

Safe Ministry Board Ordinance 2001

(Reprinted under the Interpretation Ordinance 1985.)

The Professional Standards Board Ordinance 2001 as amended by the Diocesan Officers (Retirement) Repeal Ordinance 2001 and the Safe Ministry Ordinance 2005.

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Long Title

An Ordinance to constitute and define the functions of the Safe Ministry Board and for purposes connected therewith.

The Standing Committee of the Synod of the Diocese of Sydney Ordains as follows.

Part 1 – Preliminary

1. Name

This ordinance is the Safe Ministry Board Ordinance 2001.

2. Definitions

In this Ordinance –

“1996 Ordinance” means the Church Discipline Ordinance 1996.

“Archbishop” means the Archbishop of the Diocese or in his absence his Commissary or if the See is vacant the Administrator of the Diocese.

“Board” means the Safe Ministry Board.

“child abuse” means –

- (a) assault (including sexual assault) of, or
- (b) ill-treatment or neglect of, or
- (c) exposing or subjecting to behaviour that psychologically harms,

a person under the age of 18 years and includes allegations of child abuse or an allegation that may involve child abuse.

“Child Protection Legislation” means the Children and Young Persons (Care and Protection) Act 1998, the Child Protection (Prohibited Employment) Act 1998, the Commission for Children and Young People Act 1998 and the Ombudsman Amendment (Child Protection and Community Services) Act 1998 as amended from time to time and the regulations and guidelines made under or pursuant to those Acts.

“Director” means the person appointed by the Archbishop to administer the 1996 Ordinance and the Sexual Misconduct Protocol.

“Experienced Lawyer” has the meaning given in the 1996 Ordinance.

“Licenced Minister” has the meaning given in the 1996 Ordinance.

“Office Holder” means a person –

- (a) who is a Licensed Minister, or
- (b) who holds a Position within the meaning of the 1996 Ordinance.

“Organisation” means –

- (a) an unincorporated or incorporated body constituted by an ordinance or a resolution of the Synod or its Standing Committee, and
- (b) a Parish, and
- (c) such other body which is identified by the Board as affiliated with the Diocese and which agrees with the Board to submit to the provisions of this ordinance.

“Parish” means a parish or provisional parish in the Diocese constituted or recognised under the Parishes Ordinance 1979 and includes parish councils and churchwardens.

“Sexual Misconduct Protocol” means such protocol established from time to time by the Archbishop for the reporting of sexual abuse by church workers within the Diocese.

3. Interpretation

In this Ordinance –

- (a) headings are used for convenience only and do not affect the interpretation of this Ordinance,
- (b) references to any legislation or to any section of any legislation include any modification or re-enactment of it and any legislation substituted for it,
- (c) a reference to a clause is a reference to a clause of this Ordinance,
- (d) words denoting the singular include the plural and vice versa, and
- (e) words referring to any gender include all genders.

Part 2 – Constitution, Functions and Powers

4. Constitution

The Board is constituted with the functions set out in this Ordinance.

5. Functions of the Board

The functions of the Board are –

- (a) to promote and facilitate the development of an environment within Organisations that is free from the risk of child abuse including the promotion and facilitation of compliance with the requirements of the Child Protection Legislation,
- (b) to monitor, review and make recommendations in respect of compliance, training, investigatory and management practices and procedures and pastoral care within Organisations in relation to the prevention of and response to child abuse and the requirements of the Child Protection Legislation,
- (c) to review and make recommendations in respect of ordinances passed or to be passed by the Synod or its Standing Committee to ensure compliance and compatibility with the requirements of the Child Protection Legislation,
- (d) to provide services, advice, and assistance to Organisations and Office Holders in relation to the prevention of and response to child abuse and the requirements of the Child Protection Legislation,

- (e) to make representations to relevant government bodies regarding the operation of the Child Protection Legislation,
- (f) to liaise with persons and bodies outside the Diocese to facilitate cooperation and consistency of conduct in relation to the prevention of and response to child abuse and compliance with the requirements of the Child Protection Legislation,
- (g) to provide services, advice, and assistance to Anglican organisations and persons holding office in the Church outside the Diocese in relation to the prevention of and response to child abuse and the requirements of the Child Protection Legislation,
- (h) to exercise a delegated head of agency function for the purposes of the Ombudsman Amendment (Child Protection and Community Services) Act 1998, and
- (i) to conduct employment screening on behalf of Anglican employers within the Province of New South Wales and the Diocese of Wangaratta for the purposes of the Commission for Children and Young People Act 1998,
- (j) to promote and facilitate the development of an environment within Organisations that is free from the risk of harm to any vulnerable person,
- (k) to monitor, review and make recommendations in respect of compliance, training, investigatory and management practices and procedures and pastoral care within Organisations in relation to the prevention of and response to harm to any vulnerable person,
- (l) to provide services, advice, and assistance to Organisations and Office Holders in relation to the prevention of and response to any vulnerable person.

6. Further Functions of the Board

Without limiting the generality of the functions referred to in clause 5, in exercising any such function or functions the Board may –

- (a) develop and disseminate appropriate guidelines, protocols, policies and procedures for use within Organisations and by Office Holders,
- (b) initiate training programs, activities and publicity to educate and inform Organisations and Office Holders,
- (c) conduct quality assurance audits in relation to compliance, training, investigation and management practices and procedures, and pastoral care within Organisations,
- (d) review and make recommendations on the operation of the 1996 Ordinance and the Sexual Misconduct Protocol,
- (e) on request from an Organisation or Office Holder, make arrangements for an investigation on behalf of the Organisation or Office Holder, and
- (f) provide advice in relation to risk assessments obtained by Organisations and Office Holders from employment screening under the Commission for Children and Young People Act 1998.

7. Powers of the Board

The Board has power to carry out its functions under clauses 5 and 6 and for these purposes the Board may –

- (a) acquire property by purchase, donation or otherwise,
- (b) use any money paid to or property vested in the Board,
- (c) enter into contracts, employ persons and do all things as a necessary or incidental to the carrying out of its functions, and
- (d) open and operate bank accounts and determine the persons by whom cheques and other bank documents shall be signed or endorsed.

Part 3 – Membership of the Board

8. Membership of the Board

- (1) The members of the Board are –
 - (a) the Archbishop who is the President of the Board,
 - (b) the Director who is the Chief Executive Officer of the Board,
 - (c) 3 Licenced Ministers appointed by the Archbishop,

- (d) 3 persons who are not Licenced Ministers appointed by the Archbishop,
 - (e) 3 Licenced Ministers elected by the Standing Committee, and
 - (f) 3 persons who are not Licenced Ministers elected by the Standing Committee.
- (2) The membership of the Board must include –
- (a) an Experienced Lawyer,
 - (b) at least 4 men, and
 - (c) at least 4 women.
- (3) The Archbishop and the Standing Committee shall have regard to the need for the membership of the Board to include persons with professional training and/or experience in the areas of child protection, social welfare or counselling.

9. Duration of Office

- (1) Each member who is elected or appointed to the Board (other than the Director) is to retire on the first meeting of the Standing Committee which next follows the first ordinary session of each Synod provided that a member continues to hold office until a successor for the member is elected or appointed.
- (2) Subject to this Ordinance, a retiring member is eligible to be re-elected or re-appointed.

10. Casual Vacancies

- (1) A vacancy occurs when a member who is elected or appointed to the Board (other than the Director) –
- (a) dies,
 - (b) resigns the office of member by writing addressed to the Archbishop, and in such case, unless the writing specifies a later date, the resignation is effective when the Archbishop receives the writing,
 - (c) becomes an insolvent under administration,
 - (d) becomes an incapable person, a patient, a protected person or a voluntary patient under any statute relating to mental health,
 - (e) is absent for a continuous period of 6 months without leave of the Board from meetings of the Board held during that period.
 - (f)
- (2) In addition to the circumstances set out in subclause (1) –
- (a) the Archbishop may revoke at any time the membership of a person appointed to the Board pursuant to clause 8(1)(c) or clause 8(1)(d), and
 - (b) the Standing Committee may by resolution specifying the reasons therefor revoke at any time the membership of a person elected to the Board pursuant to clause 8(1)(e) or clause 8(1)(f).
- (3) A vacancy in the office of a member of the Board may be filled –
- (a) in the case of a vacancy of a member appointed by the Archbishop, by the Archbishop, and
 - (b) in the case of a vacancy of a member elected by the Standing Committee, by the Standing Committee.

Part 4 – Meetings

11. Meetings

- (1) The Board meets at such times as it may determine and at such other times as the Archbishop may determine.
- (2) The quorum for a meeting of the Board is 6.
- (3) A vacancy in the membership of the Board or a defect in the election or appointment of a person acting as a member of the Board does not invalidate any act or proceeding of the Board.
- (4) Subject to the provisions of this ordinance, the Board may regulate its own proceedings and for that purpose may make or rescind or alter regulations from time to time.

12. Chairing of Meetings

- (1) The Archbishop chairs all meetings of the Board provided he is present and is willing so to act.
- (2) If the Archbishop is not present at a meeting of the Board or is not willing to chair the meeting –
 - (a) a member of the Board appointed by the Archbishop will chair that meeting, or
 - (b) if the member of the Board appointed by the Archbishop as Chair is not present at that meeting, the members of the Board present must elect one of their number to chair the meeting for so long as the Chair is absent.
- (3) The person chairing a meeting of the Board has both a deliberative and casting vote.

Part 5 – Committees of the Board

13. Board may appoint Committees

For the purpose of assisting the Board in carrying out its functions the Board may, by resolution, establish 1 or more committees with such powers and functions as the Board may think fit.

14. Membership of Committees

A committee established by the Board may include persons who are not members of the Board.

Part 6 – Miscellaneous

15. Accounts Ordinance

The Board must comply with the terms of the Accounts, Audits and Annual Reports Ordinance 1995.

16. Investments

All property held for the Board and available for investment must only be invested in accordance with the Investment of Church Trust Property Ordinance 1990.

17. Reports to be made to Synod and Standing Committee

The Board must provide regular reports of its activities to the Standing Committee and must provide a report to each session of the Synod.

18. Indemnification

- (1) The Board must ensure that there is indemnity insurance for its members.
- (2) Each member of the Board is indemnified out of the assets held by or for the purposes of the Board against all loss or liability properly incurred for or on behalf of the Board by reason of being or having been a member of the Board other than that incurred or occasioned by the member's own wilful act or neglect.

19. Review of Ordinance

The operations of the Board must be reviewed by the Standing Committee as soon as practicable after 3 years from the date of assent to this ordinance.

20. Commencement

- (1) Subject to subclause (2), this Ordinance commences on the date of assent.
- (2) The functions of the Board referred to in clauses 5(d), (g), (h) and (i) commence on the date or dates determined by the Archbishop-in-Council.

Table of Amendments

Long Title	Amended by Ordinance No 41, 2005.
Clause 1	Amended by Ordinance No 41, 2005.
Clause 2	Amended by Ordinance No 41, 2005.
Clause 5	Amended by Ordinance No 41, 2005.

Clause 10 Amended by Ordinance No 59, 2001.

STEVE LUCAS
Legal Officer

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Diocesan Secretary

2 November 2005