Secretary*

18 September 2017

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.

## Clause Notes

## Ministry Standards Ordinance 2017

**Chapter 1 - Preliminary****Part 1A – Purpose and Application**

**Clause 1** names the Ordinance.

**Clause 2** outlines the purposes of the Ordinance. These operate as an interpretive guide to the provisions of the Ordinance.

**Clause 3** limits the application of the ordinance to alleged misconduct by church workers resident, licensed or authorised in the Diocese, or engaged by a Church authority either at the time a complaint is received or at the time misconduct was alleged to have occurred. Misconduct by such a church worker can be dealt with under the Ordinance regardless of where or when it occurred.

**Part 1B – Interpretation**

**Clause 4** contains a general list of terms that are defined for the purposes of the Ordinance. Many of these replicate definitions in the 2006 Ordinance. Definitions which are incorporated from *Faithfulness in Service* are based on the most recent version of the Code authorised by the General Synod Standing Committee in anticipation that the Sydney Synod will adopt those changes to the Code at its 2018 session.

**Chapter 2 – Scope of the Ordinance****Part 2A – church workers and misconduct**

**Clause 5** defines “church worker”. This definition, in conjunction with clause 3, determines the persons who can be the subject of complaints under the Ordinance. The definition is identical to the definition of “church worker” in the 2006 Ordinance, except that it has been expanded to include a person who is a member of a body corporate by virtue of election or appointment by the Synod, Standing Committee, the Archbishop or a Church body.

The definition continues to exclude a bishop who is subject to the jurisdiction of the Special Tribunal, namely a sitting diocesan bishop. Legislation for episcopal standards was passed by the General Synod and will be considered at our Synod.

**Clause 6** defines “misconduct”, being the conduct alleged to have been committed by a church worker that can be dealt with under the Ordinance. The conduct must be of such a nature that if it were found to have occurred, it would call into question the fitness of the church worker to hold office or position, to remain in Holy Orders, to exercise ministry or perform any duties or functions, or whether any conditions or restrictions should be imposed.

The definition includes two lists of conduct. First, a list of conduct that is excluded from being construed as misconduct. Second, a list of conduct that misconduct may include. Note that this second list is not exhaustive. It includes conduct that is presently examinable under the 2006 Ordinance but also includes other forms of conduct, such as bullying and harassment (as defined in *Faithfulness in Service*). It also includes certain process failures in relation to abuse where a church worker has an obligation to report or to deal with or investigate abuse.

**Clause 7** defines “reportable conduct”. The *Child Protection (Working With Children) Act 2012* requires that a finding that a child-related worker has engaged in 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 must be reported to the NSW Office of the Children’s Guardian. This definition, and the use of the term “reportable conduct” throughout the Ordinance, ensures that findings are made as to whether such conduct the subject of a complaint did or did not occur.

**Part 2B – Exempt Conduct**

**Clause 8** outlines a procedure for certain conduct to be declared exempt from being dealt with under the Ordinance by the Archbishop with the concurrence of the Professional Standards Committee (“PSC”). The conduct must be disclosed prior to ordination as a deacon or the issue of a licence or authority. The clause reflects the procedure in Chapter 7 of the 2006 Ordinance. The clause interacts with the list of excluded conduct in definition of “misconduct” in clause 6.

### **Chapter 3 – Processing of Complaints**

#### **Part 3A- Making Complaints**

**Clause 9** provides that anyone can make a complaint, including the Director. That the Director can make a complaint means that although the process is complaints-based, the Ordinance is not solely reliant on a third-party being willing to make a complaint. The Director can act on information known to him concerning a church worker. The 2006 Ordinance provides similarly.

**Clause 10** sets out how complaints are to be made, what details they should contain and the forms in which they can be made.

**Clause 11** requires the Director to use reasonable endeavours to explain the complaints process to a complainant prior to investigating the complaint. This is to ensure complainants understand the process that will be undertaken before it commences. A complainant can withdraw their complaint under clause 13 if they do not wish to proceed (other than a complaint alleging reportable conduct).

**Clause 12** requires a church worker to report to the Director any knowledge of certain conduct engaged in by another church worker constituting child abuse and related forms of misconduct. The same requirement is contained in the 2006 Ordinance.

**Clause 13** outlines how a complaint can be withdrawn. A complaint alleging reportable conduct cannot be withdrawn. The nature of reportable conduct means that such a complaint must be assessed notwithstanding that a complainant may want to withdraw their complaint.

#### **Part 3B – Handling of complaints by the Director**

**Clause 14** sets out the courses of action available to the Director when dealing with a complaint. This provision moves away from the linear progression found in the 2006 Ordinance and gives the Director flexibility and discretion to take different courses of action if appropriate, such as referring matters back to the complainant, or seeking further responses from a respondent and the like.

#### **Part 3C – Declining, deferring or referring complaints**

**Clause 15** provides for the Director to decline complaints that do not allege misconduct which can be the subject of a complaint under the Ordinance.

**Clause 16** provides for complaints (other than those alleging reportable conduct) to be declined or deferred on other grounds by the Director with the concurrence of the PSC. In summary these are complaints that: lack sufficient detail or evidence, are false etc or trivial, can properly be dealt with by other means, are under investigation or the subject of other proceedings or dealing with the complaint lacks utility.

**Clause 17** provides for the notification of decisions to decline or defer complaints. Subclause (2) of this clause gives the Director discretion as to whether to notify the respondent of the decision if the Director understands that the respondent is not aware of the complaint. There is a balance here. One on level transparency suggests disclosure should be made. On the other hand disclosing a complaint that has been declined may cause considerable but unnecessary distress to a respondent.

**Clause 18** sets out the circumstances in which a complaint can be referred to an equivalent body in another diocese, and how decisions for referral are to be made. Usually referrals will be made because the church worker resides in another diocese or holds a licence or authority in another diocese.

#### **Part 3D – Suspension and prohibition orders**

**Clauses 19 to 21** regulate suspension and prohibition orders. The clauses reflect the equivalent provisions in the 2006 Ordinance.

#### **Part 3E – Investigation of complaints**

**Clause 22** provides for the Director to appoint a person to investigate a complaint, and to revoke that appointment in certain circumstances.

**Clause 23** sets out the powers of the Investigator. These are similar to the equivalent provisions in the 2006 Ordinance, except that an additional requirement has been inserted that the Investigator must record interviews, subject to the consent of the interviewee.

**Clause 24** provides for the Investigator to report the results of the investigation and provide all records to the Director.

#### **Part 3F – Notification of and response to the complaint**

**Clause 25** sets out the notification that the Director must provide to the respondent concerning the complaint. Consistent with the 2006 Ordinance, the Director may decide to notify the substance of the complaint to the

respondent prior to investigation. If the respondent admits the complaint or its substance it may not be necessary to appoint an investigator.

**Clause 26** sets out the responses that may be given by a respondent, and how the response is to be given. If the complaint is denied and has not been investigated, the Director may at that time appoint an investigator.

***Part 3G – Special procedure for unpaid lay church workers (Adjudicators)***

**Clauses 27 to 33** outline a procedure for the consideration of complaints about unpaid lay church workers by Adjudicators. An Adjudicator is a person appointed by the Registrar who is a judge or justice of an Australian court or (more commonly) a legal practitioner with at least 10 years' experience. The Adjudicator fulfils the role of both the PSC and the Board in relation to a complaint. The Adjudicator has the same powers as the Board in making recommendations. The procedure is intended to be efficient, inexpensive and procedurally fair to respondents. Respondents who are subject to a determination and recommendation by an Adjudicator will have similar review entitlements to any other church worker. The procedure is much the same as that presently provided for in the 2006 Ordinance for complaints about unpaid lay church workers.

***Chapter 4 – Resolving complaints***

***Part 4A – Consideration by the PSC***

**Clause 34** provides for the Director to refer complaints to the PSC and sets out the particulars and material that must be provided to the PSC. The clause provides for the respondent to be notified that the complaint has been referred to the PSC and provided with the same particulars and material. The respondent has 28 days to provide further material, information or written representations to the PSC in relation to the complaint. The Director can grant extensions.

**Clause 35** sets out the courses of action that the PSC may take in dealing with a complaint and the matters that the PSC must consider in deciding on those courses of action.

**Clause 36** sets out that the PSC is to recommend that no further action be taken with respect to a complaint if it is satisfied of certain matters.

**Clause 37** requires a recommendation of no further action and a dismissal of the complaint if the PSC is satisfied that the respondent did not engage in any of the misconduct the substance of the complaint.

**Clause 38** provides for the termination of suspension of prohibition orders at the direction of the PSC.

**Clause 39** sets out the circumstances in which the PSC must refer a complaint to the Board. In summary these circumstances are where: the complaint alleges reportable conduct and the PSC considers it is unable to make a finding, the respondent does not accept the PSC's recommendations, or the respondent does accept the recommendations but fails to comply with them to the satisfaction of the PSC. The clause also sets out the manner for the PSC to make referrals to the Board.

**Clause 40** provides for the PSC to recommend that the Archbishop appoint a person to promote a charge against the respondent before the Diocesan Tribunal. The Archbishop must comply with such a recommendation. At this point the complaint will cease to be dealt with under the Ordinance and will be dealt with in accordance with the Diocesan Tribunal Ordinance 2017 instead. A bill for this Ordinance will also be considered by the Synod at its 2017 session.

**Clause 41** sets out the recommendations that can be made by the PSC in relation to the respondent. These reflect the available recommendations under the 2006 Ordinance.

**Clause 42** outlines who must be given notice of the PSC's recommendations. The PSC is not required to include a statement of reasons unless it makes recommendations that include (in summary): the respondent resigning, undertaking not to seek appointment or undertake specified functions for a period of time, requesting voluntary relinquishment or deposition from holy orders, or consenting to a prohibition order (paragraphs 41(1)(e),(f) or (g)). The respondent will have 14 days to decide whether to accept and comply with the recommendations (or such longer period determined by the Director).

**Clause 43** provides that no further action is to be taken with respect to the complaint if the respondent accepts and complies with the recommendation(s). The clause also provides for the PSC making findings on reportable conduct if this is relevant to the complaint.

***Part 4B – Determination of complaints by the Board***

**Clause 44** provides for the application of Part 4B to referrals to the Board from the PSC.

**Clause 45** provides for determination of the membership of the Board for a complaint and convening the Board to give directions.

**Clause 46** sets out the course of action that the Board make take upon the referral of a complaint.

**Clause 47** provides for the Board making findings on reportable conduct.

**Clause 48** provides for when the Board must dismiss a complaint or take no further action.

**Clause 49** sets out the recommendations that the Board may make to the Archbishop or the relevant Church authority. These recommendations may only be made if the Board is satisfied that the church worker is not fit (in summary): to hold a role, office or position or remain in Holy Orders, exercise ministry or perform any duty or function, or should be subject to conditions or restrictions.

**Clause 50** provides for notification of the Board's determination and recommendation(s).

**Clause 51** enables the Board to defer making recommendations and adjourn for a period not exceeding 12 months on terms that the church worker will undertake certain specified acts or omissions. If the Board considers the church worker is unfit to hold office etc the undertaking must include the church worker's standing down or not undertaking certain duties. If the church worker declines to give the undertaking or does not comply with an undertaking, the Board is to then make a final recommendation on the complaint. Non-compliance with an undertaking may be taken into account in making recommendations.

**Clause 52** clarifies the effect of prohibition orders.

#### ***Part 4C – Review of Board determinations***

The process for review is modelled on the existing review process in Chapter 5, Part 2 of the 2006 Ordinance.

**Clause 53** provides a means for a church worker to apply to the Registrar for a review of the Board's decision. The review is to be conducted by an "experienced lawyer" (as defined in the Ordinance) appointed by the Registrar.

**Clause 54** sets out the grounds for review. In summary these are a breach of procedural fairness, a failure to observe the Ordinance, a lack of jurisdiction or unreasonableness.

**Clause 55** provides that the application for review has the effect of staying the Board's decision pending the outcome of the review.

**Clause 56** provides for the appointment of the experienced lawyer by the Chancellor via the Registrar to conduct the review. The respondent is required to pay half the estimated fee of the fees to be charged by the experienced lawyer.

**Clause 57** sets out how the review is to be conducted and clarifies that the review is not to involve a rehearing on the merits or a new hearing. The experienced lawyer may make orders as to costs.

**Clause 58** sets out what determinations the experienced lawyer may make on the review.

#### ***Part 4D – Procedural matter for the PSC and the Board***

**Clauses 59 to 79** make general provision for the conduct of proceedings by the PSC and the Board. The clauses provide detail on how the two bodies are to undertake their respective functions under the Ordinance.

#### ***Part 4E – Church authorities and compliance***

**Clause 80** requires and empowers a Church authority to give effect to a recommendation of the Director, an Adjudicator, the PSC or the Board. The Church authority may vary, modify or temporarily suspend the implementation of a recommendation consistent with the findings of the body making the recommendation and with its agreement that the substance of the recommendation is preserved.

**Clause 81** requires a church worker to comply with an undertaking and a direction given by a Church authority to give effect to a recommendation.

### ***Chapter 5 – Persons or bodies performing functions under this Ordinance***

#### ***Part 5A – The Director***

**Clause 82 to 86** provide for the appointment of the Director, the functions of the Director, the relationship between the Director and the Archbishop, the Director's entitlement to information and the Director's reporting obligations.

#### ***Part 5B – The PSC***

**Clauses 87 to 94** set out the constitution of the PSC, its functions, and power to delegate, among other matters.

***Part 5C – The Board***

**Clauses 95 to 103** set out the constitution of the Board, its functions, and how the Board is constituted from the panel for a particular complaint, among other matters.

***Chapter 6 – Miscellaneous***

***Part 6A – Confidentiality and Publication***

**Clauses 104 to 107** set out the duty of confidentiality of persons performing functions under the Ordinance and how and for what purposes information may be released.

***Part 6B – Indemnity***

**Clause 108** provides for the indemnity of persons performing functions under the Ordinance out of funds under the control of the Synod.

***Part 6C – Regulations***

**Clause 109** empowers the Standing Committee to make regulations not inconsistent with the provisions of the Ordinance for the purposes of administration of the Ordinance or to carry out the overriding purposes of the Ordinance.

***Part 6D – Other***

**Clause 110** clarifies that the Ordinance does not affect the rights of employers to terminate employment.

**Clause 111** provides for the findings of an equivalent body, a court, tribunal or commission of inquiry to be treated as conclusive if not overturned on appeal.

**Clause 112** makes provision for the service of documents.

**Clause 113** provides that the Ordinance will commence on a date to be determined by the Archbishop on the advice of the Chancellor.

## **Ministry Standards Ordinance 2017**

No 32, 2017

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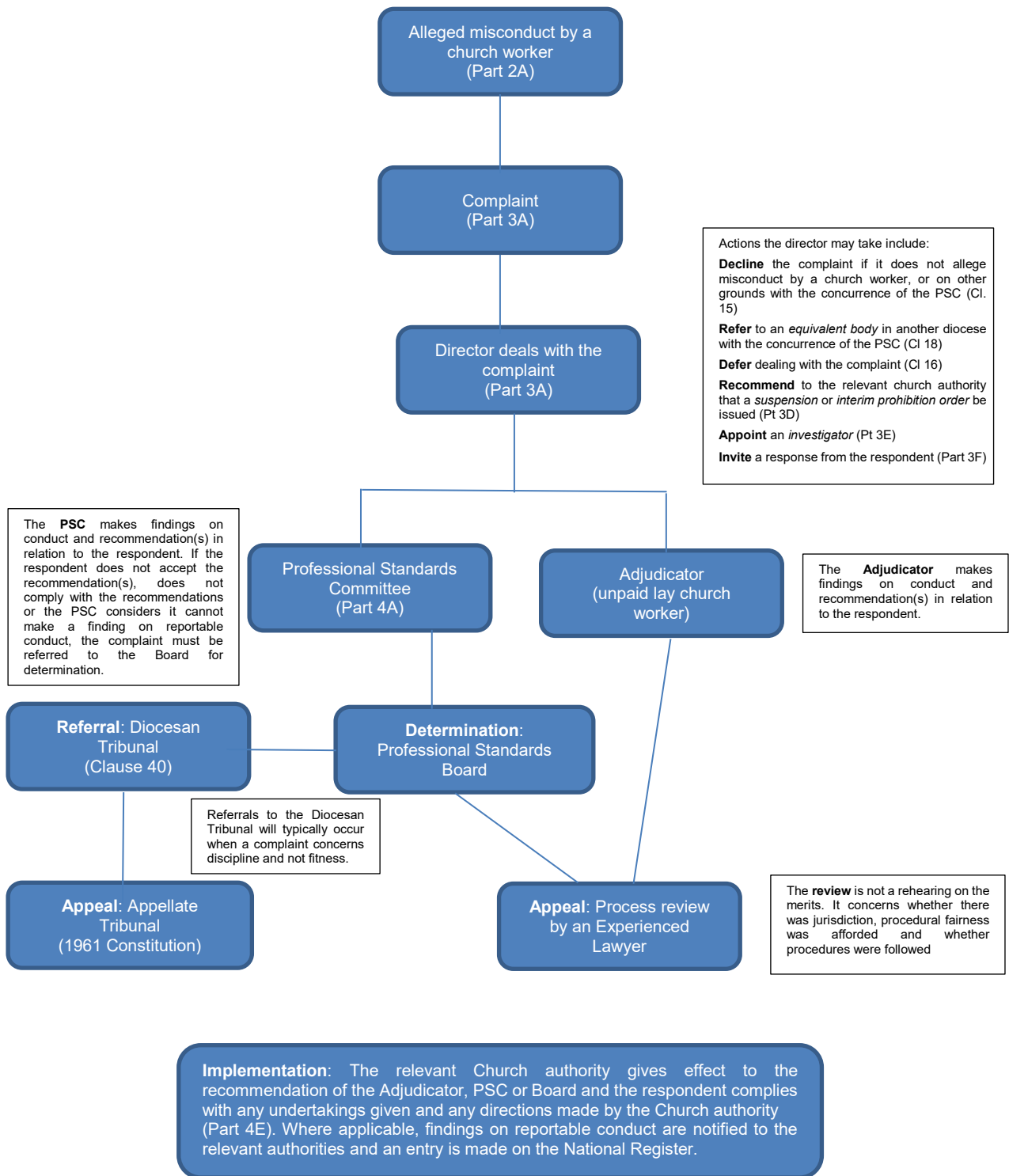
Part 6B – Indemnity

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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.

### 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;
  - (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, expedient and efficient resolution of complaints.
- (2) The Director, the PSC, 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);

**“Appellate Tribunal”** means the Appellate Tribunal constituted by and under Chapter IX of the Constitution;

**“Board”** means the Professional 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 in 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 Professional Standards appointed under Part 5A;

**“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 PSC 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;

**“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;

**“Professional Standards Committee”** or **“PSC”** means the Professional Standards Committee established under Part 5B;

**“Professional Standards Unit”** means the Professional Standards Unit of the Diocese;

**"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;

**“Registrar”** means the person appointed by the Archbishop under his hand and seal to be Registrar of the Diocese or in his absence the person appointed by the Archbishop to perform the duties of the Registrar either in his absence or as his deputy;

**“reportable conduct”** has the meaning given in Part 2A;

**"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 Ordinance 2005*;

**“safety plan”** means the form of agreement developed by the Professional Standards Unit to regulate a person’s participation in the ministry activities of a church of the Diocese;

**"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 3G, references to the PSC 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 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 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?

(1) 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 reportable 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,<sup>1</sup>

<sup>1</sup> *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;*

- (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 emotional harm or lead to serious behavioural or cognitive disorders;
  - (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;
  - (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;
- (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;

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(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) 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) 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;
  - (ii) 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) **sexual misconduct** which has the same meaning as in the *Child Protection (Working with Children) Act 2012 (NSW)*;
- (h) 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;
- (i) failure without reasonable excuse by a respondent to cooperate with the investigation of a complaint under the Ordinance;
- (j) failure without reasonable excuse to comply with a condition imposed by a Church authority under this Ordinance;
- (k) failure without reasonable excuse to comply with an undertaking given to or a direction or order given by an Adjudicator, the PSC, Board or a Church authority; or
- (l) 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 reportable conduct?<sup>2</sup>

Reportable conduct means 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:

- (a) when engaged in child-related work in the Diocese; or
- (b) who –
  - (i) is in child-related work in the Diocese at the time a complaint concerning their conduct is made, or

<sup>2</sup> Section 35(1) of the *Child Protection (Working With Children) Act 2012 (NSW)* imposes a duty on a reporting-body (which includes the Anglican Church in New South Wales, including organisations of dioceses) to notify the Children's Guardian of the name and other identifying particulars of any child-related worker against whom the reporting body has made a finding that the worker has engaged in 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.

- (ii) 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.

#### 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 PSC, 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*.<sup>3</sup>; or
  - (b) if the person has been refused a declaration in relation to the same or similar conduct in the 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 PSC 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 PSC, determines that the whole of the conduct that is the subject of the complaint is exempt conduct.

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<sup>3</sup> 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.



## CHAPTER 3 – PROCESSING OF COMPLAINTS

### PART 3A – MAKING COMPLAINTS

#### 9. Who may make a complaint?

Any person, including the Director, may make a complaint of misconduct in relation to a church worker.

#### 10. 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.
- (6) Non-compliance with this clause does not invalidate a complaint unless the Board determines otherwise.

#### 11. Director to explain the complaints process

The Director must use reasonable endeavours to explain the processes set out in this Ordinance to the complainant prior to any investigation of the complaint.

#### 12. 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.

#### 13. Withdrawal of complaint

- (1) Subject to subclause (2), a complaint is taken to have been withdrawn if the complaint does not allege reportable 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 PSC at the time the notice of withdrawal is received by the Director, the complaint will only be taken to be withdrawn if the PSC consents to the withdrawal.

### PART 3B - HANDLING OF COMPLAINTS BY THE DIRECTOR

#### 14. What can the Director do when dealing with a complaint?

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) decline to deal with the complaint under clause 15;
- (b) refer to the matter directly to the PSC and seek the concurrence of the PSC that the complaint be declined or deferred under clause 16;
- (c) ask the complainant to verify the complaint by statutory declaration;
- (d) ask the complainant to provide further details of the conduct that is the subject of the complaint;
- (e) 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;
- (f) if the respondent is an unpaid lay church worker, refer the matter to an Adjudicator under Part 3G;
- (g) investigate, or appoint a person to investigate the complaint under Part 3E;
- (h) invite a response from the respondent under Part 3F.

**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.

**16. When may the Director decline or defer a complaint with the concurrence of the PSC?**

(1) Apart from complaints about reportable conduct, the Director may at any time, with the concurrence of the PSC, 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, including but not limited to alternative dispute resolution, whether through the process set out in the *Diocesan policy for dealing with allegations of unacceptable behaviour* or otherwise, and there is a reasonable likelihood that it will be dealt with by those other means; or
- (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 PSC, 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 alleges reportable 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 reportable 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 PSC, 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 PSC 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 PSC 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 PSC must refer the disagreement for decision by an independent person agreed upon by the PSC 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 PSC 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 PSC 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.

**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; and
  - (iv) the likely effect on the respondent and on the relevant Church body.

**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 a period of suspension, 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 whatever stipend, salary, allowances and other benefits that he or she would otherwise have received and which are to be met or reimbursed from funds under the control of the Synod;
- (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 PSC, or
- (ii) upon any direction to that effect given by the PSC, or
- (iii) upon the Church authority or the respondent (as the case may be) giving effect to the recommendation(s) of the Adjudicator, PSC 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 whatever stipend, salary, allowances and other benefits that he or she would otherwise have received and which are to be met or reimbursed from funds under the control of the Synod.
- (3) An Interim Prohibition Order ceases to have effect:
  - (a) if the Director terminates the investigation without referring the matter to the PSC, or
  - (b) upon any direction to that effect given by the PSC, or
  - (c) upon –
    - (i) the respondent complying with all recommendation(s) (if any) of the PSC 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, PSC or the Board.
  - (d) if the Archbishop suspends the respondent under section 61 of the 1961 Constitution.

**PART 3E - 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.<sup>4</sup>

#### **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 3F - NOTIFICATION OF AND RESPONSE TO THE COMPLAINT**

#### **25. What notification must the Director provide to the respondent?<sup>5</sup>**

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
- (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 3E.

### **PART 3G – 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 PSC, the Director may instead refer the complaint to the PSC to be dealt with under Chapter 4.

#### **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 Registrar to appoint an experienced lawyer 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 Registrar must promptly appoint an experienced lawyer following a request from the Director under subclause (1)(a).
- (3) The Director must also:
  - (a) notify the respondent that the complaint has been referred to the Adjudicator; and

<sup>4</sup> Misconduct for the purposes of this Ordinance includes failure without reasonable excuse by a respondent to cooperate with the investigation of a complaint.

<sup>5</sup> 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.

- (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 must apply the rules of procedural fairness and otherwise determine a procedure for resolution of the complaint before proceeding to make recommendations under clause 30 or findings under clause 31.

**30. Recommendations by the Adjudicator**

- (1) The Adjudicator may make recommendations in relation to the respondent and for this purpose may make recommendations to:
  - (a) the respondent, or
  - (b) the relevant Church authority.
- (2) Prior to making any recommendations under subclause (1), the Adjudicator must 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.
- (3) In making recommendations the Adjudicator has the same powers as the Board.
- (4) For the avoidance of doubt, if the Adjudicator makes a recommendation under clause 30(1)(a), the Adjudicator is not precluded from making further recommendations in relation to the respondent under clause 30(1)(b).

**31. Making findings on Reportable Conduct**

If the complaint alleges that the respondent has committed reportable 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 PSC in Part 4C are taken to be references to the Adjudicator.

## CHAPTER 4 – RESOLVING COMPLAINTS

### PART 4A – CONSIDERATION BY THE PSC

#### 34. Referral to the PSC

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 PSC of the identity of the person against whom the complaint is made, and
  - (b) furnish the PSC 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 PSC, 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 PSC, relating to the complaint, within 28 days or such longer period as may be agreed to by the Director.

#### 35. What can the PSC do when dealing with the complaint?

(1) The PSC 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 PSC 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;
- (n) such other matters as the PSC considers relevant.

**36. No further action**

If the PSC 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 PSC is to recommend that no further action be taken with respect to the complaint.<sup>6</sup>

**37. Findings on conduct**

If the PSC 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 PSC 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 PSC must refer to the complaint to the Board if:

- (a) the complaint alleges reportable conduct, and the PSC 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 PSC makes a recommendation under clause 41 and the respondent does not accept the recommendation of the PSC 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 PSC, 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 PSC 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 PSC 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 PSC must cause to be delivered to the secretary of the Board any documents and material relevant to the reference; and
- (b) the PSC, 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 PSC 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;<sup>7</sup>

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<sup>6</sup> *If the PSC 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.*

<sup>7</sup> **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 –

- a person licensed by the Archbishop, or
- any other person in holy orders resident in the diocese.



- (b) the PSC 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 PSC is of the opinion that there is a reasonable likelihood that the complaint will be sustained before the relevant Tribunal.

(2) If the PSC 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 PSC make?

The PSC 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 PSC;
- (b) that the respondent make reparation as specified by the PSC for the conduct the subject of the complaint;
- (c) that the respondent undertake training, or retraining, of a nature specified by the PSC;
- (d) that the respondent receive counselling of a nature specified by the PSC;
- (e) that the respondent undertake to the Director, in such terms as are specified by the PSC, 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 PSC 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.

#### 42. Notice of the recommendations

- (1) The PSC 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 PSC makes a recommendation under paragraph 41(e),(f) or (g), the PSC must include a statement of the reasons for the recommendation(s).
- (3) In respect of any other recommendation(s) made by the PSC (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 PSC'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

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*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.*

indicate whether acceptance of and compliance with the PSC'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 PSC 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 reportable 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 PSC;

and the PSC is satisfied that the respondent has engaged in any or all of the conduct which is the subject of the complaint, the PSC 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 PSC 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 Reportable 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 Reportable Conduct**

- (1) If the complaint alleges that the respondent has committed reportable 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 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 may recommend to the Archbishop or relevant Church authority 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;
- (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 PSC; and
- (e) the Director.

(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;
- (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 Registrar for a review of the decision.
- (2) If the PSC is aggrieved by a decision of the Board, the PSC may apply to the Registrar 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 Registrar 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 Registrar must notify the Chancellor.
- (2) The Chancellor is to appoint an experienced lawyer to undertake the review and notify the Registrar of the appointment.
- (3) Upon the appointment of an experienced lawyer, the Registrar 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 Registrar 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 Registrar or a person nominated by the Registrar.
- (5) If the applicant does not pay half of the estimated fee within 21 days after receipt of the Registrar'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 Registrar 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 PSC AND THE BOARD**

##### **59. Conduct of proceedings**

Subject to the provisions of this Ordinance each of the PSC and the Board—

- (a) must act with fairness and according to equity, good conscience, natural justice 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 PSC 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 PSC.

(2) The Board must give the PSC 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 PSC 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 PSC**

The Board may at any time, and from time to time, give directions to the Director or the PSC as to any further inquiries or investigation it requires to be carried out for the purposes of the reference and the Director or the PSC, 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 PSC 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.

**69. Members of Board not to meet with parties**

No member of the PSC 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 personal interest**

- (1) Where a member of the PSC or the Board has a personal interest in a matter before it the member shall be disqualified from participating in the matter.
- (2) The opinion of the chair of the PSC or the presiding member of the Board, as the case may be, shall be conclusive as to whether any other member of the PSC or the Board has a personal interest in a matter.

**71. Medical examination**

- (1) The PSC 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 PSC 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 PSC 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 PSC or the Board is satisfied that there is no reasonable likelihood that the Diocesan Tribunal would

find the respondent guilty of any offence, the PSC or the Board shall not recommend that a charge be promoted against the respondent in the Diocesan Tribunal.

#### **74. Costs**

- (1) Neither the PSC 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, PSC 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, PSC 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, PSC 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****82. Appointment**

- (1) There shall be a Director of Professional Standards.
- (2) The Director shall be appointed by the Archbishop.
- (3) The Director shall hold office on such terms and conditions as may be determined from time to time by the Archbishop.
- (4) If, for any reason, the Director is unable or unwilling to exercise or perform any power, authority, duty or function of the Director under this Ordinance, the Archbishop may appoint another suitably qualified person to exercise or perform the power, authority, duty or function.

**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 PSC;
  - (e) to attend meetings of the PSC 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 provide input into education and vocational training programs for church workers;
  - (i) to keep proper records of complaints, decisions, meetings, employment screening details, police checks and people affected by any allegation of misconduct;
  - (j) to consult and co-operate with other persons and bodies in the Church with responsibility for professional standards;
  - (k) to support complainants in making a report to police or child protection authorities;
  - (l) to report to the PSC on any recommended changes to processes, structures and education programs that would reduce the risk of misconduct; and
  - (m) such specific functions and duties, consistent with this Ordinance, as may be determined from time to time by the PSC.
- (2) The Director must act in all things as expeditiously as possible.

**84. Relationship between the Director and the Archbishop**

- (1) The Director is to 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 is to provide the Archbishop with such further information as the Archbishop may reasonably require.
- (3) The Archbishop is to provide the Director with such information as the Director may reasonably require.

**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 Director to report annually to the Standing Committee**

Before 1 August each year, the Director 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 and provide a copy of the report to the Safe Ministry Board.

## PART 5B – THE PROFESSIONAL STANDARDS COMMITTEE

### 87. Establishment of the PSC

There shall be a Professional Standards Committee for the diocese constituted in accordance with the provisions of this Part.

### 88. Functions of the PSC

The PSC 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 PSC

- (1) The members of the PSC shall be appointed by the Archbishop-in-Council.
- (2) The members of the PSC shall hold office on such terms and conditions as may be determined from time to time by the Archbishop-in-Council.
- (3) The PSC must have at least three members including the chair.
- (4) The persons appointed as members of the PSC 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 PSC, such as child protection, social work or psychiatry.
- (5) The PSC 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 PSC must be appointed by the Archbishop.
- (7) A member of the PSC 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 PSC 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 PSC 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 PSC.

#### **92. Conduct of business**

- (1) The PSC 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 PSC at the request of the Director.
- (3) The procedures of the PSC shall be determined by the PSC.
- (4) A majority of the members shall constitute a quorum.
- (5) A decision taken other than at a meeting of the PSC, if supported by a majority of members of the PSC, constitutes a decision of the PSC.
- (6) The PSC must act in all things as expeditiously as possible.

#### **93. Validity of proceedings**

An act or proceeding of the PSC 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 PSC may delegate, upon such terms and conditions as the PSC may approve, any of its functions under this Ordinance to any person.
- (2) The PSC 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 PSC pursuant to a resolution of the PSC.

### **PART 5C – THE PROFESSIONAL STANDARDS BOARD**

#### **95. Establishment of the Board**

There shall be a Professional 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 PSC 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 PSC, a member of the Board and a person employed or engaged on work related to the affairs of the PSC, 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) as may be required by law; or
- (f) 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 PSC 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 PSC

(1) The PSC 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 PSC where the PSC 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 PSC may disclose to a person or body of another church or Christian denomination exercising powers, duties or functions similar to those of the PSC, details of information in its possession concerning the alleged misconduct of a church worker and the PSC must co-operate with such person or body to whom the information is disclosed.

#### 106. Church authority may release information

The relevant Church authority may release to any person such material as the Church authority may determine with respect to any information, complaint or finding.

#### 107. PSC reports

(1) Without disclosing the identity of any complainant or the details of any complaint, the PSC must report annually to the Synod on the operation this Ordinance and its activities for that calendar year.

(2) Notwithstanding subclause (1), the report of the PSC pursuant to that subclause may identify a church worker who has been exonerated from an allegation the 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 PSC must, in respect of every complaint with which it is dealing under this Ordinance, report either orally or in writing to the Archbishop with such frequency and as fully as the Archbishop may reasonably require.

### PART 6B – INDEMNITY

#### 108. 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 PSC;

- (c) any delegate of the PSC;
- (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**

##### **109. 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**

##### **110. Rights of employers**

Nothing in this Ordinance affects any right of an employer to terminate the employment of an employee.

##### **111. 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.

##### **112. 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.

##### **113. Commencement**

Except for this clause, this Ordinance commences on the date determined by the Archbishop on the advice of the Chancellor.

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

P COLGAN  
Deputy Chair of Committees

I Certify that this Ordinance was passed by the Synod of the Diocese of Sydney on 11 October 2017.

R WICKS  
Secretary

I Assent to this Ordinance.

GN DAVIES  
Archbishop of Sydney  
19/10/2017

# Diocesan Tribunal Ordinance 2017

No 33, 2017

## Long Title

An Ordinance to make provision for the Diocesan Tribunal.

The Synod of the Diocese of Sydney ordains as follows.

## CHAPTER 1 PRELIMINARY

**Note:** *This Chapter is made under and for the purposes of the Anglican Church of Australia Constitution Act 1961 and, in particular, Chapter IX (The Tribunals) of the Schedule to that Act. In order to understand more easily the disciplinary scheme that is found partly in that Act and partly in this Ordinance, summaries of the relevant provisions of that Act are included as notes at appropriate places in this Ordinance. As the notes do not necessarily reproduce the exact text of that Act, reference should, where necessary, be made directly to that Act.*

### 1. Name

This Ordinance is the *Diocesan Tribunal Ordinance 2017*.

## PART 1 INTERPRETATION

### 2. Definitions

In this Ordinance,

**Tribunal** means the Diocesan Tribunal.

**Reportable Conduct** means 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.

**sexual misconduct** has the same meaning as in the *Child Protection (Working with Children) Act 2012*.

### 3. Notes

- (1) Notes in this Ordinance are for explanatory purposes only and do not form part of this Ordinance.
- (2) The Diocesan Secretary is authorised to update the notes when reprinting this Ordinance under clause 8 of the *Interpretation Ordinance 1985*.

## PART 2 JURISDICTION OF THE TRIBUNAL

### What is the nature of the Tribunal?

**Note:** *Section 54(1) of the 1961 Constitution provides that the Diocesan Tribunal is the court of the Archbishop.*

### What is the jurisdiction of the Tribunal?

**Note:** *Section 54(2) of the 1961 Constitution 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 –*

- *a person licensed by the Archbishop, or*
- *any other person in holy orders resident in the diocese.*

*Offences specified in the Offences Ordinance 1962 are –*

- (a) *unchastity,*
- (b) *drunkenness,*
- (c) *habitual and wilful neglect of ministerial duty after written admonition in respect thereof by the Bishop of the Diocese,*
- (d) *wilful failure to pay just debts,*
- (e) *conduct, whenever occurring –*
  - (i) *which would be disgraceful if committed by a member of the clergy, and*

- (ii) *which at the time the charge is preferred is productive, or if known publicly would be productive, of scandal or evil report,*
- (f) *sexual abuse,*
- (g) *child abuse,*
- (h) *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,*
- (i) *grooming,*
- (j) *inappropriate pastoral conduct involving a child, and*
- (k) *possession, production or distribution of child exploitation material.*

*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.*

### **PART 3 CHARGES**

**Note:** *Section 54(3) of the 1961 Constitution provides that a person appointed by the bishop of a diocese or any five adult communicant members of this Church resident within the diocese may promote a charge against any person licensed by the bishop of the diocese or against any other person in holy orders resident in the diocese in respect of breach of faith ritual or ceremonial either before the diocesan tribunal or before the provincial tribunal in its original jurisdiction. A charge be preferred against a rector of a parish with reference to an offence alleged to have been committed within that parish the promoters must be parishioners of that parish.*

*Any charge relating to faith ritual or ceremonial to be heard by the tribunal must first be referred to a board of enquiry appointed by ordinance of the diocesan synod and may proceed to a hearing if the said board allows it as a charge proper to be heard.*

*By clause 29 of this Ordinance, Parts 2 and 3 of this Chapter apply to a charge in respect of a breach of faith, ritual or ceremonial in the same way as these Parts apply to a charge for other wrongdoing except as provided by Chapter 2.*

#### **4. Archbishop's appointee**

- (1) The appointment by the Archbishop of a person to make a charge is to be in writing signed by the Archbishop.
- (2) The appointment continues until it is revoked in writing by the Archbishop, unless the appointment is expressed to be for the purpose of making a particular charge or charges or for a specified period of time.

#### **5. What is the form of a charge?**

- (1) A charge must state –
  - (a) the wrongdoing that it is alleged the person has committed, and
  - (b) particulars of the acts or omissions alleged to constitute the wrongdoing.
- (2) A charge may allege more than one wrongdoing.
- (3) The allegations in the charge must be verified by statutory declaration made by the person or persons making the charge or by any other person or persons.
- (4) A charge must be signed by the person or persons making the charge.
- (5) A charge must include an address within the Diocese for service of documents on the person or persons making the charge.
- (6) A charge may be, but does not have to be, in the form of Schedule 1, Schedule 2 or Schedule 3, to this Ordinance.



**6. How is a charge made?**

A charge is made by lodging a copy of the charge at the Registrar's office together with the statutory declaration or declarations verifying the allegations in the charge.

**7. Is there a time limit to the making of a charge?**

- (1) Subject to clause 30, there is no time limit to the making of a charge.
- (2) However, the Tribunal, under clause 20, may dismiss a charge for delay in making the charge.

**8. Can a charge be withdrawn?**

- (1) The person who has or the persons who have made a charge may, with the consent of the person charged, withdraw the charge at any time before it has been referred to the Tribunal by the Registrar.
- (2) The person who has or the persons who have made a charge may, with the consent of the person charged and of the Tribunal, withdraw the charge at any time after it has been referred to the Tribunal by the Registrar.
- (3) In granting its consent, the Tribunal may direct that a specified person or persons be substituted for the person or persons who made the charge.
- (4) A charge is withdrawn by lodging a copy of the notice of withdrawal at the office of the Registrar.
- (5) The notice of withdrawal is to be signed by the person or persons making the charge and the person charged.
- (6) If a charge is withdrawn, no further proceedings may be taken under this Ordinance in relation to the charge by the person or persons who made the charge.
- (7) However, the withdrawal of a charge does not prevent another person or other persons from making the same or a different charge against the person named in the charge that is withdrawn.

**9. Notice of the charge**

As soon as practicable after a charge is made against a person, the Registrar must serve a copy of the charge on the person.

**Circumstances in which the Archbishop may suspend a person from office**

**Notes:**

*(1) Suspension before promotion of charge –*

*Section 61(2) of the 1961 Constitution provides that the Archbishop may suspend a person licensed by the Archbishop, or a person in holy orders resident in the Diocese, from the duties of office where –*

- (a) a charge is proposed to be promoted under this Ordinance, and*
- (b) the charge will not allege a breach of faith, ritual or ceremonial, and*
- (c) the charge relates to an offence that is punishable by imprisonment for 12 months or more of which the person has been charged or convicted or in respect of which the Archbishop has received a report from an experienced lawyer stating that there is a prima facie case of the person having committed the offence.*

*Section 61(3) – (6) of the 1961 Constitution provide that the period of suspension must not exceed 28 days from the date of service of the Archbishop's notice of suspension on the person unless the charge is promoted within the period of suspension, in which case the period of suspension continues until the first meeting of the Standing Committee thereafter. The Archbishop may revoke a suspension at any time during its currency. Suspension from the duties of office does not deprive a person from the benefits appertaining to the office.*

*(2) Suspension following promotion of charge –*

*Section 61(1) of the 1961 Constitution provides that where a charge has been promoted before the Diocesan Tribunal against a person licensed by the Archbishop, the Archbishop, with the concurrence of the Standing Committee, may suspend the person from the duties of his or her office until determination of the charge, or a lesser time. The Archbishop 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 Archbishop deems proper.*

**10. Request for answer to the charge**

- (1) The Registrar must serve, with the copy of the charge –
  - (a) a request that the person charged lodge an answer to the charge at the Registrar's office within a period of not less than 21 days specified in the Registrar's request, and

- (b) general information concerning the processes under this Ordinance, the possible sanctions that might follow if the charge is proven, and the opportunities for their mitigation or suspension (all of which may be done by providing the person charged with a copy of this Ordinance), and
- (c) a caution not to make any admissions without the benefit of legal advice.

(2) The Registrar may from time to time by notice in writing to the person charged extend the period specified for lodging the person's answer even though the period originally specified or any previous extension has elapsed.

**11. Answer to the charge**

- (1) An answer to a charge must be signed by the person charged.
- (2) In an answer, the person charged may do either or both of the following –
  - (a) admit all or any of the allegations in the charge,
  - (b) deny all or any of the allegations in the charge and verify such denial by way of statutory declaration lodged with the answer.
- (3) The answer, together with any statutory declaration verifying the denial of all or any of the allegations in the charge, is to be lodged at the Registrar's office.
- (4) The Registrar is to send a copy of the answer and any statutory declaration lodged with the answer to the person or persons making the charge.
- (5) The Registrar is to notify the person or persons making the charge if the person against whom the charge is made fails to lodge an answer within the requisite period.
- (6) A failure by the person against whom the charge is made –
  - (a) to admit in an answer any allegation in the charge, or
  - (b) to deny in an answer any allegation in the charge and to verify such denial by way of statutory declaration lodged with the answer,

within the requisite period for lodging an answer to a charge is taken to be a denial of the allegation within the requisite period.

**12. What procedure applies if a charge (not relating to faith, ritual or ceremonial) is admitted?**

- (1) If any wrongdoing alleged in a charge, or part of a charge, that does not relate to faith, ritual or ceremonial, is admitted within the requisite period for lodging an answer to the charge, the Registrar is to refer the charge, or part, to the Tribunal.
- (2) The Diocesan Tribunal is to make a recommendation to the Archbishop concerning the wrongdoing admitted, in accordance with section 60(1) of the 1961 Constitution.
- (3) A recommendation for disciplinary action must not be made without giving the person against whom the recommendation is proposed to be made an opportunity to be heard in relation to the recommendation.

**13. What procedure applies if a charge (not relating to faith, ritual or ceremonial) is denied?**

If any wrongdoing alleged in a charge, or part of a charge, that does not relate to faith, ritual or ceremonial, is denied within the requisite period for lodging an answer to the charge, the charge or part must be referred by the Registrar to the Tribunal.

**PART 4 PROCEEDINGS BEFORE THE TRIBUNAL**

**14. Right of appearance**

The person charged is entitled to appear before the Tribunal personally or by a legal practitioner.

*Note: As to the payment of the costs of legal representatives, see clause 25.*

**15. Prosecution of charges by person appointed by the Director**

- (1) A charge is to be prosecuted by a person appointed by the Director.
- (2) The person appointed by the Director has a right of appearance before the Tribunal.

**16. Directions hearing**

- (1) If any allegation in a charge is denied, the Tribunal may hold a preliminary hearing in order to give directions concerning the conduct of the proceedings and the hearing of the charge.
- (2) At a preliminary hearing, the Tribunal may be constituted by the President or a Deputy President sitting alone.

**17. What happens if the person against whom the charge is made does not appear before the Tribunal?**

If the person against whom a charge is made does not appear before the Tribunal, the Tribunal may hear the charge in the person's absence.

**18. Public hearing**

- (1) A charge is to be heard in public.
- (2) However, the President or, in the absence of the President, the Deputy President –
  - (a) may, at any time, order that a charge, or a specified part of the proceedings before the Tribunal concerning a charge, is to be heard in private, and
  - (b) must order that a charge, or a specified part of the proceedings before the Tribunal concerning a charge, is to be heard in private if requested to do so by 2 other members of the Tribunal.

**19. Suppression of names**

- (1) The Tribunal may order that the name of, or other information that could lead to the identification of the person charged, or a person who appears, or is reasonably likely to appear, before the Tribunal is not to be published or broadcast, except in such circumstances as the Tribunal may authorise.
- (2) An order of the Tribunal does not apply to the publication of a report authorised or required under this Ordinance.

**20. Dismissal of charge**

The Tribunal may dismiss a charge if it is of the opinion that the delay in making the charge causes unfairness to the person against whom the charge is made.

**21. Amendment of charge**

- (1) The Tribunal may permit or direct an amendment to the charge, the particulars of the charge or the answer to the charge.
- (2) If an amendment is made to the charge, the particulars of the charge or the answer to the charge, the Registrar is to give notice of the amendment, as soon as practicable after it is made, to the person appointed under clause 15(1), the person charged and the person or persons making the charge.

**22. Onus of proof**

A charge is required to be proved on the balance of probabilities.

**What are the powers of the Diocesan Tribunal concerning the production of evidence?**

*Note: Section 9 of the Anglican Church of Australia Constitution Act 1961 and section 62 of the 1961 Constitution provide that, for the purpose of securing the attendance of witnesses and the production of documents and for the examination of witnesses on oath or otherwise, the Diocesan Tribunal is taken to be an arbitrator as referred to in the Commercial Arbitration Act 2010 (NSW) and has power to administer an oath or to take an affirmation from any witness and for the same purpose any party to a proceeding before it or any person permitted by it to submit evidence to it is taken to be a party to a reference or submission to arbitration within the meaning of the Commercial Arbitration Act 2010 (NSW).*

**23. Other determinations in relation to complaints**

- (1) In dealing with a charge which contains any allegation of Reportable Conduct, the Tribunal must before making any other determination or recommendation it is empowered to make, make a finding as to whether the person engaged in any or all of the conduct the subject of each such allegation.
- (2) In dealing with a complaint in respect of which information has been included on the National Register, the Tribunal must, after making any other declaration or recommendation that it is empowered to make, determine whether the complaint is false, vexatious or misconceived, or whether it is more likely than not that the subject-matter of the complaint did not occur.

**Notes:**

- (1) *Section 35(1) of the Child Protection (Working With Children) Act 2012 imposes a duty on a reporting-body (which includes the Anglican Church in New South Wales, including organisations of dioceses) to notify the Children's Guardian of the name and other identifying particulars of any child-related worker against whom the reporting body has made a finding that the worker has engaged in 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.*
- (2) *If the Tribunal determines 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.

#### **What recommendations may the Diocesan Tribunal make?**

**Note:** Section 60(1) of the 1961 Constitution provides that the Diocesan 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 –

- deposition from orders,
- prohibition from functioning
- removal from office
- rebuke.

The Diocesan Tribunal's recommendation is made to the Archbishop.

#### **What action may be taken by the Archbishop concerning the Diocesan Tribunal's recommendation?**

**Note:** Section 60(2) of the 1961 Constitution provides that the Archbishop is to give effect to the Diocesan Tribunal's recommendation. However, if disciplinary action is recommended, the Archbishop may consult with the Diocesan Tribunal and in the exercise of his prerogative of mercy –

- mitigate the disciplinary action, or
- suspend its operation, or
- mitigate the disciplinary action and suspend its operation.

In each case, the Archbishop is to pronounce the disciplinary action recommended even though he mitigates or suspends it.

If disciplinary action or mitigated disciplinary action has been suspended and remains suspended for 2 years, the disciplinary action has no operation after the 2-year period.

#### **24. Report of finding**

(1) A determination of the Tribunal, and any recommendation made by the Tribunal, is to be contained in a report –

- (a) that sets out the Tribunal's findings on material questions of fact, and
- (b) that refers to any evidence or other material on which the Tribunal's findings were based, and
- (c) that gives the reasons for the Tribunal's determination.

(2) The Tribunal's report is to be given to the Archbishop, any other relevant church authority, the person or persons making the charge, the person charged and, subject to subclause (3), the Standing Committee.

(3) In making a report to the Standing Committee where the charge was not found to be proven, the Tribunal should not disclose the name of, or other information that could lead to the identification of, the person charged or a person who appeared before it.

#### **25. Costs**

(1) If the person against whom the complaint is made is represented by a legal practitioner, the Tribunal may order that the person's costs of the proceedings before the Tribunal are to be paid.

(2) If the Tribunal makes such an order, the person's costs are to be paid by the Synod in accordance with the scale of costs approved for the time being by the Standing Committee on the recommendation of the Director.

#### **26. Recommendation as to payment of witnesses expenses**

The Tribunal may make a recommendation to the Director for the payment of the expenses, in an amount determined by the Tribunal, of any person who appeared as a witness before the Tribunal.

#### **27. Tribunal procedures**

The Tribunal may, subject to this Ordinance, the rules of procedural fairness and any rules made under clause 80, determine the procedures applicable for the hearing of a charge.

#### **28. Rules**

The Archbishop-in-Council may make rules for the conduct of the business of the Tribunal.

**PART 5 REVIEW OF THE DECISION OF A TRIBUNAL**

**Can there be an appeal from a determination of the Diocesan Tribunal?**

**Note:** *Section 59(4) of the 1961 Constitution provides that –*

- *the person who brings a charge before the Diocesan Tribunal, if dissatisfied with its determination or recommendation, or*
- *the person against whom the charge is brought, if dissatisfied with the recommendation or the disciplinary action imposed on that recommendation,*

*may appeal to the Appellate Tribunal within 28 days after the making of the determination or recommendation, or the imposing of the disciplinary action, or within such further time as the President of the Appellate Tribunal may in writing allow. In the case of disciplinary action comprising the deprivation of or suspension from office, the Archbishop may, on the lodging of the notice of appeal, if he sees fit, intermit the operation of the disciplinary action.*

*Section 60(4) of the 1961 Constitution provides that the provisions of the Constitution with respect to an appeal from a determination of the Diocesan Tribunal extend to and authorise an appeal from a recommendation or the imposition of disciplinary action but do not extend to a ruling of the Diocesan Tribunal of an interlocutory nature.*

*Section 57(2) of the 1961 Constitution provides that an appeal to the Appellate Tribunal is by way of re-hearing.*

**CHAPTER 2**  
**BREACHES OF FAITH, RITUAL AND CEREMONIAL**  
**PART 1 CHARGES**

**Against whom may a charge be made?**

**Notes:**

(1) *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) *Clause 3(3)(c) of the Church Ministry Ordinance 1993 makes the failure by a member of this Church (as provided in the 1902 Constitutions) to act in accordance with a provision of a Schedule to that Ordinance an offence. Clause 3(3)(b) of that Ordinance states that, for the purposes of section 54(2) of the 1961 Constitution, the provisions of each Schedule are each a matter of ritual, ceremonial or discipline (as the case may be).*

**Who may make a charge?**

**Note:** *Section 54(3) of the 1961 Constitution provides that a charge in respect of a breach of faith, ritual or ceremonial may be made by –*

- *a person appointed by the Archbishop, or*
- *5 adult communicant members of this Church resident within the Diocese.*

*However, if the charge is made against the incumbent of a parish with respect to a breach alleged to have been committed in the parish, the 5 adult communicant members must be bona fide parishioners of the parish.*

**29. Making of charges generally**

Except as provided by this Chapter, Parts 3 and 4 of Chapter 1 apply to a charge in respect of a breach of faith, ritual or ceremonial in the same way as those Parts apply to a charge for other wrongdoing.

**30. Is there a time limit to the making of a charge?**

A charge in respect of a breach of faith, ritual or ceremonial must be made within one year after the alleged commission of the breach.

**PART 2 THE BOARD OF ENQUIRY**

**Reference of charges to the Board of Enquiry**

**Note:** *Section 54(3) of the 1961 Constitution provides that, before any charge relating to faith, ritual or ceremonial is heard by the Diocesan Tribunal, it must be referred to the Board of Enquiry appointed by this Ordinance. The charge may proceed to a hearing if the Board allows it as a charge that is proper to be heard.*

**31. The role of the Board of Enquiry**

- (1) The Board of Enquiry is to inquire into a charge or part referred to it in order to determine if the charge or part is one that is proper to be heard by the Diocesan Tribunal.
- (2) Evidence and representations before the Board of Enquiry are to be given by means of written statements or statutory declarations.
- (3) For the purpose of enabling the Board of Enquiry to exercise its functions under this clause it, may –
  - (a) require the person or persons making the charge or invite the person charged to provide, by statutory declaration, information concerning the charge, and
  - (b) permit or direct an amendment to the charge or the particulars of the charge or the answer to the charge.
- (4) A person who provides a statutory declaration may consent to it being given to any other party. If consent is not given, the Board of Enquiry may disregard the contents of the statutory declaration.
- (5) If an amendment is made to the charge, the particulars of the charge, or the answer to the charge, the Registrar is to give notice of the amendment, as soon as practicable after it is made, to the person charged and to the person or persons making the charge.
- (6) The Board of Enquiry may dismiss a charge if it is of the opinion that the delay in making the charge causes unfairness to the person charged.

**32. Report of the Board of Enquiry**

After inquiring into a charge or part of a charge referred to it, the Board of Enquiry is to report in writing to the Registrar whether or not it is of the opinion that the charge or part thereof is a charge that is proper to be heard by the Diocesan Tribunal.

**33. Finding that the charge is a charge that is proper to be heard**

(1) If a majority of the members of the Board of Enquiry report to the Registrar that they are of the opinion that the charge or part thereof the charge is a charge that is proper to be heard by the Diocesan Tribunal, the Registrar is –

- (a) to forward the documents relating to the charge and the reports of the members of the Board of Enquiry to the Diocesan Tribunal, and
- (b) to fix a date, time and place for the hearing of the charge or part thereof, and
- (c) to serve notice of the date, time and place fixed for the hearing on the person or persons making the charge and the person charged –
  - (i) personally, or
  - (ii) by posting it in a letter addressed to the person or persons at the residential address of the person or persons last known to the Registrar.

(2) The date fixed for the hearing of a charge or part of a charge must not be less than 30 days after the date of the Registrar’s notice.

**34. Finding that the charge is not a charge that is proper to be heard**

(1) If a majority of the members of the Board of Enquiry report to the Registrar that they are of the opinion that the charge or part of the charge is not a charge that is proper to be heard by the Diocesan Tribunal, the Registrar is to send a copy of the reports of the members of the Board of Enquiry to the person or persons who made the charge and the person charged.

(2) No further proceedings may be taken in relation to a charge or part of a charge to which this clause applies.

(3) However, this clause does not prevent another charge being made against the same person.

**35. Report to Archbishop**

The Registrar is to provide a copy of each report made to the Registrar under this Part to the Archbishop.

**Can there be an appeal from a determination of the Diocesan Tribunal?**

*Note: Section 54(4) of the 1961 Constitution provides that in matters involving any question of faith, ritual, ceremonial or discipline an appeal lies from the determination of the Diocesan Tribunal to the Appellate Tribunal.*

*Section 59(4) of the 1961 Constitution provides that –*

- *the person who brings a charge before the Diocesan Tribunal, if dissatisfied with its determination or recommendation, or*
- *the person against whom the charge is brought, if dissatisfied with the recommendation or the disciplinary action imposed on that recommendation,*

*may appeal to the Appellate Tribunal within 28 days after the making of the determination or recommendation, or the imposing of the disciplinary action, or within such further time as the President of the Appellate Tribunal may in writing allow. In the case of disciplinary action comprising the deprivation of or suspension from office, the Archbishop may, on the lodging of the notice of appeal, if he sees fit, intermit the operation of the disciplinary action.*

*Section 60(4) of the 1961 Constitution provides that the provisions of the Constitution with respect to an appeal from a determination of the Diocesan Tribunal extend to and authorise an appeal from a recommendation or the imposition of disciplinary action but do not extend to a ruling of the Diocesan Tribunal of an interlocutory nature.*

*Section 57(2) of the 1961 Constitution provides that an appeal to the Appellate Tribunal is by way of re-hearing.*

**CHAPTER 3**  
**ADMINISTRATION**  
**PART 1 TRIBUNAL**

**Who are the members of the Tribunal?**

**Note:** Section 54(1) of the 1961 Constitution provides that the Diocesan Tribunal is to consist of –

- a president (who is to be the Archbishop) or a deputy president appointed by the Archbishop, and
- not less than 2 other members as may be prescribed by ordinance of the Synod of the Diocese.

**35. Archbishop's appointment of the Deputy President**

- (1) A person is qualified for appointment as the Deputy President if the person is an experienced lawyer.
- (2) The appointment by the Archbishop of the Deputy President is to be in writing signed by the Archbishop.
- (3) The appointment continues until it is revoked in writing by the Archbishop unless the appointment is expressed to be for the purpose of hearing a particular charge or charges or for a specified period of time.

**36. Constitution of the Tribunal for the purpose of hearing and determining a charge**

- (1) Subject to subclauses (2) and (3), for the purpose of hearing and determining a charge the Tribunal is to be constituted by –
  - (a) the President or the Deputy President, and
  - (b) one member of the Tribunal who is a member of the clergy appointed by the Registrar, and
  - (c) one member of the Tribunal who is a lay person appointed by the Registrar.
- (2) For the purpose of hearing and determining a charge alleging an offence of child abuse or sexual abuse or an offence under clause 10, the Tribunal is to include at least one man and one woman.
- (3) For the purpose of hearing and determining a charge alleging a breach of faith, ritual or ceremonial, the Tribunal may be constituted by all its members.
- (4) Nothing in this clause affects clause 16.

**37. Election of members**

- (1) During the first session of each Synod, the members of Synod voting collectively are to elect 5 members of the clergy, each of whom has been a member of the clergy for not less than 10 years, and 5 lay persons to be members of the Tribunal.
- (2) The members of the Tribunal elected by the Synod must include at least two experienced lawyers and at least two men and two women.

**38. Term of office**

- (1) An elected member of the Tribunal holds office until the member's successor is elected or until the office is vacated.
- (2) However, if a member's successor is elected after the Tribunal has commenced hearing a charge and before the Tribunal's recommendation concerning the charge is made, the member continues to hold office until the recommendation is made.

**39. Casual vacancies**

The office of an elected member of the Tribunal is vacated if –

- (a) the member –
  - (i) dies, or
  - (ii) resigns by notice in writing given 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 Standing Committee declares, by resolution with a majority of not less than two-thirds of the members of the Standing Committee present and entitled to vote, the member's office to be vacated because of the member's refusal, neglect or inability to perform functions as a member or because of any other reason so declared.



**40. How are casual vacancies filled?**

- (1) The Standing Committee is to appoint a member of the clergy or a lay person (as the case requires) to fill a casual vacancy in the office of an elected member of the Tribunal.
- (2) A person appointed under this clause holds office for the balance of his or her predecessor's term of office, subject to clauses 38(2) and 39.

**41. Ineligibility of members of the Board of Enquiry**

A person who is a member of the Board of Enquiry is not eligible to be a member of the Tribunal.

**42. Disqualification of certain members from hearing charges**

- (1) An elected member is disqualified from hearing a charge that concerns the member or where the member is the person or a person who has made a charge.
- (2) If an elected member is disqualified under this clause, a person is to be appointed for the purpose only of hearing the particular charge in the same way as if the disqualified member had vacated office.

**43. Decision of the Tribunal**

A decision supported by a majority of the votes of the members who constitute the Tribunal is a decision of the Tribunal.

**44. Voting on certain questions of evidence or procedure**

The President or, in the absence of the President, the Deputy President has a casting vote as well as a deliberative vote if voting on a question of evidence or procedure is equal.

**PART 2 BOARD OF ENQUIRY**

**45. Election of members**

During the first session of each Synod, the members of Synod voting collectively are to elect 1 member of the clergy and 2 lay persons to be members of the Board of Enquiry.

**46. Appointment of members**

- (1) The Archbishop is to appoint 1 member of the clergy and 1 layperson to be members of the Board of Enquiry.
- (2) Each appointment is to continue until revoked in writing by the Archbishop unless the appointment is expressed to be for the purpose of hearing a particular charge or charges or for a specified period of time.

**47. Term of office**

- (1) A member of the Board of Enquiry holds office until the member's successor is appointed or elected or until the office is vacated.
- (2) However, if a member's successor is appointed or elected after the Board of Enquiry has commenced an inquiry into a charge or part of a charge and before the Board of Enquiry's report of its inquiry is made, the member continues to hold office until the report is made.

**48. Casual vacancies**

The office of a member of the Board of Enquiry 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) in the case of a member elected by Synod, the Standing Committee declares, by resolution with a majority of not less than two-thirds of the members of the Standing Committee present and entitled to vote, the member's office to be vacated because of the member's refusal, neglect or inability to perform functions as a member or because of any other reason so declared, or
- (c) in the case of a member appointed by the Archbishop, the Archbishop revokes the appointment.

**49. How are casual vacancies filled?**

- (1) In the case of a person elected by Synod, the Standing Committee is to appoint a member of the clergy or a lay person (as the case requires) to fill a casual vacancy in the office of a member of the Board of Enquiry.
- (2) A person appointed under this clause holds office for the balance of his or her predecessor's term of office, subject to clauses 48(2) and 49.

**50. Disqualification of certain members from inquiring into charges**

- (1) A member is disqualified from inquiring into a charge or part of a charge that concerns the member or where the member is the person or a person who has made the charge.
- (2) If a member is disqualified under this clause, a person is to be appointed for the purpose only of inquiring into the particular charge or part of the charge in the same way as if the disqualified member had vacated office.

**51. Quorum**

The quorum for a meeting of the Board of Enquiry is 3 members, one of whom is a member of the clergy and two of whom are lay persons.

**52. Commencement**

Except for this clause, this Ordinance commences on the date determined under clause 113 of the *Ministry Standards Ordinance 2017*.

**SCHEDULE 1**

**Diocesan Tribunal  
Charge**

**(Made by a person appointed by the Archbishop)**

I, \_\_\_\_\_ of \_\_\_\_\_, having been appointed by the Archbishop of Sydney under clause 4 of the *Diocesan Tribunal Ordinance 2017*, claim that of \_\_\_\_\_,

being one or more of the following:

- \* a person licensed by the Archbishop of Sydney
- \* a person in holy orders resident in the Diocese of Sydney
- \* a member of the clergy, the act of whom which gave rise to this charge occurred in the Diocese of Sydney
- \* a member of the clergy who was licensed by the Archbishop of Sydney or was resident in the Diocese of Sydney within 2 years before this charge was laid
- \* a member of the clergy who is in prison as a convicted person at the time this charge is laid, but within 2 years before such imprisonment was licensed by the Archbishop of Sydney or was ordinarily resident in the Diocese of Sydney,

has committed

- \* the following offence, namely
- \* a breach of faith/ritual/ceremonial/discipline

(\* delete whichever are not applicable)

particulars of which are:

Signed:

Date:

The address at which documents may be served on the person making this charge is:

-----

**SCHEDULE 2**  
**Diocesan Tribunal**  
**Charge**

**(Made by 5 adult communicant members of the Church resident within the Diocese except where the charge is against an incumbent of a parish and relates to a breach of faith, ritual or ceremonial alleged to have been committed in the parish)**

We,

- |    |    |
|----|----|
| 1. | of |
| 2. | of |
| 3. | of |
| 4. | of |
| 5. | of |

being adult communicant members of the Anglican Church of Australia (within the meaning of the Anglican Church of Australia Constitution Act 1961) resident within the Diocese of Sydney claim that

of \_\_\_\_\_, being

\* a person licensed by the Archbishop

\* a person in holy orders resident in the Diocese of Sydney

has committed a breach of faith/ritual/ceremonial/discipline (*\*delete whichever is not applicable*)  
particulars of which are:

Signed:

Date:

The address at which documents may be served on the persons making this charge is:

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**SCHEDULE 3**

**Diocesan Tribunal**

**Charge**

**(Made by 5 adult communicant members of the Church resident within the Diocese where the charge is against a rector of a parish and relates to a breach of faith, ritual or ceremonial alleged to have been committed in the parish and where such members are bona fide parishioners of that parish)**

We,

1. of
2. of
3. of
4. of
5. of

being adult communicant members of the Anglican Church of Australia (within the meaning of the *Anglican Church of Australia Constitution Act 1961*) resident within the Diocese of Sydney and being bona fide parishioners (within the meaning of that Act) of the parochial unit consisting of the Parish/Provisional Parish/Recognised Church of

claim that of

, being

- a person licensed by the Archbishop,
- a person in holy orders resident in the Diocese of Sydney

has committed in and while the rector of the pastoral division a breach of faith/ritual/ceremonial particulars of which are:

Signed:

Date:

The address at which documents may be served on the persons making this charge is:

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

P COLGAN  
Deputy Chair of Committees

I Certify that this Ordinance was passed by the Synod of the Diocese of Sydney on 11 October 2017.

R WICKS  
Secretary

I Assent to this Ordinance.

GN DAVIES  
Archbishop of Sydney  
19/10/2017

## Professional Standards Transition Ordinance 2017

No 34, 2017

### Long Title

An Ordinance to make transitional arrangements for the *Ministry Standards Ordinance 2017* and the *Diocesan Tribunal Ordinance 2017*.

The Synod of the Diocese of Sydney ordains as follows.

#### 1. Name

This Ordinance is the *Professional Standards Transition Ordinance 2017*.

#### 2. Interpretation

For the purposes of this Ordinance:

“**Commencement Date**” means the date determined under clause 113 of the Ministry Standards Ordinance;

“**Complaint**” means:

- (a) prior to the Commencement Date – a complaint under the Discipline Ordinance, and
- (b) after the Commencement Date – a complaint under the Ministry Standards Ordinance;

“**Diocesan Tribunal Ordinance**” means the *Diocesan Tribunal Ordinance 2017*;

“**Director**” means the Director of Professional Standards of the Diocese of Sydney;

“**Discipline Ordinance**” means the *Discipline Ordinance 2006*; and

“**Ministry Standards Ordinance**” means the *Ministry Standards Ordinance 2017*.

#### 3. Transitional provisions – complaints

- (1) The Discipline Ordinance continues to apply to complaints received by the Director prior to the Commencement Date which have not been finally dealt with under the Discipline Ordinance.
- (2) Notwithstanding the provisions of the Discipline Ordinance or any other ordinance, a person may not make a new complaint under the Discipline Ordinance on or after the Commencement Date.
- (3) The Ministry Standards Ordinance and the Diocesan Tribunal Ordinance apply to complaints received by the Director on or after the Commencement Date.

#### 4. Transitional provisions – office holders

- (1) The person holding office as the Director under the Discipline Ordinance immediately before the Commencement Date is taken to have also been appointed as the Director under Ministry Standards Ordinance and hold office on the same terms and conditions as those which applied under the Discipline Ordinance immediately before the Commencement Date.
- (2) The persons holding office as the members of the Professional Standards Committee immediately before the Commencement Date are taken to have also been appointed as the members of the Professional Standards Committee under Ministry Standards Ordinance and hold office on the same terms and conditions as those which applied under the Discipline Ordinance immediately before the Commencement Date.
- (3) The persons holding office as the members of the Diocesan Tribunal under the Discipline Ordinance immediately before the commencement of the Ministry Standards Ordinance are taken to have also been appointed as the members of the Diocesan Tribunal under the Diocesan Tribunal Ordinance and hold office on the same terms and conditions as those which applied under the Discipline Ordinance immediately before the Commencement Date.
- (4) The persons holding office as the members of the Board of Enquiry under the Discipline Ordinance immediately before the commencement of the Ministry Standards Ordinance are taken to have also been appointed as the members of the Board of Enquiry under the Diocesan Tribunal Ordinance and hold office on the same terms and conditions as those which applied under the Discipline Ordinance immediately before the Commencement Date.

#### 5. Appointment of the Panel for the Professional Standards Board

As soon as practicable after the Commencement Date, the Archbishop-in-Council is to appoint persons to be members of the panel for the Professional Standards Board.

**6. Repeal of the Discipline Ordinance 2006**

The Discipline Ordinance is repealed with effect from the date determined by the Archbishop on the advice of the Chancellor. The repeal does not affect or invalidate any act done under the Discipline Ordinance.

**7. Commencement**

Except for this clause, this Ordinance commences on the Commencement Date.

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

P COLGAN  
Chair of Committees

I Certify that this Ordinance was passed by the Synod of the Diocese of Sydney on 11 October 2017.

R WICKS  
Secretary

I Assent to this Ordinance.

GN DAVIES  
Archbishop of Sydney  
19/10/2017

## General Synod – Offences Amendment Canon 2017 Adopting Ordinance 2017

### Explanatory Report

#### Key Points

- The primary effect of the Canon is to insert a list of offences in the *Offences Canon 1962* for former diocesan bishops which can be dealt with by the Special Tribunal. The amendments are necessary due to jurisdictional limitations on the capacity for the Special Tribunal to hear charges concerning former diocesan bishops.
- The Canon also expands the current list of offences in the *Offences Canon 1962* to include child abuse and 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.
- A diocese also has power to specify offences by ordinance, which the Diocese of Sydney has done through the *Offences Ordinance 1962*. The list of offences in our Diocese is broader than those set out in the *Offences Canon 1962*.

#### Purpose of the bill

1. The primary purpose of the bill for the *General Synod – Offences Amendment Canon 2017 Adopting Ordinance 2017* (“the Bill”) is to set out offences in the principal canon for former diocesan bishops which can be dealt with by the Special Tribunal.

#### Recommendations

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

#### Evidence Given

4. 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. The “Synod” referred to in the Appendix is the General Synod.

5. The Canon affects discipline, and would have been a special bill for the purposes of section 28 of the 1961 Constitution, except that at least three-quarters of the members of each House of General Synod otherwise determined. It has therefore taken effect as a canon of the General Synod. However the Canon is deemed by paragraph (a) of s 30 of the Constitution to affect the order and good government of the Church and therefore does not come into force in a diocese unless and until that diocese by ordinance adopts it.

For and on behalf of the Standing Committee

ROBERT WICKS  
*Diocesan Secretary*

18 September 2017



*Offences Amendment Canon 2017*

*Explanatory Memorandum*

*General Background*

4. The primary purpose of this bill is to insert section 2A after section 2 of the Offences Canon 1962 (the principal canon) that will list the offences that can apply to a former member of the House of Bishops or former bishop assistant to the Primate in the Primate's capacity as the Primate (assistant to the Primate) and be dealt with by the Special Tribunal, when the jurisdiction of the Special Tribunal is expanded to deal with charges against such former bishops confined to conduct in relation to child protection matters that was committed while a member of the House of Bishops or assistant to the Primate.

5. Corresponding amendments to both sections 1 and 2 of the principal canon are also proposed which will insert new offences of child abuse (as defined in the National Register Canon 2007) and 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. In addition, it is proposed to add an additional offence to section 2 that in the case of a bishop who is a member of the House of Bishops or an assistant to the Primate covers failure to comply with the direction of the Episcopal Standards Board or a like Board established under an ordinance of a provincial synod or diocesan synod dealing with the fitness of the bishop for office.

6. On the basis this bill affects the discipline of the church (as defined in section 74(9)(a) of the Constitution), the procedure for a special bill set out in section 28 of the Constitution must be followed, unless the 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. Even if the Synod votes that the bill not proceed as a special bill, section 30(a) of the Constitution applies. Any canon affecting the discipline of the church is deemed pursuant to section 30(a) to affect the order and good government of the church within a diocese and will not come into force in any diocese unless and until the diocese by ordinance adopts the canon. As there will be some delay before the canon takes effect in a diocese, it is proposed the new offences apply to conduct committed after the date this canon is passed by the Synod. It will therefore only have retrospective effect to that date.

*Notes on Clauses*

- |          |  |
|----------|--|
| Clause 1 | contains the title of the canon.   |
| Clause 2 | provides the principal canon is the Offences Canon 1962.   |
| Clause 3 | inserts two new offences in the list of offences in section 1 of the principal canon and three new offences in the list of offences in section 2 of the principal canon. The amendment to section 1 will enable a charge of either child abuse or wilful or reckless failure to comply with the law of the Commonwealth or a State or Territory requiring the reporting of child abuse to the police or other authority to be brought in a diocesan tribunal or a provincial tribunal against a member of the clergy resident in the diocese. The amendment to section 2 will enable like charges to be brought in the Special Tribunal against any current member of the House of Bishops or assistant to the Primate, but in addition inserts an additional charge for failure to comply with the direction of the Episcopal Standards Board established under an ordinance or provincial synod or diocesan synod for dealing with the fitness of a bishop to hold office or to be or remain in Holy Orders. |
| Clause 4 | inserts the reference to paragraphs (a) and (b) before section 56(6) where it occurs for the second time in section 2 of the principal canon to clarify that section 2 of the principal canon applies to any current member of the House of Bishops or assistant to the Primate. This amendment is essential if the Constitution (Jurisdiction of Special Tribunal) Amendment Canon 2017 is passed.  |
| Clause 5 | inserts sections 2A and 2B after section 2 of the principal canon. Section 2A provides for the jurisdiction of the Special Tribunal in respect of any former member of the House of Bishops or assistant to the Primate in respect of the offences listed in the section that relate to child protection and are limited to offences committed while a member of the House of Bishops or assistant to the Primate. Section 2B provides that in the principal canon, unless the context otherwise requires, <b>child abuse</b> has the same meaning as in the National Register Canon 2007.   |

- Clause 6 inserts a new section 4 in the principal canon that provides that the offences added to the principal canon by this canon apply to conduct committed after the date this canon was passed.
- Clause 7 states the provisions of the canon affect the order and good government of the church within a diocese and do not come into force in a diocese unless and until the diocese by ordinance adopts the canon.

# General Synod – Offences Amendment Canon 2017 Adopting Ordinance 2017

No 35, 2017

## Long Title

An Ordinance to adopt Canon No 7, 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 – Offences Amendment Canon 2017 Adopting Ordinance 2017*.

### 2. Adoption of Canon No 7, 2017

The Synod adopts Canon No 7, 2017 of the General Synod of the Anglican Church of Australia, the text of which is set out in the Schedule.

### 3. Amendments to the Offences Ordinance 1962

(1) The *Offences Ordinance 1962* is amended by –

(a) deleting the words “a copy of which is contained in the Schedule to this ordinance” in the Preamble,

(b) inserting a new clause 2A as follows –

#### “Text of the Canon

2A. The text of the said Canon incorporating amendments adopted by the Church in this Diocese is set out in the Schedule.”

(c) substituting the following for clause 4 –

#### “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.”, and

(d) amending the text of the Schedule to incorporate the amendments made to the *Offences Canon 1962* by the *Offences Amendment Canon 2017*.

(2) Subject to subclauses (3) and (4), the *Offences Ordinance 1962* is further amended by –

(a) deleting paragraph 3(1)(b) and the matter “child abuse”, in subclause 3(3),

(b) deleting the second and third dot points in note (1) immediately after subclause 3(1),

(c) deleting subclause 3(2) and the accompanying note (and renumbering subclause 3(3) as 3(2)),

(d) in the renumbered subclause 3(2) –

(i) substituting the matter “subclause (1)” for the matter “subclauses (1) and (2)”, and

(ii) deleting the matter “Disciplinary Tribunal”, and

(iii) substituting the matter “*Ministry Standards Ordinance 2017*” for the matter “Discipline Ordinance 2006”,

(3) The amendments in subclause (2) 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*.

(4) Despite the amendments in subclause (2), 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.

## Schedule

The General Synod prescribes as follows:

### Title

1. This canon is the Offences Amendment Canon 2017.

### **Interpretation**

2. In this canon principal canon means the Offences Canon 1962.

### **Additional offences**

3. (1) Insert at the conclusion of section 1 of the principal canon:
- “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) Insert at the conclusion of section 2 of the principal canon:
- “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.”

### **Special Tribunal’s jurisdiction in respect of current bishops**

4. Insert “paragraphs (a) and (b) of” before “section 56(6)” where it occurs second in section 2 of the principal canon.

### **Special Tribunal’s jurisdiction in respect of former bishops**

5. Insert after section 2 of the principal canon:
- “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.”

### **Application of offences inserted by the Offences Amendment Canon 2017**

6. Insert after section 3 of the principal canon:
- “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.”

### **Order and good government**

7. The provisions of this canon affect the order and good government of the church within a diocese and do not come into force in a diocese unless and until the diocese by ordinance adopts the canon.

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

P COLGAN  
Deputy Chair of Committees

I Certify that this Ordinance was passed by the Synod of the Diocese of Sydney on 11 October 2017.

R WICKS  
Secretary

I Assent to this Ordinance.

GN DAVIES  
Archbishop of Sydney  
19/10/2017

## **General Synod – Constitution (Jurisdiction of Special Tribunal) Amendment Canon 2017 Assenting Ordinance 2017**

### Explanatory Statement

#### **Purpose of the bill**

1. The purpose of the bill for the *General Synod – Constitution (Jurisdiction of Special Tribunal) Amendment Canon 2017 Assenting Ordinance 2017* (“the Bill”) is to amend the Constitution set out in the schedule to the *Anglican Church of Australia Constitution Act 1961* to confer jurisdiction on the Special Tribunal for offences that may be specified by canon in respect of the conduct of a former member of the House of Bishops or assistant to the Primate, while a member of the House of Bishops or assistant to the Primate.

#### **Recommendations**

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

#### **Evidence Given**

4. 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.

5. 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

ROBERT WICKS  
*Diocesan Secretary*

18 September 2017

*Constitution (Jurisdiction of Special Tribunal) Amendment Canon 2017*

*Explanatory Memorandum*

*General Background*

1. This bill should be read with the proposed amendment to the Offences Canon 1962 to insert a new section 2A that lists the offences that can apply to a former member of the House of Bishops or bishop assistant to the Primate in the Primate's capacity as Primate (assistant to the Primate) and be dealt with by the Special Tribunal.
2. This bill amends the Constitution to confer jurisdiction on the Special Tribunal for offences that may be specified by canon in respect of the conduct of a former member of the House of Bishops or assistant to the Primate, while a member of the House of Bishops or assistant to the Primate.
3. Section 67(1)(c) of the Constitution applies to this Bill which must be passed by a vote of a majority of the members of each House and the canon 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.

*Notes on Clauses*

- Clause 1 contains the title of the canon.
- Clause 2 inserts a new paragraph (c) in section 56(6) of the Constitution that will give the Special Tribunal jurisdiction in respect of a former member of the House of Bishops or assistant to the Primate for offences that are proposed to be specified in the Offences Canon 1962 and apply to the conduct of the bishop while a member of the House of Bishops or assistant to the Primate.

## **General Synod – Constitution (Jurisdiction of Special Tribunal) Amendment Canon 2017 Assenting Ordinance 2017**

No 36, 2017

### **Long Title**

An Ordinance to assent to Canon No 6, 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 – Constitution (Jurisdiction of Special Tribunal) Amendment Canon 2017 Assenting Ordinance 2017*.

#### **2. Assent to Canon No 6, 2017**

The Synod assents to Canon No 6, 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 Constitution (Jurisdiction of Special Tribunal) Amendment Canon 2017.

#### **Extending the jurisdiction of the Special Tribunal to former members of the House of Bishops and bishops assistant to the Primate**

2. Insert at the end of subsection (6) of section 56 of the Constitution:

“; and

- (c) any former member of the House of Bishops and any former bishop assistant to the Primate in the Primate’s capacity as Primate of such offences as may be specified by canon in respect of conduct while a member of the House of Bishops or assistant to the Primate.”

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

K SOWADA  
Deputy Chair of Committees

I Certify that this Ordinance was passed by the Synod of the Diocese of Sydney on 16 October 2017.

R WICKS  
Secretary

I Assent to this Ordinance.

GN DAVIES  
Archbishop of Sydney  
19/10/2017



# General Synod – Holy Orders (Removal from Exercise of Ministry) Canon 2017 Adopting Ordinance 2017

## Explanatory Report

### Key Points

- The Canon will replace the *Relinquishment of Holy Orders Ordinance 1994* in providing for the relinquishment of or deposition from Holy Orders.
- The Canon will allow a partial relinquishment of or deposition from orders, and thereby gives greater flexibility. For example, a person could be prohibited from functioning as a bishop but not as a presbyter or deacon, or prohibited from functioning as a presbyter but not as a deacon.

### Purpose of the bill

1. The purpose of the bill for the *General Synod – Holy Orders (Removal from Exercise of Ministry) Canon 2017 Adopting Ordinance 2017* (“the Bill”) is to make provision for the relinquishment of and deposition from Holy Orders.

### Recommendations

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

### Evidence Given

4. 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. The “Doctrine Commission” and “Standing Committee” referred to in the Appendix are bodies of the General Synod, not bodies of our Diocese.

5. The reports of the Doctrine Commission of the General Synod in relation to deposition from Holy Orders that is referred to in the explanatory memorandum can be accessed online on the [Synod this year](#) page of SDS’s website ([www.sds.asn.au](http://www.sds.asn.au)).

6. In 1994, our Synod passed the *Relinquishment of Holy Orders Ordinance 1994* (the “1994 Ordinance”). Subsequently, in 2004, the General Synod passed the *Holy Orders Relinquishment and Deposition Canon 2004* (“2004 Canon”). The 2004 Canon was adopted by our Synod by ordinance in 2005 and the operation of the 1994 Ordinance was suspended. The explanatory statement for the adopting ordinance indicated that there was “merit in having national uniformity in this area”. In 2011, our Synod excluded the 2004 Canon and reinstated the 1994 Ordinance.

7. The 2004 Canon was excluded because it required the Archbishop to be satisfied that the person is not the subject of any information, complaint or charge concerning their conduct or fitness to hold office. The provision would appear to have been intended to prevent a person relinquishing their Holy Orders preemptively in order to avoid a professional standards process in relation to their conduct. However the provision meant that relinquishment could not occur in a context where a person admitted the charges against them and was prepared to relinquish their Holy Orders as one of the agreed outcomes from a professional standards process. It meant that such a person could only be deposed from Holy Orders following a recommendation from the Diocesan Tribunal. The 1994 Ordinance was therefore reinstated, with further amendments, to enable relinquishments in the context of a professional standards process where the misconduct had been disclosed and the proceedings were at an end, but for the relinquishment.

8. The Bill includes a materially similar provision to the problematic provision in the 2004 Canon. This clause, subclause 3(2), is as follows:

Before giving consent under sub-section (1)(e)(ii), the relevant bishop must be satisfied that the person is not currently the subject of any information, complaint or charge in this Church (including in any diocese) concerning his or her conduct or fitness to hold office.

9. An amendment was proposed to the mover of the Canon prior to General Synod to insert at the end of the subclause the words “unless the relinquishment of orders would conclude any such process”. The mover did not accept the amendment. The amendment was not pursued on the floor of General Synod because there is a practical solution. Subclause 3(2) only prevents the Archbishop consenting to a relinquishment while there is an ongoing professional standards process. It does not prevent a professional standards committee (or other professional standards body) recommending that a person relinquish their Holy Orders by completing and signing the instrument of voluntary relinquishment. If the person provides the completed instrument, and also

accepts and complies with all other recommendations of the PSC (or other body), the person will at that time no longer be “currently the subject” of a professional standards process because the complaint will have been finally dealt with. The Archbishop could then sign the instrument and the relinquishment would take effect.

10. The main reason for adopting the Canon in place of the 1994 Ordinance is that it permits a partial relinquishment or deposition of orders, as opposed to all orders, and thereby allows greater flexibility. For example, a person could be prohibited from functioning as a bishop but not as a presbyter or deacon, or prohibited from functioning as a presbyter but not as a deacon.

11. The Canon affects ritual and ceremonial, and would have been a special bill for the purposes of section 28 of the 1961 Constitution, except that at least three-quarters of the members of each House of General Synod otherwise determined. It has therefore taken effect as a canon of the General Synod. However the Canon is deemed by paragraph (a) of s 30 of the Constitution to affect the order and good government of the Church and therefore does not to come into force in a diocese unless and until that diocese by ordinance adopts it.

For and on behalf of the Standing Committee

ROBERT WICKS

Diocesan Secretary

18 September 2017

*Holy Orders (Removal from Exercise of Ministry) Canon 2017*

*Explanatory Memorandum*

*General Background*

1. The Doctrine Commission in a report to the Standing Committee of General Synod considered the nature and scope of what is referred to as deposition from Holy Orders.
2. As a result of that report it became clear that the Holy Orders Relinquishment and Deposition Canon 2004 needed to be reconsidered and rewritten. Three areas in particular needed to be addressed clearly and consistently.
  - (a) The limit of what any process can achieve is to remove a cleric from the *exercise of Holy Orders*.
  - (b) Deposition in English canon law (and therefore as used in our Constitution) can be only from the exercise of *all* orders; however, the Constitution also refers to prohibition from functioning, and that sentence can include prohibition from functioning in some only orders of ministry.
  - (c) Allowing both voluntary relinquishment and disciplinary removal to be from only some of the offices of Bishop, Priest and Deacon (although only in descending order, as it were).
3. The new bill is based on the 2004 Canon, and substantially preserves many of its provisions. The Standing Committee decided that consideration of this proposal by the General Synod would be facilitated by having it presented in the form of a new Canon rather than as an amending Bill.
4. The option of voluntary deposition in the present (2004) Canon has been removed, as there appears to be no circumstances in which it differs from voluntary relinquishment.

*Status of this bill and canon*

5. This canon concerns the discipline of the church and is therefore a special bill for the purposes of section 28 of the Constitution. Unless the General Synod otherwise determines, it will therefore become a provisional canon. By section 30 of the Constitution, the canon once made will not come into force in any diocese unless and until the diocese by ordinance adopts it.

*Notes on Individual Clauses*

Clause 1 contains the title of the Canon.

Clause 2 defines the words and expressions used in the Canon.

**“deposition”** is defined to refer to the removal of the right to exercise Holy Orders, and to refer to all of those orders.

**“national register”** has the same meaning as in the present Canon.

**“person in Holy Orders”** now means not only a person ordained in this church, but also a person received into an order of ministry of this church.

**“relevant bishop”** for a priest or deacon means the Diocesan bishop of the diocese in which the clerk is licensed, and, for a priest or deacon who is unlicensed, the Diocesan bishop of the diocese in which they reside. In the case of a person who is a bishop, the relevant bishop is the Metropolitan of the Province in which the bishop is a Diocesan bishop or resides, with special provision made for bishops in extraprovincial dioceses and for Metropolitans and the Primate.

**“relinquishment”** means the voluntary cessation of the exercise of one or more of the orders of ministry.

**“tribunal”** has the same meaning as in the present Canon, being a tribunal established under Chapter IX of the Constitution or by diocesan legislation.

Further provisions extend the meaning of Diocesan bishop to include the administrator of a Diocese pro tempore; and define **“order of ministry”** to be a reference to the Holy Order of bishop, of priest or of deacon.

Clause 3 provides that a bishop may relinquish the order of bishop, or the order of bishop and priest, or the orders of bishop, priest and deacon; a priest

may relinquish the order of priest, or the orders of priest and deacon;

and a deacon may relinquish the order of deacon. This is done by executing an instrument to that effect that is endorsed with the consent of the bishop of the last diocese in which the person held a license (if that is not the diocese in which she or he now resides) and with the consent of the relevant bishop. That consent cannot be given if the person is currently the subject of a disciplinary investigation or charge.

Clause 4 allows for relinquishment to take place in a liturgical context.

Clause 5 sets out the options available for the sentence of prohibition from functioning. This is the first time a Canon of General Synod has sought to do this.

The options allow for infinite mixing and matching, covering some or all orders of ministry, conditions, limited or unlimited periods of time, and different roles, places and circumstances. For example, a prohibition could be from the exercise of any order of ministry permanently in Diocese X, from the exercise of the order of bishop in any Diocese, and from the exercise of the order of priest as the incumbent or priest in charge of a parish for the next five years.

Sub-clause (2) makes it clear that a permanent prohibition on the exercise of all orders of ministry must be by deposition.

Sub-clause (3) provides that effect is given to such a sentence by an instrument in the form of Schedule 2.

Clause 6 provides that deposition following the sentence of a tribunal is effected by the form in Schedule 3.

Clause 7 provides that any of the instruments made under this Canon must be registered in the registry of the relevant bishop and of the diocese(s) in or for which the person was ordained, and registered in the national register.

Clause 8 provides that the bishop executing an instrument must also give notice of it, and of the reasons for it, to such persons as the bishop considers necessary.

Clause 9 provides that a prohibition from functioning has effect according to what is in it, and reinforces that by providing that the person prohibited must not act inconsistently with the prohibition.

Clause 10 provides that a person who has relinquished the exercise of some orders of ministry must not act inconsistently with the terms of that relinquishment.

Clause 11 provides that a person who has relinquished or been deposed from the exercise of all orders of ministry must not act or present himself or herself as in any way as a person in Holy Orders.

Clause 12 provides for a process by which a person who has relinquished the exercise of some or all orders of ministry may seek to have that relinquishment revoked.

Clause 13 provides that clauses 10 and 11 do not apply to a person whose relinquishment of orders has been revoked.

Clause 14 creates offences where a person who has relinquished an order of ministry holds out that the person continues to exercise that order, or where a person who has been deposed holds himself or herself out to be a member of the clergy.

Clause 15 provides that Canon 76 of the Canons of 1603 has no effect. Although it is arguable that this is unnecessary given that the 2004 Canon has already provided to that effect, it is considered helpful to carry that provision forward into the current Canon.

Clause 16 repeals the 2004 Canon.

- Clause 17 states that the Canon affects the order and good government of this Church within a diocese and does not come into force in a diocese unless and until the diocese adopts this canon by ordinance of the synod of the diocese.
- Schedule 1 contains the instruments relevant to the relinquishment of the exercise of one or more orders of ministry.
- Schedule 2 contains the instruments necessary following the sentence of a tribunal that include prohibition from functioning.
- Schedule 3 contains the instruments relevant to deposition.
- Schedule 4 contains the forms of notice consequence on relinquishment, prohibition from functioning or deposition.

## General Synod – Holy Orders (Removal from Exercise of Ministry) Canon 2017 Adopting Ordinance 2017

No 37, 2017

### Long Title

An Ordinance to adopt Canon No 18, 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 – Offences Amendment Canon 2017 Adopting Ordinance 2017*.

#### 2. Adoption of Canon No 18, 2017

The Synod adopts Canon No 18, 2017 of the General Synod of the Anglican Church of Australia, the text of which is set out in the Schedule.

#### 3. Repeal of the Relinquishment of Holy Orders Ordinance 1994

The *Relinquishment of Holy Orders Ordinance 1994* is repealed with effect from the date determined by the Archbishop on the advice of the Chancellor. The repeal does not affect or invalidate any act done under the Ordinance.

### Schedule

The General Synod prescribes as follows:

#### Title

1 This Canon is the Holy Orders (Removal from Exercise of Ministry) Canon 2017.

#### Interpretation

2 (1) In this Canon –

**"deposition"** means (without derogating from or altering the effect of section 11 of this Canon) removal of the right to the exercise of ministry in all of the Holy Orders to which a person is ordained, and **"depose"** has a similar meaning;

**"national register"** means a National Register established pursuant to a Canon of General Synod for a purpose which includes the recording of determinations of a tribunal or the recommendations or determinations of a professional standards body;

**"person in Holy Orders"** means a person who, in accordance with the Canons of the General Synod or the law of this Church applying at the relevant time has been—

- (a) ordained to the order of bishop, priest or deacon by bishops, or a bishop, of this Church, or by bishops, or a bishop, of a Church in communion with this Church; or
- (b) received into an order of ministry of this Church by a bishop of this Church in accordance with the Holy Orders (Reception and Ministry) Canon 2004;

**"professional standards body"** means a body established by a Canon of General Synod or the ordinance of a diocese relating to professional standards or episcopal standards that has under that Canon or that ordinance the power to recommend or determine that a person in Holy Orders be deposed;

**"relevant bishop"** means –

- (a) in relation to a priest or deacon who is licensed, the Diocesan bishop of the diocese in which he or she is licensed or the Primate, or the Metropolitan of the Province in which that diocese is situated, authorized by that bishop to act in that behalf;
- (b) in relation to a priest or deacon who is not licensed, the Diocesan bishop of the diocese in which he or she resides or the Primate, or the Metropolitan of the Province in which that diocese is situated, authorized by that bishop to act in that behalf;
- (c) in relation to a person who is a bishop, the bishop other than that person who is –
  - (i) the Metropolitan of the Province in which that person is a Diocesan bishop, is licensed by a Diocesan bishop or (if neither a Diocesan bishop nor licensed) resides; or
  - (ii) where that person –

- A. is the Diocesan bishop of; or
- B. is licensed by the Diocesan bishop of; or
- C. resides in –
  - an extra-provincial diocese, the Primate; or
  - (iii) where the person is a Metropolitan, the Primate; or
  - (iv) where the person is the Primate, the most senior Metropolitan by date of consecration;

**“relinquishment”** means (without derogating from or altering the effect of section 11 of this Canon) voluntary cessation of the right to the exercise of ministry in one or more of the orders of ministry to which a person is ordained, and **“relinquish”** has a similar meaning;

**“tribunal”** means a tribunal established in accordance with the provisions of Chapter IX of the Constitution and includes a body established by canon or by an ordinance of a diocese.

- (2) For the purposes of this Canon, a person who, during any vacancy in the office of, or during the incapacity of, a Diocesan bishop or during that bishop’s absence from the diocese for a period exceeding thirty days has been appointed by or under the constitution of that diocese to administer the affairs of the diocese, is to be taken to be the Diocesan bishop of that diocese.
- (3) In this Canon a reference to an **“order of ministry”** is a reference to the Holy Order of bishop, the Holy Order of priest or the Holy Order of deacon.

**Relinquishment of Holy Orders**

- 3 (1) A person in Holy Orders –
- (a) if a bishop, may relinquish the order of bishop, or the orders of bishop and priest, or the orders of bishop, priest and deacon; or
  - (b) if a priest but not a bishop, may relinquish the order of priest, or the orders of priest and deacon; or
  - (c) if a deacon but not a bishop or priest, may relinquish the order of deacon –
- by–
- (d) resigning all clerical licences and appointments held by that person as a person in the order or orders to be relinquished; and
  - (e) executing an instrument of relinquishment in or to the effect of the form in Schedule 1 endorsed with the consent, if given, of both –
    - (i) the bishop of the diocese in which the person last held a clerical licence or appointment, if that is a diocese other than the diocese in which the person resides; and
    - (ii) the relevant bishop.
- (2) Before giving consent under sub-section (1)(e)(ii), the relevant bishop must be satisfied that the person is not currently the subject of any information, complaint or charge in this Church (including in any diocese) concerning his or her conduct or fitness to hold office.

**Liturgical context**

- 4 The relinquishment under section 3 may, with the consent of the person, be set in a liturgical context by the bishop.

**Prohibition from functioning after sentence of a tribunal**

- 5 (1) A sentence of prohibition from functioning –
- (a) in relation to a bishop may concern only functioning –
    - (i) as a bishop, or
    - (ii) as a bishop and priest; or
    - (iii) as a bishop, priest and deacon;
  - (b) in relation to a priest, may concern only functioning as a priest or as a priest and deacon;
  - (c) may be limited or not limited by reference to place, office, role or function, time or circumstance;
  - (d) subject to sub-section (2), may be permanent, indefinite or for a period of time, and may be permanent, indefinite or for a period of time in different respects in relation to different functions or different limitations.

- (2) A sentence of prohibition from functioning may not be permanent in respect of all the orders of ministry to which a person has been ordained.

*Note: The proper sentence for a person who is to be prohibited permanently from all orders of ministry is deposition.*

- (3) A relevant bishop gives effect to a sentence of prohibition by a tribunal or a recommendation or determination of prohibition by a professional standards body by executing an instrument of prohibition in or to the effect of Schedule 2.

### **Deposition**

- 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.

### **Registration**

- 7 (1) In this section –  
"instrument" means–
- (a) an instrument of relinquishment in accordance with section 3; or
  - (b) an instrument of deposition or prohibition from functioning executed pursuant to sections 5 or 6.
- (2) Upon executing an instrument, the relevant bishop must forthwith–
- (a) cause the instrument to be registered in the register of that bishop;
  - (b) deliver a copy of the instrument to the bishop of the diocese in or for which the person who is the subject of the instrument was ordained; and
  - (c) cause a copy of the instrument to be registered in the national register.

### **Giving notice of an instrument**

- 8 (1) A bishop who executes an instrument under section 7 must give notice of that instrument and of the effect of that instrument in the form of Schedule 4 to the Primate, the General Secretary and such other persons as the bishop considers necessary.
- (2) The bishop may include in or with the notice under subsection (1) a statement of any circumstances relevant to the relinquishment, prohibition or deposition.
- (3) The General Secretary must as soon as reasonably practicable make available to the public the information contained in a notice executed under sub-section (1).

### **Effect of prohibition from functioning**

- 9 (1) A prohibition from functioning has effect according to its terms.
- (2) Where a person is prohibited from functioning in an order of ministry, that person—
- (a) must not act in contravention of or inconsistently with that prohibition by—
    - (i) officiating or acting in any manner that is reserved to that order of ministry; or
    - (ii) accepting or holding any office in this Church capable of being held only by a person in that order of ministry;
  - (b) ceases to have any right, privilege or advantage attached to that order of ministry; and
  - (c) must not hold himself or herself out as being in that order of ministry.

### **Effect of relinquishment of fewer than all Holy Orders**

- 10 A person who has relinquished one or more but not all orders of ministry in respect of any order of ministry relinquished –
- (a) may not officiate or act in any manner that is reserved for that order or those orders;
  - (b) may not accept or hold any office in this Church capable of being held only by a person in that order or those orders;
  - (c) ceases to have any right, privilege or advantage attached to that order or those orders; and
  - (d) must not hold himself or herself out as being in that order or those orders.

### **Effect of relinquishment of all Holy Orders and of deposition**

- 11 A person who has relinquished all Holy Orders or who has been deposed in accordance with this or another Canon or following the sentence of a tribunal or the recommendation or determination of a



professional standards body—

- (a) may not:
  - (i) officiate or act in any manner as a bishop, priest or deacon of this Church; or
  - (ii) accept or hold any office in this Church capable of being held only by a person in Holy Orders;
- (b) ceases to have any right, privilege or advantage attached to the order of bishop, priest or deacon;
- (c) must not hold himself or herself out to be a member of the clergy;
- (d) may not hold an office in a diocese which may be held by a lay person without the consent of the bishop of the diocese; and
- (e) shall be considered to be a lay person for the purposes of all laws, canons, rules, ordinances and regulations of the Church except for any provision enacted under Chapter IX of the Constitution.

### **Revocation**

- 12 (1) A person who has relinquished one or more orders of ministry in accordance with this Canon may petition the Metropolitan of the Province in which he or she resides or, if the person resides in an extraprovincial diocese, the Primate, to issue a certificate of revocation of the instrument of relinquishment.
- (2) The petition must include a statement of –
- (a) the circumstances and reasons in and for which the petitioner executed the instrument of relinquishment;
  - (b) the nature of the work or employment upon or in which the petitioner has been engaged, and the place or places in which the petitioner has resided since executing the instrument of relinquishment; and
  - (c) the circumstances in which and the reasons for which the revocation is sought.
- (3) The Metropolitan or the Primate, as the case requires, must confer with the bishop of the diocese in which the petitioner last held a clerical licence or appointment and the bishop of the diocese in which the person resides and may make such other enquiries as seem appropriate.
- (4) The Metropolitan or the Primate, as the case requires, may by writing under seal certify that, for all purposes, the instrument of relinquishment ceases to have any force or effect.
- (5) A certificate under sub-section (4) must be registered in—
- (a) the register of the bishop of the diocese in which the instrument of relinquishment or the instrument of deposition was registered;
  - (b) the register of the Primate; and
  - (c) the national register—
- and a copy of the certificate must be delivered to the bishop of the diocese in or for which the petitioner was ordained.

### **Effect of revocation**

- 13 The provisions of sections 10 and 11 do not apply to a person whose relinquishment has been revoked in accordance with this Canon.

### **Offences under this Canon**

- 14 (1) It is an offence for a person who has relinquished an order of ministry to hold out that the person continues to exercise that order, except for the purposes of any provision enacted under Chapter IX of the Constitution.
- (2) It is an offence for a person who has been deposed to act contrary to section 11(c), except for the purposes of any provision enacted under Chapter IX of the Constitution.

### **Canon 76 of the Canons of 1603 to have no effect**

- 15 The Canon numbered 76 of the Canons of 1603, insofar as it may have any force, shall have no operation or effect in a diocese of this Church which adopts this canon.

### **Repeal and consequential amendment**

- 16 (1) The Holy Orders Relinquishment and Deposition Canon 2004 is repealed.
- (2) In –

- (a) section 17(3) of the Episcopal Standards Canon 2007; and
- (b) section 23(3) of the Special Tribunal Canon 2007 –  
for "Holy Orders, Relinquishment and Deposition Canon 2004" substitute "Holy Orders  
(Removal from Exercise of Ministry) Canon 2017".

**Coming into force by adoption**

- 17 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.

SCHEDULES

SCHEDULE 1

VOLUNTARY RELINQUISHMENT OF ONE OR MORE ORDERS OF MINISTRY

KNOW ALL PERSONS BY THESE PRESENTS THAT I, \_\_\_\_\_, a person in Holy Orders in the Anglican Church of Australia (particulars of which are set out in the Schedule)

DECLARE that I have resigned the clerical licences and appointments and positions held by me as (bishop, priest or deacon) and RELINQUISH all rights and privileges as attached to the order/s of (bishop, priest or deacon) set out in the Schedule to this instrument in accordance with the Constitution and Canons of the Anglican Church of Australia and FURTHER DECLARE that I shall at all times from the date of this instrument conduct myself accordingly.

SCHEDULE

PARTICULARS OF HOLY ORDERS SUBJECT TO THIS DECLARATION

FULL NAME AND ADDRESS

	ORDAINING BISHOP(S)	PLACE	DATE
ORDINATION AS DEACON .....	.....	.....	.....
ORDINATION AS PRIEST .....	.....	.....	.....
CONSECRATION AS BISHOP .....	.....	.....	.....

DATED:  
EXECUTED BY  
in the presence of:  
(Bishop or Archdeacon or legal practitioner)

CONSENT OF BISHOP OF DIOCESE IN WHICH DECLARANT LAST HELD A CLERICAL LICENCE OR APPOINTMENT

I, \_\_\_\_\_ by Divine Providence Bishop (Archbishop) of \_\_\_\_\_ consent to the above relinquishment.

DATED:  
EXECUTED BY:  
in the presence of:

CONSENT OF BISHOP OF DIOCESE IN WHICH DECLARANT RESIDES:

I, \_\_\_\_\_ by Divine Providence Bishop (Archbishop) of \_\_\_\_\_ declare that I am the relevant bishop for the purposes of the Holy Orders (Removal from Exercise of Ministry) Canon 2017 and consent to the above relinquishment.

DATED:  
EXECUTED BY:  
in the presence of:

\_\_\_\_\_

**SCHEDULE 2**

**PROHIBITION FROM FUNCTIONING FOLLOWING THE SENTENCE OF A TRIBUNAL**

I, \_\_\_\_\_ by Divine Providence Bishop (or Archbishop) of

To

**GREETINGS**

I declare that I am the relevant bishop for the purposes of the Holy Orders (Removal from Exercise of Ministry) Canon 2017 and I by these presents **prohibit you from functioning in the exercise of Holy Orders** in the Anglican Church of Australia (as set out in the Schedule) in accordance with the Constitution and Canons of the Anglican Church of Australia following the sentence of a duly constituted tribunal.

**SCHEDULE**

**PARTICULARS OF HOLY ORDERS SUBJECT TO PROHIBITION**

**FULL NAME AND ADDRESS**

	<b>ORDAINING BISHOP(S)</b>	<b>PLACE</b>	<b>DATE</b>
ORDINATION AS DEACON	.....	.....	.....
ORDINATION AS PRIEST	.....	.....	.....
CONSECRATION AS BISHOP	.....	.....	.....

**PARTICULARS OF PROHIBITION FROM FUNCTIONING**

.....

DATED

SEALED

\_\_\_\_\_

**SCHEDULE 3**

**DEPOSITION**

I, \_\_\_\_\_ by Divine Providence Bishop (or Archbishop) of

To

**GREETINGS**

I declare that I am the relevant bishop for the purposes of the Holy Orders (Removal from Exercise of Ministry) Canon 2017 and by these presents **depose you** in accordance with the Constitution and Canons of the Anglican Church of Australia following the sentence of a duly constituted tribunal *or* following the recommendation or determination of a professional standards body [delete as applicable] from the Holy Orders set out in the Schedule.

**SCHEDULE**

**PARTICULARS OF HOLY ORDERS**

**FULL NAME AND ADDRESS**

	<b>ORDAINING BISHOP(S)</b>	<b>PLACE</b>	<b>DATE</b>
ORDINATION AS DEACON	.....	.....	.....
ORDINATION AS PRIEST	.....	.....	.....
CONSECRATION AS BISHOP	.....	.....	.....

**DATED**

**SEALED**

\_\_\_\_\_

**SCHEDULE 4**

**NOTICE OF AN INSTRUMENT UNDER THE HOLY ORDERS (REMOVAL FROM  
THE EXERCISE OF MINISTRY) CANON 2017**

I, \_\_\_\_\_ by Divine Providence Bishop (or Archbishop) of

GIVE NOTICE of the instrument dated ..... that concerns ..... [*name*] and that is now attached being

- \* an instrument of relinquishment
- \* a prohibition from functioning pursuant to the sentence of a tribunal
- \* an instrument of deposition.

*\*delete as applicable*

**STATEMENT AS TO CIRCUMSTANCES**

**ATTACHMENT**

DATED

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

P COLGAN  
Deputy Chair of Committees

I Certify that this Ordinance was passed by the Synod of the Diocese of Sydney on 17 October 2017.

R WICKS  
Secretary

I Assent to this Ordinance.

GN DAVIES  
Archbishop of Sydney  
19/10/2017

## General Synod – Canon Concerning Services Amendment Canon 2017 Adopting Ordinance 2017

### Explanatory Report

#### Key Points

- The Bill will provide a mechanism where services may be authorized without the need for a Canon of the General Synod.
- Services will only be able to be approved with the agreement of all metropolitans. This includes the Archbishop of Sydney.

#### Purpose of the bill

1. The purpose of the bill for the *General Synod – Canon Concerning Services Amendment Canon 2017 Adopting Ordinance 2017* (“the Bill”) is to amend the *Canon Concerning Services 1992* to provide a mechanism where services may be authorised without the need for a Canon of the General Synod.

#### Recommendations

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

#### Evidence Given

4. 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. The “Liturgy Commission” and “Doctrine Commission” referred to in the Appendix are commissions of the General Synod, not bodies of our Diocese.

5. There was concern among Sydney representatives on the General Synod, that the Canon could allow the authorisation of services for use throughout the Anglican Church of Australia without the approval of our Diocese. The Bill was amended ‘on the floor’ to require that a decision to approve a form of service must include the agreement of all Metropolitans. On this basis no form of service can be approved for use in a diocese without the agreement of the Archbishop of Sydney.

6. The Canon affects ritual and ceremonial, and would have been a special bill for the purposes of section 28 of the 1961 Constitution, except that at least three-quarters of the members of each House of General Synod otherwise determined. It has therefore taken effect as a canon of the General Synod. However the Canon is deemed by paragraph (a) of s 30 of the Constitution to affect the order and good government of the Church and therefore does not come into force in a diocese unless and until that diocese by ordinance adopts it.

For and on behalf of the Standing Committee

ROBERT WICKS  
*Diocesan Secretary*

18 September 2017

*Canon Concerning Services Amendment Canon 2017**Explanatory Memorandum**General Background*

1. The Canon Concerning Services 1992 includes provisions relating to the forms of service authorised for use within the Anglican Church of Australia.
2. Section 4(2) of that canon provides that every minister must use only the authorised forms of service, except so far as the minister may exercise the discretion allowed by section 5. (Section 5 in turn provides for a limited range of variations which are either not of substantial importance for particular occasions for which no provision is made in the authorised forms of service.)
3. Section 4(1) provides for two forms only of authorised service, those in the Book of Common Prayer, and those authorised, as regards a parish, pursuant to the Constitution or a canon of the General Synod in force in that parish's diocese.
4. The church, through the leadership and insight of the Liturgy Commission, will continue to develop fresh language, metaphors and forms for services used in public worship, and some diocese and ministers will want to use them. It is improbable that these will be published in the form of a new prayer book, and even if a new prayer book were being considered (which it is not) there is a category of liturgical resource that falls between what needs to be authorised by canon and what is covered by section 5 of the Canon Concerning Services.
5. The amendment is directed to materials in that space. The ambition is to find a mechanism that retains the principle of church authority over liturgy and the authentication of properly considered and high quality materials, while at the same time allowing for such materials to be disseminated and used within the church without the need for a canon of General Synod in every case.
6. The proposed amendments require five forms of approval before any form of service can be used in reliance on this section of the canon: recommendation by the Liturgy Commission, concurrence in that recommendation by the Doctrine Commission, approval by two-thirds of diocesan bishops (including all Metropolitans), and approval for use within any diocese by the diocesan council of that diocese.

*Status of this Bill and Canon*

7. As this bill affects ritual and ceremonial, it will be a special bill for the purposes of section 28 of the Constitution unless three-quarters of the members of each House otherwise determine. In addition, it is deemed by paragraph (a) of s 30 of the Constitution to affect the order and good government of the Church and therefore not to come into force in a diocese unless and until that diocese by ordinance adopts it.

*Notes on Clauses*

- |          |  |
|----------|--|
| Clause 1 | provides for the short title of the canon.   |
| Clause 2 | provides that the term "principal canon" means the Canon Concerning Services 1992.   |
| Clause 3 | amends clause 4 of the Canon Concerning Services 1992 by authorising additional forms of service for use by Anglican ministers in Australia. To be used in a parish, a form must satisfy five criteria: <ol style="list-style-type: none"> <li>a. it has been recommended by the Liturgy Commission;</li> <li>b. the Doctrine Commission has concurred in that recommendation;</li> <li>c. it has been approved by a decision of at least two-thirds of the Diocesan bishops;</li> <li>d. it has been approved by a majority of Metropolitans;</li> <li>e. it has been approved for use within that parish's diocese by its diocesan council.</li> </ol> |

It is noted that the first, second and fifth criteria recognize lay as well as clerical involvement in the approval process.

- |          |  |
|----------|--|
| Clause 4 | provides that the canon affects the ritual, ceremonial or discipline of this Church. |
|----------|--|



## General Synod – Canon Concerning Services Amendment Canon 2017 Adopting Ordinance 2017

No 38, 2017

### Long Title

An Ordinance to adopt Canon No 19, 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 – Canon Concerning Services Amendment Canon 2017 Adopting Ordinance 2017*.

#### 2. Adoption of Canon No 19, 2017

The Synod adopts Canon No 19, 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 Canon Concerning Services Amendment Canon 2017.

#### Interpretation

2. In this canon principal canon means the Canon Concerning Services 1992.

#### Additional Forms of Service Authorised

3. In the principal canon—

(a) in section 4(1)(b) for “part.” substitute “part;” and

(b) after paragraph 4(1)(b) insert:

“(c) for use within a diocese, any other form that has been -

(i) approved for use, on the recommendation of the Liturgy Commission with the concurrence of the Doctrine Commission, by a decision of at least two-thirds of the diocesan bishops including all of the Metropolitans; and

(ii) approved for use within the diocese by the diocesan council of that diocese.”

#### Canon affects the ritual, ceremonial or discipline of this Church

4. The provisions of this canon affect the ritual, ceremonial or discipline of this Church.

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

P COLGAN

Deputy Chair of Committees

I Certify that this Ordinance was passed by the Synod of the Diocese of Sydney on 17 October 2017.

R WICKS

Secretary

I Assent to this Ordinance.

GN DAVIES

Archbishop of Sydney

19/10/2017

## Assistant Ministers Ordinance 2017

### Explanatory Report

#### Key Points

- The Bill sets out terms for the appointment of deacons and presbyters to assist rectors of parishes.
- The Bill will provide for rectors, with the concurrence of the wardens, to issue notices terminating the appointment of and the payment of stipends/entitlements to assistant ministers and senior assistant ministers.
- The Bill sets out a process that must be followed before such a notice of termination may be issued.
- The Bill will not continue the practice whereby an assistant minister's ceases to hold office 90 days after the appointment of a new rector to the parish if the new rector does not apply to the Archbishop for a continuation of the licence in that period.

#### Purpose of the bill

1. The purpose of the bill for the *Assistant Ministers Ordinance 2017* ("the Bill") is to replace the existing ordinance on the same subject matter and to make changes to the process for issuing notices of termination to assistant ministers and senior assistant ministers.

#### Recommendations

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

#### Evidence Given

4. The Bill sets out terms for the appointment of deacons and presbyters to assist rectors of parishes. If passed, it will replace the existing *Assistant Ministers Ordinance 1990* (the "Existing Ordinance").

##### *Clause 2 - Definition of terms*

5. The Existing Ordinance defines certain terms by reference to the *Deaconess, Readers and Other Lay Persons Ordinance 1981*. That ordinance has been replaced by the *Authorisation of Lay Ministry Ordinance 2015* (the "2015 Ordinance"). There are no definitions in this 2015 Ordinance that need to be incorporated in the Bill. The reference to the *Interpretation Ordinance 1985* in clause 2(2) is not necessary, except to draw attention to the application of this ordinance.

6. References to "authorisations" in the definitions of "assistant minister" and "senior assistant minister" (and throughout the ordinance) will be deleted to accord with the 2015 Ordinance and the present practice to issue 'licences' to clergy and 'authorities' to lay people.

##### *Subclause 3(1) and 3(2) – Issuing notices to terminate an appointment*

##### The Existing Ordinance

7. Under clause 3(1) of the Existing Ordinance, an assistant minister and senior assistant minister holds office subject to:

- (a) the term of his or her licence, and
- (b) written notice of the termination of any stipend, emolument or perquisite to which the minister is entitled "given by or on behalf of the persons who pay or provide the same."

8. Interpreting the effect of clause 3(1) is not straightforward.

9. Under rule 3.7(1)(e) of Schedule 1 of the *Parish Administration Ordinance 2008*, the wardens who have the function:

"...to pay or provide to the persons entitled to receive them all such stipends, salaries, allowances and benefits as are authorised by the parish council to be paid or provided in accordance with the powers conferred by this or any other ordinance,".

10. This rule adopts the same language as clause 20(1)(j) of the *Church Administration Ordinance 1990* (now repealed).

11. Clause 3(2)(b)(iii)(D) of the Existing Ordinance may evidence an assumption that it is the rector or the parish council of a parish that ordinarily pays or provides stipends etc to assistant ministers. However it is difficult to read clause 3(1) as empowering rectors or parish councils to issue notices of termination given the clear language of the *Parish Administration Ordinance 2008* that wardens "pay or provide" stipends etc.

Rectors also do not have any role in paying or providing stipends etc to assistant ministers under the present ordinances and rules of the Diocese.

12. One reading could be that the wardens act as the representative of the parish council in that it is the parish council that authorises the payment or provision of stipends etc. However such an interpretation overlooks clause 3(4) of the Existing Ordinance which requires the parish council to be consulted before a notice of termination is issued to a senior assistant minister. This suggests it is not the parish council that issues the notice.

13. All told, the most reasonable interpretation is that the wardens of the principal or only church of a parish are empowered to issue notices under clause 3(1) of the Existing Ordinance, subject to consulting the parish council in the case of a senior assistant minister. It is expected that in practice, the wardens would tend to consult more widely, if not seek the approval of the rector and the parish council, but it is not presently a requirement that wardens do so.

14. There have been some situations where there has been significant conflict between the rector, parish council, wardens and assistant minister in relation to who can issue notices of termination and the procedures to be followed before doing so. The indirect manner in which clause 3(1) of the Existing Ordinance is drafted does not assist.

#### The Bill

15. Presently assistant ministers and senior assistant ministers are issued licences that are not subject to any time limit. This means that once a rector nominates an assistant minister or senior assistant minister and that licence is granted, the appointment will only come to an end if the assistant minister or senior assistant minister dies or resigns, a notice of termination is issued by the wardens under the Existing Ordinance, the office ceases 90 days following a new rector being appointed, or the licence is revoked pursuant to an ordinance of the Diocese (such as in the case of a recommendation under a professional standards process). Arguably, rectors should have more direct say in the continued appointment of the clergy who assist them in their parish ministry.

16. Clause 3(1) of the Bill will provide that notices of termination are issued by the rector with the concurrence of the wardens of the principal or only church of the parish, irrespective of whether or not the member of clergy is an assistant minister or a senior assistant minister. This means that the rector will be able to initiate a termination but needs to convince the wardens that termination is appropriate in the circumstances. The parish council could also be involved, though this would not be a requirement.

17. It could be considered that this exposes the wardens and the parish council to financial vulnerability given they are responsible for meeting the cost of paying the parish clergy, and yet would have no direct way of ensuring that the staffing levels of the parish are financially sustainable. However the parish council has other options available to it in such circumstances given its function of setting stipends, authorising payments and setting the budget.

#### *Subclause 3(2) – The process for issuing notices to terminate an appointment*

18. Clause 3(3) of the Bill sets out a process that must be followed before a notice of termination can be issued. The core requirements of the clause are to ensure that –

- (a) there is a valid reason for the notice being issued (namely, unsatisfactory conduct, performance or capacity; that the position will no longer be funded; or the ministry needs of the parish as determined by the rector);
- (b) assistant ministers and senior assistant ministers are given a formal opportunity to understand any grounds or reasons for the proposal and that a notice may be issued under the Ordinance if they are not addressed; and
- (c) assistant ministers and senior assistant ministers are given a reasonable opportunity to provide a response and have that response taken into account in the rector and wardens reaching a decision.

19. Termination of the appointment of an assistant minister can result in conflict between the rector and the assistant minister. Often this is because the assistant minister is unaware their appointment is to be terminated, or insufficiently aware of the grounds for termination. This Bill seeks to provide some help to all parties by providing a clearer process that demonstrates the reasonableness of the actions being taken.

20. This Bill provides opportunity for assistant ministers to improve their performance. This may mean giving the assistant minister specific direction as to what is expected from them in terms of performance in future or providing them with particular training.

21. The Bill will require the regional bishop to be notified before a notice of termination is issued (clause 3(3)(a)). This will provide an opportunity for the regional bishop to confer with the rector in relation to the

decision. It will also mean that the bishop can provide informed support and guidance to the assistant minister or senior assistant minister following any termination.

22. The provision in the Existing Ordinance (clause 3(3)) that a notice must not be given to a senior assistant minister within 3 months of being licensed or appointed is not replicated in the Bill. The process outlined above replaces the need for a qualifying period before a termination can arise.

*Clause 4 – Responsibility of the parish council*

23. This clause replicates the equivalent clause in the Existing Ordinance, except that the requirement for the parish council to “raise funds” has been replaced with responsibility to “set and pay” the stipend etc.

*Clause 5 – Undertaking by rector*

24. This clause replicates the equivalent clause in the Existing Ordinance.

*Clause 6 – Procedure on occurrence of a vacancy*

25. Under the Existing Ordinance (clause 6) an assistant minister (but not a senior assistant minister) ceases to hold office 90 days after a new rector is licensed to the parish unless the assistant minister has resigned earlier or the new rector applies to the Archbishop for continuation of the licence before the 90 days elapse. If the continuance is not sought, the assistant minister’s licence ceases, the assistant minister is then unlicensed.

26. The equivalent clause in the Bill reverses this provision so that an assistant minister continues to hold office after a new rector is licensed to the parish and any obligations set out in the licence of the assistant minister or agreements with the prior rector, the Archbishop and the parish council continue to apply. This is subject to the other provisions of the Bill. The rector will be able to initiate a termination process under clause 3(3) at any time based on unsatisfactory performance, conduct or capacity, or that the assistant minister position is no longer required, or will no longer be funded, or the ministry needs of the parish as determined by the rector no longer require the assistant minister.

27. It is understood that rectors very rarely (if ever) use the existing 90 day provision to terminate the appointment of an assistant minister. The changes provided in the Bill align more with our practice, while still recognising the fact that a rector may not work effectively with a particular individual and may choose to terminate their appointment subject to having a valid reason and following a proper process.

*Clause 7 - Guidelines*

28. Clause 7 provides for the Archbishop-in-Council to issue guidelines with respect to the termination of appointments under the Bill.

29. Subclause 3(3) sets out broad parameters for a termination process. There may be a need for non-binding guidelines to assist rectors and parish councils in determining the most appropriate practices to follow in a given circumstance. Clause 3(3)(f) will require the rector and parish council to have due regard to any guidelines issued by the Archbishop-in-Council concerning the termination of appointments (also see clause 7). Guidelines are yet to be drafted.

*Clause 8 – Commencement, repeal and transitional*

30. Clause 8 commences the Bill on 1 January 2018. It also repeals the Existing Ordinance with effect from the same date, subject to a transitional arrangement that provides for the Existing Ordinance to continue to apply in the case of:

- (a) a notice of termination issued prior to 1 January 2018, and
- (b) a new rector being appointed in a parish prior to 1 January 2018.

For and on behalf of the Standing Committee

ROBERT WICKS  
*Diocesan Secretary*

18 September 2017

## Assistant Ministers Ordinance 2017

No 39, 2017

### Long Title

An Ordinance to provide terms for the appointment of deacons and presbyters to assist rectors of parishes.

### Preamble

Whereas it is expedient to make further provision for the terms of appointment of deacons and presbyters appointed to assist rectors of parishes.

The Synod of the Diocese of Sydney ordains as follows.

### 1. Name

This Ordinance is the *Assistant Ministers Ordinance 2017*.

### 2. Definition of terms

(1) In this Ordinance -

“assistant minister” means a deacon or presbyter licensed by the Archbishop to the office of assistant minister in a parish and does not include a senior assistant minister;

“senior assistant minister” means:

(a) a deacon or presbyter who has served:

- (i) as an assistant minister in the Diocese; or
- (ii) in an equivalent office in another Diocese,

for a period of at least 4 years or periods, which in aggregate total at least 4 years, and who is licensed by the Archbishop, at the request of the rector and the parish council of the parish, to the office of senior assistant minister in the parish; or

(b) a presbyter who has served:

- (i) as a rector in the Diocese; or
- (ii) in an equivalent office in another Diocese,

who is licensed by the Archbishop, at the request of the minister and the parish council of the parish, to the office of senior assistant minister in the parish.

(2) Any terms appearing in the Schedule to the *Interpretation Ordinance 1985* are defined by reference to the meaning set out in that Ordinance.

### 3. Term of Appointment

(1) An assistant minister or a senior assistant minister holds office subject to:

- (a) the terms of his or her licence; and
- (b) where the assistant minister or the senior assistant minister is paid a stipend or is entitled to any other benefit or allowance, written notice of the termination of the appointment and the payment of such stipend and provision of such entitlement given by the rector with the concurrence of the wardens of the principal or only church of the parish in which the assistant minister or senior assistant minister holds office.

(2) For the purposes of clause 3(1)(b), notice is due notice if:

- (a) in the case of an assistant minister, the period of notice is at least 3 months; and
- (b) in the case of a senior assistant minister, the period of notice is the longest of:
  - (i) 3 months; or
  - (ii) the period of notice, to a maximum period of 9 months, calculated at the rate of one month’s notice for each year (or part thereof) of continuous service as assistant minister or senior assistant minister, or both, in that parish; or
  - (iii) such other period of notice, if any, which, at the time the senior assistant minister was licensed as senior assistant minister, was agreed for the purposes of this clause between the senior assistant minister and -
    - (A) the Archbishop; and
    - (B) the rector of the parish; and
    - (C) the parish council.

- (2A) Notwithstanding subclause (2), the assistant minister or senior assistant minister may choose to waive some of the period of notice and leave their office earlier, provided that they give written notice to the rector and wardens, and the rector and wardens agree to the earlier date in writing.
- (3) Notice must not be given under clause 3(1)(b), unless:
- (a) the regional bishop of the region within which the parish is situated has been notified of the proposal to issue the notice; and
  - (b) the notice is proposed to be given due to -
    - (i) unsatisfactory conduct, performance or capacity on the part of the assistant minister or senior assistant minister where a genuine and recorded performance management program or similar has been unsuccessful in resolving the issue or issues;
    - (ii) the parish council determining that the office held by the assistant minister or senior assistant minister will no longer be funded; or
    - (iii) other reasons determined by the rector having regard to the ministry needs of the parish; and
  - (c) the assistant minister or senior assistant minister has been given a written statement containing –
    - (i) particulars of the grounds or reasons under clause 3(3)(b), and
    - (ii) in the case of unsatisfactory conduct, performance or capacity that is not serious misconduct: a warning that a notice may be issued under clause 3(1)(b) if the relevant conduct is not addressed; and
  - (d) the assistant minister or senior assistant minister has been given a reasonable period in which to provide a written response to the statement of particulars; and
  - (e) the rector and wardens have considered any response given by or on behalf of the assistant minister or senior assistant minister within the period; and
  - (f) the rector and wardens have given due regard to any guidelines issued by the Archbishop-in-Council under clause 7; and

#### **4. Lodgement of material with the Registrar**

Any written statement issued under clause 3(3)(c), any response given under clause 3(3)(d) and any record of the consideration specified in clause 3(3)(e) must be lodged with the Registrar of the Diocese.

#### **5. Undertaking by rector**

Nothing in this Ordinance prevents the Archbishop from requiring an undertaking of the rector whom the assistant minister or senior assistant minister will assist concerning the work to be undertaken by the assistant minister or the senior assistant minister, as the case may be, or any other matter relating to the office to be exercised by the assistant minister or the senior assistant minister, as the case may be.

#### **6. Vacancy in office of rector and appointment of new rector**

Subject to clause 3, the term of office of an assistant minister or a senior assistant minister does not cease by reason of a vacancy occurring in the office of rector of the parish or upon a new rector being appointed to the parish and, in accepting an appointment to the parish, the new rector is taken to have:

- (a) adopted any obligation on the part of a former rector of the parish expressed in the assistant minister's or senior assistant minister's licence as if the new rector was named in the licence as the person subject to that obligation; and
- (b) adopted any agreement in relation to the office of the assistant minister or senior assistant minister made between the former rector and the assistant minister or senior assistant minister with the approval of:
  - (i) the Archbishop; and
  - (ii) the parish council.

#### **7. Guidelines**

The Archbishop-in-Council may issue guidelines with respect to the termination of appointments under this Ordinance.

#### **8. Commencement, repeal and transitional**

- (1) Except for this clause, this Ordinance commences on 1 January 2018.
- (2) The *Assistant Ministers Ordinance 1990* is repealed on 1 January 2018.

(3) Notwithstanding subclause (2) and subject to subclause (4), an assistant minister or a senior assistant minister will cease to hold office in accordance with the provisions of the *Assistant Ministers Ordinance 1990* as if that Ordinance had not been repealed if, before 1 January 2018:

- (a) a valid notice was issued under clause 3(1) of the *Assistant Ministers Ordinance 1990*, or
- (b) a new rector was licensed to the same parish to which the assistant minister was also licensed at the time and 90 days have not elapsed since the licence was issued to the rector.

(4) For the purposes of subclause (3), "office" means the office of assistant minister or senior assistant minister in a parish that was held by the member of clergy on 1 January 2018.

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

R TONG  
Chair of Committees

I Certify that this Ordinance was passed by the Synod of the Diocese of Sydney on 17 October 2017.

R WICKS  
Secretary

I Assent to this Ordinance.

GN DAVIES  
Archbishop of Sydney  
19/10/2017

# Synod and Standing Committee Membership Amendment Ordinance 2017

## Explanatory Report

### Key Points

- It is proposed to increase from 5 to 7 the number of organisations the Standing Committee may declare as Nominated Organisations under Part 6 of the *Synod Membership Ordinance 1995* (the “1995 Ordinance”).
- It is proposed to remove the CEO of the Sydney Diocesan Secretariat (“SDS”) as an *ex-officio* member of the Standing Committee under the *Standing Committee Ordinance 1897* (the “1897 Ordinance”) and enable the Standing Committee to appoint as a member of the Standing Committee one CEO of an organisation eligible to be declared a Nominated Organisation under Part 6 and who is a member of the Synod.

### Purpose of the bill

1. The purpose of the bill for the *Synod and Standing Committee Membership Amendment Ordinance 2017* (the “bill”) is to amend the 1995 Ordinance and the 1897 Ordinance with respect to the membership of the Synod and the Standing Committee.

### Recommendations

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

### Background

4. At its meeting on 29 May 2017, the Standing Committee considered the nomination of organisations for the 51st Synod under Part 6 of the 1995 Ordinance. Currently, Part 6 provides for a maximum of five organisations that can be nominated.

5. At that meeting, the Standing Committee deferred the declaration of any nominated organisations and appointed a committee (“the Committee”) comprising Archdeacon Kara Hartley, Mr Doug Marr, the Rev Gavin Poole, Dr Laurie Scandrett and Dr Robert Tong, to review the number of nominated organisations to be summoned to the Synod under Part 6, and the desirability of including the CEO of SDS under Part 9 of the 1995 Ordinance.

6. The Standing Committee considered the Committee’s recommendations at its meetings on 31 July and 28 August 2017.

7. During its consideration of the Committee’s recommendations, the Standing Committee declared the following five organisations to be nominated organisations for the 51<sup>st</sup> Synod –

- Anglican Community Services (Anglicare)
- Anglican Media
- Anglican Schools Corporation
- Anglican Youth and Education Diocese of Sydney (Youthworks)
- Evangelism and New Churches

### Membership of Synod under Part 6 of the 1995 Ordinance

8. The Committee spent time considering Part 6 membership of the Synod (Nominated Organisations). The 1995 Ordinance does not currently specify the purpose of membership of Synod under Part 6. The Committee agreed that the following two characteristics are logically desirable for any organisation nominated under Part 6 –

- (a) the organisation is established by ordinance of the Synod, and
- (b) the organisation makes a distinctive contribution to the work of the Diocese.

9. The Committee took the view that, in accordance with these desirable characteristics, nominated organisations would typically have staff and would not usually be individual schools.

10. The Committee noted that apart from Moore Theological College whose Principal is an *ex officio* member of Synod under Part 9, there are currently nine Diocesan organisations with staff, excluding schools, listed in the Diocesan Year Book which may be nominated under Part 6. These 9 organisations are shown in



the following table, which also indicates the current Synod membership status of the person likely to be nominated as CEO for the purposes of Part 6 –

<b>Organisation</b>	<b>Person who is expected to be nominated as CEO for Synod membership purposes</b>
The Archbishop of Sydney's Anglican Aid	The Rev David Mansfield <i>Nominated under Part 7</i>
Anglican Education Commission	Vacant (Acting CEO Dr Julie Matthews)
Anglican Community Services (Anglicare)	Mr Grant Millard
Anglican Media	Mr Russell Powell
Anglican Schools Corporation	Mr Ross Smith
Anglican Youth and Education (Youthworks)	From 2018: The Rev Craig Roberts (Interim CEO Dr Laurie Scandrett, <i>currently appointed under Part 5</i> )
Evangelism and New Churches	The Rev Philip Wheeler
Ministry Training and Development	The Rev Gary O'Brien <i>Nominated under Part 7</i>
Sydney Diocesan Secretariat	Vacant (Acting CEO Mr Robert Wicks, <i>a member under Part 9 as Diocesan Secretary</i> )

11. Of the nine organisations, four currently rely on representation from membership of Synod other than membership under Part 6. Two of those organisations are in turn represented on Synod by Interim or Acting CEOs and it is reasonable to assume that the relevant appointments will shortly be made to these organisations and as a consequence, they may not be represented on Synod.

12. Noting that since 2003 and up until 2016, seven organisations could be nominated under Part 6, the committee agreed on the desirability of providing a mechanism where each of the nine organisations that meet the characteristics outlined in paragraph 8 could be provided membership. Ultimately, however, the Committee determined that in most circumstances allowing up to 7 organisations to be nominated under Part 6 should allow all 9 organisations appropriate representation given the likelihood that at least two will have representatives who are members of Synod other than by Part 6.

13. The Committee recommended to the Standing Committee that Part 6 be modified as follows –

- (a) insert the text “established by ordinance” in clauses 23 and 24, following the first occurrence of “organisation” in each clause, and
- (b) amend 25(1) to read, “Standing Committee may only make a declaration under clause 24 for up to 7 diocesan boards, departments, or organisations for the same Synod in respect of which the Standing Committee proposes making the declaration.”

**Appointment of the CEO of SDS as ex-officio member of Standing Committee**

14. The Committee also considered the membership of the CEO of SDS on Standing Committee. The CEO of SDS is the only ex-officio member of Standing Committee who is not also an ex-officio member of Synod. SDS has been a nominated member of Synod under Part 6 of the Ordinance since 1996, however it seems inconsistent that the CEO of SDS is a member of Standing Committee, but is not necessarily also a member of Synod.

15. The CEO of SDS is the head of the Synod's service organisation, and can provide important information in relation to matters for which SDS is responsible, including managing the investments of the GAB. Accordingly, it seems likely that any CEO of SDS would continue as a valuable contributor to the work of the Standing Committee. However, noting –

- (a) the recent separation of the Glebe Administration Board from the Board of the SDS,
- (b) the possibility that the CEO of SDS may also be the Diocesan Secretary (and therefore a member of Standing Committee by virtue of that office), and

- (c) that a valuable contribution to Standing Committee may in future be made by the CEO of another Diocesan Organisation,

the Committee recommended to Standing Committee that the 1897 Ordinance be amended to –

- (i) remove the ex-officio membership of the CEO of Sydney Diocesan Secretariat,
- (ii) provide that the Standing Committee may appoint by resolution one CEO of an organisation eligible for election under Part 6, who is a member of Synod, as a member of Standing Committee for the duration of a Synod, and
- (iii) provide that the Standing Committee may revoke this membership by resolution.

16. Such a modification to the membership of Standing Committee does not increase membership, while allowing greater flexibility. This amendment also ensures that the CEO appointed in this position is necessarily also a member of Synod representing a Diocesan Organisation.

For and on behalf of the Standing Committee

ROBERT WICKS  
*Diocesan Secretary*

31 August 2017

## Synod Membership Amendment Ordinance 2017

No 40, 2017

### Long Title

An Ordinance to amend the Synod Membership Ordinance 1995.

The Synod of the Diocese of Sydney Ordains as follows.

#### 1. Name

This Ordinance is the Synod Membership Amendment Ordinance 2017.

#### 2. Amendment of the Synod Membership Ordinance 1995

The Synod Membership Ordinance 1995 is amended as follows –

- (a) delete the first occurrence of the words “board, department or organisation” in clause 23 and insert the words “organisation established by ordinance”,
- (b) delete each occurrence of the words “board, department or” in clause 23(a), clauses 24, 26, 29 and in the definitions for “Chief Executive Officer” and “Nominated Organisation” in the Dictionary,
- (c) delete the word “boards” in the heading for Division 2 of Part 6 and insert instead “organisations”,
- (d) delete the word “board” in the headings for clauses 24 and 26 and insert instead “organisation”, and
- (e) delete subclause 25(1) and insert instead the following –
  - “(1) Standing Committee may only make a declaration under clause 24 for up to 7 diocesan organisations for the same Synod in respect of which the Standing Committee proposes making the declaration.”.

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

R TONG  
Chair of Committees

I Certify that this Ordinance was passed by the Synod of the Diocese of Sydney on 17 October 2017.

R WICKS  
Secretary of Synod

I Assent to this Ordinance.

GN DAVIES  
Archbishop of Sydney  
19/10/2017