

**Third Session of  
52<sup>nd</sup> Synod**

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

**Book 2**

(Pages 2 to 198)

Annual Report of the  
Standing Committee and  
Other Reports and Papers

Standing Committee of the Synod  
Anglican Church Diocese of Sydney

# 2022 Report of the Standing Committee and other Reports and Papers

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# Report of the Standing Committee to the Third Session of the 52<sup>nd</sup> Synod

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## 1. Introduction

### 1.1 Standing Committee reports to Synod

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

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

### 1.2 Charter

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

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

### 1.3 Access

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

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

### 1.4 Meetings and members

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

#### 4 Reports & Papers for the Third Session of the 52<sup>nd</sup> Synod

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*The President*

Archbishop Kanishka Raffel

*The Chancellor*

The Hon Justice Michael Meek

*The Regional Bishops*

Bishop Chris Edwards  
Bishop Peter Hayward  
Bishop Gary Koo  
Bishop Peter Lin  
Bishop Michael Stead

*The Registrar*

Vacant

*The Diocesan Secretary*

Mr Daniel Glynn

*The Archdeacons*

Archdeacon Neil Atwood  
Archdeacon Anthony Douglas  
Archdeacon Kara Hartley

*The CEO of Sydney Diocesan Services*

Mr Robert Wicks

*Dean of St Andrew's Cathedral*

Dean Sandy Grant (*appointed 06/12/2021*)

*Laypersons Elected by Whole Synod*

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

*The Principal of Moore Theological College*

The Rev Dr Mark Thompson

*Laypersons Elected by Northern Regional Electors*

Miss Jenny Flower  
Mr Greg Hammond OAM  
Mr Mark Streeter  
Ms Nicola Warwick-Mayo

*Ministers Elected by Whole Synod*

The Rev Nigel Fortescue  
The Rev Stephen Gibson  
Canon Craig Roberts  
The Rev Philip Wheeler

*Ministers Elected by Northern Regional Electors*

The Rev David Mears (*elected 31/03/2022*)  
The Rev Craig Schafer

*Laypersons Elected by South Sydney Regional Electors*

Dr Jean Ashton (*elected 30/03/2022*)  
Ms Karen Calayag (*elected 03/03/2022*)  
Mr Gavin Jones  
Dr Karin Sowada

*Ministers Elected by South Sydney Regional Electors*

The Rev Dr Andrew Katay  
The Rev Dominic Steele

*Laypersons Elected by South Western Regional Electors*

Mr Clive Ellis  
Mr James Flavin  
Mrs Jeanette Habib  
Dr Ian McFarlane

*Ministers Elected by South Western Regional Electors*

Canon Phillip Colgan  
The Rev Zac Veron

*Laypersons Elected by Western Sydney Regional Electors*

Mr Jeremy Freeman  
Mrs Patricia Jackson  
Mr Malcolm Purvis  
Dr Andrew Tong

*Ministers Elected by Western Sydney Regional Electors*

The Rev Roger Cunningham  
The Rev Dr Raj Gupta

*Ministers Elected by Wollongong Regional Electors*

The Rev Dr Gavin Perkins (*elected 03/03/2022*)  
The Rev Joe Wiltshire

*Laypersons Elected by Wollongong Regional Electors*

Mrs Stacey Chapman  
Mr Norm Lee  
Dr David Nockles  
Mr Tony Willis

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

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

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

## 1.5 Management and structure

Our permanent subcommittees are –

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

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

## 1.6 Dr Erica Sainsbury

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

## 1.7 Mrs Kaye Marr

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

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

## 1.8 Ms Yvette McDonald

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

### 1.9 Ms Michelle England

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

### 1.10 Acting Registrar

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

### 1.11 Appointment of Registrar

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

### 1.12 Archdeacon to the Archbishop

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

### 1.13 Diocesan Secretary and Secretary of the Synod

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

### 1.14 New Chief Executive Officer of Anglicare

We –

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

### 1.15 Diocesan Research Officer

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

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

### 1.16 Mr Martin Thearle

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

### 1.17 The Hon Justice Michael Meek

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

### 1.18 The Rev Dr Gavin Perkins

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

### 1.19 Archbishop’s Commissary

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

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

### 1.20 Creation of a new Ecclesiastical District

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

### 1.21 Amalgamation of parishes by the Northern Regional Council

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

## 2. Actions with the Archbishop

### 2.1 Strategy and Research Group

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

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

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

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

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

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

### *Strategic priorities and the Diocesan Mission*

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

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

### *Nomination process research*

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

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

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

### *Meetings with Mission Area Leaders*

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

## **3. Financial and Property Administration**

### **3.1 Accounts, Audits and Annual Reports Ordinance 1995**

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

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

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

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

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

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

### 3.3 Ordination Training Fund

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

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

### 3.4 Ordinances

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### 3.5 Parochial cost recoveries – arrears

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

### 3.6 Annual financial statements from parishes

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

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

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

### 3.7 Local revenues test for parish status

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

### 3.8 Stipends, allowances and benefits for 2023

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

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

### 3.9 Work Outside the Diocese

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

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

### 3.10 Recommended distribution from the Diocesan Endowment for 2023

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

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

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

### 3.12 Incorporation of Evangelism and New Churches

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

### 3.13 Application of funds raised by the Property Receipts Levy

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

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

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

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

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

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

**Table A:** Urban Renewal Support Contribution (URSC) rates

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

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

### 3.14 Stipend Continuance Insurance

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

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

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

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

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

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

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

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

### 3.17 Diocesan Investment Strategy

We agreed in principle –

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

A report with recommendations about this matter is printed separately.

### 3.18 Remuneration Contentment

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

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

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

### 3.19 Diocese of Armidale

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

### 3.20 ACPT Management fee

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

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

### 3.21 Parochial Cost Recovery charge for 2023

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

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

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

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

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

## 4. General Administration

### 4.1 Elections

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

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

### 4.2 Reports from Regional Councils

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

#### 4.3 Nominated organisations for the 52<sup>nd</sup> Synod under Part 6 of the *Synod Membership Ordinance 1995*

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

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

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

#### 4.5 Level 2 Diocesan Offices

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

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

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

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

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

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

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

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

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

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

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

#### 4.7 Professional Standards Unit Oversight Committee

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

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

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

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

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

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

#### 4.10 Shoalhaven Aboriginal Community Church

We –

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

### 5. Relations with Government

#### 5.1 Social Issues Committee

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

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

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

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

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

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

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

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

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

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

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

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

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

# 6. The International, National and Provincial Church

## 6.1 Eighteenth session of General Synod

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

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

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

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

## 6.2 General Synod – Publication of essays

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

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

### 6.3 Archbishop of Perth

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

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

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

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

## 7. Sydney Synod Matters

### 7.1 Second ordinary session of the 52<sup>nd</sup> Synod (February – March 2022) Synod in the Greenfields

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

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

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

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

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

### 7.2 The Third session of the 52<sup>nd</sup> Synod (September 2022) Ordinary and special sessions of the 52<sup>nd</sup> Triennium

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

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

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

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

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

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

### 7.3 Elections associated with the third ordinary session of the Synod

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

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

### 7.4 Statement of Funding Principles and Priorities

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

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

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

### 7.5 Governance Policy for Diocesan Organisations

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

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

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

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

## 7.6 Pastoral Consultation (Professional Supervision) Recommendation

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

A report on this matter is printed separately.

## 7.7 22/18 Indigenous Ministry in the Diocese

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

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

A report with recommendations about this matter is printed separately.

## 7.8 4/19 Staff management training

25/19 Review of Ministry Standards Ordinance 2017

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

51/19 Further review of the Ministry Standards Ordinance 2017

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

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

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

### 7.9 46/19 Fellowship with Anglicans outside the Diocese

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

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

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

### 7.10 56/19 Deferral of General Synod Assessments

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

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

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

### 7.11 62/19 Gender Representation on Diocesan Boards and Committees

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

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

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

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

A report about this matter is printed separately.

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

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

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

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

### 7.13 8/21 Episcopal Standards Ordinance

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

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

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

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

### 7.15 Ordinances for this session

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

For and on behalf of the Standing Committee.

DANIEL GLYNN  
**Diocesan Secretary**

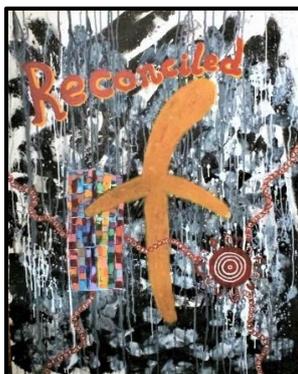
25 July 2022

# SYNOD TASK FORCE

## INDIGENOUS MINISTRY IN THE DIOCESE OF SYDNEY

### REPORT TO THE 3<sup>rd</sup> SESSION OF THE 52<sup>ND</sup> SYNOD

September 2021



*Reconciled* M Duckett 2018

### Recommendation

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

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

## Background

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

### **22/18 Indigenous Ministry in the Diocese**

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

Synod –

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

## Discussion

### Task Force Report and Recommendations

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

### Doctrine Commission Report on Reconciliation

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

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

### An Appropriate Outworking of the Bible's Teaching on Reconciliation

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

### Peter Adam Lecture

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

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

## Implications

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

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

## Current Indigenous Ministries in the Diocese

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

## A Model for Indigenous Ministry

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

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



Bushland Setting



Ministry Partnership



Ministry Training



Ministry Housing



Ministry Facilities

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

## Conclusion

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

21. What is required is:

**TRUST / RESPECT / JUSTICE**

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

*Task Force members (in consultation with the SAIPMC)*

Pastor Michael Duckett

Archbishop Kanishka Raffel (Chair)

Rev Stuart Crawshaw

Mr Tony Willis

2 July 2021

[Updated 27 June 2022]

## Synod Task Force on Indigenous Ministry in the Diocese of Sydney

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

#### Purpose

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

#### Recommendations

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

#### Broader context for ministry

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

8. Our concern for Aboriginal and Torres Strait Islander people must be consistent with our concern for every other person that does not know God. We work to bring all people into relationship with God and fellowship with other Christians. This is, for Christians, the true basis for real, lasting reconciliation between people. We must therefore model this reconciliation, becoming representatives of the lasting, transcendent peace God brings when he is at the centre of our lives. All should be welcome in our churches, in our communities.
9. Within this broader context, however, we should be particularly attuned to the unique situation associated with ministry to Aboriginal and Torres Strait Islander peoples, showing consideration and regard for human dignity. We wish to ameliorate, where possible, any factor that particularly impedes engagement with Aboriginal and Torres Strait Islander people, as well as acknowledging instances in which the Diocese's past actions albeit well-intentioned have been inconsiderate. We must be deliberate, sensitive, and transparent in our inclusivity, but ground it always, first, in the grace we have received. To do this, we must have an accurate and nuanced understanding of, and respect for, the diverse perspectives represented in the Aboriginal and Torres Strait Islander community.
10. Reconciliation Australia's resources have been consulted to assist the development and effective use of such an understanding. These resources are described later in this paper. However, as Reconciliation Australia<sup>1</sup> has different aims and goals, these resources must be read, and used, with the above broader context and the Synod's past action and present position (next two sections) in mind.

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

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

### Accounts of the presence of Aborigines in the Sydney area

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

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

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

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

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

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

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

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

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

## Settlement of the Sydney area

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

## Letters of Instruction for Governor Phillip

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

16. 400 acres of land were measured and allotted to Johnson for church land sometime in or after 1790. He makes reference to this in a letter to the Right Honourable Henry Dundas, and also describes the difficulty he had in clearing the land. Johnson records that in response to Johnson's requests for more help in clearing the land, the Lt Gov suggested that if he resign his claim to the 400 acres of church land, he 'would have a grant the same as others'.<sup>11</sup> A grant of 100 acres to Rev. Richard Johnson is recorded on 28 May 1793.<sup>12</sup>



## The Church and School Lands Corporation

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

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

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

<sup>9</sup> *ibid.*

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

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

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

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

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

### Diocese of Australia and Diocese of Sydney

21. The Diocese of Australia was formed by Letters Patent on 18 January 1836.<sup>16</sup> Shortly after the creation of the Diocese of Australia from the Diocese of Calcutta, the Crown passed a law concerning the affairs of the church and diocesan land. It authorised the trustees of any glebe lands in New South Wales to 'enter into and upon the said glebe land, and to let the same upon leases for any term not exceeding 28 years, reserving the rent, issues, and profits thereof, to the said trustees for the time being, who shall and may receive and apply the said rents, issues, and profits upon trust in the first place to pay...the minister of the said church,' and after that the money could be used for the 'building or enlarging the church' of the parish connected to the glebe lands, and after that for the building or enlarging any other church 'in the same township or district', and the payment of a stipend for the minister for that church.<sup>17</sup>
22. On 13 September 1842, a land grant of over 32 acres was given to William Grant Broughton on the behalf of St Philip's church, 'being a portion of the land granted to the Trustees of the late Church and School Corporation by Deed dated 24th day of November 1829, but which reverted to the Crown on the dissolution of that Body by order of the King in Council of 4 February 1833.'<sup>18</sup> On 9 July 1846, land adjoining the St Philip's Glebe was also granted to the church by the Crown.<sup>19</sup> Shortly after the grant of the land to St Philip's church, the Diocese of Sydney was formed by Letters Patent on 25 June 1847. Upon the creation of the Diocese of Sydney in 1847, the church lands within the limits of the Diocese of Sydney became the property of the Diocese of Sydney.<sup>20</sup>

### Diocesan Property

23. The St. Philip's Glebe was subdivided in 1842 into 32 allotments and leased for 28 years.<sup>21</sup> The Bishopthorpe Estate was subdivided into 238 allotments and leased for 99 years from 1856.<sup>22</sup> The rents and profits from the leased glebe land were managed by trustees for the glebe lands.<sup>23</sup> The Church of England Property Trust Diocese of Sydney was formed in 1917 by the *Anglican Church of Australia Trust Property Act 1917*.
24. The trustees of the St Philip's Glebe were gathered into a Board of Trustees in 1920.<sup>24</sup> In 1930, the Glebe Administration Board was created and the Board was given the power of 'managing and controlling' the St Philip's glebe, including the collection of rents, the subdivision of land, and the lease of land.

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<sup>14</sup> *Glebe Conservation Area Study Report*. Feb 2008. p. 4.

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

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

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

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

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

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

<sup>21</sup> *Glebe Conservation Area Study*, p. 5.

<sup>22</sup> *ibid*.

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

<sup>24</sup> *St Philip's Glebe Land Vesting Management Ordinance 1920*.

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

### Proceeds from the sale of Diocesan Property

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

### Use of Diocesan funds for Aboriginal Ministry

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

### Recent Synod activity toward reconciliation and ministry

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

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

<sup>26</sup> *St Philip's Glebe Sale Ordinance 1958*, and *St Philip's Glebe Sale Ordinance 1972*.

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

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

<sup>29</sup> *Synod Appropriations and Allocations Ordinance 2006*.

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

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

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

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

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

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

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

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

### Action Planning at Parish Church Level

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

## Creating Parish Action Plans

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

### Why should churches get involved?

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

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

### How does the Walk Alongside Program help?

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

### What are the desired outcomes?

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

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

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

## Resources provided to enact Step 5 - 'Act'

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

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

## Conclusion

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

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

## Social Issues Committee

22 July 2019

## Relevant Resolutions and Synod-related actions 1999 onwards

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

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

## Guide to terminology from the Reconciliation Australia Website

### 'RAP Good Practice Guide - Demonstrating inclusive and respectful language

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

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

#### Seek guidance

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

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

### Referring to Aboriginal and Torres Strait Islander peoples

#### Aboriginal and Torres Strait Islander peoples

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

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

#### First Nations and First Peoples

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

#### Acknowledging diversity

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

#### Indigenous

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

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

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

### **Unacceptable terms**

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

### **Terms to avoid**

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

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

### **Showing respect**

#### **Capitalisation**

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

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

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

#### **Avoiding deficit language**

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

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

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

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

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

### **Avoiding language that divides**

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

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

## Closing the gap

### **Use of the term 'Closing the Gap'**

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

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

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

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

### Something not clear?

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

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

(A report from the Standing Committee.)

### **Key Points**

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

### **Purpose**

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

### **Recommendations**

2. Synod note this report.

### **Background**

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

## Statements

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### Statement 2 – Definition of Unchastity

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

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

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

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

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

## Motions

### Safe Churches

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

General Synod—

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

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

### Affirming Singleness

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

General Synod—

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

## Blessing Same Sex Marriages

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

General Synod—

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

## Bills

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

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

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

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

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

## **Additional Motions originating in the Diocese**

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

For and on behalf of the Standing Committee.

DANIEL GLYNN  
**Diocesan Secretary**

30 May 2022



# Anglican Church Diocese of Sydney

The Rt Rev. Dr Michael Stead  
Bishop of South Sydney

10 March 2022

Dear members of the Synod

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

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

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

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

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

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

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

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

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

Yours in Christ,



The Right Reverend Dr Michael Stead  
Bishop of South Sydney  
[mstead@sydney.anglican.asn.au](mailto:mstead@sydney.anglican.asn.au)

## Attachments

Attachment 1 – Explanatory Memorandum and Two Statements

Attachment 2 – 3 Motions for General Synod 2022

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

## STATEMENTS 1 and 2

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

#### EXPLANATORY MEMORANDUM

##### General Background

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

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

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

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

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

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

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

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

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

## **STATEMENT 1**

### **Marriage as the union of a man and a woman.**

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

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

#### **Notes on Clauses – Statement 01**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## STATEMENT 2

### Definition of Unchastity

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

#### Notes on Statement 02

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

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

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

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

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

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

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

### 3 Motions for General Synod 2022

#### A. Safe Churches

General Synod—

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

#### B. Affirming Singleness

General Synod—

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

#### C. Blessing Civil Same-sex Marriages

General Synod—

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

## BILL 11

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

#### EXPLANATORY MEMORANDUM

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

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

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

#### **CANON CONCERNING SERVICES 1992**

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

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

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

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

### **BILL 11**

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

The General Synod prescribes as follows:

#### **Title**

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

#### **Interpretation**

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

#### **Amendment to Section 5**

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

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

The General Synod prescribes as follows:

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

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

### EXPLANATORY MEMORANDUM

#### General Background

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

#### Membership of the Secretaries of Synod

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

#### The General Secretary's right to vote

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

#### Chair of Committee

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

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

(A report from the Standing Committee.)

### **Key Points**

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

### **Purpose**

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

### **Recommendations**

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

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

## Background

### Outcomes of the recent General Synod session

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

## Discussion

### The Diocese and the National Church

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

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

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

### Episcopal Discipline

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

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

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

### Motions for consideration by the Sydney Synod

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

For and on behalf of the Standing Committee.

DANIEL GLYNN  
**Diocesan Secretary**

25 July 2022

## Review of the Governance Policy for Diocesan Organisations

(A report from the Standing Committee.)

### Key Points

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

### Purpose

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

### Recommendations

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

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

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

but excludes –

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

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

## Background

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

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

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

## Discussion

### Consultation

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

## Matters for consideration

15. The GPRC is giving consideration to re-framing the Governance Policy to better –
  - (a) reflect the identity of the Diocese as a fellowship of approximately 270 parishes, the Synod, incorporated diocesan organisations and schools, and the wide range of other unincorporated organisations, committees, boards and councils, all working in partnership to further the mission of the Diocese by promoting and proclaiming the gospel of the Lord Jesus Christ, and
  - (b) represent the Synod’s expectations that diocesan organisations be empowered to achieve their purpose and be good stewards of their assets, have appropriate standards of governance and enabled to further the mission of the Diocese (with a lesser focus on how Synod intends exercising its powers).
  
16. As part of such a re-framing, the GPRC is considering the following matters unrelated to the SoPF –
  - (a) Is a corporate governance model still the best approach? What would a stakeholder governance model require (e.g., Anglicare consumer engagement, Moore College student engagement)?
  - (b) Is the Governance Policy simply about core, minimum requirements? To what extent is the Policy aspirational versus a minimum standard?
  - (c) Is it appropriate to continue to have a ‘one-size-fits-all’ Governance Policy that applies equally to all diocesan organisations? For example, is it clear and appropriate that Appendix 2 only applies to bodies corporate, and should a tiered approach be adopted for different types of diocesan organisations (including those not currently covered by the Governance Policy)?
  - (d) Does the definition of ‘diocesan organisation’ in the Governance Policy include and exclude the appropriate entities? Should Anglican organisations in the Diocese also be included?
  - (e) Setting aside comments related to the SoPF, should the Governance Policy say more about the character and competence of Board members (e.g., integrity, diversity, commitment etc.)?
  - (f) Should the primary focus of the Governance Policy shift to be about supporting diocesan organisations and the development / adoption of processes, activities and relationships that make sure a diocesan organisation is effectively and properly run, and contributing to the mission of the Diocese?
  - (g) Is it still necessary and/or desirable to re-state the ACNC Governance Standards (as opposed to including a statement of expectation of compliance with the ACNC Governance Standards and, now, the ACNC External Conduct Standards if applicable)?
  - (h) What are the unique aspects of the governance of diocesan organisations (e.g., the role of the Archbishop, possibly as a Visitor)?
  - (i) Should the Governance Policy be expanded to cover what policies should the board of a diocesan organisation be expected to adopt (without the Governance Policy being prescriptive) – for example, a Code of Conduct (*Faithfulness in Service*), Board skills matrix, conflicts of interest, complaints management, whistle-blower policies, remuneration of staff etc?
  - (j) Are some of the guidelines a matter for Board policy rather than required content for an Ordinance?
  - (k) How should conflicts of interest be managed in a diocesan context?
  - (l) What governance standards are applicable to parishes, the Synod, Standing Committee and their subcommittees? Should any aspects of the Governance Policy apply in this context?
  - (m) What role does the Synod wish to take with respect to the governance of diocesan organisations? How can a culture of collaboration between the Synod and diocesan organisations and schools be fostered? Does the membership of Synod reflect the role of diocesan organisations in the life of the Diocese?
  - (n) What changes are required to the Governance Policy in light of developments in external governance standards or community expectations since the Governance Policy was adopted, such as in relation to the ACNC External Conduct Standards, or participation in the National Redress Scheme?
  - (o) Are there any efficiencies to be achieved within the suite of Synod policies and policy guidelines?
  - (p) Are any changes required in view of the current debate on religious freedom?
  
17. The scope of the Committee’s further work in relation to matters related to the SoPF is yet to be determined in consultation with the Archbishop, and the Heads and Chairs of diocesan schools.

For and on behalf of the Standing Committee.

DANIEL GLYNN  
**Diocesan Secretary**

25 July 2022

# Diocesan Organisations' Conformity with the Governance Policy

(A report from the Standing Committee.)

## Key Points

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

## Purpose

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

## Recommendations

2. Synod receive this report.

## Background

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

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

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

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

### Terms of reference

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

### How the Committee responded to the terms of reference

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

“diocesan organisation” means a body –

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

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

## Discussion

13. The Committee considered the statements provided by diocesan organisations and schools, as reported to the Synod in 2020 in relation to their conformity (or otherwise) with the Governance Policy. This included –
  - (a) 11 bodies corporate,
  - (b) 13 unincorporated entities,<sup>1</sup> and
  - (c) 14 diocesan schools<sup>2</sup>.
14. For ease of reference, the entities reviewed by the Committee are hereafter referred to in this report as "diocesan organisations and schools", notwithstanding that this is not an exhaustive list of all possible diocesan organisations.

## Gap analysis

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

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

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

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

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

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

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

*Results of gap analysis*

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

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

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

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

**Matters arising from the gap analysis**

*Statement of personal faith*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

What form should a Statement of personal faith take?

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

### *List of organisations*

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

### *Director skills and qualifications*

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

*Actions to be taken in response to divergence*

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

## **Conclusion**

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

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

For and on behalf of the Standing Committee.

DANIEL GLYNN  
**Diocesan Secretary**

29 July 2021

Amended 25 July 2022

# Review of Diocesan Investment Strategy

(A report from the Standing Committee)

## Key Points

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

## Purpose

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

## Recommendations

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

## Background

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

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

## Proposal for a single investment vehicle

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

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

## Comments on specific concerns raised

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

### ACPT duty as trustee of parish funds

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

### Determination of distribution policy and communication with parishes

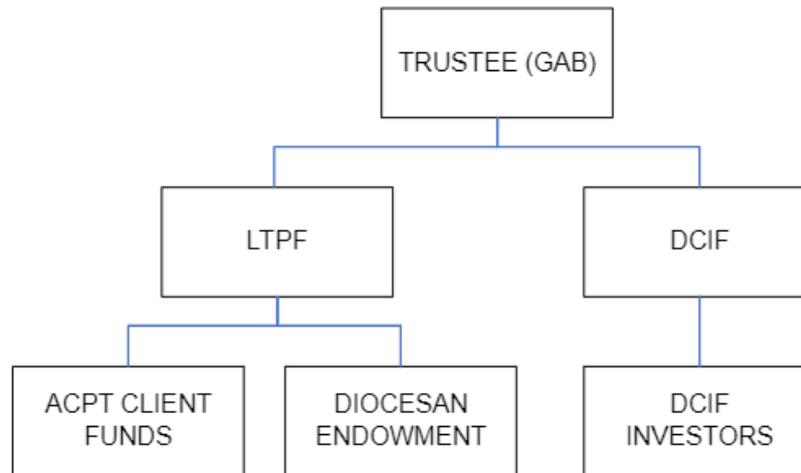
16. It is expected that the trustee of the LTPF will determine its distribution policy, taking into account the objectives of the LTPF and its investors. As outlined above, the Ordinance could prescribe appropriate reporting to the underlying investors in the LTPF, including in relation to matters such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

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

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

## Proposed structure and steps to implement

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



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

## Financial services licence

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

## Charging of management fees by the ACPT

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

## What difference does it make to parishes?

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

## The ACPT's ongoing objection to the change

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

## Summation

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

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

## Conclusions

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

For and on behalf of the Standing Committee.

# Standing Committee of Synod

## Diocesan Investment Strategy

(A paper from the Glebe Administration Board.)

### Key Points

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

### Purpose

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

### Recommendations

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

## Background

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

## Re-consideration of the CIMB recommendations

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

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

ROSS SMITH  
**Chair, Glebe Administration Board**

30 June 2019

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

### *Recommendation 4 – Creation of a central investment management board*

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

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

#### *Recommendation 5 – Investment strategy and related matters*

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

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

#### *Recommendation 6 – Endowment of the See*

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

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

*Recommendation 8 – Property Trust's investment function*

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

## Reasons why a CIMB was not pursued in 2012

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

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

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

## Questions for consideration

### Question 1

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

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

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

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

#### **Question 2**

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

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

#### **Question 3**

***Who should be the trustee of a diocesan investment vehicle?***

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

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

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

#### *ACPT as trustee of a diocesan investment vehicle*

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

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

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

*GAB as trustee of a diocesan investment vehicle*

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

**Question 4**

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

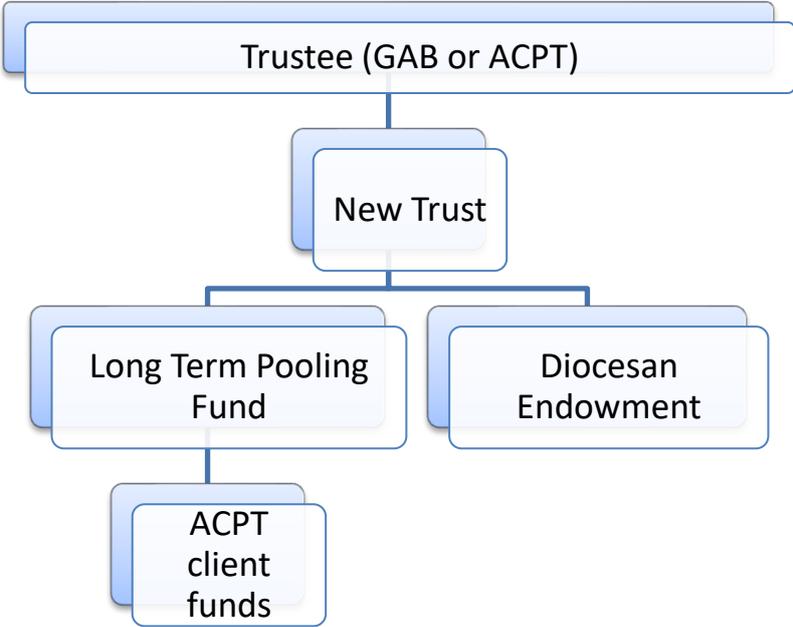
34. There is a further possible attribute of a diocesan investment strategy which may be worthy of consideration. That is, the vehicle for combining the investments of the DE and the LTPF could be

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

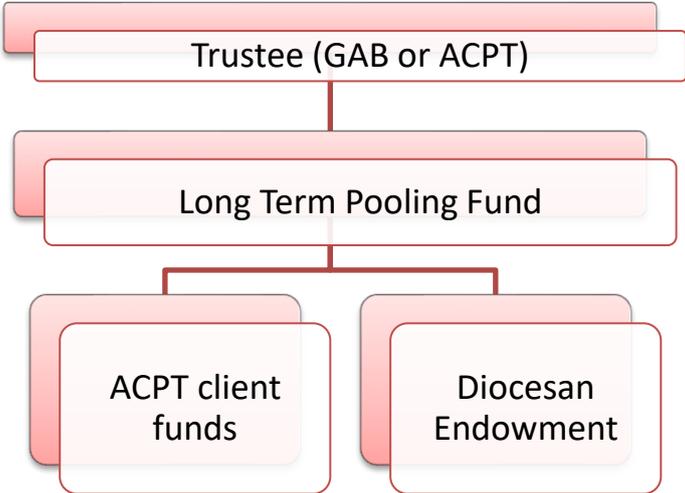
35. There are different views as to whether this attribute is worth pursuing.
36. Those that support opening the diocesan investment vehicle to other diocesan and Anglican investors would want to look beyond how diocesan investments are currently managed and at least be in a position to create further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

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

**Structure 1**



**Structure 2**



### Structure of a diocesan investment vehicle - Pros and Cons

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

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

Assumptions –

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

# Standing Committee of Synod

## Diocesan Investment Strategy

(An outline by the Anglican Church Property Trust)

### Key Points

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

### Purpose

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

### Recommendations

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

### Background

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

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

**RICHARD NEAL**  
**Chairman**  
**Anglican Church Property Trust Diocese of Sydney**  
**Sydney**

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**Deputy Chair**  
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**Sydney**

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

### Cost and efficiency

#### *ACPT view*

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

#### *GAB view*

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

#### *Finance Committee conclusion*

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

### Board expertise

#### *ACPT view*

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

#### *GAB view*

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

#### *Finance Committee conclusion*

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

## Ordinance amendments required and legal process

### *ACPT view*

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

### *GAB view*

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

### *Finance Committee conclusion*

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

## Governance – multiple trustees v one trustee

### *ACPT view*

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

### *GAB view*

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

### *Finance Committee conclusion*

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

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

### *ACPT view*

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

### *GAB view*

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

### *Finance Committee conclusion*

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

## The risks outweigh the benefits

### *ACPT view*

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

### *GAB view*

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

### *Finance Committee conclusion*

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

## Assets should not be held by another trustee for investment purposes

### *ACPT view*

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

### *GAB view*

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

### *Finance Committee conclusion*

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

## Review of the *Nomination Ordinance 2006*

(A report from the Standing Committee.)

### Key Points

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

### Purpose

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

### Recommendations

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

### Background

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

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

The review should include comment on –

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

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

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

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

## Discussion

### Overview of the Ordinance and nomination process

#### *Nomination Ordinance 2006*

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

#### *Nomination process and timeframes*

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

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

### Key feedback and considerations regarding the current process

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

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

### Recommended Amendments to the *Nomination Ordinance 2006*

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

#### Part 1: Preliminary

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

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

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

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

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

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

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

## Part 2: Occurrence of a parish vacancy

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

## Part 3: Entitlement to benefits under this Ordinance

25. No changes are recommended.

## Part 4: Nomination to the Archbishop

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

### *Meeting options utilising technology*

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

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

## Part 5: Archbishop's response to Nomination

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

### *Period in which to make a nomination*

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

### *Certification from the Director of Professional Standards*

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

### *Ultimate lapsing of right of Nomination*

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

## Part 6: Constitution of the Nomination Board

### Parish Nominators

#### *Eligibility criteria*

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

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

subject to the following:

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

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

#### *Disqualification criteria*

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

#### *Requirement for Statement of Personal Faith*

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

## Part 7: Miscellaneous

40. No changes are recommended.

## Improvements to the process outside the Ordinance

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

### *Information and training for parish nominators*

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

### *Attitudes of parish nominators*

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

### *Attitudes of clergy*

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

*Training for rectors*

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

*Communication*

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

## **Matters outside the scope of the review**

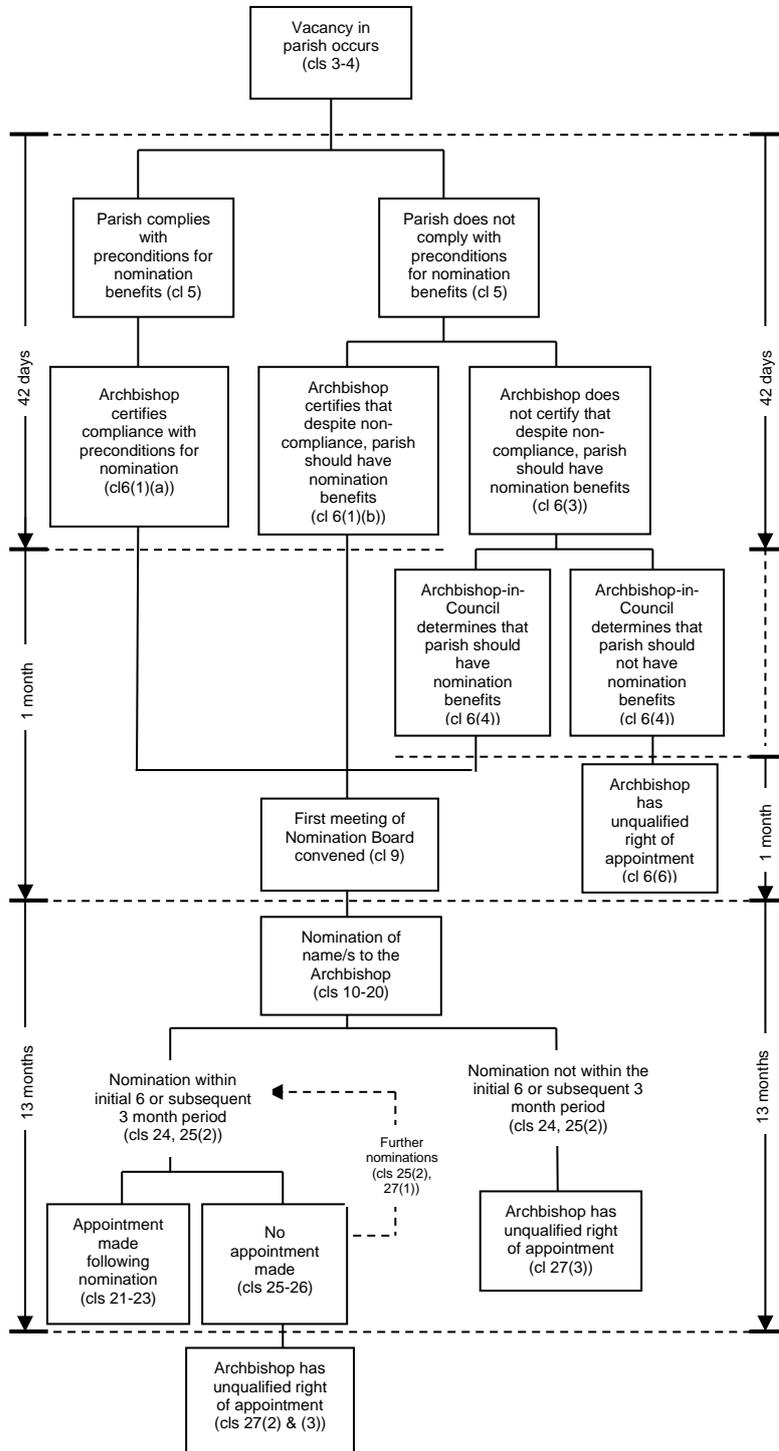
52. Other matters brought to the Committee’s attention, but considered to be outside the scope of the review of the Ordinance, include:
- (a) anecdotal reports that rectors are exiting parish ministry at a greater rate than people seeking to enter parish ministry, leading to a reduction in the candidate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

For and on behalf of the Standing Committee.

DANIEL GLYNN  
**Diocesan Secretary**

25 July 2022

## Nomination Ordinance 2006 Diagrammatic Summary of Provisions



## Executive Summary – Parish Nominators Survey

### *About the Survey*

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

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

### *Survey Findings*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## Voluntary Assisted Dying

(A report from the Standing Committee.)

### Key Points

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

### Purpose

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

### Recommendations

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

## Background

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

‘Synod –

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

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

‘General Synod –

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

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

## Discussion

7. On 20 May 2022, the Archbishop responded to the passage of the *Voluntary Assisted Dying Act* commenting that<sup>1</sup> –

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

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

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

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

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

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

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

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

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

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

For and on behalf of the Standing Committee.

DANIEL GLYNN  
**Diocesan Secretary**

25 July 2022

# Ministry Standards Ordinance 2017 Amendment Ordinance 2022

## Reportable Allegations and Convictions Ordinance 2022

### Explanatory Report

#### Purpose

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

#### Recommendations

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

#### Background

##### Terms of Reference

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

##### Appointment of Committee

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

##### Consultation

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

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

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

## **Explanation**

### Ministry Standards Ordinance 2017 Amendment Ordinance 2022

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

#### *Features of the Complaints Process*

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

#### *Overriding Purpose*

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

#### *General Definitions*

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

*Victimisation as a type of misconduct*

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

*Requirement for complainants to consider the use of the Policy*

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

*Clarifying the obligation to report certain matters to the Director*

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

*Early resolution process*

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

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

*Consultation with the Regional Bishop*

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

*Suspension Orders*

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

*Release of material and announcements*

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

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

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

*Keeping complainants and respondents informed about progress*

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

*Notifying complainants of the outcome*

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

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

*Facilitating compliance with the Children’s Guardian Act 2019*

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

**Reportable Allegations and Convictions Ordinance 2022**

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

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

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

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

## 25/19 Resourcing the Professional Standards Unit

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

For and on behalf of the Standing Committee.

## Terms of Reference

### *4/19 Staff management training*

'Synod –

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

### *25/19 Review of Ministry Standards Ordinance 2017*

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

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

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

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

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

### *51/19 Further review of the Ministry Standards Ordinance 2017*

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

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

### General Submissions (2020)

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

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

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

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

## Submissions – Exposure Draft Bill (2021)

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

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

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

# Ministry Standards Ordinance 2017 Amendment Ordinance 2022

No. \_\_\_\_\_, 2022

## Long Title

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

The Synod of the Diocese of Sydney Ordains as follows.

### 1. Name

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

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

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

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

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

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

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

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

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

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

“**12. Early resolution process**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(t) number the text in clause 106 as subclause (1),

(u) insert a new subclause 106(2) as follows –

“(2) In deciding whether to release material under subclause (1), the Archbishop or the relevant Church authority is to have regard to the following factors –

- (a) the impact of the release of the information on any person,
- (b) the benefit of the release of the information for any person, and
- (c) whether there is a legitimate need for the release of the information, such as to ensure or increase public safety, quell rumour, ensure transparency and accountability or explain the processes and outcomes under the Ordinance”,

(v) insert a new clause 107 as follows (and consequentially renumber the existing clause 106 and remaining clauses) –

**“107. Duty of respondents in the release of information**

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

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

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

(a) in clause 6(2(h) substitute the matter “*Child Protection (Working with Children) Act 2012 (NSW)*” with the matter “*Children’s Guardian Act 2019 (NSW)*”, and

(b) substitute the text in clause 7 with the following –

“Serious child-related conduct means –

(a) conduct that is sexual misconduct committed against, with or in the presence of a child, including grooming of a child, or any serious physical assault of a child by a person:

- (i) when engaged in child-related work in the Diocese; or
- (ii) who –

(A) is in child-related work in the Diocese at the time a complaint concerning their conduct is made, or

(B) has performed child-related work in the Diocese at any time in the two years prior to the date that a complaint concerning their conduct is made, and

(b) conduct or convictions that are reportable under the *Children’s Guardian Act 2019*.”, and

(c) insert the following words at the end of the renumbered clause 11 before the full stop –

“, except in the case of allegations of conduct which, if established, would constitute serious child related conduct”.

## Schedule

## Features of the Complaints Process

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

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

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

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

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

Chair of Committee

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

Secretary

I Assent to this Ordinance.

Archbishop of Sydney

/ /2022

# Reportable Allegations and Convictions Ordinance 2022

No \_\_\_\_\_, 2022

## Long Title

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

The Synod of the Diocese of Sydney Ordains as follows.

### 1. Name

This Ordinance is the Reportable Allegations and Convictions Ordinance 2022.

### 2. Interpretation

(1) In this Ordinance –

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

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

**Diocese** means the Anglican Church Diocese of Sydney.

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

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

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

**Assault** means—

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

Examples of assault—

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

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

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

Examples of ill-treatment—

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

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

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

Examples of neglect—

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

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

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

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

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

Examples of indicators of significant emotional or psychological harm for paragraph (g)—

- 1 displaying behaviour patterns that are out of character
- 2 regressive behaviour
- 3 anxiety or self-harm

Reportable conduct does not include—

(a) conduct that is reasonable for the purposes of discipline, management or care of a child, having regard to—

- (i) the age, maturity, health or other characteristics of the child, and
- (ii) any relevant code of conduct or professional standard, or

(b) the use of physical force if—

- (i) in all the circumstances, the physical force is trivial or negligible, and
- (ii) the circumstances in which it was used have been investigated and the result of the investigation has been recorded in accordance with appropriate procedures, or

(c) conduct of a class or kind exempted from being reportable conduct by the Children’s Guardian under section 30.

Example of conduct for paragraph (a)— a school teacher raising his or her voice in order to attract attention or restore order in a classroom

Examples of conduct for paragraph (b)—

- 1 touching a child in order to attract the child’s attention
- 2 momentarily restraining a child to prevent the child hurting themselves or others
- 3 touching a child to guide or comfort the child

**Reportable conviction** means a conviction, including a finding of guilt without the court proceeding to a conviction, in this State or elsewhere, of an offence involving reportable conduct—

(a) in relation to an employee of a Schedule 1 entity—whether or not the conduct occurred in the course of the employee’s employment with the Schedule 1 entity, or

(b) in relation to an employee of a public authority—

- (i) if the employee holds, or is required to hold, a working with children check clearance for the purpose of employment with the public authority—whether or not the conduct occurred in the course of the employee’s employment, or
- (ii) if the employee is not required to hold a working with children check clearance for the purpose of employment with the public authority—unless the conviction relates to conduct that occurred outside the course of the employee’s employment with the public authority.

(And includes convictions in respect of conduct occurring before the commencement of the CG Act.)

**Sexual misconduct** means conduct with, towards or in the presence of a child that—

- (a) is sexual in nature, but
- (b) is not a sexual offence.

Examples of sexual misconduct—

- 1 descriptions of sexual acts without a legitimate reason to provide the descriptions
- 2 sexual comments, conversations or communications
- 3 comments to a child that express a desire to act in a sexual manner towards the child or another child.

**Sexual offence** means an offence of a sexual nature under a law of the State, another State, a Territory, or the Commonwealth, committed against, with or in the presence of a child.

Examples of sexual offences—

- 1 sexual touching of a child
- 2 a child grooming offence
- 3 production, dissemination or possession of child abuse material

(3) The notes in this Ordinance are for explanatory purposes only and do not form part of the Ordinance.

(4) The Diocesan Secretary is authorised to update the notes in this Ordinance to maintain their currency.

### 3. Delegation

(1) The Archbishop may delegate any of the functions of the Head under Part 4 of the CG Act to any person or body and may revoke such delegations at any time by notice in writing to the person or body.

(2) If the Archbishop makes a delegation under subclause (1), references to the Archbishop in this Ordinance are taken to be references to the person or body in respect to the delegated functions.

**Note:** Section 65 of the CG Act permits the Head to delegate any functions under Part 4 of the CG Act to any Employees of the Diocese. It is expected that the Archbishop will delegate his functions to the persons, and bodies comprised of persons, that perform requisite functions under the *Ministry Standards Ordinance 2017*.

**4. Determinations for the purposes of the CG Act**

(1) For the purposes of the CG Act –

- (a) the Diocese is a religious body,
- (b) the Diocese does not include schools or organisations that are constituted by or pursuant to ordinance, unless declared to form part of the Diocese by the Standing Committee by resolution for the purposes of this subclause, and
- (c) the Archbishop is the Head of the Diocese.

(2) For the purposes of the CG Act and the definition of 'Employee' in the CG Act, a person is required to hold a Working with Children Check clearance by the Diocese for the purpose of engagement in the Diocese if the person is required to hold a unconditional Working with Children Check under the *Safe Ministry to Children Ordinance 2020*.

**5. Reports to the Archbishop**

(1) A WWCC Employee who becomes aware, knows or has reason to believe that another WWCC Employee has a reportable conviction or has engaged in or is alleged to have engaged in reportable conduct, must as soon as possible report to the Archbishop –

- (a) the name or a description of the reportable person,
- (b) details of the alleged reportable conviction or reportable conduct,
- (c) the date of birth and working with children number (if any) of the WWCC Employee the subject of the report,
- (d) the grounds for knowing or believing that the reportable person has a reportable conviction or has engaged in in the conduct,
- (e) whether the conduct has already been reported to any authority, and
- (f) whether a risk assessment has been undertaken, the outcome of that assessment and any risk management action that has been taken.

(2) A person making a report under subclause (1) must provide such additional information and reasonable assistance to the Archbishop as he may request to enable the conduct to be investigated and reported to the police, the Children's Guardian or other authority in accordance with the law.

(3) Any other person may also make a report to the Archbishop in respect to a WWCC Employee setting out the matters listed in subclause 5(1).

**6. Action to be taken by the Archbishop**

If the Archbishop receives a report under clause 5 or otherwise becomes aware, in relation to a WWCC Employee, of a reportable allegation or a conviction that is considered to be a reportable conviction, the Archbishop must–

- (a) ensure that a report is made or reports are made to the Children's Guardian in accordance with the CG Act,
- (b) ensure that an initial risk assessment is made based on all known relevant information to ensure that any risk posed by the WWCC Employee the subject of the allegation is managed and revisit that assessment as new information becomes known, including at the end of the investigation,
- (c) ensure that arrangements are made for any reportable allegation to be investigated as soon as practicable (subject to any requirement under the CG Act to defer or suspend the investigation),
- (d) determine whether any conviction considered to be a reportable conviction is a reportable conviction,
- (e) make a finding of reportable conduct if he is satisfied that the case against the WWCC Employee the subject of the reportable allegation has been proved against the WWCC Employee on the balance of probabilities after taking into account any mandatory considerations required under the CG Act, and
- (f) otherwise deal with the allegation or conviction in manner that complies with the CG Act and any directions made by the Children's Guardian thereunder.

**Note:** By section 36 of the CG Act, after an investigation or determination is completed the Archbishop must provide a report (an "Entity Report") to the Children's Guardian, subject to certain exceptions. The Entity Report is to be provided within 30 days after becoming aware of the allegation of reportable conduct or reportable conviction, unless the Archbishop gives –

- (a) an interim report to the Children's Guardian within that period that contains the content required by section 38 of the CG Act,
- (b) the reason for not providing the Entity Report, and
- (c) an estimated time period for the Entity Report.

The Entity Report must include the contents required by section 37 of the CG Act.

**7. Investigations and determinations by the Children's Guardian**

If the Children's Guardian investigates a reportable allegation or makes a determination about a conviction considered to be a reportable conviction, and provides a copy of its report to the Archbishop, the Archbishop must consider the report and may, or on the request of the Children's Guardian must, notify the Children's Guardian of any action taken or proposed as a result of the recommendations.

**8. Disclosure of information**

The Archbishop must disclose the following information relating to a reportable allegation or conviction considered to be a reportable conviction if required by the CG Act –

- (a) information about the progress of the investigation,
- (b) information about the findings of the investigation,
- (c) information about action taken in response to the findings,

and must not disclose the information in any other circumstance unless disclosure is permitted by the CG Act or required by law.

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

Chair of Committee

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

Secretary

I Assent to this Ordinance.

Archbishop of Sydney

/ /2022

# Safe Ministry Board Ordinance 2001 Amendment Ordinance 2022

## Explanatory Report

### Purpose

1. The purpose of this report is to explain the effect of the bill for the *Safe Ministry Board Ordinance 2001 Amendment Ordinance 2022*.

### Recommendations

2. Synod receive this report.
3. Synod pass the bill for the *Safe Ministry Board Ordinance 2001 Amendment Ordinance 2022*.

### Background

#### Review of Safe Ministry Board Ordinance 2001

4. The Safe Ministry Board (**SMB**) was constituted by the *Safe Ministry Board Ordinance 2001 (SMBO)*, with a wide array of functions with respect to safe ministry in the Diocese, and a focus on policies, procedures and systems, the provision of advice and training, and monitoring the effectiveness of safe ministry measures and controls.
5. Since the SMBO was last reviewed in 2004, the legislative environment in relation to child protection and vulnerable persons in NSW has changed significantly with the Royal Commission into Institutional Responses to Child Sexual Abuse, and continues to evolve.
6. In the first half of 2018, the law firm Prolegis conducted an independent review of the position of the Diocese with respect to the recommendations of the final report of the Royal Commission into Institutional Responses to Child Sexual Abuse (**Prolegis Review**).
7. The Prolegis Review has informed various recommendations made by the Standing Committee in its meeting of 26 August 2019 for action within the Diocese, including by the SMB.
8. At its meeting on 15 February 2021, the Standing Committee appointed a committee (the **SMBO Review Committee**) comprising Bishop Peter Lin, Lachlan Bryant, the Rev Dr Keith Condie, Archdeacon Anthony Douglas, the Rev Brett Hall, Dr Ruth Shatford AM, Tony Willis and Elizabeth Moll to review the *Safe Ministry Board Ordinance 2001* in light of recommendations of the Royal Commission and the Prolegis Review, among other things.

#### Professional Standards Unit Oversight Committee

9. The Professional Standards Unit Oversight Committee (**PSUOC**) is a sub-committee of the Standing Committee, established by resolution of the Standing Committee on 16 November 2015, to oversee the work of the Professional Standards Unit (**PSU**) under its Director (**DPS**). The PSUOC's terms of reference are set out at **Appendix 1**.

#### Proposal for amalgamated Safe Ministry Board

10. The PSUOC and the SMBO Review Committee consider the amalgamation of the PSUOC and SMB to form a new Safe Ministry Board would clarify lines of responsibility, streamline accountability and enhance existing governance practice.

11. Currently, the relationship between the SMB and PSUOC involves PSUOC oversight of the work of the DPS under the *Ministry Standards Ordinance 2017 (MSO)* and financial oversight, whilst the SMB is an advisory body concerned with the prevention of abuse and safe ministry policy with support from the DPS as its “chief executive officer”.
12. As the SMB’s scope of responsibility has broadened over time, there has also been a gradual and inexorable push towards widening the jurisdiction of the PSU and role of the DPS. The tendency has been for matters to be referred to the PSU and/or the SMB that were not able to be dealt with via other means.
13. Oversight of the PSU has become increasingly convoluted. In addition to the SMB and PSUOC, the following various individuals and bodies are involved in governing the PSU:
  - (a) **the Archbishop** who currently appoints the DPS under the MSO and who, among other things, exchanges information with the DPS about conduct which may be the subject of a complaint under the MSO,
  - (b) **the Standing Committee** which funds the PSU on behalf of the Synod, receives annual reports from the DPS, and which exercises other functions under the MSO, including in relation to costs and indemnities,
  - (c) **the Registrar** who exercises a number of functions under the MSO and who, until recently, also provided informal management oversight of the DPS and PSU more generally,
14. The relationship of the DPS to each of these individuals and bodies is depicted in **Appendix 2a**. The diagram shows an unnecessarily complicated and confusing system of governance which is prone to conflicts between its constituent parts. Complex governance models also create the potential for inefficiencies, duplication, fragmentation, overlap and blurred lines of accountability.
15. Streamlining the governance structure for the DPS by the establishment of the new Safe Ministry Board and clarifying the role of the Archbishop and Registrar, would go a long way to addressing these governance issues.
16. The new consolidated structure would also properly reflect the existing relationship between the SMB and DPS in the fulfilment of safe ministry responsibilities in the Diocese pursuant to the SMBO.
17. The proposed structure for the new Safe Ministry Board is set out in **Appendix 2b**.
18. The PSUOC and SMBO Review Committee have consulted with the Safe Ministry Board and the MSO Review Committee and their comments have been incorporated into this report.

## Explanation

19. The proposed *Safe Ministry Board Ordinance 2001 Amendment Ordinance 2022* (the **Bill**) accompanies this report.
20. Relevant provisions of the Bill are explained below. Except where otherwise indicated, clause references are to the clause numbering the Bill.
21. Given the PSUOC was not constituted by way of ordinance, the existing SMBO has been used as the starting point to prepare the constituting ordinance for the new Safe Ministry Board.

## Definitions

22. Clause 2 sets out the new titles of ‘Director of Safe Ministry’ and ‘Office of the Director of Safe Ministry’ in place of the current titles of ‘Director of Professional Standards’ and ‘Professional Standards Unit’. While the term ‘professional standards’ is embedded in the current structure, it is more appropriate to characterise the objective of the Director as being ‘safe ministry’ for the following reasons –
  - (a) the definition of ‘church worker’ in the MSO (of which a member of the clergy is one type) extends far beyond clergy and includes many persons in volunteer positions in parishes. In the majority of cases such persons are not able to be described as being part of a ‘profession’ by virtue of their church worker role, but still fall within the jurisdiction of the MSO,

- (b) the objective of the MSO is to inquire into fitness for office – it is not a disciplinary process, even though there are protective elements involved. Although ‘standards’ are considered, they are ‘ministry standards’ rather than ‘professional standards’, and
  - (c) the remit of the Director and their Office is broader than just ministry standards and also encompasses the Child Safe Standards and safe ministry more broadly.
23. Clause 2 updates definitions set out in the SMBO for changes in applicable child abuse and child protection legislation and ordinances, including the *Ministry Standards Ordinance 2017 (MSO)*.
24. A new definition of ‘vulnerable person’ has been inserted in recognition of the SMB’s current responsibility for the protection of vulnerable groups of people such as the elderly and disabled which will be adopted by the new Safe Ministry Board.

### Purpose

25. Clause 5 sets out the purpose of the new Safe Ministry Board which will guide the exercise of its functions and powers.

### Functions of the Board

26. Clause 6 sets out the general functions of the new Safe Ministry Board, with reference to relevant legislation and ordinances.
27. The drafting of clause 6 has accepted the recommendation of the Prolegis Review to revise and simplify the functions of the SMB, which the existing SMB has considered convoluted and in part beyond its proper scope of responsibility.
28. Clause 6(a) states that the new Safe Ministry Board is the designated authority in the Diocese for safe ministry (and in particular child safety under the *Safe Ministry to Children Ordinance 2020*) and proper management of disciplinary matters by way of oversight of the Office of the Director of Safe Ministry and Director.
29. Clause 6(b) recognises the expansion of the SMB’s functions beyond the establishment of policies and procedures to address child sexual abuse to a broad mandate for safe ministry in relation to children and vulnerable persons. This function is limited to ‘Church bodies’, which is defined in clause 2 as including parishes but not including other bodies unless they are declared by the Standing Committee for the purposes of the definition. The new Safe Ministry Board will not be adequately resourced to oversee safe ministry in bodies like diocesan schools or Anglicare.
30. Clause 6(c) responds to Royal Commission recommendation 16.33 for a consistent approach to the implementation of Child Safe Standards (**CSSs**) by assigning responsibility for driving the implementation work to the new Safe Ministry Board. This function is limited to ‘Church bodies’ for the same reason set out in the prior paragraph.
31. Clause 6(d) responds to Royal Commission recommendation 16.35 that religious institutions in highly regulated sectors, such as schools and out of home care services, should report their compliance with the Child Safe Standards, as monitored by the relevant sector regulator, to the religious organisation with which they are affiliated. A parallel amendment is proposed to the *Accounts, Audits and Annual Reports Ordinance 1995* to require ‘Organisations’ that report to regulators in relation to compliance with the Child Safe Standards to provide a copy of that report to the new Safe Ministry Board.
32. Clauses 6(f) to 6(h) provide the oversight of finances previously exercised by the PSUOC, enable recommendations to be made to Standing Committee on payments relating to ministry standards matters (for example, the investigation of complaints), and also enable expenses in relation to the Board (for example, relevant training of Board members) to be provided for in the budget and paid from the assets of the ODSM.
33. Clauses 6(i) and 6(j) also incorporate functions previously exercised by the PSUOC in relation to the ongoing professional development and pastoral care of the DSM, and complaints made against the ODSM and DSM.

34. Without limiting the generality of clause 6, clause 7 provides particular direction for the fulfilment by the new Safe Ministry Board of its functions.
35. Clauses 7(a) and 7(d) has been inserted in response to Royal Commission recommendation 16.37 to specifically reference the new Safe Ministry Board being both the mechanism by which the Diocese receives advice on child sexual abuse and child safety and also a body authorised to request, receive, consider and act on external advice in relation to those matters.
36. Clause 7(d) also contemplates engagement by the new Safe Ministry Board of cultural and disability support as required and external expertise for case reviews in order to fulfil its functions (Recommendation 4.2.5 and 9.2.2, Prolegis Review).

### Powers of the Board

37. Clauses 8(2)(e) and (f) have been specifically included to empower the new Safe Ministry Board to devolve matters to appropriate persons and subcommittees with appropriate membership.
38. The new Safe Ministry Board will be able to utilise the powers in clauses 8(2)(e) and (f) to address matters requiring specialised knowledge and expertise (such as elder abuse) or to deal with a particular subset of vulnerable persons.
39. The ability to delegate powers to experts and appoint subcommittees will enhance the new Safe Ministry Board's capacity and flexibility, as persons with diverse and specialised skills and experience may be engaged outside of board membership and the new Safe Ministry Board will benefit from informed reporting for the purposes of its decision-making processes, including in relation to the development of institutional strategies to address all the CSSs (Recommendation 4.1.5, Prolegis Review).

### Appointment of Director

40. Clause 9 replaces clauses 82 and 82A of the MSO dealing with the appointment of the Director of Safe Ministry (**Director**) and the management of conflicts of interest relating to the Director's exercise of powers and performance of the Director's functions
41. Given the procedural nature of the MSO, it is more appropriate for provisions relating to the appointment of the Director to be contained in the constituting ordinance for the new Safe Ministry Board, which has responsibility for oversight of the Director.
42. Clause 9(2) provides for the appointment of the Director by the new Safe Ministry Board with the concurrence of the Archbishop. It is appropriate for the new Safe Ministry Board, given its responsibility for ministry standards and safe ministry in the Diocese, to make the appointment. Noting that the Archbishop has an important interest in this appointment, any proposed appointment will be made with his concurrence.
43. Clause 9(4) limits the new Safe Ministry Board's authority to delegate powers to the Director to the fulfilment of functions and purposes set out in the Safe Ministry Board Ordinance and MSO.

### Membership of the Board

44. The amalgamation of the SMB and PSUOC requires a careful transition of membership to ensure retention of corporate knowledge and skills-sets necessary to enable the new Safe Ministry Board to fulfil its functions and further its purpose. The transitional arrangements are considered in paragraphs 53 to 60 below.
45. Further, the new Safe Ministry Board needs to be optimally constituted and resourced to implement the recommendations of the Royal Commission that have been referred to it for action by the Standing Committee.
46. With these objectives in mind, Clause 10(2) sets out the minimum requirements for the composition of the new Safe Ministry Board.

47. Clause 10(3) sets out highly desirable traits for the selection of members, which are not mandated to avoid incapacitating the new Safe Ministry Board.
48. One member ought to be responsible for advocating the interests of children in order to address Royal Commission recommendation 16.37 for a 'Children's Champion' and respond to the Royal Commission's concern regarding the self-protective nature of institutions (Recommendation 1.2.9, Prolegis Review). This will be achieved through the Board appointing one of its members to advocate for the interests of children in relation to the business coming before the Board (clause 16). This will not mean that other members cannot do so or that the Children's Advocate cannot also express other perspectives. However, it will ensure that the Board is considering a children's perspective in its decision-making.
49. The minimal regulation of membership provides scope for the new Safe Ministry Board, once constituted, to develop a skills matrix to identify skills and qualities required for its composition rather than specifying requirements in the Safe Ministry Board Ordinance.

### Governance Policy

50. The Diocesan Governance Policy has been adopted where practicable to facilitate good governance, including provisions relating to membership of the Board, including circumstances of ineligibility and disqualification, duration of office, casual vacancies and duties, as well as the conduct of board meetings (see Parts 3 and 4).
51. Given the new Safe Ministry Board has oversight over the Office of the Director of Safe Ministry, it is appropriate to include a restriction on membership by a person subject to an adverse finding in relation to a complaint under the MSO (see clause 10(4)(i)).
52. Although the new Safe Ministry Board does not deal with specific cases of abuse, standard provisions relating to conflicts of interest have been inserted to ensure prudent governance practices.

### Savings and transitional provisions

53. Since the Bill makes comprehensive amendments to the Safe Ministry Board Ordinance, it includes a savings provision to make clear that the amendments do not invalidate anything done under Safe Ministry Board Ordinance prior to the amendments being made.
54. The Bill also deems acts of the SMB and the PSUOC undertaken prior to its commencement, to have been undertaken under the Safe Ministry Board Ordinance (as amended by the Bill) where those acts correspond to functions and powers in the Ordinance. For example, this will mean that if a person has made a complaint to PSUOC in relation to the Director, that PSUOC's handling of that complaint will be taken to have already been dealt with by the SMB for the purposes of its functions under clause 6(j).
55. Clause 4(1) provides for the inaugural membership of the new Safe Ministry Board, drawing from the membership of the SMB and the PSUOC prior to the Bill's commencement. The deemed dates of first and last election/appointment are set out in a table to ensure an orderly transition and suitable term expiry dates. One of the positions on the Board is vacant, to allow the new Safe Ministry Board to appoint a suitable person so that the requirements under clause 10(2) are fulfilled.
56. Clause 4(2) will ensure that the person currently holding the office of Director of Professional Standards is taken to have been appointed as the Director of Safe Ministry for the purposes of the Ordinance as amended.

For and on behalf of the Standing Committee.

DANIEL GLYNN  
**Diocesan Secretary**

25 July 2022

## Professional Standards Unit Oversight Committee

### Terms of Reference

1. To ensure the Professional Standards Unit (PSU) is fulfilling its obligations under the *Ministry Standards Ordinance 2017* and the *Safe Ministry Board Ordinance 2001*.
2. To receive reports each meeting from –
  - (a) The Archbishop
  - (b) Chair of Safe Ministry Board
  - (c) Chair of Professional Standards Committee
  - (d) President of the Panel for the Professional Standards Board
3. The reports shall state whether, in the opinion of the person making the report, the Director of Professional Standards (DPS) and PSU have performed satisfactorily since the last report and shall make any other comments as considered appropriate.
4. To receive and handle as necessary any complaints about the DPS or PSU.
5. To oversee the budget and finances of the PSU.
6. To make recommendations to Standing Committee on the functioning of the PSU and any other matters considered relevant by the PSUOC.
7. To prepare recommendations for the Standing Committee, in accordance with Standing Committee policies, on payment of expenses associated with professional standards matters from the Synod Fund Risk Reserve.
8. To ensure the DPS receives appropriate training, regular professional supervision and suitable pastoral care.
9. To liaise with the Archbishop about the appointment of DPS when the role of DPS is vacant.

### Members

- (a) An Assistant Bishop (appointed by the Archbishop as Chair of PSUOC) (currently Bishop Peter Lin)
- (b) The Registrar (currently Acting Registrar, Mr Daniel Glynn)
- (c) An experienced lawyer who is a member of Standing Committee (appointed by the Chancellor) (currently Dr Robert Tong AM)
- (d) The Chair of the Finance Committee (currently Ms Nicola Warwick-Mayo)
- (e) The CEO of SDS (currently Mr Robert Wicks)

All members must be Standing Committee members.

### Meetings and Quorum

10. The PSUOC shall hold at least 3 ordinary meetings each year with additional special meetings as required.
11. The quorum shall be 3 members.
12. The DPS shall attend meetings of the PSUOC by invitation.

## Reporting

13. The Committee shall report to Standing Committee when it considers it to be appropriate and in response to any request by Standing Committee.

## Administrative Arrangements

14. The Registrar sees to the secretarial work and any costs are met by the PSU.

## Retirement

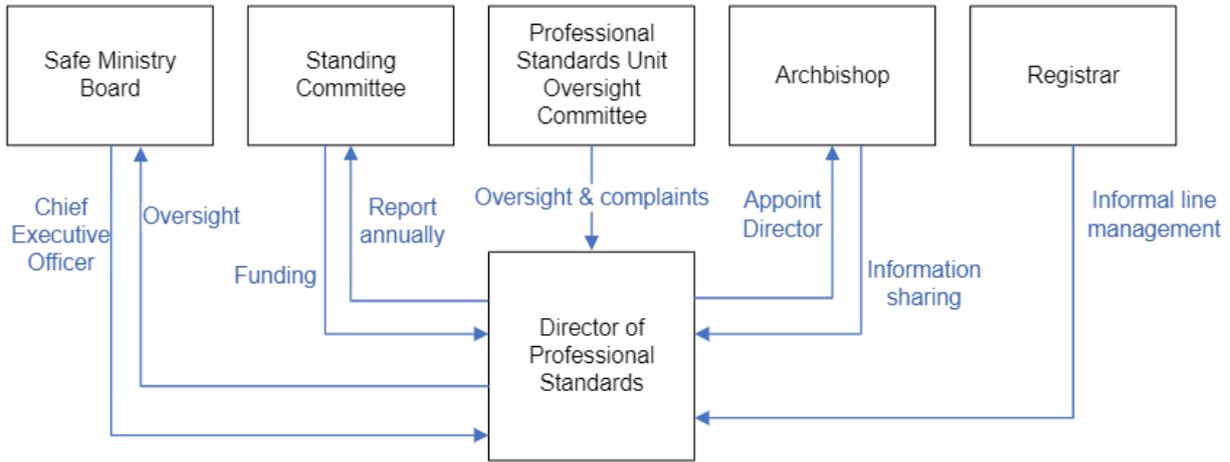
15. Ex-officio members are members while they hold the relevant office. Appointed members hold office at the pleasure of the person who appointed them.

## Notes

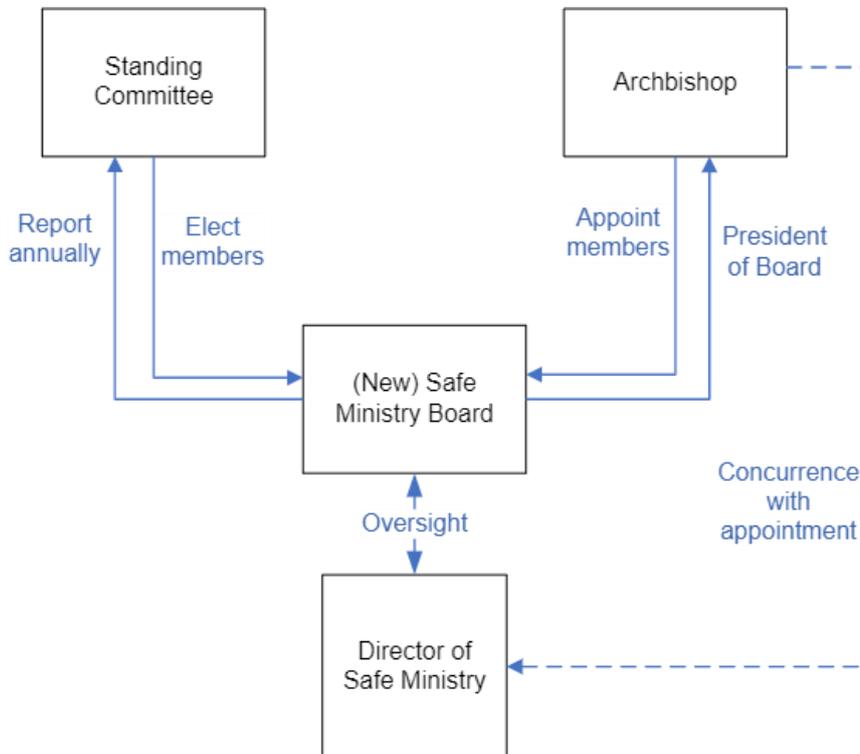
16. An experienced lawyer is a person who has been admitted as a legal practitioner for not less than 10 years.
17. The reports in paragraph 2 shall be send direct to the Secretary who, after consulting with the Chair of PSUOC, shall determine whether they should be shared with the DPS before or after the meeting of the PSUOC or not shared at all with the DPS.

*Current as at 9 March 2022*

**Current**



**Proposed**



# Safe Ministry Board Ordinance 2001 Amendment Ordinance 2022

No. \_\_\_\_\_, 2022

## Long Title

An Ordinance to amend the *Safe Ministry Board Ordinance 2001*.

The Synod of the Diocese of Sydney Ordains as follows.

### 1. Name

This Ordinance is the *Safe Ministry Board Ordinance 2001 Amendment Ordinance 2022*.

### 2. Amendment of the Principal Ordinance

The Safe Ministry Board Ordinance 2001 (*Principal Ordinance*) is amended by deleting clauses 2 to 20 and inserting the matter in the Schedule instead.

### 3. Savings Provision

(1) Nothing in this Ordinance invalidates anything validly done under or pursuant to the Principal Ordinance prior to the date of commencement of this Ordinance.

(2) Any acts of the Safe Ministry Board and the Professional Standards Unit Oversight Committee undertaken immediately before the commencement of this Ordinance are taken to have been undertaken pursuant to the Principal Ordinance where those acts correspond to functions and powers set out in the Principal Ordinance (as amended by this Ordinance).

### 4. Transitional

(1) Notwithstanding the terms of the Principal Ordinance (as amended by this Ordinance) the following people are, on the commencement of this Ordinance, deemed to have been –

- (a) elected/appointed as members of the Safe Ministry Board under subclause 10(1) of the Principal Ordinance, and
- (b) first and last elected/appointed for the purposes of clause 11 of the Principal Ordinance on the dates specified, with the expiry of each member's term listed in column 5 of the following table –

Name	Clause under which appointed / elected	Deemed date of first election / appointment	Deemed date of last election / appointment	Year of expiry of term
Miss Stephanie M Cole	10(1)(c)	01/09/2013	12/10/2020	2023
Dr Tim Channon	10(1)(b)	01/09/2016	12/10/2020	2023
Bishop Peter Lin	10(1)(a)	01/09/2020	12/10/2020	2023
The Rev Gary O'Brien	10(1)(c)	01/09/2017	06/09/2021	2024
Mrs Bethany Teuben	10(1)(c)	20/12/2021	20/12/2021	2024
Vacancy	10(1)(b)	Vacant	Vacant	2024
Ms Nicola Warwick-Mayo	10(1)(c)	01/12/2018	12/09/2022	2025
The Rev Thomas M Hargreaves	10(1)(c)	22/03/2021	12/09/2022	2025
The Rev Stephen Dinning	10(1)(b)	23/03/2018	12/09/2022	2025

(2) The person who held the office of Director of Professional Standards immediately before the commencement of this Ordinance is taken to have been appointed as the Director of Safe Ministry for the purposes of subclause 9(2) of the Principal Ordinance (as amended by this Ordinance).

## **5. Commencement**

This Ordinance commences on a date determined by the Standing Committee by resolution.

### **Schedule**

## **2. Definitions**

In this Ordinance –

“abuse” has the meaning given in the *Ministry Standards Ordinance 2017*.

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

“Board” means the Safe Ministry Board.

“child” means a person who is less than 18 years old.

“Child Protection Legislation” means the *Children’s Guardian Act 2019*, *Child Protection (Working with Children) Act 2012* and the *Children and Young Persons (Care and Protection) Act 1998* as amended from time to time and the regulations and guidelines made under or pursuant to those Acts.

“Child Safe Standards” has the meaning given in the *Children’s Guardian Act 2019*.

“church worker” has the meaning given in the *Ministry Standards Ordinance 2017*.

“Church body” includes a parish but does not include any school, body corporate, organisation or association that exercises ministry within, or on behalf of the Church in the Diocese unless declared to be a Church body by the Standing Committee by resolution for the purposes of this definition.

“clergy” means a person in holy orders.

“Diocese” means the Anglican Church of Australia in the Diocese of Sydney.

“Director” means the person who is appointed as the Director of Safe Ministry under clause 9.

“ODSM” means the Office of the Director of Safe Ministry comprised of the Director and the persons who assist the Director in the fulfilment of his or her functions by undertaking certain of the powers, discretions and duties of the Director under delegation.

“vulnerable person” means a child or a person who is 18 years or above who is or may be unable to take care of themselves or protect themselves against harm of exploitation by reason of age, illness, trauma or disability, or any other reason.

## **3. Interpretation**

In this Ordinance –

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

### **Part 2 – Constitution, Functions and Powers**

## **4. Constitution**

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

## **5. Purpose**

The purpose of the Board is to oversee safe ministry and ministry standards in the Diocese, namely through the promotion of safe ministry to children and other vulnerable persons and oversight of the ODSM.

## **6. Functions of the Board**

The functions of the Board are –

- (a) to undertake the functions assigned to the Board under the *Safe Ministry to Children Ordinance 2020*, *Ministry Standards Ordinance 2017* and any other ordinance of the Diocese,
- (b) to promote an environment in which ministry to children and vulnerable persons can be safely undertaken by Church bodies in accordance with applicable laws and best practice,
- (c) to ensure the Child Safe Standards are implemented and maintained by Church bodies through systems, policies, and processes, including promotion of child safety, prevention of abuse and complaint handling,
- (d) to receive reports from bodies of the Diocese that are required to report to a regulator concerning their compliance with the Child Safe Standards,
- (e) to ensure the Director and ODSM are fulfilling the obligations set out in the *Ministry Standards Ordinance 2017*,
- (f) to oversee the budget and finances of the ODSM,
- (g) to make recommendations to the Standing Committee on payments associated with ministry standards matters,
- (h) to authorise the application of the assets of the ODSM to meet the costs and expenses of the Board in the fulfilment of its functions,
- (i) to ensure the Director receives appropriate training, regular professional supervision and suitable pastoral care, and
- (j) to receive and handle as necessary any complaints about the ODSM or the Director.

#### **7. Further Functions of the Board**

Without limiting the generality of the functions referred to in clause 6, in exercising any such function or functions the Board may –

- (a) provide assistance, advice and education to Church bodies in relation to the prevention of and response to abuse of children and vulnerable persons,
- (b) evaluate the effectiveness of training, investigation and risk management practices and procedures, and pastoral care pertaining to safe ministry to children and vulnerable persons within Church bodies,
- (c) consult with the Director and any other persons, organisations and bodies (including Church, government and non-government bodies) regarding legislation, policies, procedures, systems and practices relating to safe ministry to and the protection of children and vulnerable persons, and
- (d) request, receive, consider and act on independent, expert and professional advice, including with respect to the abuse of children and vulnerable persons in the Diocese.

#### **8. Powers of the Board**

- (1) The Board has power to do all things necessary and desirable to enable it to carry out its functions under clauses 6 and 7.
- (2) Without limiting the generality of clause 8(1), the Board has the following powers –
  - (a) to delegate, by resolution, the exercise of its powers (except those contained in this paragraph) to any person or committee of persons appointed by the Board provided any such committee is chaired by a Board member and reports the exercise of its delegated powers at each Board meeting until such delegation is revoked, and
  - (b) to revoke the appointment of a person or committee appointed under paragraph (a).

#### **9. Appointment of Director**

- (1) There shall be a Director of Safe Ministry.
- (2) The Director shall be appointed by the Board, with the concurrence of the Archbishop, for such period and on such terms as the Board may resolve, and subject to those terms and the law, the Board, with the concurrence of the Archbishop, may revoke such appointment.
- (3) The Director reports directly to the Board and is responsible to the Board for the implementation of the strategy, policies and decisions of the Board and for the general administration and daily operation of the Board.
- (4) Subject to this Ordinance and the *Ministry Standards Ordinance 2017*, the Board may, in pursuit of its purpose and functions –
  - (a) give the Director powers, directions and duties,

- (b) withdraw, suspend or vary any of the powers, discretions and duties of the Director, and
- (c) authorise the Director to delegate any of the powers, discretions and duties given to the Director.

(5) If the Director has any actual or perceived conflict of interest in the exercise or performance of any power, authority, duty or function under this Ordinance in relation to a matter, the Director must declare to the Board that he is unable or unwilling to exercise or perform that power, authority, duty or function in relation to the matter.

(6) If, for any reason, the Director is unable or unwilling to exercise or perform any power, authority, duty or function of the Director under this Ordinance, the Board may appoint another suitably qualified person to exercise or perform the power, authority, duty or function.

### **Part 3 – Membership of the Board**

#### **10. Membership of the Board**

- (1) The Board shall comprise 9 members, with –
- (a) 1 person appointed by the Archbishop,
  - (b) 3 persons appointed by the Board, and
  - (c) 5 persons elected by the Standing Committee.
- (2) The persons appointed under subclause (1)(b) or elected under subclause (1)(c) as members are to include –
- (a) an experienced lawyer;
  - (b) at least two persons who have been members of the clergy for not less than 10 years, who are licensed in the Diocese of Sydney with at least a three-year theological degree from Moore Theological College or another college that is endorsed by the Archbishop for the purposes of this clause; and
  - (c) at least two persons with professional training and/or experience in the areas of child protection, social welfare or counselling.
- (3) The Board must, so far as reasonably practicable:
- (a) include at least one person who is not a parishioner of an Anglican Church, and
  - (b) include a suitable gender balance.
- (4) Every member must, upon being appointed or elected as, or otherwise becoming, a member, sign the “Statement of Personal Faith” set out in the Governance Policy for Diocesan Organisations, and deliver it to the Secretary within 28 days of the date of that person becoming a member. If a person fails to do so, the person is disqualified from being, and automatically ceases to be, a member.

#### **11. Duration of Office**

- (1) At the first meeting of the Standing Committee following the first ordinary session of each Synod, one member appointed under each of sub-clause 10(1)(a) and (b), and elected under subclause 10(1)(c), are to retire. At the first meeting of the Standing Committee following the second and third ordinary sessions of each Synod, one member appointed under sub-clause 10(1)(b) and two members elected under clause 10(1)(c) are to retire from office.
- (2) Subject to this Ordinance, a retiring member is eligible for re-election or re-appointment, and a retiring member remains a member until his or her successor is elected or appointed.
- (3) The members who are to retire are those members who have been in office longest since their last election. As between persons who were elected or appointed as members on the same day, those to retire (unless they otherwise agree among themselves) are to be determined by lot.
- (4) A person is not eligible to be re-elected or re-appointed as a member if such re-election or re-appointment would, in the ordinary course, result in that person being a member for a continuous period of 14 years or more. For the purposes of this clause 11(4), 2 or more periods of service as a member will be taken to be one continuous period of service unless they were separated by a continuous period of at least 12 months during which the person was not a member.

#### **12. Casual Vacancies**

- (1) A vacancy also occurs when a member who is elected or appointed to the Board –
- (a) dies,

- (b) resigns the office of member by writing addressed to the Archbishop, and in such case, unless the writing specifies a later date, the resignation is effective when the Archbishop receives the writing,
- (c) becomes an insolvent under administration,
- (d) becomes a person of unsound mind or whose person or estate is liable to be dealt with in any way under any law relating to mental health,
- (e) becomes disqualified from managing a corporation within the meaning of the *Corporations Act 2001*,
- (f) becomes disqualified from being a responsible person by the Commissioner of the Australian Charities and Not-for-profits Commission,
- (g) is convicted of a crime or an offence punishable by imprisonment for more than 12 months,
- (h) becomes subject to an order or subsisting recommendation issued or recognised under an ordinance of the Synod which prohibits them from holding the office of member (or from a comparable tribunal or body in another diocese or church), or
- (i) becomes an employee of the Board or any entity which, or a self-employed person who, provides services (for a fee) to the Board or becomes a partner of such an entity,
- (j) is appointed or elected to an office with responsibilities under the *Ministry Standards Ordinance 2017*, or
- (k) becomes subject to an adverse finding in relation to a complaint under the *Ministry Standards Ordinance 2017*, or
- (l) is absent for 3 consecutive meetings of the Board without leave of the Board and the Board resolves that the person's membership should cease,
- (m) fails to disclose his or her actual material conflict of interest in any matter brought for the consideration of the Board which, in the opinion of the Board, resulted in a resolution of the Board which would not have been made if the actual material conflict of interest had been disclosed, and the Board resolves by at least three-quarters majority that the person's membership should cease as a result of this failure,

and a person is disqualified from being elected or appointed as a member if any of the circumstances referred to in paragraphs (c) to (k) apply to the person.

- (2) In addition to the circumstances set out in clause 12(1), and for any or no reason –
  - (a) the Archbishop or the Board may revoke at any time the membership of a person appointed to the Board by each of them, and
  - (b) the Standing Committee may by resolution revoke at any time the membership of a person elected to the Board by the Standing Committee.
- (3) A vacancy in the office of a member of the Board may be filled –
  - (a) in the case of a vacancy of a member appointed by the Archbishop or the Board, by each of them, and
  - (b) in the case of a vacancy of a member elected by the Standing Committee, by the Standing Committee.
- (4) A person elected or appointed to fill a casual vacancy for the purposes of this Ordinance (other than for the purpose of continuing service under subclause 11(4)) is taken to have been elected or appointed on the date that the person whose place they have taken was last elected or appointed.

### 13. Duties of members

- (1) Each member must –
  - (a) in performing their functions exercise the care and diligence that a reasonable person would exercise as a member,
  - (b) act in good faith in the best interests of the Board and to further its purpose,
  - (c) not misuse their position as a member,
  - (d) not misuse information obtained in the performance of their duties as a member,
  - (e) promptly disclose at a meeting of members, any actual conflict of interest they have as a member and any circumstances which might reasonably be perceived as a conflict of interest,
  - (f) not participate in discussions, or vote on any matter, in which an actual or perceived conflict of interest arises without the approval of the other members, and
  - (g) ensure that the financial affairs of the Board are managed in a responsible manner.

(2) A member is not to be remunerated for their service as a member. A member may be reimbursed for reasonable out of pocket expenses incurred in performing their duties as a member.

#### **Part 4 – Meetings**

##### **14. Chair**

(1) The members are to appoint one of their number to be chair for a term which ends on the first to occur of –

- (a) the date the Chair ceases to be a member,
- (b) the date (if any) specified in the resolution, and
- (c) the third anniversary of the date of appointment, and
- (d) the date on which the appointment is revoked by resolution of the members.

(2) Subject to clause 11(4), a member of the Board who retires as Chair under clause 14(1)(b), (c) or (d) may be reappointed for a further term.

(3) A person cannot serve as the Chair of the Board for more than nine consecutive years.

##### **15. Secretary**

(1) The members shall appoint a person to be the Secretary.

(2) A person is not required to be a member to be appointed as Secretary.

##### **16. Children's Advocate**

The members are to appoint one of their number to advocate for the interests of children in relation to the business coming before the Board.

##### **17. Meetings**

(1) The Board shall hold at least 3 ordinary meetings each year with additional special meetings as the Chair or any 3 members may determine.

(2) The quorum for a meeting of the Board is 5.

(3) The Director shall attend meetings of the Board by invitation.

(4) A vacancy in the membership of the Board or a defect in the election or appointment of a person acting as a member of the Board does not invalidate any act or proceeding of the Board.

(5) A meeting of the members may be held by using any technology approved by the members. A member who is absent from the place of meeting may attend that meeting by using any technology approved by the members. All meetings conducted with the aid of technology under this clause 17(5) are as valid and effective as if they had been conducted at a meeting at which those members were physically present.

(6) The members must cause minutes to be made of each meeting of the members which record –

- (a) the names of the members present,
- (b) the name of the person or names of the persons who chaired the meeting, or any part of the meeting,
- (c) all disclosures made by a member of any actual or perceived conflicts of interest, and
- (d) all resolutions of the members passed at the meeting, or taken to have been passed at a meeting.

(7) The minutes of each meeting are to be signed by the chair of that meeting, or by the chair of the next meeting of the members.

(8) Subject to the provisions of this Ordinance, the Board may regulate its own proceedings and for that purpose may make or rescind or alter regulations from time to time.

##### **18. Decisions of the members**

(1) Usually, the members will make decisions by resolution passed at a meeting of the members.

(2) If a document contains a statement that the signatories to it are in favour of a resolution set out in the document or otherwise identified in the document and the document is signed by all members (other than members who are, at that time, overseas or have leave of absence), a resolution in those terms will be taken to have been passed at a meeting of members held on the day and at the time at which the

document was last signed by a member.

- (3) For the purposes of clause 18(2) –
- (a) 2 or more separate documents containing statements in identical terms each of which is signed by 1 or more members will be taken together to constitute 1 document containing a statement in those terms signed by those members on the respective dates on which they signed the separate documents, and
  - (b) an email message which is received by the Secretary and is expressed to have been sent by a member will be taken to be a document signed by that member at the time of receipt of the email message by the Secretary.

#### **19. President**

- (1) The Archbishop is President of the Board.
- (2) The President may attend any meeting of the Board and address the Board on any pastoral or policy issue concerning the Anglican Church of Australia as it applies to the Board.
- (3) If the President requests, the Secretary is to send him a copy of the agenda for the meeting of the Board referred to in the request.
- (4) The President is not a member of the Board, and so is not entitled to vote on any question or proposal being considered by the Board.
- (5) The President is permitted to appoint a nominee to exercise his entitlements as President on his behalf.

### **Part 6 – Miscellaneous**

#### **20. Reports to be made to Synod and Standing Committee**

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

#### **21. Indemnification**

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

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

Chair of Committee

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

Secretary

I Assent to this Ordinance.

Archbishop of Sydney

/ /2022

# Ministry Standards and Safe Ministry Amendment Ordinance 2022

## Explanatory Report

### Purpose

1. The purpose of this report is to explain the effect of the bill for the Ministry Standards and Safe Ministry Amendment Ordinance 2022.

### Recommendations

2. Synod receive this report.
3. Synod pass the bill for the Ministry Standards and Safe Ministry Amendment Ordinance 2022.

### Explanation

4. The Ministry Standards and Safe Ministry Amendment Ordinance 2022 (**Bill**) accompanies this report.
5. The amendments made by the Bill are primarily consequential to the proposed reconstitution of the Safe Ministry Board under the Safe Ministry Board Ordinance 2001 Amendment Ordinance 2022 (**SMB Bill**). The explanatory report for the SMB Bill provides the policy rationale for these changes.
6. The Bill also amends the *Safe Ministry to Children Ordinance 2020* to clarify the obligations required under the Persons of Concern Policy.
7. The Bill also amends the *Accounts, Audits and Annual Reports Ordinance 1995* to insert a reporting requirement for 'Organisations' in relation to implementation and compliance with the Child Safe Standards under the *Children's Guardian Act 2019*. This amendment implements Royal Commission recommendation 16.35.

### Amendments to the *Ministry Standards Ordinance 2017*

#### *Changes to certain names, titles and functions (clauses 2(a), (c), (d) and (f) and (u))*

8. Clause 2(a) makes changes to certain names and titles in the *Ministry Standards Ordinance 2017 (MSO)* that are consequential to the SMB Bill. See paragraph 22 of the report for the SMB Bill.
9. Clause 2(c) amends the definition of "Safe Ministry Board" to update references to the ordinance constituting the Safe Ministry Board.
10. Clause 2(d) amends the definition of "Director" so that it refers to the new title and references the appointment to being under the *Safe Ministry Board Ordinance 2001* rather than Part 5A of the MSO.
11. Clause 2(u) provides for the Safe Ministry Board, rather than the Director, to report annually to the Standing Committee. This reflects the governance oversight that the Board will have over the Director as a result of the changes in the SMB Bill.

#### *Functions performed by the Registrar (clauses 2(b), (j), (k) and (n))*

12. The Registrar has provided informal management oversight of the Director and the Professional Standards Unit. Since this is no longer the case as a result of recent changes, there is no utility in the Registrar continuing to perform functions under the MSO.
13. Clause 2(b) deletes the definition of "Registrar" in the MSO.

14. Clauses 2(j) and (k) provide for the Chancellor to replace the Registrar in relation to the appointment of Adjudicators.
15. Clause 2(n) provides for the Director to exercise the functions presently undertaken by the Registrar in relation to applications for review of Professional Standards Board determinations. These functions involve receiving application from respondents and making notifications to and from the Chancellor. The Director's functions in Part 4C will be merely procedural.

*Adjudicators (clauses 2(e), (h) – (m), (o) and (q))*

16. Part 3H provides for complaints made against unpaid church workers to be considered by Adjudicators. To be an Adjudicator, a person must be an “experienced lawyer” – namely, a current or former judge or justice of an Australian, State or Territorial court or tribunal, or an Australian legal practitioner who has been admitted for not less than 10 years. Presently the Registrar can appoint any experienced lawyer as an Adjudicator for a complaint on request by the Director.
17. The following changes are proposed in relation to the appointment of Adjudicators –
  - (a) that appointments be made by the Chancellor, not the Registrar (clause 2(j) and (k)), and
  - (b) that appointments be made from a panel of experienced lawyers that has been compiled by the Director with the concurrence of the Chancellor (clauses 2(e), (i), (l), (m), (o) and (q)).
18. Clause 2(h) amends the definition of Adjudicator to take into account that it may include another Adjudicator who is appointed to replace the initial Adjudicator if that person has a conflict of interest.

*Appointment of the Director (clause 2(p))*

19. Clause 2(p) deletes clauses 82 and 82A which provide for the appointment of the Director and regulate conflicts of interest in relation to the performance of functions by the Director. These provisions will instead be inserted into the *Safe Ministry Board Ordinance 2001* by the SMB Bill.

*Information sharing (clauses 2(r), (s), (t), (v) and (w))*

20. Presently clause 84 requires the Director to inform the Archbishop of any allegations that a church worker has engaged in conduct that may be the subject of a complaint under the MSO and any response made by the church worker. The Director and the Archbishop are required to provide each other with such information as they may each reasonably require in such instance.
21. Clause 2(r) will change this from a requirement to a discretion. There may be circumstances where such information sharing is not appropriate, such as if there is a conflict of interest.
22. Clause 2(s) and (t) will clarify that information is ‘reasonably required’ if it is for the proper discharge of duties and responsibilities or as the person giving the information deems necessary for that purpose. Clause 2(w) provides the same clarification for reports by the Ministry Standards Committee (**MSC**) to the Archbishop under clause 107(3) of the MSO.
23. Clause 2(v) will insert a further exception to the duty of confidentiality applying to persons performing functions under the MSO. This will allow information to be divulged to the Safe Ministry Board (or any agent acting on its behalf) for the purpose of that Board fulfilling its functions.

*Delegation of functions by the Chancellor (clause 2(x))*

24. Clause 2(x) will insert a new clause 113 into the MSO to authorise the Chancellor to delegate any of his or her functions under the MSO to a Deputy Chancellor.

*Amendments to the Safe Ministry to Children Ordinance 2020*

25. Clause 3(a) makes changes to certain names and titles in the *Safe Ministry to Children Ordinance 2020* (**SMCO**) that are consequential to the SMB Bill. See paragraph 22 of the report for the SMB Bill.

26. Clause 3(b) clarifies that it is the Rector and Wardens who are responsible for complying with the Persons of Concern Policy in respect to the churches and congregations for which they hold office or exercise functions. The current clause 15 of the SMCO does not specify who is responsible for ensuring compliance with the Policy.
27. Clause 3(c) makes an editorial change to correct the capitalisation in the definition of 'Person of Concern Policy'.

#### Amendments to the *Accounts, Audits and Annual Reports Ordinance 1995*

28. Clause 14A will insert a new requirement into the *Accounts, Audits and Annual Reports Ordinance 1995 (AAARO)* to require any school or diocesan organisation subject to the AAARO that is required to report to a regulator concerning its implementation of or compliance with the Child Safe Standards, or which is the subject of such a report by a regulator, to promptly provide a copy of that report to the Safe Ministry Board.
29. This amendment will implement recommendation 16.35 of the Royal Commission into Institutional Responses to Child Sexual Abuse. This recommendation is that:

Religious institutions in highly regulated sectors, such as schools and out-of-home care service providers, should report their compliance with the Royal Commission's 10 Child Safe Standards, as monitored by the relevant sector regulator, to the religious organisation to which they are affiliated.
30. The 'relevant sector regulator' is the Office of the Children's Guardian (**OCG**). Under the *Children's Guardian Act 2019*, 'child safe organisations' including schools, out-of-home care providers and religious bodies (that provide services to children or in which adults have contact with children) are required to implement the Child Safe Standards, The OCG monitors implementation of the Standards and has the power to request information, conduct investigations and produce reports.

For and on behalf of the Standing Committee.

DANIEL GLYNN  
**Diocesan Secretary**

3 August 2022

# Ministry Standards and Safe Ministry Amendment Ordinance 2022

No \_\_\_\_\_, 2022

## Long Title

An Ordinance to amend ordinances in relation to ministry standards and safe ministry.

The Synod of the Diocese of Sydney Ordains as follows.

### 1. Name

This Ordinance is the Ministry Standards and Safe Ministry Amendment Ordinance 2022.

### 2. Amendments to the *Ministry Standards Ordinance 2017*

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

- 5 (a) substitute, where they appear throughout the Ordinance, the words or matter –
- (i) “Director of Safe Ministry” for “Director of Professional Standards”,
  - (ii) “Ministry Standards Committee” for “Professional Standards Committee”,
  - (iii) “Ministry Standards Board” for “Professional Standards Board”,
  - (iv) “Office of the Director of Safe Ministry” for “Professional Standards Unit”, and
  - 10 (v) “MSC” for “PSC”,
- (b) delete the definition of “Registrar” in subclause 4(1),
- (c) substitute the definition of “Safe Ministry Board” in subclause 4(1) with the following definition –
- “Safe Ministry Board”** means the body of that name constituted under the *Safe Ministry Board Ordinance 2001*,
- 15 (d) substitute the definition of “Director” in subclause 4(1) with the following definition –
- “Director”** means the Director of Safe Ministry appointed under the *Safe Ministry Board Ordinance 2001*,
- (e) insert the following definition in subclause 4(1) –
- “Panel of experienced lawyers”** means the panel compiled under clause 27A’,
- 20 (f) rearrange the definitions in subclause 4(1) so that they are in alphabetical order,
- (g) substitute the definition of ‘safe ministry training failure’ in clause 6(2) with the following –
- “safe ministry training failure**, which means a failure without a reasonable excuse to satisfactorily complete mandatory training approved for the purposes of the *Safe Ministry to Children Ordinance 2020*”;
- 25 (h) insert the matter “or 28(3)” immediately before the semi-colon in the definition of ‘Adjudicator’ in subclause 4(1),
- (i) insert a new clause 27A as follows –
- “27A Panel of Adjudicators**
- The Director is to compile a panel of experienced lawyers with the concurrence of the Chancellor who are to act as Adjudicators under this Part.”,
- 30 (j) delete the words “Registrar to appoint an experienced lawyer” in subclause 28(1)(a) and insert instead the words “Chancellor to appoint a person from the Panel of experienced lawyers”,
- (k) substitute all instances of the word “Registrar” in clause 28 with the word “Chancellor”,
- (l) delete the words “an experienced lawyer” in each of subclauses 28(1)(a) and 28(2) and insert instead the words “a member of the Panel of experienced lawyers”,
- 35 (m) delete the words “experienced lawyer” in subclause 28(3) and insert instead the words “member of the Panel of experienced lawyers”,
- (n) substitute each instance of the word “Registrar” with the word “Director” in Part 4C,
- (o) delete the words “an experienced lawyer” in each of subclauses 56(2) and 56(3) and insert instead the words “a member of the Panel of experienced lawyers”,
- 40 (p) delete clauses 82 and 82A,

- (q) insert a new subclause 83(1)(j) as following (and consequentially renumber the existing subclause 83(1)(j) and remaining subclauses) –  
“ (j) to appoint a Panel of experienced lawyers with the approval of the Chancellor”;
- 5 (r) in clause 84 delete each instance of the words “is to” and insert instead the word “may”,
- (s) insert the following words at the end of subclause 84(2) before the full-stop –  
“for the proper discharge of the Archbishop’s duties and responsibilities or as the Director deems necessary for that purpose”,
- (t) insert the following words at the end of subclause 84(3) before the full-stop –  
10 “for the proper discharge of the Director’s duties and responsibilities or as the Archbishop deems necessary for that purpose”,
- (u) in clause 86 –  
(i) substitute each instance of the word “Director” with “Safe Ministry Board”, and  
(ii) delete the words “and provide a copy of the report to the Safe Ministry Board”, and
- 15 (v) Insert a new subclause 104(1)(e) as follows (and reletter the existing subclauses (e) and (f) as (f) and (g) respectively) –  
“ (e) to the Safe Ministry Board (including any agent acting on its behalf) for the purpose of that body fulfilling its functions,”,
- (w) substitute the text in clause 107(3) with the following –  
20 “The MSC may, in respect of every complaint with which it is dealing under this Ordinance, report either orally or in writing to the Archbishop for the proper discharge of the MSC’s duties and responsibilities or as the MSC deems necessary for that purpose.”, and
- (x) insert a new clause 113 as follows (and consequentially renumber the existing clause 114 as clause 114) –  
25 “**113. Delegation of the Chancellor’s functions**  
The Chancellor may delegate any of his or her functions under this Ordinance to a Deputy Chancellor.”

### 3. Amendments to the *Safe Ministry to Children Ordinance 2020*

30 The *Safe Ministry to Children Ordinance 2020* is amended as follows –

- (a) substitute, where they appear throughout the Ordinance, the words -  
(i) “Director of Safe Ministry” for “Director of Professional Standards”, and  
(ii) “Office of the Director of Safe Ministry” for “Professional Standards Unit”,
- (b) the text in clause 15 is substituted with the following –  
35 “The Rector and Wardens of a parish or church must comply with the Persons of Concern Policy in respect to the churches and congregations for which they hold office or exercise functions.”, and
- (c) in the definition of “Person of Concern Policy” in Part 11 remove the capitalisation in the term “Policy for Safe Ministry”.

### 4. Amendments to the *Accounts, Audits and Annual Reports Ordinance 1995*

40 The *Accounts, Audits and Annual Reports Ordinance 1995* is amended as follows –

- (a) insert a new clause 14A as follows –  
“**14A. Reports on implementation and compliance with the Child Safe Standards**  
Any Organisation that is –  
45 (a) required to report to a regulator concerning its implementation of or compliance with the Child Safe Standards, or  
(b) is the subject of a report by a regulator in relation to that implementation or compliance,  
50 is to promptly provide a copy of any such report to the Safe Ministry Board, unless prevented from doing so by law.”, and

- (b) insert a new definition in clause 18 as follows after the definition of “Audit” –  
“Child Safe Standards” has the meaning given in the *Children’s Guardian Act 2019*.’

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

Chair of Committees

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

Secretary

I Assent to this Ordinance.

Archbishop of Sydney

/ /2022

# Church Land Acquisitions Levy Ordinance 2022

## Explanatory Report

### Key Points

- The Bill provides for a 10 year Church Land Acquisition Levy payable by parochial units in each of the years 2023 to 2032.
- A ten year commitment will enable the Anglican Church Growth Corporation to borrow money against the predictability of that income stream, in order to respond with greater flexibility to strategic purchases of property as they arise.

### Purpose of the bill

1. The purpose of the bill is to provide for a Church Land Acquisitions Levy payable by parochial units in each of the years 2023 to 2032.

### Recommendations

2. Synod receive this report.
3. Synod pass the Bill as an ordinance of the Synod.

### Background

4. In October 2012, Synod passed an ordinance by which parishes committed collectively to contribute \$2,000,000 for the acquisition of land by the Mission Property Committee (**MPC**) for church sites in “greenfield” areas of the Diocese, which was collected in 2013 by means of an additional 2.24% levy (the Church Land Acquisition Levy [**CLAL**]) on Net Operating Receipts. This \$2,000,000 annual contribution continued in 2014 (2.18% levy) and 2015 (2.09% levy).
5. Commencing in 2016, the Church Land Acquisitions Levy was set as a flat 2% levy (rather than a \$2M contribution). Synod funding commitments are for three years at a time – the [Parochial Cost Recoveries and Church Land Acquisitions Levy Ordinance 2015](#) set the levy for 2016-2018, and the [Parochial Cost Recoveries and Church Land Acquisitions Levy Ordinance 2018](#) set the levy for 2019-2021. (Because of the interruptions to synod caused by COVID-19, the Standing Committee passed a one-off ordinance in 2021 to address 2022).
6. In summary, for the past 10 years, the parishes of the diocese have contributed an additional levy of 2% (or more) to fund the acquisition of sites for new churches. During this time, the MPC has used the funds raised by the CLAL to invest in properties in key growth areas prior to the densification in zoning. This has resulted in the ability to progress church plants in areas of population growth such as Stanhope Gardens and Leppington. Properties already purchased for future church plant developments include Marsden Park, Bradfield, Rossmore and Riverstone. The MPC has typically made the strategic decision to purchase more land than is required for the church development itself. This is done so that when the church development has been completed, the excess land can be sub-divided and sold after re-zoning. This money is then dedicated to the construction of the church building on the next priority new church development site (i.e., the Stanhope Gardens sub-division funded a large portion of Leppington construction – Leppington subdivision will fund a large proportion of Marsden Park construction and so on).

## Discussion

### *Potential for improved funding structure for purchase land for new churches*

7. The CLAL commitment over the past 10 years from the parishes of the Diocese has made a significant difference to our ability to plant new churches in the growth corridors in North-West and South-West Sydney. However, if the Synod is prepared to make a commitment to do likewise for a further 10 years, this will afford opportunity to introduce an improved funding structure.
8. The current arrangement requires the MPC (and now the Anglican Church Growth Corporation [**ACGC**]) to accumulate the CLAL over multiple years to save enough money to make an offer on a property. With land values for a church development being between \$4-5M, there is a 2-3 year cycle to save the money from the 2% CLAL for land acquisition. The Diocese is now at risk of missing out on suitable properties because we do not have the accumulated funds on hand.
9. The obvious answer would be to borrow money to fund the purchase, knowing that it would be repaid by the CLAL in due course. However, the banks are reluctant to lend money when the CLAL is only guaranteed for three years at a time.

### *Effect of a ten year commitment to the Church Land Acquisition Levy*

10. The purpose of this ordinance is to commit the parishes of the Diocese to the CLAL at the rate of 2% of Net Operating Receipts for the next 10 years (2023-2032), which will enable the ACGC to borrow money against the predictability of that income stream. This will provide greater flexibility to respond to strategic opportunities as they arise.
11. The Diocese has been informed by large land release developers that they will be providing space in upcoming developments for Places of Public Worship (PoPW) in a similar manner to Oran Park. However, we will need to be in a position to secure a binding agreement in a relatively short timeframe or they will offer the land to a different denomination.
12. There is always volatility in the property market, but more so now with movements in interest rates. This could provide opportunities where property prices plateau or, in some cases, fall, especially in rural-residential zones which is the main target of greenfield church property acquisitions. However, MPC (now integrated into the ACGC) does not have the financial capacity to respond to opportunities that arise in the market.
13. It would be advantageous to purchase property at what we believe is the opportune time, rather than being limited to when ACGC has accumulated sufficient funds. This requires a capacity to borrow money.

### *Consideration of loan facilities*

14. ACGC has been speaking with two major banks to ascertain their appetite to establish a facility for the Diocese to have \$20M available for greenfield property purchases. The broad conditions from the banks were –
  - (a) Both would need property security, but had differing levels of security provided. Subject to credit approval for a corporate markets loan, the levels of property security ranged between 40-70% LVR.
  - (b) Both needed assurances of the security of income to finance the debt required an assurance longer than the 3-year approval cycle that Synod currently applies to the CLAL. Both suggested that a minimum of a 10-year commitment of the CLAL from Synod would be needed.
  - (c) One bank was investigating how to provide a line-of-credit facility. This product has a combination of facility fee (charged on the facility limit) and drawn fee (charged on the amount drawn). So if the facility is undrawn, you only pay the facility fee. An equity lending facility has no fee unless it is drawn. It also provides greater flexibility in terms of the use of funds (so could be applied to a broad range of projects).
  - (d) Indicative fixed rates (excluding loan margin/fees) updated on 11th July 2022 are –
 

3yr starting today: 3.78%	starting in Sep-22: 3.87%
5yr starting today: 3.96%	starting in Sep-22: 4.03%
7yr starting today: 4.13%	starting in Sep-22: 4.19%

15. The following table shows the repayment of \$20M, assuming interest at the 7 year fixed rate (4.19%). This loan would be comfortably repaid within the term of the ordinance (repaid in full early in 2031, with almost \$5M in buffer by the end of 2032).

	Starting Loan Balance	4.19% Interest	CALC	Ending Loan Balance
2022	20,000,000	838,000	2,440,000	18,398,000
2023	18,398,000	770,876	2,488,800	16,680,076
2024	16,680,076	698,895	2,538,576	14,840,395
2025	14,840,395	621,813	2,589,348	12,872,860
2026	12,872,860	539,373	2,641,134	10,771,099
2027	10,771,099	451,309	2,693,957	8,528,451
2028	8,528,451	357,342	2,747,836	6,137,956
2029	6,137,956	257,180	2,802,793	3,592,344
2030	3,592,344	150,519	2,858,849	884,014
2031	884,014	37,040	2,916,026	-1,994,972
2032	-1,994,972		2,974,346	-4,969,318

16. It would only be in the unlikely instance that interest rates were to rise above an *average rate* of 7% that the loan could not be paid within the ordinance period (and in which case the Synod would simply extend the commitment to the CLAL accordingly).

	Starting Loan Balance	7.00% Interest	CALC	Ending Loan Balance
2022	20,000,000	1,400,000	2,440,000	18,960,000
2023	18,960,000	1,327,200	2,488,800	17,798,400
2024	17,798,400	1,245,888	2,538,576	16,505,712
2025	16,505,712	1,155,400	2,589,348	15,071,764
2026	15,071,764	1,055,024	2,641,134	13,485,653
2027	13,485,653	943,996	2,693,957	11,735,692
2028	11,735,692	821,498	2,747,836	9,809,354
2029	9,809,354	686,655	2,802,793	7,693,216
2030	7,693,216	538,525	2,858,849	5,372,892
2031	5,372,892	376,102	2,916,026	2,832,969
2032	2,832,969	198,308	2,974,346	56,930

17. If the Synod passes this ordinance in September 2022, committing to the CLAL for 2023-2032, it will enable the ACGC to negotiate an acceptable loan facility for up to \$20,000,000. The security for the facility would be a combination of the purchase property and other properties under the trusteeship of the ACGC. The funds will be used to progress the priority greenfield land acquisitions agreed to by the ACGC Board under advisement from the Greenfields Sub-Committee.

## Explanation of the bill

18. Clause 2 sets out definitions that are applicable throughout the Ordinance.
19. Clause 3 provides for the levy to run for 10 years in each of the years 2023 to 2032 inclusive. The levy will be calculated at 2% of the Net Operating Receipts (**NOR**) of the parochial unit. The levy for a year will be based on the NOR of the parochial unit in the year that is 2 years prior. In 2023 a parochial unit will pay a levy that is 2% of its NOR in 2021, and so on.
20. Clause 4 provides for the levy to be paid in 12 equal monthly instalments throughout the year in which it is due.
21. Clause 5 provides for the levy to be paid into the Mission Property Fund under the Mission Property Ordinance 2002 (**MP Ordinance**) from which it will applied towards "church land acquisition projects"

and the repayment of loans for such projects in accordance with the MP Ordinance. A “church land acquisition project” is the acquisition of land for church sites in areas in the Diocese which are experiencing or are likely to experience a rapid increase in population.

22. Clause 6 provides for the Regional Archdeacon to consult the minister and wardens in circumstances where the levy remains unpaid for a period of 3 months after the due date and to report to the Standing Committee.
23. Clause 7 provides for the Standing Committee to provide relief from the levy where this arises from a structural change to the parish and the relief is equitable in the circumstances. It also provides a general authorisation for the Standing Committee to remit the whole or any part of any arrears of levy owing by a parish if it considers this to be expedient. Any relief provided and remissions of the levy are to be report to the Synod.

For and on behalf of the Standing Committee.

DANIEL GLYNN  
**Diocesan Secretary**

25 July 2022

# Church Land Acquisitions Levy Ordinance 2022

No , 2022

## Long Title

An Ordinance for a levy for the acquisition of land for church sites payable by parochial units in the years 2023 to 2032.

The Synod of the Diocese of Sydney Ordains as follows.

### 1. Name

This Ordinance is the Church Land Acquisitions Levy Ordinance 2022.

### 2. Definitions

5 In this Ordinance –

“church land acquisition projects” means the acquisition of land for church sites in areas in the Diocese which are experiencing or are likely to experience a rapid increase in population.

“levy” means the levy known as the ‘Church Land Acquisitions Levy’ that is payable under this Ordinance.

10 “Mission Property Fund” means the fund constituted under the *Mission Property Ordinance 2002*.

“Net Operating Receipts” means the sum of that name determined under Part 3 of the *Cost Recoveries Framework Ordinance 2008*.

“parochial unit” means a parish, provisional parish, recognised church, and provisional recognised church in the Diocese of Sydney.

15 “year” means a period of 12 calendar months commencing on 1 January.

### 3. Levy

In each of the years 2023 to 2032 each parochial unit is to pay a levy calculated as 2.0% of the Net Operating Receipts of the parochial unit for the year that is 2 years prior to the year in which the levy is payable.

### 4. Payment of the levy

20 The levy is payable by 12 equal instalments in each year, the first due and payable on 1 January and subsequent instalment due and payable on the first day of each succeeding month.

### 5. Application of the proceeds of the levy

The levy is to be added to the Mission Property Fund and applied towards church land acquisition projects and the repayment of loans for such projects in accordance with that Ordinance.

### 6. Visit from Archdeacon if levy not paid

25 If a parish fails for any reason to pay any instalment of the levy for a period of 3 months after the due date the Archdeacon of the area in which the parish is situated is to confer with the minister and wardens with a view to finding a solution to the situation in which the levy has not been paid and is to report the result of such consultation to the Standing Committee.

### 7. Relief from the levy

30 (1) In any case where –

(a) 2 or more parishes are amalgamated,

(b) a parish is dissolved, or

(c) the area of a parish is changed,

35 the Standing Committee may provide such relief from the levy as it considers equitable in the circumstances.

(2) The Standing Committee has the power to enter into an arrangement with a parish for the payment of accumulated arrears of the levy over a period of time.

(3) The Standing Committee is authorised to remit the whole or any part of the arrears of the levy owing by any parish if it declares by resolution the circumstances which in its opinion make it expedient so to do.

(4) The Standing Committee is to report to the Synod on all relief provided and all remissions made under this clause.

**8. Settlement of disputes**

5 If a dispute arises as to the meaning or application of this Ordinance the dispute is to be determined by the Chancellor or by some person appointed by him and the decision of the Chancellor or that person is final and binding on the parties involved.

**9. Delegation**

The Standing Committee may delegate all or any of its powers under this Ordinance to a committee appointed by the Standing Committee.

10 **10. Amendment to the Church Land Levy Parochial Cost Recoveries and Church Land Acquisitions Levy Ordinance 2021**

The *Church Land Levy Parochial Cost Recoveries and Church Land Acquisitions Levy Ordinance 2021* is amended by inserting the words “and the repayment of loans for such projects” at the end of subclause 4(3) before the full stop.

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

Chair of Committee

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

Secretary of Synod

I Assent to this Ordinance.

Archbishop of Sydney

/ /2022

# Parochial Cost Recovery Charges Ordinance 2022

## Explanatory Report

### Key Points

- The total Parochial Network Costs for 2023 are expected to be 8% higher than in 2022.
- The main contributors to the 8% increase in Parochial Network Costs for 2023 are the Parish property and liability insurance program (increasing 11% due to premium rate increases despite the exclusion in 2023 of part of the cost of insurance specific to the Cathedral), and the ACPT management fee (increasing 37% in 2023 to cover the absence of a 0.5% pa asset management fee on client funds invested in the Long Term Pooling Fund).
- The variable PCR charge percentage increases significantly from approximately 6.5% in 2022 to 8.0% in 2023. Apart from the increase in the Parochial Network Costs, as foreshadowed last year, there has been a significant decline in total Net Operating Receipts (NOR) after it was artificially boosted in 2020 by the one-off effect of COVID-19 financial support in the form of JobKeeper and Cash Flow Boost payments. The NOR for 2021 has actually decreased to a level slightly below that of 2019 (the most recent pre-COVID year).
- The estimated total Ministry Costs per clergy are expected to rise by 2%. This is almost entirely due to the effect of the increase in the recommended minimum stipend for 2023.
- While these estimates represent the best figures currently available, the Ordinance allows Standing Committee to set the actual charge for 2023 during Q4 of 2022 based on the formula in the Schedule to the Ordinance.
- It is anticipated that the Church Land Acquisition Levy will continue at the previous rate of 2% of the NOR of each parochial unit, but for 2023 this will be determined by a separate Church Land Acquisitions Levy ordinance designed to cover 2023-2032. [See separate report.]
- Information in relation to the Property Income received in 2021 and Levy payable by each parish in 2023 in accordance with the *Property Receipts Levy Ordinance 2018* is included in Attachment 2.

### Purpose

1. The purpose of this report is to provide explanatory comments on the specific proposed sources and applications of funds to be recovered from and levied on parishes in 2023.

### Recommendation

2. Synod received this report and pass the Bill for the Parochial Cost Recoveries Ordinance 2022 as an ordinance of the Synod.

### Background

3. The Bill for the proposed Parochial Cost Recoveries Ordinance 2022 and this Explanatory Report have been prepared in accordance with the requirements of clauses 5 and 5A of the *Cost Recoveries Framework Ordinance 2008*. The Bill provides for the charges to be recovered from and levied on parishes in 2023 in a manner that is broadly similar to the actual charges and levies payable in 2022.
4. The details of the components of the cost recoveries charge in respect of parochial network costs and ministry costs and the levy to acquire land for future church sites under the Bill for the proposed Parochial Cost Recoveries Ordinance 2022 are shown in **Attachment 1** to this report. The estimate of the amount of the variable Parochial Cost Recoveries charge, the Church Land Acquisitions Levy

and the Property Receipts Levy to be paid by each parochial unit in 2023 are shown in **Attachment 2** to this report.

## Parochial network costs

6. The total of the Parochial Network Costs is expected to rise by 8% in 2023. The main drivers of this increase are the increasing cost of the Anglican Church Property Trust's (ACPT's) parish property and liability insurance program and the additional amount of the ACPT management fee payable by all parishes with property. This latter amount is a result of a decision of the Standing Committee that the ACPT should stop charging an asset management fee of 0.5% pa on all parish and EOS investments in the Long Term Pooling Fund (LTPF) from the end of 2022, and instead recover the equivalent amount through Parish Cost Recoveries. The cost of some line items is expected to increase by the 2.0% increase in SDS's cost base.

## Parish property and liability insurance program

7. In 2020 the Standing Committee asked the ACPT to undertake a thorough review of the parish insurance program with a view to minimising the ongoing costs. A number of smaller policies were discontinued, the aggregate deductible on the Industrial and Special Risks policy (ISR) covering building and contents was significantly increased and the cost of 2 particular policies that relate directly to St Andrew's Cathedral were removed from the parish property and liability insurance program and be funded through a direct allocation of Synod funds. For 2022 there was insufficient income available to Synod to cover the full cost of the two policies specific to the Cathedral, so 58% of the premium cost on those two policies was added back into the cost of the parish property and liability insurance program. For 2023 the income available to Synod is sufficient to allow a return to the principle adopted for 2021. As a result the cost of the parish property and liability insurance program does not include the premium for two insurance policies specific to the Cathedral –
  - (a) the ISR excess over \$150 million costing \$517,000 which lifts the maximum liability for the Cathedral (the only building with an insured value in excess of \$150 million) to the full insured value of the Cathedral, and
  - (b) the Liability 4<sup>th</sup> excess layer costing \$24,000 which lifts the Public Liability cover for the Cathedral (due to the concentration of people and commercial buildings in that location) above \$200 million limit which applies to all other parish properties.
8. Even after the removal of the cost of these Cathedral-specific policies the ACPT have estimated the cost of the parish property and liability insurance program for 2023 will increase by more than \$700,000 to \$7.5 million (a 11% increase). The main driver of this increase is the continuing increases in the premium rate for the renewal of the Industrial and Special Risks (ISR) insurance policy (covering buildings and contents), and the associated heritage contingency cover. This figure may change if the results of the ACPT's annual insurance renewal process in August indicate the actual aggregate premium cost will be significantly different to the amount included in the above estimate.

## Professional Standards Unit

9. The PSU Oversight Committee have estimated the cost of this program for 2023 based on a return to the amount of \$998,000 allocated for 2021, effectively reversing the additional costs of \$98,279 anticipated for 2022.
10. However, the impact of the rise in operating costs in 2022 was largely offset by requesting the PSU to utilise \$150,000 of the reserves it has accumulated since January 2020. Realistically there is no further opportunity to reduce the reserves held by PSU as they are now at an appropriately low level.
11. In aggregate therefore the amount to be recovered from parishes to fund the PSU in 2023 will be approximately \$52,000 (or 0.5%) more than in 2023.

## Safe ministry training program

12. The Professional Standards Unit Oversight Committee which administers this program have estimated that the cost in 2023 will be similar to the level of \$156,000 required in 2021.

### Ministry Spouse Support Fund

13. For the first two years of this initiative in 2019 and 2020 funding was provided at the rate of \$150,000 pa. No further funding was required in 2021 or 2022 and the Ministry Spouse Support Fund still had a balance of approximately \$217,000 at 31 March 2022 after making a payment of \$13,000 in the first 3 months of this year. As it is not expected that any significant payments will be required in the second half of 2022, it is proposed that no new allocation be made in 2023.

### Provision for relief and remission of PCR charges

14. In recent years the Finance Committee has not been required to provide relief or remit the arrears of PCR charges owing by an individual parish, so no provision has been made for this item in 2023.

### Parish contribution to the cost of Diocesan archives and SDS fee for managing the PCR Fund 951

15. It is expected the cost of both these items will increase by the estimated 2.0% increase in SDS's cost base for 2023.

### ACPT management fee payable by parishes with property

16. Normally the ACPT management fee for 2023 would need to equal the fee for 2022 of \$723,360, plus an allowance for the 2.0% increase in SDS's cost base. However, in May 2022 Standing Committee agreed to the ACPT's request that from the beginning of 2023 it be compensated for its decision to suspend the fee 0.5% pa fee it charged on investments in the Long-Term Pooling Fund (estimated at approximately \$251,000) with a corresponding increase in the annual amount of the ACPT management fee payable by all parishes with property.
17. Accordingly, after allowing for the estimated increase in SDS's cost base of 2.0%, for 2023 the ACPT management fee payable by all parishes with property has been estimated at \$988,827 ( $\$723,360 \times 1.02\% + \$251,000$ ).

### Voluntary relinquishment of incumbency

18. There have been no further calls on the Archbishop's Discretionary Trust (ADT) to contribute on behalf of the Diocese in connection with Voluntary Relinquishment of Incumbency Policy since the first payment made last year. Accordingly, nothing has been required to be included in the Parochial Network Costs for 2023 to reimburse the ADT in accordance with the Policy which says "that the ADT may later be reimbursed .... through the PCR charge".

### Parish contribution to the cost of the 2021 NCLS

19. The National Church Life Survey (NCLS) NCLS is conducted every 5 years and the final part of the cost of Sydney's participation in the 2021 survey was covered as part of the Parochial Network Costs in 2022. No provision has been made in the allocation of funds for 2023 for the cost of the Diocese's participation in the next National Church Life Survey. Given the next Survey is not due until 2026 it is recommended that any decisions on funding be made closer to that time.

### Generally

20. In order to mitigate the effects of the increases in the ACPT's parish property and liability insurance program and the ACPT management fee to some extent, it has been decided to draw a further \$600,000 (in addition to the \$300,000 drawn in 2022) from the accumulated funds (i.e. the working capital) in the Parochial Cost Recoveries Fund 951. The Fund 951 needs a reasonable balance of working capital to cover normal cash flow requirements. The main source of funds for Fund 951 is the monthly instalments of PCR charges paid by parishes, and while some of the outflows from this Fund are monthly, others are less frequent and/or lumpy and some are unpredictable. It is expected that this diminution in the balance will not adversely impact the Fund's operation, but the matter will be kept under close review and it is unlikely that the Fund will be able to sustain any further drawings of such significant amounts in future years.

## Net operating receipts

21. Audited financial statements have been received from all but 2 of the parishes due to report for the year ended 31 December 2021. The great majority of these financial statements have been reviewed, any queries resolved and the relevant data captured in the SDS database. In a relatively small number of cases queries remain outstanding or the parish is yet to provide some of the required information.
22. Now the review of parish financial statements is complete the aggregated data reveals total net operating receipts have decreased from \$136.6m in 2020 to \$122.8m in 2021 (a decrease of 10.1%). In large part this decrease is due to the ending of the Government COVID-19 stimulus (mainly JobKeeper payments), most of which were received during 2020. However, the total net operating receipts in 2021 is slightly lower than the level in 2019 (pre-COVID).
23. The combined effect of a 9.5% increase in total Parochial Network Costs and a 10.1% decrease in aggregate net operating receipts results in the variable PCR charge percentage payable in 2023 by parishes with property increasing very significantly from 6.5% to 8.0%.

## Ministry costs

24. The estimated cost of some of the components of the ministry costs for 2023 is dependent on decisions that have yet to be made. Where necessary the actual PCR charge for 2023 will be adjusted to reflect the actual cost of these components. However, based on the information available at this stage, in aggregate the ministry costs for 2023 are expected to be approximately 2% more per clergy than the actual cost for 2022 (see Attachment 1).

## Superannuation

25. At its meeting on 9 August 2021 Standing Committee determined the recommended minimum stipend will increase by 2.4% from 1 July 2023. The amount of the superannuation contribution required for 2023 has therefore been calculated as 17% of the average recommended minimum stipend for 2023 for the relevant position (ministers and assistant ministers with more than 7 years' service, and other assistant ministers with 3-4 years' experience).

## Long service leave

26. The actual long service leave ("LSL") contribution for 2023 will not be known until set by the General Synod LSL Fund in late 2022. Accordingly, for now the LSL contribution has been estimated based on a 3% increase over the figure for 2022 to allow for a possible rise in the average national stipend (calculated by the General Synod office).

## Stipend Continuance Insurance

27. Given the continuing increase in the cost of SCI cover, last year Standing Committee agreed to renew the SCI cover on the basis that rectors should continue to be covered until age 65 (since they had tenure), but for assistant ministers the cover would be limited to age 65 or 5 years, whichever occurred sooner. This change in the conditions of the cover resulted in a significant saving in the premium for the SCI cover for assistant ministers in 2022.
28. As 2023 will be the second year of the current 2-year fixed rate agreement with the insurer the cost should remain unchanged from the rates applying in 2022.

## Other matters

29. While these estimates represent the best figures currently available, if the actual costs later vary from the estimates the Bill to be passed by Synod in September this year allows for the actual charge for 2023 to be based on the formula in the Schedule to the Ordinance.

30. It is expected that the actual cost of a number of the components will vary from the estimates in this Report. Similarly, work is continuing to finalise the calculation of net operating receipts for those few parishes for which some required information is still outstanding or for which queries remain unresolved. It is probable therefore that both the final variable PCR charge percentage to be determined by Standing Committee later this year and the final Ministry costs per clergy will vary slightly from the estimates in this Report.
31. The practice in recent years has been for the Parochial Cost Recoveries Ordinance to also make provision for the Church Land Acquisitions Levy. This year a separate ordinance provides for the Church Land Acquisitions Levy to continue for the 10 years 2023-2032, although the formula remains as before with the Levy payable by each parish calculated at 2% of that parish's net operating receipts from the year 2 years prior. For convenience the amount of the Church Land Acquisitions Levy payable by each parish in 2023 is shown in Attachment 2 to this Report.

### Property Receipts Levy

32. For convenience, Attachment 2 to this Report also shows the amount of property income subject to the Property Receipts Levy received by each parish in 2021, and the amount of Levy payable on that Property income in 2023. The property income subject to the Levy was \$8.3m (2020 \$8.0m), an increase of 4%. The total amount of Levy payable by 56 parishes in 2023 is just over \$570k (2022 55 parishes and \$330k). Part of the increase in the Levy payable in 2023 is due to the ending of the transitional arrangements (in 2022 the Levy payable was only 67% of the normal rate).
33. Where a parish's property income subject to the Levy calculated in accordance with the Property Income Worksheet would otherwise be a negative number it has been shown in Attachment 2 as '-' so that the total income figure is not distorted.
34. In accordance with clause 4 of the *Property Receipts Levy Ordinance 2018*, parishes that receive property income that is subject to an ordinance applying some of that income for non-parish purposes (indicated by a \* next to their Levy amount) pay no Levy on that income subject to an ordinance, but pay a higher rate of Levy on their other property income that is subject to the Levy.

For and on behalf of the Standing Committee.

DANIEL GLYNN  
**Diocesan Secretary**

25 July 2022

Parochial Cost Recovery Charges for 2023

	Actual for 2021	Actual for 2022	Standing Committee proposal for 2023
<b>Parochial Network Costs</b>			
Parish property and liability insurance program	6,200,000	6,783,767	7,500,000
Parish risk management program	247,000	253,793	258,868
Professional Standards Unit -			
Parish related costs	998,000	1,096,279	998,000
<u>less</u> amount drawn from the reserves of the PSU	-	(150,000)	-
Reimbursing Synod Risk Reserve for non-standard expenses	50,000	-	-
Safe ministry training program	156,000	160,290	156,000
Ministry Spouse Support Fund	-	-	-
Provision for relief and remission of PCR charges	10,000	-	-
Parish contribution to the cost of Diocesan archives	73,000	75,000	76,449
SDS fee for managing the PCR Fund 951	216,000	221,940	226,379
ACPT management fee payable by all parishes with property	370,000	723,360	988,827
Voluntary relinquishment of incumbency fund	-	40,000	-
Parish contribution to cost of the 2021 National Church Life Survey	-	35,000	-
<u>less</u> amount drawn from the working capital in PCR Fund 951	-	(300,000)	(500,000)
<u>less</u> amount drawn from the working capital in MSS Fund	-	(80,000)	-
	<b>8,320,000</b>	<b>8,859,428</b>	<b>9,704,574</b>
<i>\$ increase on previous year</i>	12%	6%	9.4%
Total Net Operating Receipts 2019, 2020 & 2021	122,928,013	136,625,688	<b>122,812,518</b>
<b>Variable PCR charge percentage</b> (parochial units with property)	<b>6.83773%</b>	<b>6.5485263%</b>	<b>7.9990010%</b>
<b>Variable PCR charge percentage</b> (parochial units without property)	<b>4.10264%</b>	<b>3.9291158%</b>	<b>4.7994006%</b>
	<b>Actual for 2021</b>	<b>Actual for 2022</b>	<b>Standing Committee proposal for 2023</b>
<b>Ministry costs (per F/T minister)</b>			
<b>Ministers, Assistant Ministers (7+ years, Senior Assistant Ministers)</b>			
Superannuation contribution	11,677	11,959	12,246
Long service leave contribution	1,726	1,731	1,783
Clergy Care -			
Stipend Continuance Insurance	3,000	4,737	4,737
Clergy Assistance Program	150	150	150
Sickness & accident fund	125	125	125
<b>Cost per minister</b>	<b>\$ 16,678</b>	<b>\$ 18,702</b>	<b>\$ 19,041</b>
<i>\$ increase on previous year</i>	1%	12%	2%
<b>Assistant Ministers</b>			
Superannuation contribution	10,509	10,763	11,021
Long service leave contribution	1,726	1,731	1,783
Clergy Care -			
Stipend Continuance Insurance	3,000	1,757	1,757
Clergy Assistance Program	150	150	150
Sickness & accident fund	125	125	125
<b>Cost per minister</b>	<b>\$ 15,510</b>	<b>\$ 14,526</b>	<b>\$ 14,836</b>
<i>\$ increase on previous year</i>	1%	-6%	2%

## Variable PCR Charge, Church Land Acquisition Levy and Property Receipts Levy for 2023

	Net Operating Receipts	PCR	Church Land Acquisition Levy	Property Income	PRL
Total Net Operating Receipts for 2021 (as at 19 July 2022)	122,812,518				
Parochial Network Costs to be recovered in 2023		9,704,574			
<b>Variable PCR percentage for parishes with property</b>		<b>7.9990010%</b>			
<b>Variable PCR percentage for parishes without property (= 60%)</b>		<b>4.7994006%</b>			
<b>Church Land Acquisitions Levy percentage</b>			<b>2.00%</b>		
Contribution to the acquisition of land for future church sites			2,456,250		
Property Income subject to the Levy				8,343,491	
Property Receipts Levy payable					<b>570,635</b>

	Parish, Prov. P, R. Church, Prov. R.C.	Region	Parochial Unit	2021 Net Operating Receipts	Variable PCR charge for 2023	Church Land Acquisition Levy for 2023	2021 Property Income subject to Levy	Property Receipts Levy for 2023
1	PP	SS	Abbotsford	163,628	13,089	3,273	53,839	576
2	P	W	Albion Park	320,007	25,597	6,400	19,414	-
3	P	SS	Annandale	662,345	52,981	13,247	57,087	1,063
4	PP(np)	WS	Arise Anglican Church #	225,409	10,818	4,508	-	-
5	P	N	Artarmon	333,273	26,659	6,665	421	-
6	P	SS	Ashbury	188,702	15,094	3,774	12,334	-
7	P	SS	Ashfield Five Dock and Haberfield	915,288	73,214	18,306	-	-
8	P	N	Asquith / Mt Colah / Mt Kuring-gai	453,390	36,267	9,068	9,392	-
9	P	WS	Auburn – St Philip	476,133	38,086	9,523	24,139	-
10	PP	WS	Auburn – St Thomas	157,460	12,595	3,149	39	-
11	P	W	Austinmer	506,673	40,529	10,133	31,477	-
12	P	N	Balgowlah	274,853	21,985	5,497	29,494	-
13	PP	SS	Balmain (St Mary's, formerly part of Darling Street)	202,755	16,218	4,055	43,678	-
14	P	SW	Bankstown	161,793	12,942	3,236	14,004	-
15	P	N	Barrenjoey	433,952	34,712	8,679	147,135	19,284
16	P	WS	Baulkham Hills	302,142	24,168	6,043	-	-
17	PP	SS	Bayside (formerly Arncliffe)	358,272	28,658	7,165	-	-
18	P	N	Beecroft	495,375	39,625	9,908	40,362	-
19	P	SS	Bellevue Hill	242,027	19,360	4,841	186,476	29,119
20	P	SW	Belmore with McCallums Hill & Clemton Park	173,105	13,847	3,462	16,758	-
21	P	N	Belrose	358,858	28,705	7,177	89,972	5,996
22	PP	WS	Berala	266,411	21,310	5,328	24,712	-
23	P	N	Berowra	362,919	29,030	7,258	-	-
24	P	W	Berry	128,370	10,268	2,567	6,595	-
25	P	SW	Beverly Hills with Kingsgrove	214,698	17,174	4,294	23,087	-
26	P	SS	Birchgrove (formerly Balmain – St John's)	113,841	9,106	2,277	20,202	-
27	P	WS	Blackheath	163,246	13,058	3,265	6,327	-
28	P	WS	Blacktown	482,327	38,581	9,647	60,689	1,603
29	P	SW	Blakehurst	220,062	17,603	4,401	26,641	-
30	P	W	Bomaderry	206,104	16,486	4,122	-	-
31	P	SS	Bondi and Waverley	544,834	43,581	10,897	-	-
32	p	W	Bowral	712,389	56,984	14,248	27,673	-
33	P	SS	Brighton/Rockdale	365,837	29,263	7,317	36,320	-
34	P	SS	Broadway	1,231,651	98,520	24,633	120,142	12,536
35	P	W	Bulli	410,573	32,842	8,211	27,344	-
36	P	SS	Burwood	358,688	28,691	7,174	-	-
37	PP	SW	Cabramatta	490,476	39,233	9,810	47,706	-

	Parish, Prov. P, R. Church, Prov. R.C.	Region	Parochial Unit	2021 Net Operating Receipts	Variable PCR charge for 2023	Church Land Acquisition Levy for 2023	2021 Property Income subject to Levy	Property Receipts Levy for 2023
38	P	WS	Cambridge Park	175,581	14,045	3,512	501	-
39	P	SW	Camden	569,467	45,552	11,389	49,293	-
40	P	SW	Camden Valley (formerly South Creek)	604,827	48,380	12,097	38,121	-
41	P	SW	Campbelltown	956,039	76,474	19,121	-	-
42	P	SW	Campsie	237,235	18,976	4,745	44,317	-
43	P	SS	Canterbury with Hurlstone Park	805,436	64,427	16,109	9,993	-
44	P	W	Caringbah	707,368	56,582	14,147	15,585	-
45	P	WS	Carlingford and North Rocks	1,869,376	149,531	37,388	-	-
46	P	N	Castle Hill	2,858,366	228,641	57,167	51,654	248
47	P	SS	Centennial Park	718,543	57,476	14,371	-	-
48	P	N	Chatswood	485,765	38,856	9,715	7,441	-
49	RC(np)	N	Cherrybrook#	292,798	14,053	5,856	-	-
50	PP	SW	Chester Hill with Sefton (+Villawood 1 Jan 21)	323,753	25,897	6,475	5,868	-
51	P	N	Christ Church Northern Beaches	217,757	17,418	4,355	24,403	-
52	PRC(np)	SW	Church at the Peak (Peakhurst South) #	338,471	16,245	6,769	-	-
53	P	SS	Church Hill	1,095,975	87,667	21,920	1,963	883
54	P	SS	Clovelly	540,367	43,224	10,807	25,517	-
55	PP	SW	Cobbitty	324,748	25,977	6,495	39,455	-
56	P	SS	Concord & Burwood	155,995	12,478	3,120	42,108	-
57	PP	SS	Concord North	215,829	17,264	4,317	7,245	-
58	P	SS	Concord West	158,754	12,699	3,175	42,835	-
59	P	SS	Coogee	237,950	19,034	4,759	22,823	5,706
60	P	SS	Cooks River	115,885	9,270	2,318	20,574	-
61	P	W	Corrimal	145,785	11,661	2,916	5,804	-
62	P	WS	Cranebrook with Castlereagh	364,530	29,159	7,291	33,662	-
63	P	N	Cremorne	308,679	24,691	6,174	-	-
64	P	W	Cronulla	267,473	21,395	5,349	19,456	-
65	P	SS	Croydon	908,070	72,637	18,161	-	-
66	PP	W	Culburra Beach	120,749	9,659	2,415	3	-
67	P	W	Dapto	853,864	68,301	17,077	82,421	4,863
68	P	SS	Darling Point	863,666	69,085	17,273	155,612	21,403
69	P	SS	Darling Street (now without St Mary's)	565,029	45,197	11,301	252,908	51,018
70	P	SS	Darlinghurst	525,579	42,041	10,512	205,828	34,540
71	P	N	Dee Why	808,995	64,712	16,180	8,529	-
72	PP	SW	Denham Court	116,289	9,302	2,326	18,108	-
73	PP	WS	Doonside	97,033	7,762	1,941	19,153	-
74	P	SS	Drummoyne	200,870	16,068	4,017	10,835	-
75	PP	SW	Dulwich Hill	223,733	17,896	4,475	86,961	5,544
76	P	WS	Dundas / Telopea	492,654	39,407	9,853	235,476	-
77	P	N	Dural District	497,509	39,796	9,950	21,117	-
78	P	SW	Eagle Vale	215,889	17,269	4,318	2,000	-
79	P	SS	Earlwood	180,754	14,459	3,615	2,620	-
80	P	N	East Lindfield	244,960	19,594	4,899	34,423	-
81	P	SS	Eastgardens	650,795	52,057	13,016	8,359	-
82	P	N	Eastwood (now incorporates Ermington 1 Jan 21)	937,067	74,956	18,741	29,751	-
83	P	WS	Emu Plains	416,686	33,331	8,334	13,416	-
84	P	SS	Enfield and Strathfield	1,075,869	86,059	21,517	28,092	-
85	P	W	Engadine	723,765	57,894	14,475	48	-
86	P	SS	Enmore / Stanmore	188,335	15,065	3,767	28,812	-
87	P	N	Epping	375,320	30,022	7,506	94,842	6,726
88	PP	SW	Fairfield with Bossley Park	469,869	37,585	9,397	11,881	-
89	P	W	Fairy Meadow	296,310	23,702	5,926	-	-
90	P	W	Figtree	1,168,228	93,447	23,365	10,181	-
91	P	N	Forestville	495,294	39,619	9,906	25,262	-
92	P	N	Frenchs Forest (incorporating Beacon Hill)	390,655	31,248	7,813	4,648	-
93	P	N	Freshwater	342,922	27,430	6,858	4,517	-
94	P	SW	Georges Hall	157,501	12,599	3,150	-	-

	Parish, Prov. P, R. Church, Prov. R.C.	Region	Parochial Unit	2021 Net Operating Receipts	Variable PCR charge for 2023	Church Land Acquisition Levy for 2023	2021 Property Income subject to Levy	Property Receipts Levy for 2023
95	P	W	Gerringong	274,343	21,945	5,487	11,312	-
96	P	N	Gladesville	1,256,438	100,502	25,129	70,289	3,043
97	P	SS	Glebe	447,216	35,773	8,944	211,177	36,412
98	P	N	Glenhaven	529,440	42,350	10,589	3,784	-
99	P	WS	Glenmore Park and Mulgoa	705,286	56,416	14,106	22,831	-
100	P	N	Gordon	423,719	33,893	8,474	24,322	-
101	RC(np)	SS	Grace City Church (1 Jan 21) #	987,043	47,372	19,741	32,923	-
102	P	WS	Granville	209,643	16,769	4,193	47,860	-
103	PP	SW	Greenacre	138,457	11,075	2,769	6,068	-
104	P	N	Greenwich	127,572	10,205	2,551	20,434	-
105	P	WS	Greystanes-Merrylands West	138,374	11,069	2,767	37,904	-
106	PP	WS	Guildford (formerly Guilford with Villawood)	379,249	30,336	7,585	131,376	15,344
107	P	W	Gymea	407,741	32,615	8,155	39,827	-
108	P	W	Helensburgh and Stanwell Park	390,551	31,240	7,811	6,228	-
109	P	N	Hornsby	229,562	18,363	4,591	40,306	-
110	PRC(np)	N	Hornsby Anglican Chinese Church #	176,862	8,488	3,537	1,306	-
111	P	N	Hornsby Heights	186,069	14,884	3,721	7,992	-
112	P	SW	Hoxton Park	324,207	25,933	6,484	45,519	-
113	P	N	Hunters Hill	274,172	21,931	5,483	22,545	-
114	P	SW	Hurstville	817,015	65,353	16,340	3,218	-
115	P	SW	Hurstville Grove	459,146	36,727	9,183	174	-
116	P	SW	Ingleburn (incorporating Glenquarie)	315,950	25,273	6,319	13,475	-
117	PP	W	Jamberoo	224,141	17,929	4,483	22,172	-
118	P	W	Jannali	859,942	68,787	17,199	16,354	-
119	P	W	Jervis Bay and St Georges Basin (formerly Huskisson)	132,253	10,579	2,645	2,154	-
120	P	W	Kangaroo Valley	146,801	11,743	2,936	24,267	-
121	P	WS	Katoomba	306,998	24,557	6,140	25,193	-
122	P	W	Keiraville	308,733	24,696	6,175	28,437	-
123	P	WS	Kellyville	767,619	61,402	15,352	36,748	-
124	P	SS	Kensington Eastlakes	223,743	17,897	4,475	64,623	2,193
125	P	W	Kiama and Minnamurra	421,607	33,724	8,432	14,125	-
126	P	N	Killara	423,439	33,871	8,469	82,835	4,925
127	P	SS	Kingsford	247,389	19,789	4,948	3,838	-
128	P	WS	Kingswood	255,714	20,455	5,114	9,853	-
129	P	N	Kirribilli and Neutral Bay	2,197,789	175,801	43,956	119,351	12,338
130	P	WS	Kurrajong	233,357	18,666	4,667	-	-
131	PP	SW	Lakemba	76,293	6,103	1,526	5,233	-
132	P	WS	Lalor Park and Kings Langley	206,307	16,502	4,126	6,100	-
133	P	N	Lane Cove and Mowbray	626,144	50,085	12,523	49,716	-
134	P	N	Lavender Bay	390,954	31,272	7,819	72,077	3,312
135	P	WS	Lawson	169,753	13,579	3,395	16,366	-
136	P	SS	Leichhardt	303,976	24,315	6,080	64,482	2,172
137	P	WS	Leura	142,200	11,375	2,844	3,614	-
138	P	WS	Lidcombe	305,080	24,403	6,102	-	-
139	P	N	Lindfield	503,712	40,292	10,074	8,174	-
140	P	WS	Lithgow	313,943	25,112	6,279	33,039	-
141	P	SW	Liverpool	496,789	39,738	9,936	38,839	9,710
142	P	SW	Liverpool South	233,595	18,685	4,672	112	-
143	P	N	Longueville	177,060	14,163	3,541	35,965	-
144	PP	SS	Lord Howe Island	21,584	1,726	432	834	-
145	P	WS	Lower Mountains	720,393	57,624	14,408	2,058	-
146	P	SW	Lugarno	139,797	11,182	2,796	15,171	-
147	P	N	Macquarie	540,191	43,210	10,804	72,890	3,433
148	P	SS	Malabar	310,977	24,875	6,220	104,766	8,691
149	P	N	Manly	1,561,083	124,871	31,222	63,794	2,069
150	P	SS	Maroubra	411,481	32,914	8,230	9,413	-
151	P	SS	Marrickville	337,529	26,999	6,751	149,745	19,936

	Parish, Prov. P, R. Church, Prov. R.C.	Region	Parochial Unit	2021 Net Operating Receipts	Variable PCR charge for 2023	Church Land Acquisition Levy for 2023	2021 Property Income subject to Levy	Property Receipts Levy for 2023
152	PP(np)	WS	Marsden Park #	240,754	11,555	4,815	29,112	-
153	P	W	Menai	955,935	76,465	19,119	4,038	-
154	P	SW	Menangle	126,089	10,086	2,522	51	-
155	P	WS	Merrylands	272,346	21,785	5,447	92,572	6,386
156	P	WS	Minchinbury	338,800	27,101	6,776	-	-
157	P	SW	Minto	249,942	19,993	4,999	19,182	-
158	P	W	Miranda	1,023,838	81,897	20,477	34,721	- *
159	P	W	Mittagong	415,998	33,276	8,320	29,575	-
160	P	N	Mona Vale	241,708	19,334	4,834	375	-
161	P	SW	Moorebank	450,010	35,996	9,000	12,988	-
162	P	N	Mosman – St Clement's	703,751	56,293	14,075	201,368	32,979
163	P	N	Mosman – St Luke's	399,364	31,945	7,987	143,970	18,493
164	P	W	Moss Vale	218,752	17,498	4,375	4,635	-
165	PP	WS	Mt Druitt	177,896	14,230	3,558	40,066	-
166	P	SW	Narellan	337,139	26,968	6,743	934	- *
167	P	N	Naremburn / Cammeray	1,070,634	85,640	21,413	2,943	-
168	P	N	Narrabeen	940,837	75,258	18,817	37,666	-
169	P	N	Newport	190,495	15,238	3,810	1,787	-
170	P	SS	Newtown with Erskineville	691,744	55,333	13,835	57,944	1,192
171	P	SS	Norfolk Island	-	-	-	-	-
172	P	N	Normanhurst	875,786	70,054	17,516	-	-
173	P	N	North Epping	421,608	33,724	8,432	14,253	-
174	P	N	North Ryde	259,685	20,772	5,194	62,762	1,914
175	P	N	North Sydney	2,374,094	189,904	47,482	-	-
176	P	N	Northbridge	541,524	43,317	10,830	79,490	4,423
177	P	WS	Northmead and Winston Hills	732,558	58,597	14,651	-	-
178	P	WS	Norwest	1,197,263	95,769	23,945	-	-
179	P	W	Nowra	439,048	35,119	8,781	-	-
180	P	W	Oak Flats	196,517	15,719	3,930	355	-
181	P	WS	Oakhurst	212,921	17,032	4,258	70,601	3,090
182	P	SW	Oatley	226,907	18,150	4,538	55,775	866
183	P	SW	Oatley West	222,257	17,778	4,445	82	-
184	PP	SW	Oran Park	430,510	34,436	8,610	-	-
185	P	SS	Paddington	175,880	14,069	3,518	15,730	- *
186	P	SW	Padstow	102,638	8,210	2,053	3,274	-
187	P	SW	Panania	401,375	32,106	8,028	287	-
188	P	WS	Parramatta	1,024,687	81,965	20,494	69,819	- *
189	P	WS	Parramatta North with Harris Park	334,580	26,763	6,692	39,575	-
190	P	SW	Peakhurst / Mortdale	244,608	19,566	4,892	-	-
191	P	WS	Penrith	361,604	28,925	7,232	65,197	2,280
192	P	SW	Penshurst	229,978	18,396	4,600	31,970	-
193	P	SS	Petersham	298,675	23,891	5,974	13,238	-
194	PRC(np)	N	Philadelphia Anglican Church #	183,530	8,808	3,671	710	-
195	P	W	Picton and Wilton	214,537	17,161	4,291	9,438	-
196	PP	WS	Pitt Town	518,084	41,442	10,362	-	-
197	PP	W	Port Kembla	168,231	13,457	3,365	48,871	-
198	P	N	Pymble	909,002	72,711	18,180	29,640	-
199	P	WS	Quakers Hill	665,985	53,272	13,320	20,162	-
200	P	SS	Randwick	882,742	70,611	17,655	25,238	11,357 *
201	PP	SW	Regents Park	34,277	2,742	686	175	-
202	PP	SW	Revesby	90,725	7,257	1,815	3,169	-
203	P	WS	Richmond	313,510	25,078	6,270	17,400	-
204	PP	WS	Riverstone	280,826	22,463	5,617	105,597	8,899
205	P	SW	Riverwood - Punchbowl	275,385	22,028	5,508	45,752	-
206	P	W	Robertson	213,478	17,076	4,270	-	-
207	P	WS	Rooty Hill	1,814,138	145,113	36,283	1,170	-
208	PP	SW	Rosemeadow	209,568	16,763	4,191	44,358	-
209	P	N	Roseville	875,596	70,039	17,512	111	-
210	P	N	Roseville East	360,751	28,856	7,215	-	-
211	P	WS	Rouse Hill	465,027	37,198	9,301	16,064	-
212	P	N	Ryde	767,178	61,367	15,344	62,632	28,184 *
213	PP	SW	Sadleir	253,028	20,240	5,061	51,011	152
214	P	SS	Sans Souci	187,751	15,018	3,755	1,776	-
215	P	N	Seaforth	256,401	20,510	5,128	-	-

	Parish, Prov. P, R. Church, Prov. R.C.	Region	Parochial Unit	2021 Net Operating Receipts	Variable PCR charge for 2023	Church Land Acquisition Levy for 2023	2021 Property Income subject to Levy	Property Receipts Levy for 2023
216	P	WS	Seven Hills	310,904	24,869	6,218	288	-
217	P	W	Shellharbour	192,918	15,432	3,858	13,955	-
218	P	W	Shellharbour City Centre	504,414	40,348	10,088	3,981	-
219	P	W	Shoalhaven Heads	182,303	14,582	3,646	9	-
220	RC(np)	W	Soul Revival Church #	690,571	33,143	13,811	6	-
221	P	SW	South Carlton	270,173	21,611	5,403	7,326	-
222	P	SS	South Coogee	192,526	15,400	3,851	66	-
223	P	SS	South Head (formerly Vaucluse + Watsons Bay)	676,812	54,138	13,536	286,258	62,690
224	P	SW	South Hurstville	226,636	18,129	4,533	48,816	-
225	P	SS	South Sydney	234,683	18,772	4,694	4,320	1,080 *
226	P	WS	Springwood	851,143	68,083	17,023	-	-
227	P	SS	St George	173,603	13,887	3,472	49,815	-
228	P	SW	St George North	931,841	74,538	18,637	1,159	-
229	P	N	St Ives	1,813,505	145,062	36,270	-	-
230	P	SW	St Johns Park (formerly Smithfield Road)	214,398	17,150	4,288	20,088	-
231	P	WS	St Marys and St Clair Anglican Churches (from 1 Nov 21)	298,191	23,852	5,964	19,534	-
232	RC	WS	Stanhope	369,164	29,529	7,383	1,915	-
233	P	SS	Strathfield and Homebush	264,945	21,193	5,299	78,877	4,332
234	P	SS	Summer Hill	370,390	29,627	7,408	64,790	2,219
235	PP	SS	Surry Hills	850,500	68,032	17,010	124,078	13,519 *
236	PP	W	Sussex Inlet	129,837	10,386	2,597	1,779	-
237	P	W	Sutherland	410,643	32,847	8,213	64,654	2,198
238	P	W	Sutton Forest	262,475	20,995	5,250	27,276	-
239	P	SS	Sydney – Cathedral of St Andrew	-	-	-	-	-
240	P	SS	Sydney – Christ Church St Laurence	982,721	78,608	19,654	34,852	5,228 *
241	P	SS	Sydney – St James, King Street	1,874,970	149,979	37,499	33,753	15,189 *
242	P	W	Sylvania	303,466	24,274	6,069	93,388	6,508
243	PP	N	Terry Hills	131,681	10,533	2,634	12	-
244	P	SW	The Oaks	166,482	13,317	3,330	31,654	-
245	P	N	Thornleigh – Pennant Hills	586,236	46,893	11,725	188	-
246	P	WS	Toongabbie	625,820	50,059	12,516	3,591	-
247	P	N	Turrumurra	1,217,988	97,427	24,360	26,813	-
248	P	N	Turrumurra South	423,915	33,909	8,478	10,445	-
249	P	W	Ulladulla	230,327	18,424	4,607	5,414	-
250	RC(np)	SS	Unichurch (Uni. NSW) #	590,055	28,319	11,801	182	-
251	P	N	Wahroonga (combined, previously St Andrew's)	762,839	61,019	15,257	77,287	4,093
252	P	N	Waitara	292,033	23,360	5,841	-	-
253	P	WS	Wentworth Falls	302,493	24,196	6,050	16,342	-
254	P	WS	Wentworthville	141,974	11,357	2,839	753	-
255	P	N	West Pennant Hills	808,067	64,637	16,161	3,634	-
256	P	N	West Pymble with West Lindfield (from 1 Jan 21)	1,340,175	107,201	26,804	33,661	-
257	P	N	West Ryde	525,850	42,063	10,517	20,107	-
258	P	W	West Wollongong	504,295	40,339	10,086	68,892	2,834
259	P	WS	Westmead	244,368	19,547	4,887	72,773	3,416
260	P	WS	Wilberforce	222,170	17,771	4,443	28,854	-
261	P	N	Willoughby	454,481	36,354	9,090	-	-
262	P	N	Willoughby Park	285,766	22,858	5,715	55,199	780
263	P	WS	Windsor	102,842	8,226	2,057	3,118	-
264	P	W	Wollondilly	199,019	15,920	3,980	1,635	-
265	P	W	Wollongong	983,421	78,664	19,668	-	- *
266	P	SS	Woollahra	168,423	13,472	3,368	10,273	-
267	P	SW	Yagoona	316,286	25,300	6,326	60,983	1,647
				<b>122,812,518</b>	<b>9,704,574</b>	<b>2,456,250</b>	<b>8,343,491</b>	<b>570,635</b>

**Notes**

The 9 parochial units without property are indicated with "#" after the name of the parochial unit and "(np)" in the column showing the type of parochial unit (Parish, Provisional Parish, Recognised Church or Provisional Recognised Church).

In accordance with the formula in the Schedule to the *Parochial Cost Recoveries and Church Land Acquisition Levy Ordinance 2018*, the 9 parochial units without property are charged only 60% of the normal variable PCR percentage. The lower percentage approximates what the network costs would be after excluding - (i) the property insurance component of the ACPT's parish property and liability insurance program, and (ii) the ACPT's management fee.

In accordance with clause 4 of the *Property Receipts Levy Ordinance 2018*, parishes that receive property income that is subject to an ordinance applying some of that income for non-parishes purposes (indicated by a \* next to their Levy amount) pay no Levy on that income subject to an ordinance, but pay a higher rate of Levy on their other property income that is subject to the Levy.

Where the Property income subject to the Levy is negative, the actual figure has been replaced with "-" to avoid distorting the total.

## Parochial Cost Recoveries Ordinance 2022

No , 2022

### Long Title

An ordinance to determine the costs for parochial units and to authorise the application of such charges and for incidental purposes.

### Preamble

A. Under clause 4 of the *Cost Recoveries Framework Ordinance 2008* (the “Framework Ordinance”), a parochial unit is to pay a cost recoveries charge each year in respect of ministry costs and parochial network costs specified or determined in accordance with an ordinance referred to in clause 5 of the Framework Ordinance.

B. By clause 5A(b) of the Framework Ordinance, the Standing Committee is to prepare for the 2022 session of the 52<sup>nd</sup> Synod a proposed ordinance for adoption by the Synod which specifies the cost recoveries charge to be paid by each parochial unit in 2023, or the method or methods by which such charge may be determined by the Standing Committee, and authorises the Standing Committee to apply such cost recoveries charges paid by parochial units in a financial year toward ministry costs and parochial network costs.

The Synod of the Diocese of Sydney Ordains as follows.

### 1. Name

This Ordinance is the Parochial Cost Recoveries Ordinance 2022.

### 2. Definitions

5 In this Ordinance –

“year” means a period of 12 calendar months commencing on 1 January.

“ministry costs” means the costs, expenses, charges or contributions for the year referred to or contemplated under clause 2(2)(a) of the Framework Ordinance.

“parochial network costs” means –

- 10 (a) the costs, expenses, charges or contributions for the year referred to or contemplated under clause 2(2)(b) of the Framework Ordinance, and
- (b) the cost of the parish risk management program, and
- (c) the parish related costs for the year of the Professional Standards Unit, and
- 15 (d) the cost of reimbursing Synod Fund 131 for non-standard expenses previously incurred by the Professional Standards Unit and paid from Synod Fund 131, and
- (e) the cost of the safe ministry training program, and
- (f) the cost of the Ministry Spouse Support Fund, and
- (g) any provision for the relief or remission of parochial cost recoveries charges, and
- 20 (h) the cost of the Sydney Diocesan Service’s fee for managing the Parochial Cost Recoveries Fund 951, and
- (i) the cost of the Property Trust’s management fee for property related services to parishes with property, and
- (j) the cost of the Diocesan contribution to the Voluntary Relinquishment of Incumbency Fund.

25 “parochial unit” means a parish, provisional parish, recognised church or provisional recognised church in the Diocese of Sydney.

“parochial unit with property” means a parochial unit for which real property is held on trust or which has the use of real property held as part of the fund constituted under the *Ministry Infrastructure Development Fund Ordinance 2022*.

### 3. Cost recoveries charge

(1) In 2023 each parochial unit is to pay a cost recoveries charge calculated according to the formula in the Schedule.

(2) The cost recoveries charge paid by a parochial unit under subclause (1) is to be applied to the payment of the ministry costs and parochial network costs incurred, or to be incurred, in the year for which that charge is paid.

#### Schedule: Cost Recoveries Charge

1. The cost recoveries charge payable by a parochial unit for a year is –

- (a) in the case of St Andrew’s Cathedral, the minister and assistant minister charge for that year, and
- (b) in the case of any other parochial unit, the sum of –
  - (i) the minister and assistant minister charge for that year, and
  - (ii) the variable charge for that year,

but if –

- (c) the contributions, costs and charges for a minister or assistant minister are paid by another parochial unit or body, or do not apply to the minister or assistant minister, a pro rata rebate of the appropriate portion of the minister or assistant minister charge is granted for that part or parts of the year for which that minister or assistant minister is licensed, and
- (d) if a minister or assistant minister is licensed to the parochial unit only for part or parts of the year, an appropriate portion of the minister and assistant minister charge is payable for such part or parts.

2. In this Schedule –

“assistant minister” means an assistant minister or a senior assistant minister within the meaning of the *Assistant Ministers Ordinance 2017* licensed to the parochial unit.

“minister” means –

- (a) the person licensed to the parochial unit as rector, and
- (b) in the absence or incapacity of a person referred to in paragraph (a) or during any vacancy in office of the rector of the parochial unit, the person appointed under rule 9.7 in Schedule 1 or Schedule 2 of the *Parish Administration Ordinance 2008* for the time being to exercise all or any of the functions of the rector.

“minister and assistant minister charge” means, for each minister and assistant minister licensed to the parochial unit, the sum of the following costs and charges –

- (a) the costs of the contribution or contributions to a superannuation fund at the rate determined from time to time under the *Sydney Diocesan Superannuation Fund Ordinance 1961*, and
- (b) the costs of the contribution required to the Sydney Long Service Leave Fund in order to enable that Fund to make the payment or payments required to be made under the *Long Service Leave Canon 2010* in 2023, and
- (c) the costs of Clergy Care, including the costs of effecting stipend continuance insurance and funding the Clergy Assistance Program, and
- (d) the costs of the contribution or contributions to fund the Sydney Diocesan Sickness and Accident Fund.

“variable charge” in 2023 means the determined percentage of the Net Operating Receipts of the parochial unit for 2021 under the Framework Ordinance.

“determined percentage” means the ratio, expressed as a percentage, determined by the Standing Committee in accordance with the following formula –

$$PC / TR$$

where –

PC is the total estimated amount of all parochial network costs payable in 2023, and

TR is the total of the Net Operating Receipts of all parochial units, except for St Andrew’s Cathedral, for 2021,

provided that –

- (a) in the case of a parochial unit with property, the determined percentage is adjusted upwards to the extent necessary to meet any shortfall in the recovery of the estimated amount of all

- parochial network costs associated with property payable in a year due to the reduction in the determined percentage for parochial units without property under paragraph (b), and
- (b) in the case of a parochial unit without property, the determined percentage is 60% of the determined percentage calculated under paragraph (a).

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

Chair of Committee

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

Secretary of Synod

I Assent to this Ordinance.

Archbishop of Sydney

/ /2022

# Synod Appropriations and Allocations Ordinance 2022

## Explanatory Report

### Key Points

- The Bill for the proposed Synod Appropriations and Allocations Ordinance 2022 has been prepared in accordance with the requirements of clause 4(c) of the *Synod Estimates Ordinance 1998*.
- The total funds available for distribution in 2023 are \$571,000 more than in 2022 (an increase of 8.0%), largely due to the release of surplus funds reserves.
- Amongst the 'Immediate Requirements' individual allocations have been maintained at the same level as for 2022 unless information is available indicating the requirement has changed. However, as was the case for 2021, the full cost of the special insurance cover required for the Cathedral in 2023 will be funded from Synod funds.
- The only significant change to the allocations for 'Long Term Mission Commitments' has been to remove the temporary reduction of \$110,000 to the allocation to Moore Theological College now the College is no longer receiving special COVID-19 funding.
- Most of the individual allocations for 'Current Mission Activities' have been maintained at the same level as in 2022, however there is no additional allocation to Evangelism and New Churches as the position of Assistant Director (Parish Evangelism) has not been filled.

## Purpose

1. The purpose of this Report is to provide explanatory comments on the specific proposed sources and uses of Synod funds for 2023.

## Recommendation

2. Synod receive this report.
3. Synod pass the Bill as an ordinance of the Synod.

## Background

4. The Bill for the proposed Synod Appropriations and Allocations Ordinance 2022 and this Explanatory Report have been prepared in accordance with the requirements of clause 4(d) of the *Synod Estimates Ordinance 1998*. The Bill appropriates and allocates funds in a manner that is consistent with the Synod's intention as reflected in the *Statement of Funding Principles and Priorities 2019-2021*, and is broadly similar to the actual appropriations and allocations made for 2022.
5. The actual individual amounts appropriated and allocated by last year's ordinance for 2022 can be compared with the individual amounts proposed to be appropriated and allocated under the Bill for 2023, as shown in the respective columns in the Attachment.

## Source of funds

6. In aggregate, the total funds available under this Bill as distributions from the Diocesan Endowment, the Synod's 50% share of St Andrew's House Trust, and the parish trusts listed in the Source of Funds section is \$41,000 less than the equivalent figure in 2022, due mainly to the slightly lower distribution from the Synod – St Andrew's House Fund 134.

7. However, following a review of the suitability of levels of funds available to maintain cash flow in certain funds, and in conjunction with some unspent allocations from the previous year the total funds available for 2023 is \$571,000 (approximately 8%) more than the equivalent figure in 2022.

### Use of funds

8. Most of the increase in the total funds available has been required to meet a couple of new or increased 'Immediate requirements', with two small amounts allocated to a couple of new mission commitments and activities. As a result it has not been possible to increase the allocations to most organisations.
9. There has been an 8% increase in the allocation needed to meet the Diocese's General Synod statutory assessment. As noted in the Explanatory Report to last year's Ordinance, Sydney's share of this cost in both 2021 and 2022 was artificially low. One indirect consequence of the delay in holding the General Synod as a result of COVID-19 restrictions was that Sydney's share of the cost in 2021 and 2022 was based on clergy numbers relevant to the previous Synod.
10. The allocation of funds in 2023 to cover the cost of the Sydney Representatives' attendance and meetings at the next General Synod has been increased to \$50,000 in order to accumulate sufficient to cover the expected costs of \$150,000 every third year, with rising accommodation costs being the main factor. (The allocation in 2022 was only \$30,000, but this was a make-up figure to cover what would have been a shortfall, offset by the postponement of the last General Synod from 2021 to 2022 due to COVID-19 restrictions.)
11. In response to a request from Freedom for Faith to all its affiliates to help cover the cost of its increased workload, the Standing Committee is recommending an increase of \$5,000 in the Freedom for Faith affiliate fee for 2023.
12. No provision has been made in the allocation of funds for 2023 for the cost of the Diocese's participation in the next National Church Life Survey. Given the next Survey is not due until 2026 it is recommended that any decisions on funding be made closer to that time.
13. The estimate of the cost of the venue hire and printing for the 1<sup>st</sup> session of the 53<sup>rd</sup> Synod in 2023 has been based on the assumption of a return to the Wesley Theatre, and allows for a modest increase in costs since the previous Synod held there in 2019. The cost of hiring the Wesley Theatre is significantly less than the amount allocated for 2022 when it was thought COVID-19 restrictions may have required holding a Synod at the International Convention Centre in Darling Harbour.
14. Under the *Synod Estimates Ordinance 1998* Standing Committee is required to prepare the annual Synod funding ordinance in a way which –
  - (a) contains estimates of the amount required to meet the costs of maintaining the diocesan offices and the expenses of related activities and commitments, and
  - (b) provides grants to organisations under the control of Synod.

The allocation to SDS for its support of the Synod, Standing Committee and parishes and the provision of Diocesan Overheads has been increased because it is estimated that SDS's cost base will increase by 2.0% in 2023. In return for this increase SDS has agreed to cease charging separately for the services it provides to a number of smaller Synod Funds (i.e., Work Outside the Diocese Fund 127, Mission Areas Fund 128, Sydney Representatives and General Synod Fund 130, Synod Risk Reserve Fund 131 and the Ordination Training Fund 189).

15. For 2021 an allocation of \$405,000 was made to cover the cost of 2 insurance policies required specifically to cover St Andrew's Cathedral. For 2022 the estimated cost of these 2 policies rose substantially and there was insufficient funds available to Synod to cover the full cost of these policies. Accordingly, the Diocesan Resources Committee recommended that for 2022 the majority of this (some \$314,000) be added back into the cost of the Parish Property and Liability Insurance Program (where it had been prior to 2021).
16. The cost of these 2 Cathedral specific insurance policies in 2023 will be \$541,000 –
  - (a) \$517,000 for the ISR excess over \$150 million. The normal Industrial Special Risks (ISR) policy arranged by the ACPT as part of the parish insurance program covers all parish

buildings, but to a maximum liability of \$150 million on any one building, The Cathedral is the only building with has an insured value of more than \$150 million.

- (b) \$24,000 for the Liability 4<sup>th</sup> excess layer. The normal Public Liability cover applicable to parishes is limited to \$200 million, but the ACPT decided the concentration of people and commercial buildings in the vicinity of the Cathedral warranted a higher limit for that location.

Happily this year it appears there will be sufficient funds available to Synod to cover the full cost of these 2 policies. This will allow a return to the principle adopted in 2021 where these costs, relating specifically to the Cathedral, were removed from the Parish Property and Liability Insurance Program (a component on the variable PCR charge) to take pressure off the rise in PCR costs borne by the parishes.

- 17. In 2023 funding will be required for two new initiatives approved by Standing Committee –
  - (a) The psychological testing of presbyters is expected to cost \$27,000. This program actually commenced in 2022 and was funded in the first year from reserves in the Ordination Training Fund, but those reserves are not sufficient to cover the on-going cost; and
  - (b) The phased introduction of 'Pastoral Consultation' (involving a minister meeting regularly with a practitioner skilled in supervision) which commenced with a pilot program in 2022 funded from Contingencies and is expected to cost \$20,000 in the first full year.
- 18. The base amount allocated to Moore Theological College for 2023 has been continued at the level of \$1,463,000. However, this year the College has not been asked to agree to a temporary reduction (in 2022 this was \$110,000). This voluntary reduction in 2021 and 2022 was in recognition of the healthy financial position the College enjoyed as a result of COVID-19 benefits it received and related savings over this period. This no longer applies in 2023.
- 19. In response to Synod resolution 5/18, in 2020, 2021 and 2022 an additional allocation of \$100,000 pa has been made to Evangelism and New Churches to support the newly created position of Assistant Director (Parish Evangelism). Evangelism and New Churches has not yet decided whether to continue that position following the resignation of the current Assistant Director, the Rev John Lavender, effective later this year. Accordingly, at this stage no allocation of funds to support that position has been made for 2023.
- 20. The amount allocated to the Work Outside the Diocese Committee to support gospel ministry outside the Diocese has been maintained at 5% of the total income available to Synod, although the dollar amount of this allocation is \$2,000 less than in 2022 as a result of the reduction in total income.
- 21. No allocation to fund the position of Diocesan Researcher (a two day per week position) will be required for 2023. Following the resignation of the Researcher in 2021, there was a significant period during which the position was vacant. As a result, SDS will be able to fund the recently appointed person during 2023 using accumulated reserves. It is expected that Synod funding for this position will need to resume in 2024.
- 22. Standing Committee has recommended that the annual administration fee of \$25,000 payable by the Sydney Anglican (National Redress Scheme) Corporation be funded by direct Synod allocation in 2023.
- 23. An amount of \$143,000 remains available for Contingencies in 2023. This figure is a little more than the \$111,000 provided in 2022, but is considered prudent given how quickly the available balance has been depleted in recent years as Standing Committee has sought to respond to unforeseen circumstances.

For and on behalf of the Standing Committee.

**DANIEL GLYNN**  
**Diocesan Secretary**

25 July 2022

## Synod Funding for 2023

	Actual for 2021 \$000	Actual for 2022 \$000	Standing Committee proposal for 2023 \$000
<b>SOURCE OF FUNDS</b>			
GAB distribution from Diocesan Endowment	3,239	3,249	3,401
GAB additional distribution from DE (in lieu of proposed distribution from DCIF)	-	96	-
GAB distribution from Diocesan Cash Investment Fund	96	-	-
Synod – SAH Fund 134 distribution from Synod's 50% share of SAHT	2,693	2,477	2,400
Parish trusts			
Bondi (lease income from preschool at 34 Ocean St)	22	17	27
Church Hill (lease income from No. 1 York St office block) distributions ceased June 2021	268	272	137
Church Hill (lease income from No. 1 York St office block) – catch – up for Jul – Dec 2021	-	-	137
Church Hill (investment income)	5	5	5
King St – St James (lease income from Phillip Street office block) – received in 2020	231	342	282
King St – St James (lease income from Phillip Street office block) – adj. received Feb 2022	-	-	101
Manly (lease income from shops on the Corso)	-	-	-
Narellan (investment income from sale proceeds)	25	24	24
Paddington (lease income from 241 Glenmore Rd)	15	7	1
Ryde (lease income from Kirkby Gardens residential unit block)	549	525	463
South Sydney (investment income from sale proceeds)	7	5	-
Surry Hills (investment income from sale proceeds)	2	1	-
Wollongong (lease income from hotel/university accommodation)	25	26	26
Miranda (lease income from former service station)	4	4	4
ACPT Synod Fund (C/F 400 interest less ACPT fees)	12	-	1
Interest earned in Synod Fund 129 (2 <sup>nd</sup> half 2020 = \$548, 1 <sup>st</sup> quarter 2021 = \$422)	21	1	-
Subtotal parish trusts	1,185	1,229	1,208
<u>less</u> 1% added to capital of SAIPMF	(72)	(71)	(70)
Subtotal all sources	7,141	6,980	6,939
Surplus released from reserve funds	-	-	700
Amounts appropriated for prior year that will not be spent / required that year –			
General Synod statutory assessment	47	-	6
Provincial Synod	4	4	-
Sydney Synod – Venue Hire and Printing	80	110	38
Sydney Synod – committee members carparking	17	14	-
Sydney Synod - Archbishop's election Synod – venue hire and printing	80	-	-
Standing Committee venue hire and catering (incl. subcommittees)	8	-	-
St Andrew's Cathedral staff carparking in SAH ( <i>previously in Contingencies</i> )	7	4	-
Total funds available	7,384	7,112	7,683

	Actual for 2021 \$000	Actual for 2022 \$000	DRC draft for 2023 \$000
<b>USE OF FUNDS</b>			
<b>Long Term Requirements</b>			
Archbishop's PR (Media Officer)	161	161	161
<b>Immediate Requirements</b>			
Membership/affiliation –			
General Synod	530	541	582
Provincial Synod	12	8	8
Sydney Reps at General Synod	40	30	50
Freedom 4 Faith - affiliation fee	20	20	25
NSW Council of Churches	18	18	18
NCLS	15	40	-
Sydney Synod –			
Venue Hire & Printing	110	200	90
Printing & mailing hardcopy Synod materials to members who opt-in	10	10	10
Committee members carparking	23	10	10
Archbishop's election Synod – venue hire and printing	80	-	-
Standing Committee venue hire and catering (incl. subcommittees)	12	12	12
St Andrew's Cathedral staff carparking in SAH	10	10	10
SDS - Synod, Standing Committee & parishes	1,021	1,021	1,062
SDS – Diocesan Overhead	435	435	453
Synod Reserve fund replenishments	-	-	250
Cathedral – Diocesan contribution to recurrent funding needs	269	269	269
Insurance cover for the Cathedral – ISR excess over \$250m & Liability 4 <sup>th</sup> excess layer	405	230	541
EOS Expenditure Fund – increased costs to maintain expanded Diocesan database	28	28	28
<b>Long Term Mission Commitments</b>			
Ministry Training & Development	397	397	397
OTF – new ordinands' psychological tests & conference	43	43	41
– qualified persons to interview ordination candidates in relation to domestic abuse	11	11	12
– presbyters psychological testing	-	-	27
– pastoral consultation	-	-	20
Moore Theological College	1,463	1,463	1,463
<u>less</u> temporary reduction to partner with Diocese given COVID-19 benefits and savings	(80)	(110)	-
Youthworks College	75	75	75
<b>Current Mission Activities</b>			
Anglican Education Commission / Education advocacy consultant(s)	128	10	10
Anglican Media Council	199	199	199
Anglicare - research	108	108	108
Evangelism & New Churches	274	274	274
Additional funding to support new position of Assistant Director (Parish Evangelism)	100	100	-
TEMOC – Anglican chaplaincy in tertiary education	108	108	108
Work Outside the Diocese Committee –			
Supporting gospel ministry outside the Diocese ( <i>5% of total income from all sources</i> )	357	349	347
Funding the Diocese of Bathurst ( <i>\$250k pa for 6 years from 2019</i> )	250	250	250
Youthworks – Ministry Support Team	293	293	293
SRE Office – SRE Primary Upgrade	215	215	215
Lord Howe Island	22	22	22
Diocesan Researcher	47	47	-
Contribution to cost of Parish HR Partner	75	75	75
Sydney Anglican (National Redress Scheme) Corporation annual administration fee	-	-	25
Contingencies	100	140	143
	<b>7,384</b>	<b>7,112</b>	<b>7,683</b>

## Synod Appropriations and Allocations Ordinance 2022

No ....., 2022

### Long Title

An Ordinance to authorise financial appropriations and allocations for 2023 and for incidental matters.

### Preamble

By clause 4(b) of the *Synod Estimates Ordinance 1998*, the Standing Committee is to prepare for the 2002 session of the 52<sup>nd</sup> Synod a proposed ordinance which contains estimates for the 2023 financial year of –

- (i) the amount required for meeting the cost of sittings of the Synod, the maintenance of the diocesan offices and the expenses of such other diocesan activities and commitments as, in the opinion of the Standing Committee, should be supported,
- (ii) the amount which, in the opinion of the Standing Committee, should be granted to organisations under the control of Synod or to other organisations, and
- (iii) the amount available for distribution from endowments or other trusts for meeting the amounts referred to in paragraphs (i) and (ii) which, in the opinion of the Standing Committee, may prudently be applied towards meeting the amounts referred to in paragraphs (i) and (ii) in the relevant financial year.

A proposed ordinance prepared under subclause 4(b) for consideration at the 2022 session is, as far as practicable, to reflect –

- (i) the most recent statement of funding principles and priorities approved by the Synod, or
- (ii) any other determination made by the Synod in relation to such Statement.

The Synod of the Diocese of Sydney Ordains as follows.

#### 1. Name

This Ordinance is the Synod Appropriations and Allocations Ordinance 2022.

#### 2. Declaration

5 By reason of circumstances arising after the creation of the trusts on which the amounts referred to in the column “Standing Committee proposal for 2023” in the “SOURCE OF FUNDS” section of the Attachment to the Standing Committee’s Explanatory Report about the 2022 Ordinance are held, it is inexpedient to carry out or observe those trusts or to apply those amounts solely for the same or like purposes as those trusts.

#### 3. Variation of trusts

10 The trusts referred to in clause 2 are varied to such extent as is necessary to permit the directions referred to in clause 4.

#### 4. Appropriations and allocations for 2023

15 (1) The Synod directs that the amounts referred to in the column “Standing Committee proposal for 2023” in the “SOURCE OF FUNDS” section of the Attachment to the Standing Committee’s Explanatory Report about this Ordinance be appropriated and allocated in the manner specified in that same column in the “USE OF FUNDS” section of the same Attachment.

(2) If, in the opinion of the Standing Committee, all or any part of an amount referred to in subclause (1) is not required or cannot be applied for the specified purpose, the Standing Committee may by resolution reallocate that amount or part to another purpose.

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

Chair of Committee

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

Secretary of Synod

I Assent to this Ordinance.

Archbishop of Sydney

/ /2022

# Standing Committee Ordinance 1897 and Synod Membership Ordinance 1995 Amendment Ordinance 2022

## Explanatory Report

### Key Points

#### *Nominated Ministers and Parochial Ministers who are acting rectors*

- Clergy holding office as a member of Synod as a Nominated Minister (Part 7) are sometimes appointed as acting rectors. This causes the Nominated Minister to lose their membership of Synod as a Nominated Minister.
- Clergy already holding office as a member of Synod as Parochial Ministers are also sometimes appointed as acting rectors. In such instance the person is only counted as one member, but cannot appoint an alternate for the Parochial Unit of which they are an acting rector.
- The proposed amendments will enable the Nominated Minister or Parochial Minister to appoint - as an alternate - an Assistant Minister of the Parochial Unit of which the Nominated Minister or Parochial Minister has been appointed as an acting rector.

#### *Archbishop's Executive Officer*

- The Registrar is currently an ex-officio member of the Synod and Standing Committee under the *Standing Committee Ordinance 1897* and *Synod Membership Ordinance 1995*.
- The role of the Registrar is to be divided between two people, one who will be known as the 'Archbishop's Executive Officer', and the other 'the Registrar'.
- The Archbishop's Executive Officer should replace the Registrar as an ex-officio member of the Synod and Standing Committee.

#### *Synod membership*

- Certain persons will be required to make a declaration that they have not been convicted of a disqualifying offence listed in Schedule 2 of the *Child Protection (Working with Children) Act 2012* before they are eligible to be elected or appointed as a member of the Synod. This amendment will reinforce a culture of concern for safe ministry in the Diocese and bring the declaration into alignment with the form of declaration required of wardens and parish councillors.

## Purpose of the bill

1. The purpose of the Bill for the Standing Committee Ordinance 1897 and Synod Membership Ordinance 1995 Amendment Ordinance 2022 (the **Bill**) is to—
  - (a) provide for the appointment of Assistant Ministers as alternates where a person is already a member of the Synod as a Nominated Minister or a Parochial Minister and appointed as an acting rector,
  - (b) provide for the person functioning as the Archbishop's Executive Officer to replace the Registrar as an ex-officio member of the Synod and Standing Committee, and
  - (c) prevent a person who has been convicted of a disqualifying offence listed in Schedule 2 of the *Child Protection (Working with Children) Act 2012* from being elected or appointed as a member of the Synod.

## Recommendations

2. Synod receive this report.
3. Synod pass the Bill as an ordinance of the Synod.

## Explanation

### Archbishop's Executive Officer

4. The amendments in clause 2 of the Bill provide for the Archbishop's Executive Officer to be an ex officio a member of the Standing Committee instead of the Registrar.
5. The amendments in clause 3(g) of the Bill provide for the Archbishop's Executive Officer to be an ex officio member of the Synod instead of the Registrar.
6. The person holding office as the Registrar has often functioned as both the Archbishop's Executive Officer and as the person responsible for the statutory functions of the Registry. Under Archbishop Raffel, these functions are to be divided between two different people.
7. The Archbishop's Executive Officer will assist the Archbishop in Synod and Standing Committee in addition to other responsibilities, and therefore it is appropriate that this role should replace that of the Registrar as an ex-officio member of the Synod and the Standing Committee.
8. The amendments in clause 4 of the Bill insert a definition of "Archbishop's Executive Officer" in the *Interpretation Ordinance 1985*. The definition attaches to the function of the position rather than the particular title.

### Synod membership – disqualifying offences

9. The amendment in clause 3(a) will have the effect of expanding the declaration made by recently elected Synod members to include a statement confirming that they have not been convicted of a disqualifying offence listed in Schedule 2 of the *Child Protection (Working with Children) Act 2012*.
10. By clause 6(1) of the *Synod Membership Ordinance 1995*, each Parochial Representative, alternate for a Parochial Representative, Nominated Layperson and lay Nominated Indigenous Representative must sign the following declaration prior to notice of his or her election or appointment –  
"I, the undersigned A.B., do declare that I am a communicant member of the Anglican Church of Australia and not a member of any other Church."
11. In accordance with recommendations from the Safe Ministry Board, the expanded declaration will include that they –  
"...have not been convicted of a disqualifying offence listed in Schedule 2 of the *Child Protection (Working with Children) Act 2012*."
12. The offences listed in Schedule 2 of the *Child Protection (Working with Children) Act 2012* will disqualify a person from obtaining a Working with Children Check clearance. In summary, those offences are sex offences or offences involving children which are punishable by imprisonment of 12 months or more. They include the murder or manslaughter of a child, intentional wounding or committing grievous bodily harm to a child, abandonment of a child, serious sex offences, incest, bestiality and offences related to child pornography/child abuse material.
13. The amendments will reinforce a culture of concern for safe ministry in the Diocese and bring the declaration into alignment with the declaration required of wardens and parish councillors.
14. Synod members do not have contact with children in undertaking their functions as Synod members, however collectively they set the law and policy of the Diocese with respect to safe ministry. A person who has been convicted of a disqualifying offence should not hold a position in the Church through which they can influence outcomes on these matters.
15. The amendment is also consistent with Child Safe Standard of the *Child Safe Scheme in the Children's Guardian Act 2019*: "Child safety is embedded in organisational leadership, governance and culture."

### Nominated Ministers and Parochial Ministers who are acting rectors

16. The amendments in clause 3(b) to (f) of the Bill address, for the purposes of the *Synod Membership Ordinance 1995*, the situation where –

- (a) A Nominated Minister is the Acting Rector of one or more Parochial units.
  - (b) A Parochial Minister is the Rector of a Parochial Unit while also licensed as the Acting Rector of one or more other Parochial Units.
17. Part 7 of the *Synod Membership Ordinance 1995* provides for the Archbishop to appoint a certain number of Qualified Ministers to be members of the Synod as **Nominated Ministers**. These members are clergy who are authorised or licensed to officiate in the Diocese.
18. Regional archdeacons are often appointed as Nominated Ministers. Retired clergy are also often appointed as Nominated Ministers.
19. Regional archdeacons and retired clergy will also sometimes be appointed as acting rectors.
20. If a Nominated Minister is appointed as an acting rector, they become entitled to be summoned to a session of Synod under Part 4 as a Parochial Minister. This means they will lose their membership as a Nominated Minister (cl 35(e)). However, when the appointment as acting rector comes to an end their membership of Synod as a Nominated Minister does not revive, unless there is a vacancy and the Archbishop reappoints the person as a Nominated Minister.
21. Rectors will sometimes be appointed as an acting rector of another parish – often a neighbouring one that is vacant. The Rector will remain as a Parochial Minister in this instance, but is only counted as one member of the Synod.
22. It is proposed that a new clause 8D be inserted into the Synod Membership Ordinance 1995 to provide that –
- (a) A Nominated Minister who is an acting rector of one or more Parochial Unit(s) is not a member of Synod as a Parochial Minister while he remains a member of the Synod as a Nominated Minister.
  - (b) A Parochial Minister who is licensed as the rector of a Parochial Unit while also licensed as an acting rector of any other Parochial Unit is not a member of Synod as a Parochial Minister of the Parochial Unit(s) of which he is licensed as acting rector.
23. A Nominated Minister or a Parochial Minister to whom (a) or (b) applies is not able to appoint an alternate for the Parochial unit of which they are an acting rector as they are not members of Synod as Parochial Ministers for those Parochial Units, and the circumstances in clause 8A(1) would not apply in any case if they are attending the session of Synod.
24. To address this, a new clause 8D(4) will make separate provision for a Nominated Minister or a Parochial Minister who whom (a) or (b) applies to appoint a Minister licensed to the Parochial Unit of which they are an acting rector (i.e. an Assistant Minister).

For and on behalf of the Standing Committee

DANIEL GLYNN  
**Diocesan Secretary**

25 July 2022

# Standing Committee Ordinance 1897 and Synod Membership Ordinance 1995 Amendment Ordinance 2022

No , 2022

## Long Title

An Ordinance to amend the *Standing Committee Ordinance 1897* and *Synod Membership Ordinance 1995*.

The Synod of the Diocese of Sydney Ordains as follows.

### 1. Name

This Ordinance is the Standing Committee Ordinance 1897 and Synod Membership Ordinance 1995 Amendment Ordinance 2022.

### 2. Amendments to the *Standing Committee Ordinance 1897*

5 The *Standing Committee Ordinance 1897* is amended as follows –

- (a) delete the matter ‘Registrar’ in subclause 1A(1) and insert instead the matter ‘Archbishop’s Executive Officer’, and
- (b) substitute the word “Archbishop” for the word “Bishop” in subclause 4(3).

### 3. Amendments to the *Synod Membership Ordinance 1995*

10 The *Synod Membership Ordinance 1995* is amended as follows –

- (a) insert the following at the end of the declaration in clause 6(1) prior to the full stop –  
“and have not been convicted of a disqualifying offence listed in Schedule 2 of the *Child Protection (Working with Children) Act 2012*”,
- (b) delete the first occurrence of the word “Each” in the text of clause 7 and insert the following matter instead –  
“Subject to subclauses 8D(1) and (2), each”,
- (c) delete the first occurrence of the word “A” in the text of subclause 8A(1) and insert the following matter instead –  
“Subject to subclause 8D(3), a”,
- 20 (d) insert the following in subclause 8B(1) after the first occurrence of the words “Parochial minister”–  
“or appointed under subclause 8D(4)”,
- (e) insert the following in clause 8C after the matter “clause 8A” –  
“or as an alternate under subclause 8D(4)”,
- 25 (f) insert a new clause 8D as follows –  
**“8D. Nominated Ministers and Parochial Ministers who are acting rectors**  
(1) A Nominated Minister who is an acting rector of one or more Parochial Units is not a member of Synod as a Parochial Minister while he remains a member of the Synod as a Nominated Minister.  
30 (2) A Parochial Minister who is licensed as the rector of a Parochial Unit while also licensed as an acting rector of any other Parochial Unit is not a member of Synod as a Parochial Minister of the Parochial Unit(s) of which he is licensed as acting rector.  
35 (3) A Nominated Minister or Parochial Minister to whom subclause 8D(1) or (2) applies may not appoint an alternate under subclause 8A(1) for the Parochial Minister of any Parochial Unit of which they are an acting rector.  
(4) Notwithstanding subclauses 8D(1) and (2), a Nominated Minister or Parochial Minister to whom one of those subclauses apply –  
40 (a) may appoint a Minister licenced to the Parochial Unit(s) of which they are acting rector to be the alternate for the Parochial Minister of that Parochial Unit for a session of the Synod by giving a notice to the Registrar in accordance with clause 8A(2), and

(b) is deemed to be the Parochial Minister of the Parochial Unit(s) for the purposes of subclauses 8A(2), (3) and 8C.”

(g) delete clause 52 and insert instead the following -

**“52. The Archbishop’s Executive Officer**

The Archbishop’s Executive Officer is a member of the Synod and must be summoned to each session of the Synod.”

**4. Amendments to the Interpretation Ordinance 1985**

The *Interpretation Ordinance 1985* is amended by inserting the following definition in the Schedule in alphabetical order –

“Archbishop’s Executive Officer – The person fulfilling the function of executive officer to the Archbishop regardless of the name that is given to their position.”

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

Chair of Committee

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

Secretary of Synod

I Assent to this Ordinance.

Archbishop of Sydney

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**Third Session of  
52<sup>nd</sup> Synod**

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

**Book 3**

(Pages 301 to 399)

**Principal Legislation  
and  
Other Background Materials**

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

## 2022 Principal Legislation and Other Background Materials (proposed to be amended or otherwise considered)

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# Synod Standing Orders Ordinance 2019

(Reprinted under the Interpretation Ordinance 1985.)

The Conduct of the Business of Synod Ordinance 2000 as amended by the Conduct of the Business of Synod Amendment Ordinance 2002, the Conduct of the Business of Synod Amendment Ordinance 2005, the Archbishop of Sydney Election Amendment Ordinance 2009, the Conduct of the Business of Synod Ordinance 2000 Amendment Ordinance 2014, the Conduct of the Business of Synod Ordinance 2000 Amendment Ordinance 2016, the Miscellaneous Amendments Ordinance 2019, and the Conduct of the Business of Synod Ordinance 2000 Amendment Ordinance 2019.

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An Ordinance to make rules for the conduct of the business of the Synod of the Diocese of Sydney.  
 The Synod of the Diocese of Sydney ordains.

**1. Name**

This Ordinance is the Synod Standing Orders Ordinance 2019.

**2. Adoption of new rules of procedure**

The rules for the conduct of the business of the Synod of the Diocese of Sydney are in the Schedule to this Ordinance.

**3. Repeal of previous rules**

- (1) The Standing Orders Ordinance 1968 is repealed.
- (2) Each reference in an ordinance (other than this Ordinance) to the Standing Orders Ordinance 1968 and the Conduct of the Business of Synod Ordinance 2000 is changed to the Synod Standing Orders Ordinance 2019.

**4. Commencement**

Clauses 2 and 3 of this Ordinance commence on the day next following the last day of the second session of the 45th Synod or on the day on which assent is given to this Ordinance, whichever is later.

## Schedule

### Synod of the Diocese of Sydney

#### Rules for Conducting the Business of the Synod

#### Part 1 Meeting Time, President, Houses of the Synod and Quorum

##### 1.1 Meeting time

- (1) The Synod is to meet at 3.15 pm on each appointed day unless it decides to meet at another time.
- (2) No motion about a proposed ordinance may be considered before 4.30 pm apart from the unopposed introduction of a proposed ordinance.

##### 1.2 President

- (1) The Archbishop is the President.
- (2) In the absence of the Archbishop, the President is the person appointed by the Archbishop as his commissary under section 11 of the Constitutions in the Schedule to the 1902 Constitutions.
- (3) In the absence of the Archbishop and the commissary, the President is the person next in ecclesiastical rank who is licensed in the Diocese and is present at the meeting of the Synod.
- (4) If the person who is the President of the Synod is, for any reason, unwilling or unable (otherwise than by absence) to preside in respect of any business of the Synod, the President is the person next in ecclesiastical rank after that person who is licensed in the Diocese and is present at the meeting of the Synod.
- (5) Nothing in this rule amends the provisions of the Constitutions in the Schedule to the 1902 Constitutions concerning the giving of assent to an ordinance of the Synod. Accordingly, a person who is President of the Synod under rule 1.2(2) or (3) or (4) may not assent to an ordinance unless that person is authorised to do so under those Constitutions.
- (6) In this rule 1.2, the word "Archbishop" means, if the See is vacant, the person appointed under an ordinance of the Synod to administer the Diocese.

##### 1.3 Houses of the Synod

- (1) Each member of the Synod (other than the President) is a member of a House of the Synod.
- (2) A member who is ordained is a member of the House of Clergy.
- (3) A member of the Synod who is not ordained is a member of the House of Laity.

##### 1.4 Quorum

- (1) When a motion about a proposed ordinance is being considered, one fourth of the members of each House is a quorum.
- (2) Otherwise, 50 members of the House of Clergy and 100 members of the House of Laity is a quorum.
- (3) If at the time fixed for a meeting of the Synod or during a meeting of the Synod, a quorum is not present the President is to adjourn the Synod to a time determined by him. If a debate is interrupted as a consequence then, subject to rules 3.3, 3.4 and 3.5, the debate is to resume at the point where it was interrupted.

#### Part 2 Officers and Committees of the Synod

##### 2.1 Introduction

The Synod elects several officers and committees to assist it in conducting its business. Those officers and committees are

- (a) the Secretary of the Synod
- (b) the Chair of Committee
- (c) the Deputy Chair or Chairs of Committee
- (d) the Committee of Elections and Qualifications
- (e) the Committee for the Order of Business
- (f) the Minute Reading Committee.

This Part sets out the functions of the officers and committees of the Synod.

## 2.2 The Secretary of the Synod

- (1) One member is to be elected as Secretary of the Synod on the first day of the first session of each Synod and, subject to rule 2.8, is to hold office until the first day of the first session of the next Synod.
- (2) The Secretary of the Synod is to
  - (a) prepare the business paper for each day after the first day of each session of a Synod, and
  - (b) take minutes of the meetings of the session, and maintain the minute book, and
  - (c) record the ordinances passed by the Synod, and
  - (d) prepare and publish the report of the session of the Synod.
- (3) With the permission of the President, the Secretary of the Synod may give notices to the Synod about any matter concerning the business of the Synod.
- (4) The Secretary of the Synod may approve any report or other material from a Diocesan Body or Organisation being made available to members.

## 2.3 The Chair of Committee

- (1) One member is to be elected as the Chair of Committee on the first day of the first session of each Synod and, subject to rule 2.8, is to hold office until the first day of the first session of the next Synod.
- (2) The Chair of Committee presides during meetings of the Synod in Committee and, when presiding, has the same authority as the President.

## 2.4 The Deputy Chair or Chairs of Committee

- (1) One or more members is to be elected as the Deputy Chair or Deputy Chairs of Committee on the first day of the first session of each Synod and, subject to rule 2.8, is to hold office until the first day of the first session of the next Synod.
- (2) The Deputy Chair of Committee presides during meetings of the Synod in Committee if the Chair of Committee is unable or unwilling to act, or if the Chair of Committee requests that a Deputy Chair of Committee act. When presiding, the Deputy Chair has the same authority as the President.
- (3) If more than one Deputy Chair of Committee is elected, the person to preside in the place of the Chair of Committee is to be determined by the persons who have been elected as Deputy Chairs of Committee or, if they are unable to agree, by the President.
- (4) If
  - (a) the Chair of Committee, and
  - (b) the Deputy Chair of Committee or each of the Deputy Chairs of Committee,are unable or are unwilling to preside during a meeting of the Synod in Committee, the person to preside during that meeting is to be a member appointed by the Synod as a result of a motion without notice passed by the Synod. When presiding, that person has the same authority as the President.

## 2.5 The Committee of Elections and Qualifications

- (1) The Committee of Elections and Qualifications is to consist of not more than 5 members elected on the first day of the first session of each Synod and who, subject to rule 2.8, are to hold office until the first day of the first session of the next Synod.
- (2) The Committee of Elections and Qualifications is to investigate and report when required by rule 6.1.
- (3) A person may not act as a member of the Committee of Elections and Qualifications in relation to a question referred by the Synod about
  - (a) the validity of the election or appointment of that person as a member of the Synod, or
  - (b) that qualification of that person to be a member of the Synod.

## 2.6 The Committee for the Order of Business

- (1) The Committee for the Order of Business is to consist of
  - (a) the Secretary of the Synod, and
  - (b) not more than 5 members elected by the Synod on the first day of the first session of each Synod and who, subject to rule 2.8, are to hold office until the first day of the first session of the next Synod
- (2) The Committee for the Order of Business is to review the business paper for each day of a session, other than the first day, and settle the order and scheduling of motions and presentations appearing on the business paper.

## **2.7 The Minute Reading Committee**

- (1) The Minute Reading Committee is to consist of not more than 8 members elected on the first day of the first session of each Synod and who, subject to rule 2.8, are to hold office until the first day of the first session of the next Synod.
- (2) Any 2 members of the Minute Reading Committee are to review the minutes of the proceedings of each day and certify their correctness, or otherwise, to the President.

## **2.8 Casual vacancies**

- (1) A casual vacancy in any office or in the membership of any committee elected under this Part 2 arises if the person holding the office or membership –
- (a) dies,
  - (b) resigns by written notice given to the President, or
  - (c) ceases to be a member of the Synod.
- (2) A casual vacancy in any office or in the membership of any committee held by a person elected under this Part 2 also arises if the Synod declares, as a result of a motion with or without notice passed by the Synod, the office or membership to be vacant.
- (3) A casual vacancy arising under rule 2.8(1) or (2) may be filled by the Synod or, if the Synod is not in session, by the Standing Committee. A person who is elected by the Standing Committee to fill a casual vacancy holds office or remains a member of the committee until the next session of the Synod.

## **Part 3 The Order of Business of the Synod**

### **3.1 Introduction**

This Part sets out the order in which the business of the Synod is to be conducted on each day of a session.

### **3.2 Order of business for the first day of a session**

The order of business for the first day of a session of is as follows.

- (a) The President, or a person appointed by him, is to read prayers.
- (b) The President is to table a list of the members of the Synod.
- (c) The President may address to the Synod at a time of his choosing.
- (d) The President is to table a document appointing a commissary.
- (e) The President is to call the motions on the business paper appearing in relation to paragraphs (f) and (g) of this clause.
- (f) The Synod is to consider any motion to declare a vacancy or vacancies among the membership of the Property Trust in accordance with the Anglican Church Property Trust Diocese of Sydney Ordinance 1965.
- (g) Where required under Part 2, the Synod is to consider motions for the election of -
  - (i) the Secretary of Synod,
  - (ii) the Chair of Committee,
  - (iii) the Deputy Chair or Chairs of Committee,
  - (iv) the Committee of Elections and Qualifications,
  - (v) the Committee for the Order of Business, and
  - (vi) the Minute Reading Committee.
- (h) The President is to table a list of the results of uncontested elections and declare the persons concerned elected.
- (i) The minute book of the Standing Committee is to be tabled.
- (j) The President is to allow members to present petitions.
- (k) The President is to table a list of questions asked by members in accordance with 6.3(2)(a).
- (l) The President is to invite members to give notice of motions.
- (m) The President is to call the motions, including procedural motions, in the order in which they appear on the business paper in accordance with rule 4.5.
- (n) The President is to allow members to move procedural motions.
- (o) The Synod is to consider motions for the formal reception and printing of reports, accounts and other documents in the order in which they appear on the business paper.
- (p) The Synod is to consider motions for proposed ordinances, in the order in which they appear

on the business paper.

- (q) The Synod is to consider motions to be moved at the request of the Synod or the Standing Committee in the order in which they appear on the business paper.
- (r) The Synod is to consider motions to be moved at the request of a regional council in the order in which they appear on the business paper.
- (s) The Synod is to consider motions received by the Standing Committee from members in accordance with rule 4.3(3) in the order in which they were received.

### **3.3 Order of business for the second and third days of a session**

The order of business for the second and third days of a session is as follows.

- (a) The President, or a person appointed by him, is to read prayers.
- (b) The President, or a person appointed by him, is to read a passage from the Bible and apply it.
- (c) The minutes of the proceedings of the previous day are to be signed by the President as a correct record, or be otherwise dealt with.
- (d) Subject to rules 6.3(2)(d) and 6.3(5), answers to questions asked on previous days are to be given.
- (e) The President is to allow members to ask questions in accordance with rule 6.3(2)(c).
- (f) The President is to invite members to give notice of motions.
- (g) The President is to call the motions, including procedural motions, in the order in which they appear on the business paper in accordance with rule 4.5.
- (h) The President is to allow members to move procedural motions.
- (i) The Synod is to consider motions about proposed ordinances in the order in which they appear on the business paper.
- (j) The Synod is to consider other motions in the order in which they appear on the business paper.

### **3.4 Order of business for the fourth and subsequent days of a session**

(1) The order of business for the fourth and subsequent days of a session of the Synod is the order specified in rule 3.3 except that no member may

- (a) ask a question, or
- (b) give notice of a motion,

except with the permission of the majority of the members then present.

(2) The order of business for the last day of a session may include motions of thanks without notice.

(3) The President is authorised to sign the minutes of the final sitting day as a correct record, upon the production to the Standing Committee of the certificate of any two members of the minute reading committee.

### **3.5 Order of motions**

Motions are to be considered in the order in which they appear on the business paper. The Synod may determine, as a result of a procedural motion passed by the Synod,

- (a) to vary the order in which motions are considered, or
- (b) to fix a time for when a motion is to be considered.

### **3.6 Presentations to Synod**

(1) The President may invite persons at his discretion to address the Synod.

(2) Presentations approved by the Standing Committee will appear on the business paper for day 1.

(3) Presentations scheduled by the Committee for the Order of Business will appear on business papers for subsequent days.

(4) The Synod may, as a result of a procedural motion, allow other presentations to be made to the Synod on any subject related to the Synod. Such presentations –

- (a) must be no longer than ten minutes, and
- (b) may not be scheduled to a time following the dinner break.

(5) Synod members, or individuals who are not members of Synod but who are named as intended presenters in a procedural motion, may combine for a presentation (including visuals) in accordance with this clause.

## Part 4 Resolutions

### 4.1 Introduction

The main way in which the Synod expresses a view on a matter is by the making of a resolution. Generally, a resolution is made in the following way.

- (a) A member of the Synod (referred to in these rules as the “mover”) moves a motion (referred to in these rules as the “principal motion”). Usually, the mover will have given notice of the principal motion on a previous day.
- (b) Except during a meeting of the Synod in Committee, a motion is to be seconded.
- (c) When called by the President, the mover will speak in support of the principal motion and the seconder may also speak in support of the motion.
- (d) Instead of making separate speeches in support of the principal motion, the mover and seconder may, by notice to the Synod, elect to make a joint presentation in support of the principal motion for up to the combined length of time the mover and seconder would otherwise be permitted to speak.
- (e) A speech or presentation referred to in paragraph (c) or (d) may, by arrangement with the Secretary of the Synod, be accompanied by overhead visual material.
- (f) If any member wishes to speak against the principal motion, or move a proposed amendment, debate will proceed.
- (g) If no member wishes to speak against the principal motion or move an amendment, the President is to ask the Synod to vote on the principal motion.
- (h) After debate has concluded, the President is to ask the Synod to vote on any amendments. After any amendments have been agreed to or rejected, the President is to ask the Synod to vote on the principal motion, as amended by any amendments which have been agreed.
- (i) If the principal motion, with or without amendments, is passed, it becomes a resolution of the Synod.

The remaining rules in this Part contain the details of this procedure, and the details of the special situations in which the general procedure is modified.

### 4.2 General rules

- (1) A member may only address the Synod when called by the President to do so.
  - (1A) A member who wishes to be called by the President to address the Synod is to stand in his or her place, or if directed by the President, to stand near a microphone. The President is to call from among those standing the member who may address the Synod.
- (2) The President may take part in debate.
- (3) If the President stands, all other members are to sit and remain seated until the President sits down.
- (4) Any member may speak to a question about procedure. A question about procedure is to be decided by the President whose decision is final unless immediately altered as a result of a motion without notice passed by the Synod.
- (5) The President is to confine each speaker to the subject matter being debated. A member may not interrupt a speaker, except with the permission of the President, or as a result of a motion without notice passed by the Synod.
- (6) A speaker may not make a remark which reflects adversely on the personality of any member or imputes an improper or questionable motive to any member. If a speaker makes such a remark, the President is to
  - (a) ask the speaker to withdraw the remarks and apologise and,
  - (b) warn the speaker against making such remarks in future.

If, having been asked, the speaker refuses to withdraw the remark and apologise, the member may be suspended from the Synod as a result of a motion with or without notice passed by the Synod, for the time specified in the motion.

- (7) A member may not act in a disorderly way. If a member acts in a disorderly way, he or she may be suspended from the Synod as a result of a motion with or without notice passed by the Synod, for the time specified in the motion.

**4.3 Notice of motions required**

- (1) The Synod is not to consider a motion unless notice of the motion was given on a previous day.
- (2) Motions intended to facilitate the consideration of business are known as 'procedural motions'. Rule 4.3(1) does not apply to procedural motions and those other motions for which notice is not required by Parts 4 and 5.
- (2A) Rule 4.3(1) does not apply to motions to amend a motion.
- (3) A member may send notice of a motion to the Standing Committee to be received at least 1 month before the first day of the session. Notice of such motion is to be printed on the business paper for the first day of the session. A member may not send notice of more than 2 motions.

**4.4 Motions to be seconded**

- (1) No motion, or motion to amend a motion, is to be considered unless it is seconded.
- (2) Rule 4.4(1) does not apply to a motion moved in a meeting of the Synod in Committee.

**4.5 Calling the motions on the business paper**

- (1) At the time required by rule 3.2, 3.3 or 3.4, the President is to call the motions in the order in which they appear on the business paper, except those motions about a proposed ordinance or policy or those motions to be considered at a time fixed by the Synod.
- (2) When a motion is called, the President is to ask for the motion to be formally moved and seconded unless 8 or more members stand to object or any member calls "amendment". If the motion is formally moved and seconded, the Synod is to vote on the motion without any speeches or debate.
- (3) If 8 or more members stand to object or any member calls "amendment"
  - (a) the President is to immediately call the next motion on the business paper to be called under this rule or, if there is no such motion, proceed to the next item of business, and
  - (b) any member who calls "amendment" is to
    - deliver a written copy of the proposed amendment to the Secretary of the Synod, and
    - make himself or herself available to discuss the proposed amendment with the mover of the motion on the day on which the call is made.

**4.5A Incorporation of amendments in principal motion**

If the mover of a principal motion (the 'Mover') notifies the Secretary of the Synod that –

- (a) having discussed a proposed amendment with the mover of the amendment, the Mover agrees to include the proposed amendment in the principal motion, or
- (b) the Mover wishes to move the principal motion in an amended form,

the motion in the amended form becomes the principal motion and is to be printed in a suitably marked form on the list of proposed amendments provided on day 1 or on the next day's business paper.

**4.6 Time limits for speeches**

- (1) The following time limits for speeches apply.
  - (a) For a motion that a proposed ordinance be approved in principle –
    - the mover may speak for up to 15 minutes, and up to 5 minutes in reply
    - other members may speak for up to 5 minutes.
  - (b) For a speech following the Synod's approval to consider a proposed ordinance formally, the mover may speak for up to 3 minutes.
  - (c) For other motions, except the motions referred to in paragraphs (d) and (e) –
    - the mover may speak for up to 10 minutes, and up to 5 minutes in reply
    - other members may speak for up to 5 minutes.
  - (d) For motions to amend a motion, a member may speak for up to 5 minutes.
  - (e) For procedural motions and for motions moved in a meeting of the Synod in Committee, a member may speak for up to 3 minutes.
- (2) A member, not being the speaker at the time, may, without making a speech, move a procedural motion for the speaker to continue for a nominated number of minutes.

**4.7 Number of speeches**

- (1) No member may speak more than once on the same motion except

- (a) during a meeting of the Synod in Committee, or
- (b) when invited to give an explanation, or
- (c) when exercising a right of reply under rule 4.11.

(2) A member who formally seconds a motion is not regarded as having spoken to the motion.

(3) Once a motion to amend a motion (the principal motion) has been moved, it is a separate motion for the purpose of this clause. Accordingly, if a member has already spoken on the principal motion, they may not move a motion to amend the principal motion, but they may speak on any amendment to the principal motion.

#### **4.8 After a motion has been seconded**

(1) After a motion has been moved and seconded, the President is to ask a question to the effect “Does any member wish to speak against the motion or move an amendment?”

(2) If no member indicates a wish to speak against the motion or move an amendment, the Synod is to vote on the motion without further debate.

(3) If a member indicates a wish to speak against the motion or move an amendment, debate on the motion is to proceed, commencing with speeches for and against the motion before considering amendments to the motion, unless the President determines otherwise.

#### **4.9 Amendments to motions**

(1) A member may move a motion to amend a principal motion at any time before the close of debate. The motion to amend must be in writing and a copy handed to the President.

(2) A member may move a motion to amend a motion to amend a principal motion. The motion to amend must be in writing and a copy handed to the President.

(2A) A motion to amend is not to be irrelevant to the principal motion or give rise to an entirely different subject matter from or a direct negative of the principal motion.

(3) A member may, with the permission of the Synod, withdraw their own motion to amend at any time before the close of debate.

(4) If motions to amend have been moved, but not passed by the Synod, the motion to be put to the vote is the principal motion.

(5) If motions to amend have been moved and passed by the Synod, the motion to be put to the vote is the amended principal motion.

(6) If a member has moved a motion to amend and another member moves a motion for a different amendment or indicates an intention to move a motion for a different amendment, the President may

- (a) put to the Synod questions about the principal motion and the proposed amendment to establish the mind of the Synod on the principle or principles of the motions, or
- (b) nominate a person or persons to
  - prepare a suitable form of words which expresses the mind of the Synod
  - report to the Synod,
 and adjourn the debate on the principal motion and the proposed amendments until the report has been received.

(7) If debate on a motion is adjourned under rule 4.9(6)(b), the Synod is to proceed to the next item of business.

(8) If the President considers that the strict application of rule 4.9 may cause confusion or prevent the Synod from expressing its mind, he may waive the application of this rule, or so much of it as he thinks fit.

#### **4.10 Putting a motion to the vote**

(1) If, during the time for debate on a motion, no further member indicates a wish to speak to the motion, the President may declare that the debate has ended, subject to the mover of the motion exercising or declining to exercise a right of reply under rule 4.11.

(2) If the President thinks that sufficient time has been allowed for debate on a motion but there remains one or more members indicating a wish to speak to the motion, the President is to ask the Synod a question to the effect

“Does the Synod consider that the motion has been sufficiently debated and should now be voted on?”

If the majority of the members present answer “Aye”, the debate on the motion will be regarded as having ended, subject to the mover of the motion exercising or declining to exercise a right of reply under rule 4.11. If the majority of members present answer “No” the President is to allow the debate to continue. Rule 4.10(1) and rule 4.10(2) apply until debate has ended.

#### **4.11 Right of reply**

- (1) The mover of a motion has a right of reply after debate on a motion has ended unless the motion is
  - (a) a procedural motion, or
  - (b) a motion for an amendment, or
  - (c) a motion moved in a meeting of the Synod in Committee.
- (2) After the mover has exercised or declined to exercise their right of reply, the motion is to be voted on.

#### **4.12 Voting on a motion**

- (1) A vote on a motion is taken by the President asking members present who are in favour of the motion to say “Aye” and then to ask those members who are against the motion to say “No”. Voting may also take place by a show of hands at the option of the President or if requested by a member. A motion is passed only if a majority of the persons present and voting vote in favour of the motion.
- (2) If requested by 8 or more members, voting on a motion is to be conducted by ballot. If a ballot is requested, the Synod shall vote in accordance with the directions of the Secretary of the Synod.
- (3) The members of the Synod are to vote collectively unless 8 members request that the vote be taken by Houses.
- (4) If a vote is required to be taken by Houses, each House is to vote separately in accordance with the directions of the Secretary of the Synod, provided that the House of Laity is to vote first. The motion is passed only if a majority of persons present and voting in each House vote in favour of the motion. If a majority of the persons present and voting in the House of Laity do not vote in favour of the motion, the House of Clergy is not required to vote.

#### **4.13 Adjournment of debate**

- (1) A procedural motion for the adjournment of either the Synod or a debate may be moved without notice at any time between speeches.
- (2) If debate on a motion is adjourned, that debate takes precedence over all other business, unless these rules provide otherwise, or the Synod decides otherwise as a result of a motion without notice passed by the Synod.

#### **4.14 Not voting on a motion**

- (1) If it is desired not to vote on a motion, at any time following the speeches of the mover and seconder and prior to the motion being put to a vote, a member may move without notice the procedural motion –  
“That the motion not be voted on.”
- (2) When this procedural motion is moved, debate on the principal motion shall be suspended and the Synod shall immediately consider speeches for and against the procedural motion.
- (3) If –
  - (a) the procedural motion is carried, debate on the Principal motion ceases and it is not put to the vote,
  - (b) the procedural motion is not carried, debate on the Principal motion continues from that point where the procedural motion was moved.
- (4) The procedural motion in rule 4.14(1) may not be amended and is not to be moved in a meeting of the Synod in Committee.

#### **4.14A Ending debate on a motion**

- (1) If it is desired to end debate on a motion, a member may move without notice the procedural motion –  
“That debate cease and the motion be immediately put to the vote.”
- (2) When this procedural motion is moved, debate on the principal motion shall be suspended and the Synod shall immediately consider speeches for and against the procedural motion.

- (3) If –
- (a) the procedural motion is carried, the principal motion, and any amendments that have been moved, are subject to the mover of the principal motion exercising or declining to exercise a right of reply under rule 4.11 to be voted on immediately without further debate, and
  - (b) the procedural motion is not carried, debate on the principal motion continues.
- (4) The procedural motion in rule 4.14A(1) may not be amended and is not to be moved in a meeting of the Synod in Committee.

#### **4.15 Withdrawal of a motion**

A motion may be withdrawn at any time by its mover with the permission of the Synod.

#### **4.16 Motions previously voted on**

- (1) No motion which has been considered by the Synod and voted on is to be debated again during the same session of the Synod.
- (2) No motion which is substantially the same as one which has been voted on during the same session is to be considered. However a motion is not to be regarded as substantially the same as one which has been voted on during the same session if –
- (a) the motion is a direct negative of the one voted on, and
  - (b) the one voted on was not passed.
- (3) Any question about whether a motion is substantially the same as one which has been voted on during the same session is to be decided by the President whose decision is final unless immediately altered as a result of a motion without notice agreed to by the Synod.

#### **4.17 Synod in Committee**

- (1) The Synod may, as a result of a procedural motion passed by the Synod, resolve itself into the Synod in Committee to consider any matter. A motion for the Synod to resolve itself into the Synod in Committee to consider the text of a proposed ordinance (see rule 5.6) is
- “That Synod resolves itself into the Synod in Committee to consider [further] the text of the [name of proposed ordinance].”
- (2) During a meeting of the Synod in Committee, the Chair of Committee or the Deputy Chair of Committee has the functions set out in rules 2.3 and 2.4.
- (3) The Synod in Committee may, as a result of a procedural motion passed by the Committee, resolve to adjourn its meeting. A motion to adjourn a meeting of the Synod in Committee is
- “That the Chair of Committee leaves the chair and reports progress.”
- (4) On a motion to adjourn a meeting of the Synod in Committee being passed, the Chair of Committee is to report progress to the Synod.
- (5) When the Synod in Committee has concluded consideration of the matter before it, the Chair of Committee is to report to Synod. Where the matter being considered was the text of a proposed ordinance, the Chair of Committee is to report in the manner referred to in rule 5.6(3).
- (6) The rules of procedure in this Part 4, so far as applicable, apply to a meeting of the Synod in Committee.
- (7) In a meeting of the Synod in Committee the same number of members constitutes a quorum as in the Synod itself. If a quorum is not present, the Chair of Committee is to leave the chair and report progress.

#### **4.18 Proposed policies of the Synod**

- (1) The Standing Committee or the Synod may designate a written statement as a proposed policy of the Synod. A statement designated by the Standing Committee as a proposed policy of the Synod must be clearly marked as such.
- (2) The Synod may consider a proposed policy of the Synod only if a copy has been circulated to members present before consideration of the proposed policy commences in accordance with rule 4.18(3).
- (3) For the purposes of considering a proposed policy of the Synod, the procedures for the making of ordinances under Part 5 (from and including rule 5.5 but excluding rules 5.7(3)(b), 5.9 and 5.10) apply as if the proposed policy were a proposed ordinance.

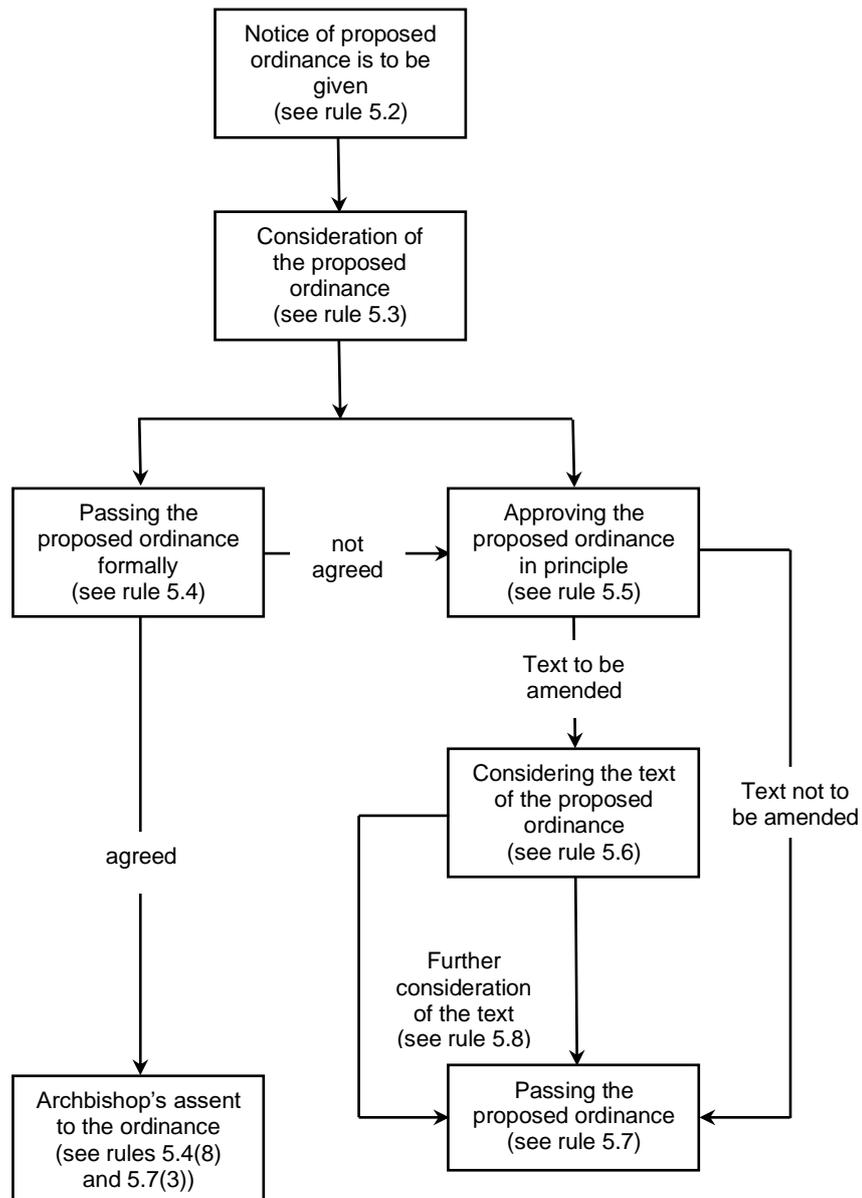
#### 4.19 Expedited time limits and procedures

- (1) Notwithstanding clause 4.6, the Synod may as a result of a procedural motion passed by the Synod to “adopt the expedited time limits”, adopt any or all of the following time limits for speeches for the remainder of a session –
- (a) for a motion that a proposed ordinance be approved in principle –
    - (i) the mover may speak for up to 12 minutes, and up to 5 minutes in reply, and
    - (ii) other members may speak for up to 3 minutes,
  - (b) for a speech following the Synod’s approval to consider a proposed ordinance formally, the mover may speak for up to 3 minutes,
  - (c) for other motions, except the motions referred to in paragraphs (d) and (e) –
    - (i) the mover may speak for up to 8 minutes, and up to 4 minutes in reply,
    - (ii) a member moving a motion to amend a motion may speak for up to 4 minutes, and
    - (iii) other members may speak for up to 4 minutes,
  - (d) for procedural motions, a member may speak for up to 3 minutes, and
  - (e) for motions moved in a meeting of the Synod in Committee, a member may speak for up to 3 minutes.
- (2) The Synod may, as a result of a procedural motion passed by the Synod to “adopt the expedited procedural rules”, adopt any or all of the following rules for the remainder of a session –
- (a) Notwithstanding clause 6.3(5), the Archbishop is not required to read aloud the answers to questions.
  - (b) The afternoon session shall be extended 15 minutes, resulting in a correlating reduction in the length of the dinner break.
- (3) The Synod having passed a procedural motion or motions in this clause, notwithstanding clause 4.16, may on a subsequent day of the same session –
- (a) return to ordinary time limits and procedures prior to the end of a session by moving a procedural motion to that effect, or
  - (b) consider a procedural motion under this clause to vary the expedited time limits and procedures adopted for that session.
- (4) The President may, by indicating his decision, apply any or all of the expedited time limits specified in paragraphs (a) – (e) of subclause (1) for any particular matter before Synod.

### Part 5 Making of Ordinances by the Synod

#### 5.1 Introduction

The general procedure for the making of an ordinance by the Synod is summarised in the following diagram.



The remaining rules in this Part contain the detail of this procedure, and the details of the special situations where the general procedure is modified.

## 5.2 Notice of the proposed ordinance is to be given

- (1) Notice of a proposed ordinance is to be given to members before the Synod may consider the proposed ordinance.
- (2) Except as provided by rule 5.2(3), notice will be regarded as having been given only if a copy of the proposed ordinance has been circulated to members present before a motion to introduce the proposed ordinance is moved.
- (3) If a proposed ordinance seeks
  - (a) to assent to a canon of the General Synod of the Anglican Church of Australia to amend the Constitution in the Schedule to the Anglican Church of Australian Constitution Act 1961, or
  - (b) to amend rule 5.2,  
notice will be regarded as having been given only if
  - (c) a copy of the proposed ordinance was sent to each member at least 3 months before the first day of the session at which the proposed ordinance is to be considered, or
  - (d) 75% of the members present and voting permit the proposed ordinance to be introduced without notice, other than the notice provided for in rule 5.2(2).

### 5.3 Consideration of the proposed ordinance

(1) At the time permitted by these rules, a member may move that the Synod agree to consider a proposed ordinance by moving a motion as provided in subclause (2) or as provided in rule 5.5(1).

(2) A member desiring to move a proposed ordinance formally may move a motion to the effect –  
“That Synod agrees to consider passing the proposed ordinance formally.”

(3) If the motion to consider passing the proposed ordinance formally is passed, the procedure in rule 5.4 applies. Otherwise the mover may immediately move the motion in rule 5.5(1). If the mover does not immediately move that motion, the mover is to move a motion to the effect –

“That Synod agrees to consider [at a specified time] a motion that the [name of the proposed ordinance] be approved in principle.”

### 5.4 Passing the proposed ordinance formally

(1) If the Synod agrees to consider passing a proposed ordinance formally, the mover may immediately make a speech in accordance with clause 4.6(1)(b) about the proposed ordinance.

(2) At the end of the speech, the President is to ask a question of the Synod to the effect  
“Does any member have a question about the proposed ordinance?”

(3) If a member indicates that he or she has a question, the President is to allow the question to be asked and rules 5.4(4), 5.4(5) and 5.4(6) apply. If no member indicates that he or she has a question, the time for questions will be regarded as having ended.

(4) A question is to be answered by the mover or seconder unless the President allows another person to answer the question.

(5) If, during the time for questions, no further member indicates that he or she has a question, the President may declare that the time for questions has ended.

(6) If the President thinks that sufficient time has been allowed for questions but there remains one or more members indicating a wish to ask a question, the President is to ask the Synod a question to the effect

“Does the Synod consider that sufficient time has been allowed for questions?”

If the majority of members present answer “Aye”, the time for questions will be regarded as having ended. If the majority of members present answer “No”, the President is to allow the time for questions to continue. Rules 5.4(5) and 5.4(6) apply until the time for questions has ended.

(7) Subject to rule 5.4(9), after the time for questions has ended, the mover is to immediately move a motion to the effect

“That the [name of the proposed ordinance] pass formally as an ordinance of the Synod.”

(8) If the Synod passes the proposed ordinance formally as an ordinance of the Synod, as soon as possible the Secretary of the Synod is to send to the Archbishop for his assent, the original copy of the ordinance upon which

- (a) the Chair of Committee has certified the text of the ordinance, and
- (b) the Secretary of the Synod has certified that the ordinance has passed as an ordinance of the Synod.

(9) If

- (a) at any time after the motion in 5.3(2) is passed and prior to the motion in rule 5.4(7) being voted on, 8 members stand in their place to object to the proposed ordinance being passed formally, or
- (b) the motion in rule 5.4(7) is not passed,

the mover is to immediately move in accordance with clause 4.6(1)(a) a motion to the effect

“That Synod agrees to consider [forthwith or at a specified time] a motion that the [name of proposed ordinance] be approved in principle.”

### 5.5 Approving the proposed ordinance in principle

(1) A member desiring to move a proposed ordinance in principle may move a motion to the effect  
“That the [name of the proposed ordinance] be approved in principle.”

(2) After this motion has been moved and seconded, and the mover and seconder have spoken, the President is to ask the Synod a question to the effect

“Does any member have a question about the proposed ordinance?”

(3) If a member indicates that he or she has a question, the President is to allow the question to be asked and rules 5.5(4), 5.5(5) and 5.5(6) apply. If no member indicates that he or she has a question, the time for questions will be regarded as having ended.

(4) A question is to be answered by the mover or seconder unless the President allows another person to answer the question. If, during the time for questions, no further member indicates that he or she has a question, the President may declare that the time for questions has ended.

(5) If the President thinks that sufficient time has been allowed for questions but there remains one or more members indicating a wish to ask a question, the President is to ask the Synod a question to the effect –

“Does the Synod consider that sufficient time has been allowed for questions?”

(6) If the majority of members present answer “Aye”, the time for questions will be regarded as having ended. If the majority of members present answer “No”, the President is to allow the time for questions to continue. Rules 5.5(5) and 5.5(6) apply until the time for questions has ended.

(7) After the time for questions has ended, the President is to immediately ask the Synod a question to the effect

“Does any member wish to speak for or against the motion?”

(8) If a member indicates that he or she wishes to speak for or against the motion, the President is to allow debate on the motion to proceed.

(9) Upon a proposed ordinance being approved in principle, the President is to immediately ask the Synod a question to the effect

“Does any member wish to move an amendment to the text of the proposed ordinance?”

(10) If a member indicates to the President that he or she wishes to move an amendment to the text of the proposed ordinance, rule 5.6 applies.

(11) If no member indicates to the President that he or she wishes to move an amendment, rule 5.7 applies and the mover is to immediately move the motion in rule 5.7(1).

## **5.6 Considering the text of the proposed ordinance**

(1) If upon the President asking the question under rule 5.5(9) a member indicates that he or she wishes to move an amendment to the text of the proposed ordinance, the Synod is to

- (a) immediately consider the text of the proposed ordinance in a meeting of the Synod in Committee, or
- (b) determine another time for such consideration.

(2) When considering the text of a proposed ordinance in a meeting of the Synod in Committee, the Chair of Committee is to put each clause of the proposed ordinance separately in the order in which the clauses occur in the proposed ordinance, leaving the title and the preamble to be considered last, unless, in the opinion of the Chair of Committee, it is expedient to put 2 or more consecutive clauses together.

(3) When consideration of the text of the proposed ordinance has been completed by the Synod in Committee, the Chair of Committee is to report the proposed ordinance to the Synod, with or without amendments as the case may be.

(4) Upon the report of an ordinance with amendments being adopted by the Synod as a result of a motion without notice passed by the Synod, the mover of the proposed ordinance is to immediately move a motion to the effect

“That Synod agrees to consider [on a specified future day/on a specified future day and at a specified time] a motion that the [name of the proposed ordinance] pass as an ordinance of the Synod.”

(5) Upon the report of an ordinance without amendments being adopted by the Synod as a result of a motion without notice passed by the Synod, the mover of the proposed ordinance may move the motion under rule 5.7(1) unless 8 members object, in which case the mover is to immediately move the motion under rule 5.6(4).

(6) Notwithstanding subclause (4), upon the report of an ordinance with or without amendments being adopted by the Synod as a result of a motion without notice passed by the Synod on the last sitting day of a session of Synod, the mover of the proposed ordinance may move the motion under rule 5.7(1).

### **5.7 Passing the proposed ordinance**

- (1) When permitted by these rules, the mover may move a motion to the effect  
“That the [name of proposed ordinance] pass as an ordinance of the Synod.”
- (2) A motion that a proposed ordinance pass as an ordinance of the Synod is not to be moved until the Chair of Committee has certified the text on the original copy of the proposed ordinance.
- (3) If the Synod passes a motion that a proposed ordinance pass as an ordinance of the Synod, the Secretary of the Synod is to
  - (a) certify on the original copy of the ordinance that the ordinance has passed as an ordinance of the Synod, and
  - (b) as soon as possible, send the original copy of the ordinance to the Archbishop to enable him to consider his assent.

### **5.8 Further consideration of the text of the proposed ordinance**

At any time before the Synod passes a motion that a proposed ordinance pass as an ordinance of the Synod, the Synod may, as a result of a motion with or without notice passed by the Synod, refer the proposed ordinance, or any clause of the proposed ordinance, or any amendment, to the Synod in Committee for consideration. Rules 5.6, 5.7 and 5.8 then apply, so far as they are relevant.

### **5.9 Reconsideration of the text of the proposed ordinance if assent is withheld**

If the Archbishop withholds assent to an ordinance then, ignoring rules 5.3, 5.4 and 5.5, the Synod may, as a result of a motion with notice passed by the Synod, refer the proposed ordinance, or any clause of the proposed ordinance, or any amendment, to the Synod in Committee for consideration. Rules 5.6, 5.7 and 5.8 then apply, so far as they are relevant.

### **5.10 Proposed ordinances referred from the Standing Committee**

If an ordinance proposed to be made by the Standing Committee is referred to the Synod then, subject to notice of the proposed ordinance being given in accordance with rule 5.2, consideration of the proposed ordinance by the Synod is to commence with a member moving the motion in rule 5.3(1).

### **5.11 Referral of ordinances by the Synod**

- (1) The Synod may, as a result of a motion with or without notice passed by the Synod, refer a proposed ordinance at any point in the procedure concerning it
  - (a) to the next session of the same Synod, or
  - (b) to a session of the next Synod.
- (2) Consideration of the proposed ordinance at the next session of the Synod or at a session of the next Synod, as the case may be, resumes at the point in the procedure reached when it was referred.

## **Part 6 Other Matters**

### **6.1 Questions about the election or qualification of a member**

- (1) A question about
  - (a) the validity of the election or appointment of a member, or
  - (b) the qualification of any person to be a member,may be referred by the Synod to the Committee of Elections and Qualifications for investigation.
- (2) The Committee of Elections and Qualifications
  - (a) may meet during a session of the Synod, and
  - (b) when investigating a question referred to it, may receive such evidence as is available, whether that evidence would be admissible in legal proceedings or not.
- (3) After completing its investigation, the Committee of Elections and Qualifications is to report to the Synod its findings about
  - (a) whether the relevant member was validly elected or appointed, or
  - (b) whether the person is qualified to be a member.

(4) A member of the Synod may move, with or without notice, that the report of the Committee of Elections and Qualifications be adopted. The motion is to state whether the member who is the subject of the report has been validly elected or appointed or not, or whether the person is qualified to be a member.

(5) If the Synod passes a motion to the effect that a person has not been validly elected or appointed, or that the person is not qualified to be a member, that person is not to thereafter take part in the proceedings of the Synod unless and until that person becomes duly elected, appointed or qualified, as the case may be.

## **6.2 Petitions to Synod**

(1) This rule 6.2 applies to the petitions referred to in rule 3.2(j).

(2) Petitions must be in writing and conclude with the signatures of the petitioners.

(3) No petition is to

- (a) be expressed in language which, in the opinion of the President, is disrespectful or offensive, or
- (b) have been altered by erasure or interlineation.

(4) A member presenting a petition is to

- (a) be acquainted with the contents of the petition, and
- (b) affix his or her name at the beginning of the petition, and
- (c) state from whom it comes and its contents.

(5) On the presentation of a petition, the only motion the Synod is to consider is a motion to the effect "That Synod receives the petition."

## **6.3 Questions**

(1) This rule 6.3 applies to the questions referred to in rules 3.2(k) and 3.3(e).

(2) A question may be asked by any member using the following procedure –

- (a) A member seeking to include a question to be tabled on the first day of a session of Synod, must submit the full text of the question to the Secretary of the Synod no later than 7 days prior to the first day of the session.
- (b) The Secretary is to make the full text of each question submitted in accordance with paragraph (a) available on the website and the noticeboard in the foyer of Synod, prior to the commencement of the first day of the session.
- (c) On the other days provided for asking questions, a member called on by the President to do so is to make a brief statement informing the Synod of the subject matter of the question and hand the full text of the question to the Secretary of the Synod to be printed in the business paper for the next day of the session.
- (d) If a member asking a question indicates in writing that they do not require the answer to their question to be read orally to the Synod, the President need not read the answer orally (but may do so at his discretion).

(3) A question is to relate to a matter connected with the business of

- (a) the Synod, or
- (b) any committee, board or commission of the Synod, or established by or under an ordinance, or by resolution of the Synod or the Standing Committee.

(4) No question is to

- (a) contain an assertion, or
- (b) express an opinion, or
- (c) offer an argument, or
- (d) make any inference or imputation, or
- (e) be expressed in language which, in the opinion of the President, is disrespectful or offensive, or
- (f) seek a legal opinion.

(5) Except as provided in paragraphs 6.3(2)(d) and 4.19(2)(a), an answer to a question is to be read orally to the Synod by the President on the next day or as soon as convenient after the next day without the question being asked again. As soon as possible a written copy of the question and answer is to be posted on a notice board in a prominent position in or near the building in which the Synod is meeting. A

written copy is also to be handed to the member asking the question upon request made to the Secretary of the Synod.

(6) If the answer includes statistics or other detailed material, the answer may be supplemented with data projected on a screen or a document which need not be read orally.

(7) Each question and reply is to be recorded in the minutes of the Synod.

#### **6.4 Personal explanations**

With the permission of the President, a member may explain matters of a personal nature. These matters are not to be debated.

#### **6.5 Suspension of these rules**

Any rule of procedure may be suspended by motion

- (a) with notice, or
- (b) without notice unless 8 members object.

#### **6.6 Media**

(1) Unless the Synod otherwise determines as a result of a motion with or without notice passed by the Synod, the proceedings of the Synod are to be open to the media.

(2) With the permission of the President, the proceedings, or parts of the proceedings, may be televised, broadcast or photographed.

#### **6.7 Rules**

A rule which the Synod is authorised to make by the Constitutions set out in the Schedule to the Anglican Church of Australia Constitutions Act 1902 may be made by resolution, unless those Constitutions require the rule to be made by ordinance. No rule made by resolution is to be contrary to the terms of an ordinance.

#### **6.8 Application of business rules**

(1) Any question about the application of these rules, the form of motions and ordinances and the voting on motions and ordinances during a session of the Synod is to be decided by the President. The President's decision on all such questions is final unless immediately altered as a result of a motion without notice agreed to by the Synod.

(2) In making a decision under rule 6.8(1), the President may have recourse to the rules, forms and practice of the Legislative Assembly of New South Wales.

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#### **Table of Amendments**

*[not reproduced here]*



# Accounts, Audits and Annual Reports Ordinance 1995

(Reprinted under the Interpretation Ordinance 1985.)

The Accounts, Audits and Annual Reports Ordinance 1995 as amended by the Miscellaneous Amendments Ordinance 1999, the Accounts, Audits and Annual Reports Amendment Ordinance 2006, the Anglican Education Commission (Transitional Provisions) Ordinance 2006, the Accounts, Audits and Annual Reports Ordinance 1995 Amendment Ordinance 2008, the Accounts, Audits and Annual Reports Ordinance 1995 Amendment Ordinance 2010, the Auditing Amendment Ordinance 2011, the Accounts, Audits and Annual Reports Ordinance 1995 Amendment Ordinance 2013, the Regional Cathedrals (Amendment) Ordinance 2014, the Synod (Governance of Diocesan Organisations) Amendment Ordinance 2015, the Accounts, Audits and Annual Reports Ordinance 1995 Amendment Ordinance 2015, the Sydney Anglican Home Mission Society Council (Merger with Anglican Retirement Villages Diocese of Sydney) Ordinance 2016, the Endowment of the See Variation of Trusts and Amendment Ordinance 2019, the Accounts, Audits and Annual Reports Ordinance 1995 Amendment Ordinance 2020 and the Accounts, Audits and Annual Reports Ordinance 1995 Further Amendment Ordinance 2020.

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**Long Title**

An Ordinance to lay down accounting and annual reporting requirements for Organisations of the Diocese of Sydney and for related matters.

The Synod of the Diocese of Sydney Ordains as follows.

**Part 1: Application of this Ordinance****1. Organisations to which this Ordinance Applies**

This Ordinance applies to –

- (a) Organisations that have been declared by the Standing Committee under this Ordinance as Category 1, Category 2 or Category 3 Organisations and;
- (b) all Organisations set up by or under ordinances or resolutions of the Synod or the Standing Committee to manage church trust property after the date on which the Accounts, Audits and Annual Reports Ordinance 1995 Amendment Ordinance 2013 commences.

**2. Requirements Additional to Those Imposed by Law**

The requirements of this Ordinance are in addition to those imposed by any law or statute.

**Part 2: Records and Systems****3. Keeping Records and Reporting Liquidity Problems**

Each Organisation must –

- (a) maintain records to correctly record and explain the transactions and financial position of the Organisation;
- (b) maintain the records in a manner which will enable true and fair accounts to be prepared from time to time and to be audited in accordance with this ordinance;
- (c) maintain the records for at least 7 years after the Financial Year to which they relate; and
- (d) maintain satisfactory systems of Internal Control and Risk Management.

**4. Internal Control**

The system of Internal Control maintained by an Organisation must include –

- (a) policies for fulfilling its charter and complying with lawful requirements;
- (b) sound practices for efficient, effective and economical management;
- (c) procedures for the control of assets, liabilities, income and expenditure, and compliance with accepted accounting standards;
- (d) segregation of functional responsibilities; and
- (e) procedures to review the adequacy of and compliance with the system of Internal Control.

**5. Risk Management**

The system of Risk Management maintained by an Organisation must include –

- (a) procedures to identify and assess key risks to the Organisation;
- (b) policies and procedures to manage the key risks;
- (c) procedures to report to the members of the Organisation significant breaches of the law and the policies of the Organisation; and
- (d) procedures for the annual review of the key risks.

**6. . . . .****Part 3: Requirements for Audit****7. Appointment of Auditor**

Each Category 2 and Category 3 Organisation must –

- (a) appoint, as the auditor of the Organisation –
  - (i) a registered company auditor (within the meaning of the Corporations Act 2001), or
  - (ii) a firm that consents to be appointed, or is appointed, as auditor and at least one member of which is a registered company auditor (within the meaning of that Act), or
  - (iii) an authorised audit company (within the meaning of that Act), and
- (b) upon the resignation or retirement of the auditor, appoint another auditor; and
- (c) give the auditor a copy of this Ordinance.

**Note:** *The persons who may be appointed as an auditor under clause 7(a) correspond to the persons who are authorised under section 60-30 of the Australian Charities and Not-for-profits Commission Act 2012 to undertake an audit or review of financial reports prepared for the purposes of that Act.*

## 8. Terms of Appointment of Auditor

The terms of appointment of an auditor must include the requirements in clause 10(1) and an obligation to promptly notify the Secretary of the Standing Committee –

- (a) of deficiencies in any matter (including deficiencies in Internal Control or in the communication of information to members of the Organisation) if the auditor qualifies the auditor's report because of the deficiency; and
- (b) if the auditor has not signed a report on the financial statements within 6 months after the balance date of the Organisation.

## 8A. Standing Committee to declare categories for Organisations

(1) The Standing Committee may declare from time to time by resolution that an Organisation is a Category 1 Organisation, a Category 2 Organisation or Category 3 Organisation for the purposes of this Ordinance.

(2) The Diocesan Secretary is to maintain and publish a register which records the categorisation of Organisations pursuant to declarations made under this clause.

## 9. Financial Statements

(1) Each Category 1 Organisation must as soon as possible after the end of a Financial Year prepare –

- (a) financial statements for the Organisation containing a statement of income and expenditure for the Financial Year and a balance sheet as at the end of the Financial Year, and
- (b) a members' declaration confirming –
  - (i) that appropriate accounting records and systems of internal control and risk management have been maintained,
  - (ii) that the financial statements give a fairly presented view of the Organisation's financial position as at the end of the year and of its performance for the year,
  - (iii) there are reasonable grounds to believe the Organisation will be able to pay its debts as and when they become due and payable, and
  - (iv) whether any audit or other assurance procedures were undertaken in relation to the finances of the Organisation for the Financial Year and, if so, the nature and outcome of those procedures.

(2) Each Category 2 and Category 3 Organisation must as soon as possible after the end of a Financial Year prepare financial statements for the Organisation for the Financial Year in accordance with the Accounting Standards and present such statements to the auditor.

**Note:** *Under the Accounting Standards, each Category 2 or Category 3 must determine whether it is a reporting entity required to produce general purpose financial reports (GPFR), or a non-reporting entity that can produce special purpose financial reports (SPFR). Generally the existence of users who are dependent on GPFR for making and evaluating resource allocation decisions will mean the organisation is a reporting entity. In certain circumstances it may be appropriate for a reporting entity preparing GPFR to apply the reduced disclosure requirement version of the Accounting Standards. A non-reporting entity can prepare SPFR which only comply with certain selected Accounting Standards.*

## 10. Auditor's Report

(1) Subject to subclause (2), the auditor must undertake an Audit and report to the members of the Organisation on the financial statements referred to in clause 9(2) giving an opinion on –

- (a) whether the documents are properly drawn up so as to give a true and fair view of the affairs of the Organisation;
- (b) whether the accounting records and registers have been kept in accordance with this ordinance; and
- (c) if the auditor is not satisfied, the reasons for not being satisfied.

(2) A Category 2 Organisation may determine that an Audit is unnecessary and, if so, may instead arrange for the auditor to undertake a Review of the financial statements referred to in clause 9(2).

**Note:** *Under clause 3 of the Accounts, Audits and Annual Reports Ordinance 1995 Amendment Ordinance 2013, an annual financial report and a corresponding auditor's or reviewer's report given to the*

*Australian Charities and Not-for-profits Commission by an Organisation for a Financial Year may, in certain circumstances, be treated as the financial statements and auditor's report of the Organisation for the purposes of clause 9 and 10 of this Ordinance.*

#### Part 4: Requirements for Reporting

##### 11. Reporting Liquidity Problems

Each Organisation must notify the Secretary of the Standing Committee immediately when circumstances arise that may affect the ability of the Organisation to pay its debts as and when they fall due.

##### 12. . . . .

##### 13. Financial Report – Category 3 Organisations

Within 3 months after the end of a Financial Year, and within 3 months after the end of a Half Year, each Category 3 Organisation must submit to the Standing Committee a report containing internal management financial information produced for the Organisation which includes –

- (a) a statement of income and expenditure, showing actual and budget year-to-date, together with a brief explanation of any significant variances between actual and budget; and
- (b) a balance sheet showing current and end of last financial year balances, and, if produced, a comparison to budget; and
- (c) if produced, cash flow statements and key performance ratios; and
- (d) a statement confirming compliance with the key borrowing covenants in relation to any borrowings of the Organisation.

##### 14. Annual Reports to Synod – Lodgement, Format and Content

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

- (a) . . . . .
- (b) the financial statements referred to in clause 9 and, if applicable, the auditor's report referred to in clause 10;
- (c) a charities group status report stating –
  - (i) the legal name and Australian Business Number for the entity comprising the Organisation and any other entity under the Organisation's control;
  - (ii) whether each entity referred to in (i) is registered as a charity with the Australian Charities and Not-for-profits Commission; and
  - (iii) whether an annual information statement and, if applicable, an annual financial report and auditor's or reviewer's report for the Financial Year which comply with the requirements of the *Australian Charities and Not-for-profits Commission Act 2012* have been given to the Australian Charities and Not-for-profits Commission for each entity referred to in (i);

**Note:** *The term "control" in paragraph (c)(i) is to be understood by reference to the Accounting Standards.*

- (d) information, as appropriate, along the following lines –
  - (i) Access – the postal and email address and telephone number of the principal office of the Organisation;
  - (ii) Members – the names of the members, the method and term of appointment of those members, their attendance at meetings, and the names of any significant committees;
  - (iii) Charter – a statement of the purposes/objectives for which the Organisation was established, stating its ordinance or other constituting documents and the sections of the church or the community served;
  - (iv) Activities – a narrative summary of the major activities for the Financial Year and the range of services provided and a statement explaining how those activities achieved the objectives/purposes for which the Organisation was established; and
  - (v) Financial Results – a short summary of the results for the Financial Year comparing actual results to the budget, and the budget for the current Financial Year, with an explanation of any significant variances;

- (e) if the report is being submitted for tabling at the first ordinary session of a Synod, a statement which –
  - (i) assesses the extent to which the Organisation's governance arrangements conform with the standards and guidelines in the Governance Policy for Diocesan Organisations passed by the Synod on 20 October 2014 as amended from time to time, and
  - (ii) explains any areas of non-conformity,
- (f) if the constituting ordinance of the Organisation requires its members to sign a statement acknowledging their duties and responsibilities, the terms and form of this statement is to be included.
- (g) . . . . .

#### Part 5: Enforcement

##### 15. Supply of Information

The Standing Committee may require an Organisation to furnish additional information on its affairs.

##### 16. Non-Compliance: Suspension of Members

- (1) If an Organisation does not comply with any provision of this ordinance, including a requirement under clause 15, the Standing Committee may authorise the sending of a notice to the members of the Organisation calling upon them to comply within 14 days after the date of the notice.
- (2) The notice need not be sent to all members but must be sent to a majority of the members for the time being.
- (3) If an Organisation does not comply with a provision of this Ordinance following the sending of a notice under subclause (1), the Standing Committee, thereafter, may suspend all or any of the members of the Organisation and appoint a person or persons to act in their place.

#### Part 6: Dictionary

##### 17. Interpretation

- (1) The Interpretation Ordinance 1985 applies to this Ordinance. The headings in this Ordinance have been inserted for convenience only and do not affect the interpretation of this Ordinance.
- (2) Notes in this Ordinance are for explanatory purposes only and do not form part of this Ordinance. The Diocesan Secretary is authorised to update the notes when reprinting this Ordinance under clause 8 of the *Interpretation Ordinance 1985*.

##### 18. Definitions

In this ordinance, unless the context otherwise requires –

“Accounting Standards” has the same meaning as in the *Corporations Act 2001*.

**Note:** *The Corporations Act 2001 defines accounting standards to mean the accounting standards made by the Australian Accounting Standards Board pursuant to section 334 of that Act.*

“Audit” means an audit conducted in accordance with the Accounting Standards.

“Corporation” means a body corporate regulated under an ordinance of the Synod or its Standing Committee.

“Financial Year” means, subject to clause 19, the year commencing on 1 January.

“Half Year” means the period ending 6 months after the commencement of the Financial Year.

“Internal Control” means the whole system of controls, financial or otherwise established by an Organisation in order –

- (a) to carry on the business and affairs of the Organisation in an efficient and orderly manner;
- (b) to ensure adherence to management policies of the Organisation;
- (c) to safeguard the assets of the Organisation; and
- (d) to secure, so far as is possible, the accuracy and reliability of the records of the Organisation.

“Organisation” means a body set up by the Synod or its Standing Committee to manage church trust property, whether constituted by an ordinance or a resolution, and includes a Corporation.

“Review” means a review conducted in accordance with the Accounting Standards.

“Risk Management” means the whole system of identifying, assessing, managing and reviewing risks to an Organisation.

**19. Financial Year**

- (1) The Standing Committee may, by resolution, specify a period or periods (whether of 12 months' duration or otherwise) to be the Financial Year for the purposes of this ordinance in relation to the Organisation or any part of the Organisation.
- (2) If the Standing Committee so specifies, it may also, by resolution, specify the date by which reports in relation to the Financial Year or Half Year specified are to be lodged under clause 13.

## Part 7: Citation and Repeal

**20. Citation**

This Ordinance may be cited as the "Accounts, Audits and Annual Reports Ordinance 1995".

**21. . . . .****22. Amendment of Other Ordinances**

Where another ordinance is inconsistent with this Ordinance, on the reprinting of that ordinance the Diocesan Secretary is authorised to make amendments to remove the inconsistency.

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**Notes**

1. On 13 April 2006 the Finance Committee confirmed that, pursuant to clauses 18(1) and (2) (subsequently renumbered as clauses 19(1) and (2)), Anglican Retirement Villages: Diocese of Sydney had been granted a substituted Financial Year of 30 June, and a date to lodge reports of 3 months after the substituted Financial Year, namely 30 September.
2. On 15 February 2007 the Finance Committee confirmed that, pursuant to clauses 18(1) and (2) (subsequently renumbered as clauses 19(1) and (2)), the Sydney Anglican Home Mission Society had been granted a substituted Financial Year of 30 June, and a date to lodge reports of 3 months after the substituted Financial Year, namely 30 September.
3. On 16 August 2012 the Finance Committee confirmed that, pursuant to clauses 18(1) and (2) (subsequently renumbered as clauses 19(1) and (2)), the Archbishop of Sydney's Anglican Aid had been granted a substituted Financial Year of 30 June, and a date to lodge reports of 3 months after the substituted Financial Year, namely 30 September.
4. The amendments made by Ordinance No 52, 2013 apply to the financial years commencing on or after 1 January 2014.
5. On 23 March 2020 Standing Committee –
  - (a) delegated power to the Finance Committee to make declarations with respect to the categorisation of Organisations pursuant to clause 8A(1) of the *Accounts, Audits and Annual Reports Ordinance 1995*,
  - (b) declared pursuant to clause 8A(1) of the *Accounts, Audits and Annual Reports Ordinance 1995* that for the Financial Year commencing 1 January 2019 the Anglican Church Growth Corporation (ACGC) is a Category 1 Organisation for the purposes of that ordinance.
  - (c) resolved pursuant to clause 8A(1) of the *Accounts, Audits and Annual Reports Ordinance 1995* to declare the categorisation of each Organisation with effect from the Financial Year commencing 1 January 2020.
6. The categorisations of Organisations under this Ordinance are set out in a separate [register](#) maintained and published by the Diocesan Secretary (clause 8A(2)).

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**Table of Amendments**

[not reproduced here]



# Ministry Standards Ordinance 2017

(Reprinted under the *Interpretation Ordinance 1985*.)

The Ministry Standards Ordinance 2017 as amended by the Ministry Standards Ordinance 2017 Amendment Ordinance 2018 and the Ministry Standards Ordinance 2017 Amendment Ordinance 2019.

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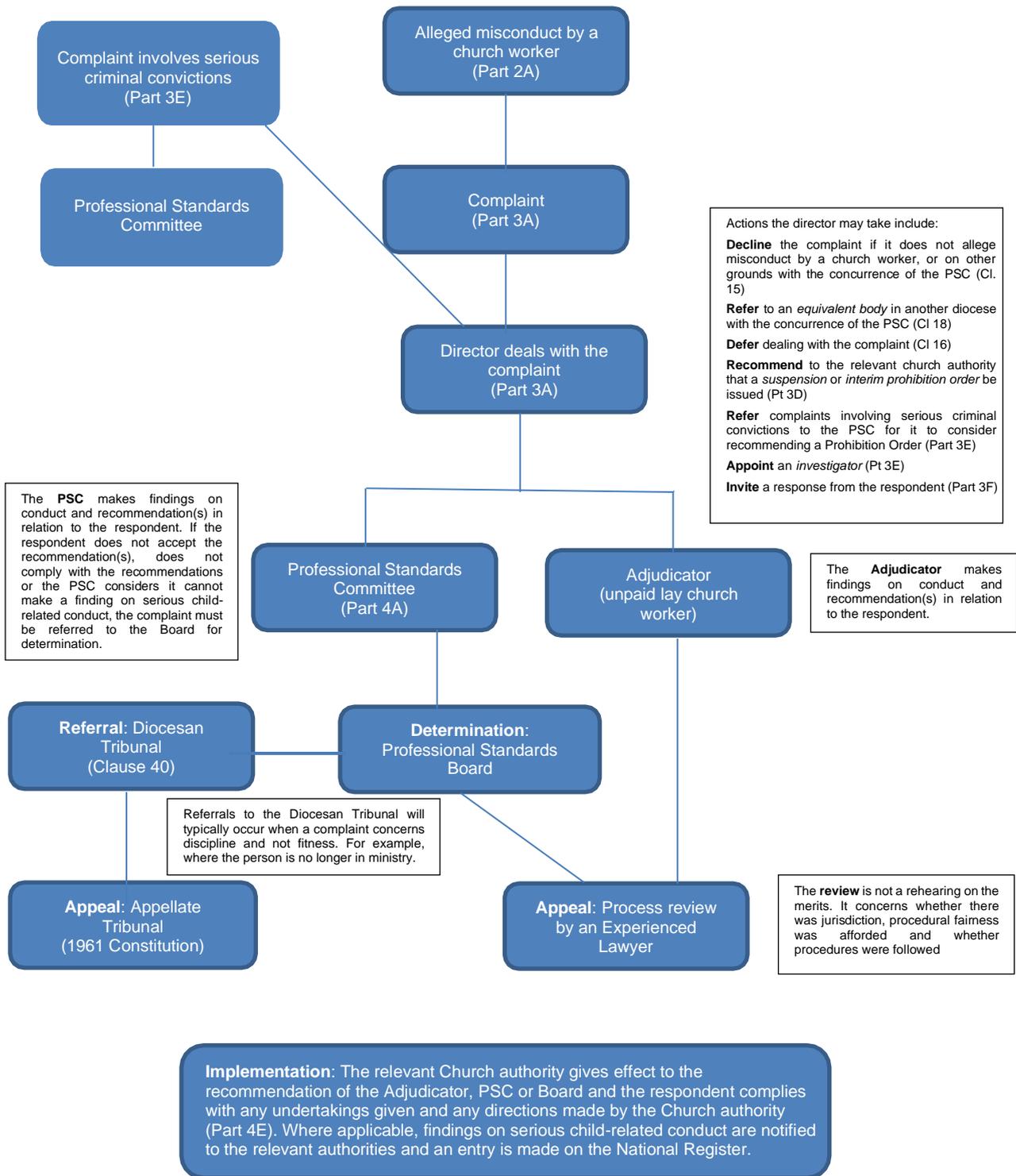
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Diagrammatic Summary of the Complaints Process



**Please note:** This diagram is indicative only and does not set out all possible actions or steps that may be taken under the Ordinance.

**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 10 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;

“**disqualifying offence**” means a criminal offence listed in Schedule 2 of the *Child Protection (Working with Children) Act 2012*;

“**doctrine**” has the same meaning as in the Constitution;

“**equivalent body**” means a body of another diocese exercising powers, duties or functions equivalent to those of the Director, the 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;

**"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;

**"serious child-related conduct"** has the meaning given in clause 7;

**"suspension order"** has the meaning in clause 19;

**"under legal incapacity"** has the same meaning as in the *Civil Procedure Act 2005 (NSW)*; and

**"unpaid lay church worker"** means a lay church worker who does not hold a paid role, office or position in the Diocese at the time a complaint is made against them under this Ordinance.

(2) For the purposes of complaints dealt with by an Adjudicator under Part 3H, references to the 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?

This Ordinance applies to fitness for office of church workers. Subject to clause 3, **church worker** means a person who:

- (a) is or has been a member of the clergy; or
- (b) holds or has held a position of leadership within the Diocese and without limiting the generality of the foregoing a position of leadership includes -
  - (i) an office, or
  - (ii) membership of a body incorporated by or under the *Anglican Church of Australia Bodies Corporate Act 1938*, or
  - (iii) membership of a body corporate following election or appointment by the Synod, Standing Committee, the Archbishop or a Church body, or
  - (iv) a warden, or
  - (v) membership of a parish council, or
  - (vi) membership of any other board, council or committee established by the Synod, the Standing Committee, a regional council or a parish council, or
  - (vii) a chief executive officer of an organisation constituted by an ordinance of the Synod or the Standing Committee, meaning the person who is responsible to the governing body of the organisation for the work of the organisation; or
  - (viii) an officer of a kind specified in the Parish Administration Ordinance 2008, or
  - (ix) an appointment or authorisation by a rector, warden or parish council or by any delegate or agent of such a person or body of persons,

but excludes a bishop who is subject to the jurisdiction of the Special Tribunal.

#### 6. What conduct is misconduct by a church worker?

- (1) Misconduct by a church worker means conduct which, if established, would call into question:
  - (a) the fitness of the person to hold a role, office or position, or to be or remain in Holy Orders;
  - (b) the fitness of the person, whether temporarily or permanently, to exercise ministry or perform any duty or function of the role, office or position; or
  - (c) whether, in the exercise of ministry or in the performance of any duty or function, the person should be subject to any condition or restriction,

but does not mean –

- (d) any breach of faith, ritual or ceremonial,
  - (e) any act or omission that involves:
    - (i) refusing to appoint, correcting, disciplining, counselling, admonishing, transferring, demoting, suspending, retrenching or dismissing a person if done –
      - (A) in good faith;
      - (B) reasonably; and
      - (C) in the normal and lawful discharge of the duties and functions; or
    - (ii) respectfully disagreeing with or criticising someone's beliefs or opinions or actions, except in the case of conduct which, if established, would constitute serious child-related conduct, or
  - (f) public statements, acts or practices made or done in good faith for a proper purpose that are within the standards and doctrines of the Church in the Diocese, or
  - (g) exempt conduct to which Part 2B applies.
- (2) Misconduct may include but is not limited to the following:
    - (a) acts or omissions that would constitute the commission of an offence under the *Offences Ordinance 1962*, as amended from time to time,<sup>1</sup>

<sup>1</sup> *Offences under the Offences Ordinance 1962 include:*

- (b) **abuse**, which means:
- (i) **bullying** (as defined below);
  - (ii) **child abuse**, which means bullying, emotional abuse, harassment, neglect, physical abuse, sexual abuse or spiritual abuse in relation to a child, and includes possessing, producing or distributing child exploitation material;
  - (iii) **emotional abuse**, which means acts or omissions that have caused, or could cause significant harm to the wellbeing or development of another person, which may include but is not limited to:
    - subjecting a person to excessive and repeated personal criticism;
    - ridiculing a person, including the use of insulting or derogatory terms to refer to them;
    - threatening or intimidating a person;
    - ignoring a person openly and pointedly; and
    - behaving in a hostile manner or in any way that could reasonably result in another person feeling isolated or rejected;
  - (iv) **harassment**, which means unwelcome conduct, whether intended or not, in relation to another person where the person feels with good reason in all the circumstances offended, belittled or threatened;
  - (v) **neglect**, which means the failure to provide the basic necessities of life where a child's health and development are placed at risk of harm, which may include but is not limited to being deprived of food, clothing, shelter, hygiene, education, supervision and safety, attachment to and affection from adults and medical care;
  - (vi) **physical abuse**, which means any intentional or reckless act, use of force or threat to use force causing injury to, or involving unwelcome physical contact with, another person, but does not include lawful discipline by a parent or guardian;
  - (vii) **sexual abuse**, which has the same meaning set out in *Faithfulness in Service*;
  - (viii) **spiritual abuse**, which means the mistreatment of a person by actions or threats when justified by appeal to God, faith or religion;
- (c) **bullying** which means behaviour directed to a person or persons which:
- (i) is repeated;
  - (ii) is unreasonable (being behaviour that a reasonable person, having considered the circumstances, would see as unreasonable, including behaviour that is victimising, humiliating, intimidating or threatening); and
  - (iii) creates a risk to their health and safety.

Bullying can include:

- (i) making derogatory, demeaning or belittling comments or jokes about someone's appearance, lifestyle, background or capability;
- (ii) communicating in an abusive manner;
- (iii) spreading rumours or innuendo about someone or undermining in other ways their performance or reputation;

- 
- (i) *unchastity;*
  - (ii) *drunkenness;*
  - (iii) *habitual and wilful neglect of ministerial duty after written admonition in respect thereof by the Bishop of the Diocese;*
  - (iv) *wilful failure to pay just debts;*
  - (v) *conduct, whenever occurring –*
    - (a) *which would be disgraceful if committed by a member of the clergy; and*
    - (b) *which at the time the charge is preferred is productive, or if known publicly would be productive, of scandal or evil report;*
  - (vi) *sexual abuse;*
  - (vii) *child abuse; or*
  - (viii) *conviction in New South Wales of an offence which is punishable by penal servitude or imprisonment for 12 months or upwards or the conviction outside New South Wales of an offence which, if committed in New South Wales, would be an offence so punishable; or*
  - (ix) *grooming,*
  - (x) *inappropriate pastoral conduct involving a child, and*
  - (xi) *possession, production or distribution of child exploitation material.*

- (iv) dismissing or minimising someone's legitimate concerns or needs;
- (v) inappropriately ignoring, or excluding someone from information or activities;
- (vi) touching someone threateningly or inappropriately;
- (vii) invading someone's personal space or interfering with their personal property;
- (viii) teasing someone, or playing pranks or practical jokes on someone;
- (ix) displaying or distributing written or visual material that degrades or offends;
- (x) cyberbullying which is a form of bullying that involves the use of information and communication technologies.

Bullying does not include lawful conduct of clergy or church workers carried out in a reasonable manner, such as:

- (i) disagreeing with or criticising someone's belief or opinions or actions in an honest and respectful way;
  - (ii) giving information about inappropriate behaviour in an objective way to the person or persons concerned and to any other person with a proper reason for having that information;
  - (iii) setting reasonable performance goals, standards or deadlines;
  - (iv) giving information about unsatisfactory performance in an honest and constructive way;
  - (v) taking legitimate disciplinary action;
- (d) **grooming** which means actions deliberately undertaken with the aim of engaging and influencing an adult or a child for the purpose of sexual activity; in the case of sexual abuse of a child, an offender may groom not only the child, but also those close to the child, including the child's parents or guardians, other family members, clergy and church workers; grooming can include providing gifts or favours to the child or their family. In the case of sexual abuse of an adult, an offender may groom not only the adult, but also those close to them, including their children, clergy and church workers;
- (e) **inappropriate pastoral conduct involving a child** which means engaging in a pattern of conduct involving a child or a group of children that is inconsistent with the standards and guidelines of *Faithfulness in Service*;
- (f) **process failure**, which means any of the following:
- (i) failure without reasonable excuse to comply with the laws of the Commonwealth or a State or Territory requiring the reporting of child abuse to the police or other authority;
  - (ii) a failure by a person licensed by the Archbishop, a person in holy orders resident in the Diocese or a person who holds an authority under the *Authorisation of Lay Ministry Ordinance 2015* for the purposes of paid work, without reasonable excuse, to make a report under clause 12 or a failure by that person to cooperate with an investigation of that conduct;
  - (iii) failure without reasonable excuse by a Church authority to deal with or to investigate in a reasonable or timely manner matters involving:
    - (A) abuse; or
    - (B) alleged inappropriate or unreasonable conduct of a church worker who had knowledge of conduct of another church worker constituting sexual abuse or child abuse;
- in circumstances where the Church authority has an obligation by law or under this Ordinance to deal with or investigate such conduct;
- (g) **safe ministry training failure**, which means a failure without a reasonable excuse to satisfactorily complete mandatory training approved by the Safe Ministry Board for the purpose of Chapter 7 of Schedule 1 and Schedule 2 of the *Parish Administration Ordinance 2008*;
- (h) **sexual misconduct** which has the same meaning as in the *Child Protection (Working with Children) Act 2012 (NSW)*;
- (i) threatening or taking, or attempting to take, action against a person because they have made, or have been involved in, a complaint under this Ordinance;
- (j) attempts, by threat, intimidation or inducement to –
- (i) dissuade a person from making a complaint,
  - (ii) persuade a person to withdraw a complaint, or
  - (iii) persuade a person to consent to the withdrawal of a complaint;

- (k) failure without reasonable excuse by a respondent to cooperate with the investigation of a complaint under the Ordinance;
- (l) failure without reasonable excuse to comply with a condition imposed by a Church authority under this Ordinance;
- (m) failure without reasonable excuse to comply with an undertaking given to or a direction or order given by an Adjudicator, the PSC, Board or a Church authority; or
- (n) conduct that would constitute a breach of section 316 of the *Crimes Act 1900 (NSW)* with respect to the reporting of serious indictable offences.

#### 7. What is serious child-related conduct?

Serious child-related conduct means 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
  - (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>2</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);

<sup>2</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.

- (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.

## 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.

#### 12A. Risk Assessment by Director

- (1) If the Director receives a complaint alleging child abuse, the Director must promptly undertake a risk assessment to identify any risks to children.
- (2) The risk assessment must include, but is not limited to, consideration of the following –
  - (a) any immediate and ongoing risks associated with the complaint, including the safety of the complainant and any children,
  - (b) whether preliminary action could and should be taken concerning the respondent including supervision, removal of contact with children or suspension,
  - (c) the available expertise to assess the risk and whether expert advice should be obtained,
  - (d) the need for cultural and linguistic interpreters to be involved in the complaint process,
  - (e) whether it is necessary to report the complaint to an external authority,
  - (f) who should be informed about the complaint, and whether there are restrictions on the information they can be given (for example, due to privacy laws and other confidentiality obligations), and
  - (g) how to implement the decisions made as a result of the risk assessment.
- (3) The Director must review the risk assessment during the complaints process in response to any changes in the risk profile and make modifications where necessary.

#### 13. Withdrawal of complaint

- (1) Subject to subclause (2), a complaint is taken to have been withdrawn if the complaint does not allege serious child-related conduct and:
  - (a) the complainant gives written notice of the withdrawal of the complaint to the Director; or
  - (b) the complainant gives oral notice of the withdrawal of the complaint to the Director, and the Director provides the complainant with written confirmation of the withdrawal.
- (2) If the complaint has already been referred to the 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) recommend that the parties engage in conciliation under clause 18A;
- (b) refer the matter directly to the PSC and, with the concurrence of the PSC, in the case of a respondent's first bullying complaint, request that the respondent participate in appropriate training as soon as practicable under clause 18B, and recommend that the parties engage in conciliation;
- (c) decline to deal with the complaint under clause 15;
- (d) refer to the matter directly to the PSC and seek the concurrence of the PSC that the complaint be declined or deferred under clause 16;
- (e) ask the complainant to verify the complaint by statutory declaration;
- (f) ask the complainant to provide further details of the conduct that is the subject of the complaint;
- (g) recommend to the relevant Church authority that the respondent should be suspended from exercising the functions of office or employment by one or more Church bodies or that an interim prohibition order be made against the respondent under Part 3D;
- (h) if the respondent is an unpaid lay church worker, refer the matter to an Adjudicator under Part 3H;
- (i) investigate, or appoint a person to investigate the complaint under Part 3F;
- (j) invite a response from the respondent under Part 3G.

**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) 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, unless the conduct is serious child-related conduct;
- (e) the conduct which is the subject of the complaint is under investigation by some other competent person or body or is the subject of legal proceedings, or
- (f) there would be no utility in dealing with the complaint under this Ordinance having regard to:
  - (i) whether the respondent currently holds any position of leadership within the Diocese,
  - (ii) the length of time since the respondent has held any position of leadership within the Diocese,
  - (iii) the age of the respondent,
  - (iv) the health of the respondent, and
  - (v) any other relevant circumstance.

(2) The Director, with the concurrence of the 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 has only been dealt with under Part 3E, or;
- (i) the complaint alleges serious child-related conduct and the Director decides to deal with the complaint under this Ordinance in order to make a finding that the respondent has or has not engaged in the alleged serious child-related conduct in connection with:
  - (i) any requirement by law to notify a person or authority that a finding has been made that the respondent engaged in conduct the subject of any such requirement to notify; and
  - (ii) entering on the National Register the details of information required by the provisions of the National Register Canon 2007.

(3) In dealing with a complaint for the purposes of clause 2(h) above, any prior findings of fact made by a body exercising functions under any of the ordinances (or a formal investigation or inquiry with the authority of the Archbishop) listed in subclause (2) are conclusive.

#### **17. Notification of a decision to decline to deal with or defer a complaint**

- (1) Subject to subclause (2), if the Director declines to deal with or defer a complaint under this Part, the Director must give the complainant and the respondent written notice of this decision, including reasons for the decision.
- (2) The Director may, but is not required to, provide written notice to the respondent under this clause if the Director believes on reasonable grounds that the respondent is not aware of the existence of the complaint.

#### **18. When may a complaint be referred to an equivalent body?**

- (1) The Director may, with the concurrence of the 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.

#### **18A. Director may recommend conciliation**

- (1) At any time after a complaint is made, the Director may recommend to the parties that they engage in conciliation if –
  - (a) the Director considers that conciliation may assist the parties, and
  - (b) the complaint does not allege serious child-related conduct.

- (2) In considering whether to make a recommendation under subclause 18A(1), the Director is to consider any power imbalance between the parties.
- (3) The Director may recommend a conciliator to the parties and otherwise facilitate the conciliation occurring.
- (4) If the parties agree to engage in conciliation on the basis of a recommendation under subclause 18A(1) –
- (a) the Director is not prevented from undertaking any of the other courses of action listed in clause 14 during the period of conciliation,
  - (b) the mediation is to be undertaken expeditiously,
  - (c) the attendees for any conferences must be agreed upon by all parties in advance of the conciliation, and
  - (d) the costs of the conciliator are to be met from funds under the control of the Synod, subject to the Director approving those costs before they are incurred.

#### **18B. Director may request appropriate training**

- (1) The Director may, with the concurrence of the PSC, request that the respondent participate in appropriate training and recommend that the parties engage in conciliation if –
- (a) the complaint relates primarily to bullying,
  - (b) it is the first bullying complaint against the respondent that has been received by the Director, and
  - (c) the complaint does not allege serious child-related conduct.
- (2) The respondent is to undertake such training as soon as practicable and provide suitable evidence to the Director that such training has been completed.
- (3) While, in the interests of staff development and reconciliation, this combination of appropriate training and conciliation would ordinarily be considered appropriate in the case of first time complaints, the Director is not prevented from undertaking any of the other courses of action listed in clause 14 during the period of conciliation.
- (4) The costs of the appropriate training and any costs for the conciliator are to be met from funds under the control of Synod, subject to the Director approving those costs before they are incurred.

### **PART 3D - SUSPENSION AND INTERIM PROHIBITION ORDERS**

#### **19. What can the Director recommend?**

At any time after a complaint is made the Director may recommend to the relevant Church authority that the respondent is suspended from being a church worker or may recommend that an interim prohibition order be made against the respondent, subject to the following:

- (a) the Director must give the respondent the opportunity to be heard in relation to the proposed recommendation or order; and
- (b) in deciding whether to make the recommendation or order the Director must take the following matters into account:
  - (i) the seriousness of the conduct alleged in the complaint;
  - (ii) the nature of the material to support or negate the complaint;
  - (iii) whether any person is at risk of harm; and
  - (iv) the likely effect on the respondent and on the relevant Church body.
- (c) the Director must recommend that the respondent is suspended if, after giving the respondent the opportunity to be heard under paragraph (a), the Director is satisfied that –
  - (i) the complaint or the substance of the complaint involves allegations of serious child-related conduct,
  - (ii) the complaint is not false, vexatious or misconceived, and
  - (iii) there is a risk that the respondent may come into contact with children in the course of their functions as a church worker.

#### **20. What is the effect of the Director recommending a suspension order?**

If the Director recommends that the respondent be suspended from being a church worker:

- (a) the relevant Church authority is authorised to do all such things as may be necessary to give effect to the recommendation;

- (b) during any period of suspension by the Church Authority, or during a period when a person voluntarily stands down from a position:
  - (i) the respondent is ineligible for appointment to any position or function covered by the suspension;
  - (ii) the relevant Church authority may fill the vacancy during the term of any suspension; and
  - (iii) the person against whom the complaint is made is entitled to continue to receive their ordinary stipend, salary, allowances and other benefits in connection with the position, except to the extent that these are provided on account of expenses incurred in undertaking their duties or functions; and
  - (iv) in the case of a respondent who is licensed or authorised for ministry in a parish – the parish concerned is entitled to reimbursement from funds under the control of the Synod for the reasonable additional costs incurred by the parish for the engagement of any temporary personnel to undertake the duties of the person against whom the complaint is made during the period of suspension;
- (c) the respondent must comply with the terms of recommendation; and
- (d) the suspension ceases to have any effect:
  - (i) if the Director terminates the investigation without referring the matter to the 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 continue to receive their ordinary stipend, salary, allowances and other benefits in connection with the position, except to the extent that these are provided on account of expenses incurred in undertaking their duties or functions; and
  - (e) in the case of a respondent who is licensed or authorised for ministry in a parish – the parish concerned is entitled to reimbursement from funds under the control of the Synod for the reasonable additional costs incurred by the parish for the engagement of any temporary personnel to undertake the duties of the person against whom the complaint is made during the period of the order.
- (3) An Interim Prohibition Order ceases to have effect:
  - (a) if the Director terminates the investigation without referring the matter to the 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 – COMPLAINTS INVOLVING SERIOUS CRIMINAL CONVICTIONS****21A. Application of this Part**

This Part 3E applies to complaints concerning respondents who have been convicted of a disqualifying offence, being an offence listed in Schedule 2 of the *Child Protection (Working with Children) Act 2012*, and the conviction is not subject to a stay or an appeal against the conviction.

**21B. Notification to respondent**

(1) If the Director is in possession of the reasons for judgment or other record from a court, a police history check, or a notification from a statutory authority, which indicates that the respondent has been convicted of a disqualifying offence, the Director may:

- (a) notify the substance of the complaint to the respondent,
- (b) provide the respondent with a copy of the judgment, record or notification evidencing the conviction,
- (c) inform the respondent that it is the intention of the Director to refer the complaint to the PSC for a recommendation to the Archbishop that a prohibition order be issued, and
- (d) invite a response to the complaint within a period of not less than 21 days or such longer period specified by the Director.

(2) Following expiration of the period within which the respondent may provide a response under clause 21B(1)(d), the Director must refer the complaint to the PSC, including a copy of all the material provided to the respondent and any response from the respondent.

**21C. Recommendations of the PSC**

If the PSC is satisfied that the respondent has been convicted of a disqualifying offence, the PSC may recommend to the Archbishop that a prohibition order be made against a respondent in terms recommended by the PSC. If the PSC is not satisfied that the respondent has been convicted of the relevant offence, this Part 3E ceases to apply to the complaint and the Director is to deal with the complaint in accordance with the other provisions of this Ordinance.

**PART 3F - INVESTIGATION OF COMPLAINTS****22. Conduct of Investigation**

(1) Subject to Part 3C, the Director may appoint a person to investigate a complaint, and such investigations are to be conducted as promptly as reasonably possible.

(2) The Director may, by notice in writing, revoke the appointment of an investigator if the investigator fails or refuses to comply with the requirements of this Ordinance or any other reasonable requirements of the Director.

**23. Powers of the investigator**

(1) For the purposes of an investigation:

- (a) the investigator may obtain such statutory declarations, written statements, recorded conversations, reports, documents and other material as the investigator considers necessary or advisable;
- (b) the investigator may require the person making the complaint to verify the complaint by statutory declaration if this has not already been done;
- (c) if the investigator interviews a person, the investigator must:
  - (i) record the interview, subject to the interviewee giving their consent, and
  - (ii) allow the person to have another person present with them, being a person who is not a witness to the matters which are the subject of the complaint;
- (d) the investigator may, by notice in writing, require the respondent –
  - (i) to respond to a question or series of questions within the time specified in the notice in relation to any matter relevant to the investigation, and
  - (ii) to otherwise assist in, or cooperate with the investigation of the complaint in a specified manner.

(2) A person must answer truthfully any question put by or on behalf of the investigator in exercising the powers conferred by this Ordinance, and must not mislead or obstruct the investigator in the exercise of powers conferred by this Ordinance.<sup>3</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 3G - NOTIFICATION OF AND RESPONSE TO THE COMPLAINT**

#### **25. What notification must the Director provide to the respondent?<sup>4</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 3F.

### **PART 3H – SPECIAL PROCEDURE FOR UNPAID LAY CHURCH WORKERS (ADJUDICATORS)**

#### **27. Application of this Part**

- (1) Subject to subclause (2), this Part applies to complaints made against unpaid lay church workers to the exclusion of Parts 4A to 4D.
- (2) If the Director considers that a complaint against an unpaid lay church worker raises substantially the same circumstances as another complaint that has been or will be referred to the 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.

<sup>3</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>4</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.*

- (2) The Registrar must promptly appoint an experienced lawyer following a request from the Director under subclause (1)(a).
- (3) If the adjudicator has any actual or perceived conflict of interest in the exercise or performance of their functions under this Ordinance in relation to a complaint, the Adjudicator must disclose this to the Registrar and the Registrar is to appoint another experienced lawyer to be the Adjudicator for the complaint.
- (4) The Director must also:
  - (a) notify the respondent that the complaint has been referred to the Adjudicator; and
  - (b) furnish the respondent with a copy of all material in the Director's possession relevant to the complaint, including a copy of any investigator's report; and
  - (c) invite the respondent to provide any further information or material, and to make written representations to the Adjudicator relating to the complaint within 28 days or such longer period as may be agreed to by the Director.

### **29. Review of material by the Adjudicator**

- (1) The Adjudicator is to review the material provided by the Director and any further information or material provided by the respondent.
- (2) If the complaint or the substance of the complaint has been admitted by the respondent, the Adjudicator may proceed to make recommendations under clause 30.
- (3) If the complaint or the substance of the complaint has not been admitted by the respondent, the Adjudicator –
  - (a) must act with fairness and according to equity, good conscience, procedural fairness and the substantial merits of the case without regard to technicalities or legal forms in resolving the complaint,
  - (b) is not bound by the rules of evidence but may inform himself or herself on any matter in such manner as her or she thinks fit,
  - (c) must give written reasons for any findings and recommendations, unless the findings and recommendations are made by consent of the respondent, and
  - (d) must deal with the complaint as expeditiously as possible.
- (4) The standard of proof for the Adjudicator to establish an allegation is that of reasonable satisfaction on the balance of probabilities.<sup>5</sup>

### **30. Powers and Recommendations by the Adjudicator**

- (1) If the Adjudicator is satisfied that the church worker:
  - (a) is not fit to hold a role office or position; or
  - (b) is not fit, whether temporarily or permanently, to exercise ministry or perform any duty or function of the role or position; or
  - (c) should be subject to any condition or restriction in the exercise of ministry or in the performance of any duty or function;the Adjudicator must find accordingly in writing and make recommendations to the relevant Church Authority, including but not limited to any one or more of the following:
  - (d) that the church worker be counselled;
  - (e) that the church worker be suspended from performing function(s) for such period determined by the Adjudicator;
  - (f) that the authority of the church worker be revoked;
  - (g) that any agreement for the church worker's engagement (if any) be terminated;
  - (h) that the church worker's performance of function(s) be made subject to such conditions or restrictions as the Adjudicator may specify;
  - (i) that the church worker be directed to do or to refrain from doing a specified act;
  - (j) that a prohibition order be made in terms specified by the Adjudicator.
- (2) Prior to making any recommendations under subclause (1), the Adjudicator may inform the Archbishop, the relevant Church authority and the respondent of the proposed recommendations and provide a reasonable opportunity for each to make written submissions.

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<sup>5</sup> *The standard of proof is to be applied with regard to the principles in Briginshaw v Briginshaw [1938] HCA 34.*

**31. Making findings on serious child-related conduct**

If the complaint alleges that the respondent has committed serious child-related conduct, the Adjudicator must make a finding on whether the respondent engaged in any or all of the conduct so alleged, and these findings shall constitute findings for the purpose of –

- (a) any requirement by law to notify a person or authority that a finding has been made that the respondent engaged in conduct which is the subject of any such requirement to notify; and
- (b) entering on the National register the details of information required by the provisions of the *National Register Canon 2007*.

**32. Costs of responding to a complaint**

The Adjudicator has no power to award costs. The respondent is responsible for meeting their own costs of responding to the complaint.

**33. Review**

The decisions and recommendations of the Adjudicator are not appellable or subject to review, except that a respondent may make an application for review under Part 4C and for this purpose references to the Board and 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; and

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 serious child-related 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>

<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.

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 –

- (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 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.

- 
- *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.*

**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 serious child-related conduct and the person against whom the complaint is made:

- (a) admits the complaint or the substance of the complaint; or
- (b) accepts the recommendation or recommendations of the 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 serious child-related conduct under clause 47;
  - (b) dismiss the matter or take no further action under clause 48;
  - (c) make a recommendation under clause 49.

**47. Making findings on serious child-related conduct**

- (1) If the complaint alleges that the respondent has committed serious child-related conduct, the Board must make a finding on whether the respondent engaged in any or all of the conduct so alleged, and these findings shall constitute findings for the purpose of –
- (a) any requirement by law to notify a person or authority that a finding has been made that the respondent engaged in conduct which is the subject of any such requirement to notify; and
  - (b) entering on the National register the details of information required by the provisions of the *National Register Canon 2007*.

**48. Power to dismiss or take no further action**

- (1) If the Board is not satisfied that the church worker committed any misconduct, or is satisfied that the complaint is false, vexatious or misconceived, the Board may determine accordingly and must dismiss the complaint.
- (2) If the Board is satisfied that the church worker did commit misconduct but is not satisfied as to any of the matters in clause 49(1), the Board may determine accordingly and must take no further action in relation to the complaint. The Board may nonetheless recommend under clause 49 that the respondent be counselled.

**49. Recommendations and Orders by the Board**

- (1) If the Board is satisfied that the church worker:
- (a) is not fit to hold a role office or position, or to be or remain in Holy Orders; or
  - (b) is not fit, whether temporarily or permanently, to exercise ministry or perform any duty or

function of the role office or position; or

- (c) should be subject to any condition or restriction in the exercise of ministry or in the performance of any duty or function;

the Board must determine in writing accordingly and make recommendations to the Archbishop or relevant Church authority, including but not limited to any one or more of the following:

- (d) that the church worker be counselled;
- (e) that the church worker be suspended from office or employment or from performing the function as the case may be for such period determined by the Board;
- (f) that the licence or authority of the church worker be revoked;
- (g) that the church worker's contract of employment (if any) be terminated;
- (h) that the church worker cease to hold any office then held;
- (i) that the church worker's holding of office or employment or performance of the function, as the case may be, be made subject to such conditions or restrictions as the Board may specify;
- (j) that the church worker be directed to do or to refrain from doing a specified act;
- (k) that a charge be promoted against the respondent before the Diocesan Tribunal;
- (l) that the operation of a determination shall be suspended for such period and upon such conditions as the Board shall specify;
- (m) that the church worker should be deposed from Holy Orders; and
- (n) that a prohibition order be made in terms specified by the Board.

#### **50. Provision of copies of determination and recommendation**

(1) The Board must cause a copy of the determination and recommendations, together with reasons, to be provided to –

- (a) the relevant Church authority;
- (b) the complainant;
- (c) the respondent;
- (d) the PSC; and
- (e) the Director or

(2) The Director must cause to be entered in the national register all details of information required by the provisions of the *National Register Canon 2007*.

#### **51. Power to defer final recommendation**

(1) The Board may defer making any final recommendation on a complaint and may for that purpose adjourn any hearing from time to time for a period or periods not exceeding in aggregate, 12 months, on terms that the church worker undertake for a specified period and in a form approved by the Board to do one or more of the following acts or omissions:

- (a) stand down from the office or employment or from performing specified duties of office or employment;
- (b) undertake counselling from a person approved by the Board;
- (c) submit to periodic medical examination by a person approved by the Board;
- (d) undertake a specified program of medical treatment or rehabilitation whether as an outpatient or inpatient;
- (e) provide medical or other evidence requested by the Board to assist it in deciding on any final recommendation; or
- (f) perform or refrain from performing some other specified act.

(2) If at the time of deferring a final recommendation in accordance with this clause the Board is satisfied that the church worker is at that time either unfit to hold office or to exercise ministry or to perform any duty or function of the office or employment, any undertaking given by the church worker must include an undertaking under clause 51(1)(a) in such form as the circumstances may require and as the Board may approve.

(3) If within a period specified by the Board the church worker declines to give an undertaking in accordance with clause 51(1), the Board must proceed to make a determination and recommendation.

(4) The Board may take into account the failure of the church worker to comply with his or her undertaking under clause 51(1) in deciding on any final recommendation on a complaint.

**52. Effect of Prohibition Orders**

A person who is subject to a prohibition order is, despite the provisions of any other ordinance, ineligible for election or appointment to any position or office to which the order applies, and any such office or position that the person is or was elected or appointed to becomes vacant.

**PART 4C – REVIEW OF BOARD DETERMINATIONS****53. Application for review**

- (1) If the respondent is aggrieved by a decision of the Board, the respondent may apply to the 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, procedural fairness and the substantial merits of the case without regard to technicalities or legal forms; and
- (b) is not bound by the rules of evidence but may inform itself on any matter in such manner as it thinks fit; and
- (c) must deal with each matter as expeditiously as possible.

##### **60. Failure to appear**

(1) The 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.<sup>8</sup>

**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 conflict of interest**

- (1) A member of the PSC or the Board must promptly disclose to the other members any actual conflict of interest they have as a member and any circumstances which might reasonably be perceived as a conflict of interest, including the reason(s) why such a conflict of interest might exist.
- (2) Where a member of the PSC or the Board has an actual or perceived conflict of interest in a matter, the member shall be disqualified from participating in the matter.
- (3) The opinion of a majority of the other members of the PSC or Board, as the case may be, shall be conclusive as to whether the member has an actual or perceived conflict of interest in a matter.

**71. Medical examination**

- (1) The 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

<sup>8</sup> The standard of proof is to be applied with regard to the principles in *Briginshaw v Briginshaw* [1938] HCA 34.

- (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.

**82A. Conflict of Interest**

If the Director has any actual or perceived conflict of interest in the exercise or performance of any power, authority, duty or function under this Ordinance in relation to a matter, the Director must declare to the Archbishop that he is unable or unwilling to exercise or perform that power, authority, duty or function in relation to the matter.

**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 Archbishop or the relevant Church authority may, following consultation with the Director, release to any person such material as the Church authority may determine with respect to any information, complaint or finding.

#### 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 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.

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### Notes

In accordance with Clause 113, the Archbishop determined the commencement date of the original form of this Ordinance to be 1 November 2017 on the advice of the Chancellor.

### Table of Amendments

*[not reproduced here]*



# 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.

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#### Table of Amendments

*[not reproduced here]*



# Safe Ministry to Children Ordinance 2020

(Reprinted under the Interpretation Ordinance 1985.)

The Safe Ministry to Children Ordinance 2020 as amended by the Safe Ministry to Children Ordinance 2020 Amendment Ordinance 2020.

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## Long Title

An Ordinance to provide for safe ministry to children in the Diocese of Sydney that is based on the framework set out in the *General Synod – Safe Ministry to Children Canon 2017* (including implementation of the Protocol) and for related purposes.

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

### 1. Name

This ordinance is the *Safe Ministry to Children Ordinance 2020*.

## PART 1 – PRELIMINARY

### 2. Interpretation

The definitions of certain terms used in this Ordinance are set out in the Dictionary in Part 11.

## PART 2 – CODES OF CONDUCT

### 3. Prescribed code of conduct

(1) The prescribed code of conduct for safe ministry to children in the Diocese 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).

(2) Subject to clause 4, clergy and church workers in the Diocese must –

- (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.

### 4. Equivalent code of conduct

(1) The prescribed code of conduct does not apply to clergy and church workers in a Church body which has a code of conduct for safe ministry to children applicable to them under –

- (a) the laws of the Commonwealth or New South Wales; or
- (b) a requirement or condition for registration, approval or funding to provide services for children under the laws of the Commonwealth or New South Wales; or
- (c) a contract or arrangement with the Commonwealth or New South Wales or an agency or authority of the Commonwealth or New South Wales.

(2) The prescribed code of conduct also does not apply to clergy and church workers in a Church body if the Standing Committee determines on application by the Church body, that the Church body has an equivalent code of conduct, as appropriately adapted to the context of the Church body, that gives substantial effect to the standards and the guidelines contained in the prescribed code of conduct.

(3) The Registrar shall publish on the Safe Ministry website, a list of all Church bodies that have been determined under subclause (2) to have an equivalent code of conduct, the date on which the determination was made, and if applicable the period during which the determination has effect.

## PART 3 - SAFE MINISTRY REQUIREMENTS

### 5. Mandatory requirements

Subject to clause 6, clergy and church workers in the Diocese must observe the requirements for screening, training and safe ministry with Persons of Concern that are set out in Parts 4, 5 and 6 respectively.

### 6. Equivalent requirements

(1) The requirements for screening, training and safe ministry with Persons of Concern do 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 New South Wales; or

- (b) provides services to children pursuant to a contract or arrangement with the Commonwealth or New South Wales or an agency or authority of the Commonwealth or New South Wales.

(2) The requirements also do not apply to clergy and church workers in a Church body if the Standing Committee determines that the Church body has equivalent requirements for safe ministry to children, as appropriately adapted to the context of the Church body, that give substantial effect to the requirements set out in this Ordinance.

(3) The Registrar shall publish on the Safe Ministry website a list of all Church bodies that have been determined under subclause (2) to have equivalent requirements, along with the date on which the determination was made, the applicable requirements that are equivalent, and if applicable the period during which the determination has effect.

## PART 4 - SCREENING

### 7. Application

(1) Unless otherwise specified, this Part applies to all persons ordained as deacons or presbyters, or licensed as clergy, elected as the Archbishop, or appointed as church workers, both when and after this Part comes into force.

(2) A person licensed as clergy, elected as the Archbishop, or appointed as a church worker when this Part comes into force is not required to undergo an assessment required under this Part if the screening authority is reasonably satisfied that the same or a materially similar form of assessment has previously been done in respect to the person before this Part comes into force and that assessment, where relevant, remains in effect. This subclause does not apply to clause 9A and subclause 9(b)(v).

### 8. Deacons

The screening requirements for a person to be ordained as a deacon are –

- (a) the person holds an unconditional working with children check, where required by the laws of New South Wales; and
- (b) the following assessments by the Archbishop or his delegate –
  - (i) where a working with children check is not required by and is not able to be sought under the laws of New South Wales, a criminal history assessment;
  - (ii) a national register assessment;
  - (iii) a safe ministry assessment;
  - (iv) a medical assessment;
  - (v) a psychological assessment; and
  - (vi) where the person was previously authorised for ministry in a Province or in another diocese of the Anglican Church of Australia or another denomination, a church ministry assessment, unless where reasonably satisfied this has previously been done.

### 9A. Presbyters

If more than 2 years have elapsed between the psychological assessment undertaken for ordination as a deacon and the commencement of the person's candidacy for ordination as a presbyter, the screening requirement to be ordained as a presbyter is a psychological assessment by the Archbishop or his delegate.

#### **Notes:**

- (1) *By clause 3 of the Safe Ministry to Children Ordinance 2020 Amendment Ordinance 2020, the requirement for a psychological assessment for a presbyter does not apply to –*
  - (a) *a person who has been accepted as a candidate for ordination as a presbyter prior to the date of assent of the Safe Ministry to Children Ordinance 2020 Amendment Ordinance 2020 (23 November 2020), or*
  - (b) *a person who is ordained as a presbyter as at the date of assent of the Safe Ministry to Children Ordinance 2020 Amendment Ordinance 2020 (23 November 2020), and*
- (2) *In accordance with clause 9A, the Archbishop has delegated his responsibility to the Director of Professional Standards.*

### 9. Licensed clergy or the Archbishop

The screening requirements for a member of the clergy to be licensed, or to be elected as the Archbishop, are –

- (a) the person holds an unconditional working with children check, where required by the laws of

New South Wales; and

- (b) the following assessments by the screening authority –
  - (i) where a working with children check is not required by and is not able to be sought under the laws of New South Wales, a criminal history assessment;
  - (ii) a national register assessment;
  - (iii) a safe ministry assessment;
  - (iv) where the person was previously licensed for ministry in a Province or in another diocese of the Anglican Church of Australia or another denomination, a church ministry assessment, except where reasonably satisfied this has previously been done, and
  - (v) where the person was ordained as a presbyter in another Province or in another diocese of the Anglican Church of Australia and the licence is the person's first licence to the office of rector in the Diocese, a psychological assessment.

#### 10. Authorised or paid church workers

The screening requirements for church workers to be authorised or to undertake paid ministry to children are –

- (a) the person holds an unconditional working with children check, where required by the laws of New South Wales; and
- (b) the following assessments by the screening authority –
  - (i) where a working with children check is not required by and is not able to be sought under the laws of New South Wales, a criminal history assessment;
  - (ii) a national register assessment;
  - (iii) a safe ministry assessment; and
  - (iv) where the person was previously authorised for ministry in a Province or in another diocese of the Anglican Church of Australia or another denomination, a church ministry assessment, except where reasonably satisfied this has previously been done.

#### 11. Voluntary church workers

(1) The screening requirements for church workers, who are not professional standards personnel and safe ministry personnel, to undertake voluntary ministry to children are –

- (a) the person holds an unconditional working with children check, where required by or able to be sought under the laws of New South Wales; and
- (b) the following assessments by the screening authority –
  - (i) a criminal history assessment, if –
    - (A) the person is aged 18 years or more,
    - (B) a working with children check is not required by or able to be sought under the laws of New South Wales, and
    - (C) the person is eligible to apply for a National Police History Check; and
  - (ii) subject to subclause (2), a safe ministry assessment.

(2) The Standing Committee may prescribe circumstances in which a safe ministry assessment is not required to undertake voluntary ministry to children in the Diocese.

#### Notes:

- (1) *By clause 4(2) of the Safe Ministry to Children Transitional Ordinance 2020, the requirement for a safe ministry assessment for a volunteer church worker commences on 1 January 2021 or such other date as may be determined by the Standing Committee by resolution.*
- (2) *The Standing Committee has prescribed the following circumstances in which a safe ministry assessment is not required for a person to undertake voluntary ministry to children in the Diocese –*
  - (i) *the church worker is below 13 years of age,*
  - (ii) *the church worker is undertaking ministry to pre-school aged children (or younger) on not more than 10 occasions in a calendar year in the context of activities in which the church worker's own child usually participates,*
  - (iii) *the church worker is undertaking ministry at or in connection with a university or other tertiary institution, or*

- (iv) *the church worker undertakes ministry to children on not more than a total of 5 occasions in a calendar year, if the ministry involves minimal direct contact with children or is supervised when children are present.*

## 12. Professional standards personnel and safe ministry personnel

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 Archbishop, or an authorised, paid or voluntary church worker, are a national register assessment by the screening authority.

## PART 5 - TRAINING

### 13. Application

This Part applies to all persons ordained as deacons, or licensed as clergy, elected as the Archbishop, or appointed as church workers, or elected or appointed as professional standards personnel or safe ministry personnel, both when and after this Part comes into force.

### 14. Accredited training

- (1) Subject to subclause (2), the training requirements for clergy and church workers with respect to safe ministry are satisfactory completion of accredited training –
- (a) by the Archbishop, within three years prior to his election; or
  - (b) by clergy, and authorised, paid or voluntary, church workers, within three years prior to being ordained, licensed, or authorised, or appointed to undertake ministry to children; or
  - (c) by professional standards personnel, within three years prior to election or appointment to a professional standards role; or
  - (d) by safe ministry personnel, within three years prior to election or appointment to a safe ministry role; and

by the Archbishop, clergy and church workers in paragraphs (a) and (b), at intervals of not more than three years after prior satisfactory completion of accredited training.

- (2) A person is not required to complete accredited training within the relevant period set out in subclause (1) if the Archbishop or his delegate is satisfied there are exceptional circumstances and in such case the training is to be completed within such other period specified by the Archbishop or his delegate or, if no period is specified, as soon as practicable.

## PART 6 - SAFE MINISTRY WITH PERSONS OF CONCERN

### 15. Mandatory Requirements

Section 5 of the Persons of Concern Policy sets out the actions that are required to be undertaken in a parish or congregation in respect to a person of concern, and in the case of a congregation, as adapted by the Safe Ministry Board.

## PART 7 – AUDIT

### 16. Audit

- (1) The Registrar shall appoint an independent person to undertake a Church body audit and a diocesan audit of the 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 Church body audit to the Standing Committee; and
- (b) a report of the diocesan audit to the Standing Committee and the Safe Ministry Board.

**Note:** *The Standing Committee has determined an interval of 5 years for the first audit in accordance with clause 3 of the Safe Ministry to Children Transitional Ordinance 2020.*

- (2) The Standing Committee shall determine the scope of the Church body audit and the diocesan audit.
- (3) The independent person undertaking the Church body audit shall be given access to such records and information, as requested by the independent person undertaking the Church body audit as is reasonably necessary to enable the Church body audit to be undertaken.
- (4) The independent person undertaking the diocesan audit shall be given access to such records and information, as requested by the independent person undertaking the diocesan audit as is reasonably necessary to enable the diocesan audit to be undertaken.

- (5) The Diocesan Registrar shall as soon as practicable after –
- (a) the report of the Church body audit has been provided to the Standing Committee, and
  - (b) the report of the diocesan audit has been provided to the Standing Committee and Safe Ministry Board

publish the report on the Safe Ministry website.

## **PART 8 – PARISH SAFE MINISTRY REPRESENTATIVES**

### **17. Appointment and term of office of a safe ministry representative**

- (1) Subject to clause 18, the minister must, with the concurrence of the parish council, appoint a person as a safe ministry representative for the parish.
- (2) The minister must promptly report to the Registrar the name and contact details of a person appointed as a safe ministry representative.
- (3) Subject to subclauses (4) and (5) and clause 18, the person appointed as a safe ministry representative holds office until the earlier of –
- (a) the period (if any) specified by the minister in writing at the time of appointment,
  - (b) the appointment of a successor,
  - (c) their death, or
  - (d) their resignation.
- (4) The appointment of a person as a safe ministry representative is revoked if the person –
- (a) has not, subject to clause 14(2), satisfactorily completed safe ministry training within the last 3 years, or
  - (b) ceases to hold an unconditional working with children check.
- (5) The appointment of a safe ministry representative may be revoked by –
- (a) the minister, with the concurrence of the parish council, or
  - (b) the Director of Professional Standards,

as each may think fit.

### **18. Qualification to be a safe ministry representative**

- (1) A person appointed as a safe ministry representative must –
- (a) be not less than 21 years of age, and
  - (b) have satisfactorily completed accredited training in accordance with this Ordinance, and
  - (c) hold an unconditional working with children check.
- (2) A person who is or becomes bankrupt may not be appointed or continue as a safe ministry representative.

### **19. Functions of a safe ministry representative**

A safe ministry representative has the following functions –

- (a) to ensure compliance by the minister or the minister's delegate with this Ordinance in respect to church workers undertaking ministry to children within the parish, and
- (b) to create and maintain in a secure manner the records that are required to be created and maintained by the minister under this Ordinance as a screening authority, and
- (c) to provide a report, at least annually to the parish council, that includes current policies and practices, and any suggested changes, to ensure the safety of children involved in the activities of the parish and such other matters as may be prescribed by the Safe Ministry Board, and
- (d) to report to the Director of Professional Standards, and in the case of a church worker, to the minister and any applicable delegate of the minister, knowledge or reasonable suspicion that a child who attends or has attended any activity of the parish has suffered child abuse or is at the risk of harm from child abuse from a church worker.

### **20. Protection of safe ministry representatives**

A person must not take any adverse action against or cause any detriment to a safe ministry representative because the representative has made a report under this Ordinance in good faith.

**Note:** By clause 5 of the Safe Ministry to Children Transitional Ordinance 2020, any action taken under Chapter 7 of Schedule 1 or Schedule 2 of the Parish Administration Ordinance 2008 is taken to be an action undertaken under the equivalent provision of this Ordinance.

## PART 9 – RECORD KEEPING

### 21. Creation and retention of records

- (1) Accurate records of –
- (a) the screening of clergy and church workers,
  - (b) the satisfactory completion of accredited training by clergy and church workers
- are to be created and maintained in a secure manner by or on behalf of the screening authority.
- (3) 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 by or on behalf of the person responsible for its implementation within the Church Body.

### 22. Inspection of records

- (1) The Registrar or a person nominated by the Registrar may, for reasonable and legitimate purposes, inspect all records maintained by a parish in relation to its obligations under this Ordinance.
- (2) The Registrar or a person nominated by the Registrar may require the minister or the safe ministry representative to provide any of the following information in relation to persons undertaking ministry to children in the parish –
- (a) full name,
  - (b) date of birth,
  - (c) working with children check number (or application number) and expiry date, and
  - (d) date of verifying the clearance with the regulator and outcome.

## PART 10 – GENERAL

### 23. Confidentiality

A person performing a function under this Ordinance is to keep confidential any personal information obtained in the course of fulfilling that function, except where its disclosure –

- (a) is required by law or an Ordinance of the Diocese;
- (b) is made with the consent of the person to whom the information relates;
- (c) is reasonably necessary to protect any person from the risk of being harmed;
- (d) is reasonably necessary for the purpose of fulfilling a function under this Ordinance, including undertaking an assessment of whether a person is suitable to undertake ministry to children; or
- (e) is necessary for the purpose of taking or initiating any professional standards or disciplinary action against a member of clergy or a church worker.

### 24. Disclosure of information

The Registrar or a person nominated by the Registrar shall at the request of General Secretary of the General Synod 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 position or a General Synod safe ministry position.

### 25. Application to Cathedral

This Ordinance applies to the Cathedral Church of St Andrew as if –

- (a) the Cathedral and the lands and property belonging thereto are a parish, and
- (b) the Dean is the minister, and
- (c) the Cathedral Chapter is the parish council.

### 26. Application to ENC Fellowships

This Ordinance applies to fellowships under the *Department of Evangelism and New Churches Ordinance 2010* as if –

- (a) the fellowship and the places where it undertakes ministry are a parish, and
- (b) the leader of the fellowship is the minister, and

- (c) the Board of the Department of Evangelism and New Churches, or such other body of persons within the fellowship that the Board nominates, is the parish council.

## PART 11 – DICTIONARY

In this Ordinance, 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, ability diversity and age; and
  - (ii) is delivered by persons who are accredited, and/or online training which is accredited, by the Safe Ministry Board; or
- (b) training of another Church body or organisation that the Safe Ministry Board has determined is equivalent to the training in paragraph (a);

**adult** means a person who is 18 years of age or above;

**child** means anyone under the age of 18;

**child abuse** has the same meaning as in the *National Register Canon 2007*;

**Church authority** means the Archbishop or a person or body having authority to ordain, license, elect, appoint, dismiss or suspend a member of clergy or a lay person;

**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 constituted by Ordinance of the Synod or in respect of which the Synod has power to make Ordinances; **Church body 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 clause 4(2) 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) any requirements in this Ordinance 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 clause 6(2) give substantial effect to the applicable requirements as appropriately adapted to the context of the Church body;

**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;

**church worker** means a lay person undertaking any ministry to children –

- (a) who is authorised by the Archbishop; 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, presbyter or deacon in the Anglican Church of Australia;

**code of conduct** means the code of conduct prescribed under Part 2 of this Ordinance;

**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);

**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;

**Diocese** means the Diocese of Sydney;

**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 clause 4;
- (b) the diocese has in place procedures which –
  - (i) effectively monitor observance by clergy and church workers in the diocese of the standard and, unless there are cogent reasons for not doing so, the guidelines 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
- (c) the procedures in paragraph (b) have, in all material respects, been followed;

**diocesan authority** means a person or body of another diocese of the Anglican Church of Australia having authority to ordain, license, elect, appoint, dismiss or suspend a member of the clergy or a lay person of that diocese;

**Faithfulness in Service** means *Faithfulness in Service – A national code for personal behaviour and the practice of pastoral ministry by clergy and church workers* adopted by the Synod including any amendments made thereto from time to time.

**General Synod professional standards position** means a professional standards position 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 position** means a safe ministry position to which a person is elected or appointed by the General Synod or the Standing Committee or the Primate or the General Secretary;

**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 Church body audit and a diocesan audit;

**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;

**licence** means a licence issued by the Archbishop;

**licensed clergy** means clergy issued with a licence;

**medical assessment** means consideration of a medical report of the person by a registered medical practitioner;

**minister** has the meaning set out in the *Parish Administration Ordinance 2008*;

**ministry to children** means work of a kind where a person –

- (a) is required to hold a working with children 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;

**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;

**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;

**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 that is prescribed by the Standing Committee from time to time;

*Note: The Standing Committee has prescribed "Chapter 4: Guidelines for parishes regarding persons of interest" of the version of the Professional Standards Unit's Safe Ministry Blueprint for Churches published as at 27 April 2020 for the purposes of the definition of "Persons of Concern Policy".*

**professional standards personnel** means clergy and church workers performing a professional standards role;

**professional standards process** means a process for determining the fitness for office of clergy or lay persons under any Canon of the General Synod 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;

**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;

**Province** means –

- (a) a member church of the Anglican Consultative Council other than the Anglican Church of Australia and includes part of a Province; and
- (b) a church that is recognised as a member church of the Anglican Communion by the Synod;

**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 the personal, social and sexual maturity of the person by a registered psychologist;

**Registrar** means the person holding the office for the time being as the registrar of the Diocese;

**responsible authority** means –

- (a) a provincial authority; or
- (b) a diocesan authority; or
- (c) a denominational authority;

**safe ministry assessment** means consideration of the person's completed Safe Ministry Check, and, if applicable, information provided by a person's former minister or a referee as part of the Safe Ministry Check;

**Safe Ministry Check** means a check that includes the applicable Safe Ministry Check as prescribed from time to time by the Standing Committee;

*Note: The Standing Committee prescribed forms of Check for voluntary church workers at its meeting on 27 April 2020.*

*The Standing Committee prescribed forms of Check for Clergy at its meeting on 27 July 2020.*

**Safe Ministry Board** means the Safe Ministry Board established under the *Safe Ministry Board Ordinance 2001*;

**safe ministry personnel** means clergy and church workers performing a safe ministry role;

**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 or the Standing Committee;

**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 authorised, the Archbishop or his delegate; or
- (b) in the case of a member of the clergy to be elected as the Archbishop, the electing 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 professional standards personnel and safe ministry personnel, the electing or appointing body or its delegate.

**spiritual abuse** has the same meaning as in the *National Register Canon 2007*;

**Standing Committee** means the Standing Committee of the Synod;

**Synod** means the Synod of the Anglican Church Diocese of Sydney; and

**working with children check** means an authority to work with children issued under the laws of New South Wales.

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## Notes

The notes in this Ordinance are for explanatory purposes only and do not form part of the Ordinance. The Diocesan Secretary is authorised to update the notes when reprinting this Ordinance under clause 8 of the *Interpretation Ordinance 1985*.

## Table of Amendments

*[not reproduced here]*



# Standing Committee Ordinance 1897

(Reprinted under the Interpretation Ordinance 1985.)

The Standing Committee Ordinance of 1897 as amended by the Standing Committee Ordinance Amending Ordinance of 1915, Standing Committee (Amending) Ordinance 1930, Standing Committee Ordinance of 1897 Further Amending Ordinance 1932, Casual Vacancies Ordinance 1935, Bishops Coadjutor ex Officio Ordinance 1940, Standing Committee Ordinance of 1897 Further Amending Ordinance 1948, Assistant Bishops (Bishops Coadjutor) Ordinance 1971, Standing Committee Amendment Ordinance 1978, Standing Committee Ordinance 1897-1978 Amending Ordinance 1984, the Diocesan Officers (Retirement) Ordinance 1987, the Miscellaneous Amendments Ordinance (No 1) 1991, the Standing Committee Amendment Ordinance 1991, the Committee Membership Amendment Ordinance 1995, the Standing Committee Ordinance 1897 Amending Ordinance 1995, the Regions (Transitional Provisions and Miscellaneous Amendments) Ordinance 1995, the Regional Electors Amendment Ordinance 1997, the Standing Committee (Elections) Amendment Ordinance 1998, the Miscellaneous Amendments Ordinance 2001, the Diocesan Officers (Retirement) Repeal Ordinance 2001, the Synod and Standing Committee (Membership) Amendment Ordinance 2003, the Regions Amendment Ordinance 2006, the Standing Committee Ordinance 1897 Amendment Ordinance 2010, the Synod Elections (Efficiency and Transparency) Amendment Ordinance 2013, the Standing Committee Amendment Ordinance 2014, the Synod (Governance of Diocesan Organisations) Amendment Ordinance 2015, the Synod and Standing Committee (Membership) Amendment Ordinance 2015, the Sydney Anglican Home Mission Society Council (Merger with Anglican Retirement Villages Diocese of Sydney) Ordinance 2016 and the Standing Committee Ordinance 1897, Regions Ordinance 1995 Amendment Ordinance 2018, the Standing Committee Ordinance 1897 Amendment Ordinance 2019 and the Standing Committee Ordinance 1897 Amendment Ordinance 2021.

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### Long Title

An Ordinance to provide for the Constitution of a Standing Committee of the Synod of the Diocese of Sydney and to define their powers and duties.

### Preamble

Whereas it is expedient to provide for the constitution of a Standing Committee of the Synod of the Diocese of Sydney and to define their powers and duties, the said Synod in pursuance of the powers conferred upon it by the Constitutions for the management and good government of the United Church of England and Ireland within the Colony of New South Wales, and of all other powers, vested in the said Synod, ordains and rules as follows.

**1. Definitions**

(1) In this Ordinance –

“Constitutions” means the Constitutions in force pursuant to the *Anglican Church of Australia Constitutions Act 1902 (NSW)*.

“Elected Member” means a member of the Standing Committee referred to in paragraph (b), (c), (d) or (e) of subclause 1A(1).

“online ballot” means a ballot conducted in accordance with the rules in the *Synod Elections Ordinance 2000* as if the Archbishop-in-Council had made a determination under rule 8.2 of the Schedule of that Ordinance.

“parochial unit” means a parish, provisional parish, assisted provisional parish or other ecclesiastical district recognised under the *Parishes Ordinance 1979*.

“Qualified Minister” means a person in Holy Orders who is a member of the Synod and is not an ex-officio member of the Standing Committee.

“Qualified Lay Person” means a lay person who is a member of the Synod.

“Regional Elected Member” means a member of the Standing Committee referred to in paragraph (d) or (e) of subclause 1A(1).

“Regional Electors” means, in relation to a Region, the following persons –

- (a) the Regional Bishop and the Regional Archdeacon;
- (b) each Qualified Minister licensed to a parochial unit in the Region;
- (c) each Qualified Lay Person who is a member of the Synod as a representative of a parochial unit in the Region; and
- (d) each other member of the Synod who is a parishioner of a church in the Region and is not a Regional Elector for another Region.

“Synod Elected Member” means a member of the Standing Committee referred to in paragraph (b) or (c) of subclause 1A(1).

(2) In this Ordinance a person is from a Region if –

- (a) in the case of a Qualified Minister that person is licensed to a parochial unit in that Region; and
- (b) in the case of a Qualified Lay Person that person is a parishioner of a church in that Region.

**1AA. Constitution of the Standing Committee**

(1) The Archbishop is president of the Standing Committee.

(2) The President may take part in debate.

(3) If the Archbishop is absent or unable or unwilling to preside in respect of any business of the Standing Committee, the President is the next person present at the meeting of the Standing Committee who would at that time exercise the powers vested in the Archbishop under the Constitutions if the Archbishop was absent from the Province.

(4) A person acting as President under subclause (3) may not vote on any item of business while he is President.

**1A. Constitution of the Standing Committee (continued)**

(1) The Standing Committee is constituted with the following members –

- (a) The Regional Bishops, the Archdeacon for Women’s Ministry, the Chancellor, the Registrar, the Dean, the Diocesan Secretary, the Chief Executive Officer of Sydney Diocesan Services and the Principal of Moore Theological College, ex-officio.
- (b) 4 Qualified Ministers elected by the members of Synod.
- (c) 8 Qualified Lay Persons elected by the members of Synod.
- (d) 2 Qualified Ministers from each Region elected by the Regional Electors of that Region.
- (e) 4 Qualified Lay Persons from each Region elected by the Regional Electors of that Region.
- (f) The Regional Archdeacons.

(2) The Diocesan Secretary does not have the right to vote as a member of the Standing Committee.

- (3) A Regional Archdeacon who is a member of the Standing Committee under paragraph (1)(f) does not have the right to vote. In the absence of a Regional Bishop the Regional Archdeacon of the same region as the absent Regional Bishop has a right to vote.
- (4) The election of the Elected Members is to be held during the first session of each Synod and, subject to this Ordinance, such persons hold office until the first day of the first ordinary session of the next Synod.
- (5) The following rules apply to the election of the Elected Members –
- (a) A person who has the necessary qualifications may be nominated for election as either –
    - (i) a Synod Elected Member, or
    - (ii) a Regional Elected Member.
  - (b) If a person is nominated for election as a Synod Elected Member and a Regional Elected Member, the nomination for election as a Regional Elected Member is invalid.
  - (c) Each election shall otherwise be conducted in accordance with the Synod Elections Ordinance 2000.

### **1B. Constitution of the Standing Committee (continued)**

- (1) If a new Region is created, the Regional Electors of the Region are to elect the Regional Elected Members for that Region –
- (a) during the next ordinary session of the Synod, or
  - (b) by an online ballot, and in such case –
    - (i) the notice of the election is to be sent as soon as practicable after the creation of that Region, and
    - (ii) the subsequent time frames for the election are to correspond to those that apply to a ballot held before the first appointed day of a session of the Synod.
- (2) Subject to this Ordinance the persons elected under subclause (1) hold office until the first day of the first ordinary session of the next Synod.
- (3) If a Region is abolished, the Regional Elected Members cease to be members of the Standing Committee on and from the date of abolition of the Region.

### **2. Casual Vacancies**

- (1) A casual vacancy in the office of an Elected Member occurs on –
- (a) resignation in writing addressed to the Diocesan Secretary;
  - (b) death;
  - (c) insolvency under administration;
  - (d) loss of membership of the Synod;
  - (e) incapacity to act or absence from 3 consecutive meetings of the Standing Committee without leave;
  - (f) becoming an ex-officio member;
  - (g) becoming an Elected Member in another capacity;
  - (h) in the case of a Regional Elected Member, ceasing to be from the Region for which that person was elected as a member of the Standing Committee, except where this arises as a result of an alteration to the boundaries of the Region;
  - (i) a resolution by the Synod, or by the Standing Committee when the Synod is not in session, declaring a vacancy and specifying the person, this ordinance, and the reason therefore.
- (2) A vacancy in the office of an Elected member which is not filled at an election referred to in clause 1A or a ballot referred to in clause 1B, for the purposes of this Ordinance, is taken to be a casual vacancy.

### **3. Filling of Casual Vacancies**

- (1) A casual vacancy among the Synod Elected Members may be filled by the Synod by an election conducted during the next ordinary session of the Synod. When the Synod is not in session the casual vacancy may be filled by the Standing Committee.
- (2) Subject to clause 2, the term of office of a person filling a casual vacancy under subclause (1) expires –
- (a) if the casual vacancy is filled by the Synod – on the first day of the first ordinary session of the next Synod; and

- (b) if the casual vacancy is filled by the Standing Committee – on the first day of the next session of the Synod.
- (3) A casual vacancy in the office of a Regional Elected Member may be filled by the Regional Electors of the Region by an election conducted –
  - (a) during the next ordinary session of the Synod, or
  - (b) by an online ballot, and in such case –
    - (i) the notice of the election is to be sent as soon as practicable after the casual vacancy occurs, and
    - (ii) the subsequent time frames for the election are to correspond to those that apply to a ballot before the first appointed day of a session of the Synod.
- (4) Subject to clause 2, the term of office of a person filling a casual vacancy under subclause (3) expires on the first day of the first ordinary session of the next Synod.

#### 4. Duties and Powers

- (1) It shall be the duty of the Standing Committee to make arrangements for the sessions of the Synod, and to prepare the business to be brought before the Synod, with power to propose such business as may appear to the Committee to be necessary or desirable to be brought before the Synod, in addition to that arising out of matters which have been referred to them, and to print a Report of the proceedings of the Synod from time to time, and all documents ordered by the Synod to be printed.
- (2) The Standing Committee are empowered to defray the necessary working expenses of the Synod and of the Standing Committee, and to pay such further sums as may from time to time be authorised by the Synod.
- (3) The Standing Committee shall be a Council of Advice to the Bishop in any matter in which he may desire their advice. The Standing Committee shall consider and report upon any matter which the Synod may from time to time refer to them, and shall carry out or assist in carrying out the resolutions from time to time passed by the Synod and entrusted to them, or not otherwise provided for. The Standing Committee may deliberate and confer upon all matters affecting the interest of the Church and cognisable by the Synod, may make such enquiries as they shall deem to be requisite, and may communicate with the Government and all such bodies and persons as they shall consider necessary, and may present petitions and addresses to all such bodies and persons. PROVIDED that any action taken by the Committee not already sanctioned by the Synod shall have full force unless disallowed by the Synod at its next session.
- (4) The Standing Committee shall discharge such other duties and exercise such other powers as the Synod shall from time to time prescribe.
- (5) The Standing Committee may from time to time resolve that any of its business (other than the making of ordinances, the making of appointments or the filling of casual vacancies) be determined by a Regional Council or a committee or committees having members –
  - (a) who are appointed from time to time by the Standing Committee;
  - (b) who hold office for such terms and in accordance with such conditions as the Standing Committee may specify; and
  - (c) at least one third of whom are Standing Committee members.
- (6) Where the Standing Committee resolves or has resolved under subclause (5) that certain of its business be determined by a Regional Council or a committee or committees –
  - (a) in the case of a committee –
    - (i) the quorum for a meeting includes at least one member who is a member of the Standing Committee, and
    - (ii) a member of the committee who is a member of the Standing Committee may require any matter to be referred back to Standing Committee before the exercise of the subcommittee's delegated authority, and
  - (b) such Regional Council, committee or committees may, with the approval of the Standing Committee and subject to such conditions as the Standing Committee may impose, resolve that such business or any part of such business be determined by another person or body.
- (7) A person who is an insolvent under administration is not eligible to be appointed to a committee referred to in subclause (5). A person appointed to such a committee ceases to be a member of that committee if that person becomes an insolvent under administration.

## 5. Custody of Property

The Standing Committee shall have the custody of all books, documents or other property belonging to the Synod, and all other property belonging to the Church in the Diocese of Sydney not vested in any other body or person.

## 6. Conduct of Business, Quorum, etc

(1) A notice of a meeting of the Standing Committee may be given to a member verbally or by serving it on the member personally or by sending it to the postal or email address supplied by the member for the giving of notices to the member but, if no address has been supplied by a member to the secretary or acting secretary of the Standing Committee, then to the address which is believed by the person giving the notice to be the place of business or of work or of residence of that member or an email address held by the Registrar for the member.

(2) Where a notice is sent by post, service shall be deemed to be effected by properly addressing prepaying (in the case of a notice sent by post) and posting or otherwise appropriately dispatching the notice and to have been effected on the day next following the day (neither day being a Saturday, Sunday or public holiday) after the date of its posting or dispatch.

(3) The Standing Committee may meet and exercise all powers conferred upon it notwithstanding that notice of the meeting may not have been given to all members of the Standing Committee in accordance with subclauses (1) and (2) of this clause if the notice has not been given –

- (a) due to inadvertence or an accidental omission, or
- (b) by reason of insufficient time;

Provided, in the case referred to in paragraph (b), by resolution supported by two-thirds of all members of the Standing Committee, the Standing Committee resolves that the nature of the business to be discussed and the powers to be exercised are such that delay is likely to prejudice the order and good government of the Anglican Church of Australia in the Diocese or a part thereof.

(4) No business shall be transacted at any meeting of the Standing Committee if a quorum is not present at the time when the business is to be transacted. If a quorum is not present within half an hour from the time appointed for a meeting of the Standing Committee, the meeting shall be dissolved. A quorum shall be not less than one-half of all members of the Standing Committee.

(4A) The members of the Standing Committee may pass a resolution without a meeting of the members being held if –

- (a) the secretary or acting secretary of the Standing Committee sends a copy of the proposed resolution to all members of the Standing Committee and specifies a reasonable timeframe within which members may indicate their support for or objection to the proposed resolution being passed, and
- (b) at least 75% of members indicate within the specified timeframe that they support the proposed resolution being passed, and
- (c) no more than 2 members object within the specified timeframe either to the proposed resolution being passed or the proposed resolution being passed without a meeting.

The secretary or acting secretary shall notify the Standing Committee of any resolution passed without a meeting at its next meeting and shall record in the minutes kept for that meeting the resolution together with any supporting attachments. A resolution so recorded shall be treated as a minute of the proceedings of the Standing Committee for the purposes of clause 7(1).

(5) Subject to this Ordinance and any other relevant ordinance, the Standing Committee from time to time may frame, alter, and repeal rules and regulations for the conduct of all business coming before it.

## 7. Minutes to be Kept

(1) Minutes of the proceedings of the Standing Committee shall be entered in a book kept for that purpose and, subject to subclause (2), the Committee shall cause such minute book to be laid before the Synod at the commencement of every session.

(2) The secretary or acting secretary of the Standing Committee is authorised to omit from the Minute Book laid before the Synod any minute and any attachment to a minute which contains details of –

- (a) current legal proceedings or claims which may become the subject of legal proceedings,
- (b) the terms of any settlement of legal proceedings which require confidentiality,
- (c) any matter which the Archbishop acting on the advice of the Chancellor considers is properly treated as commercial-in-confidence, or

- (d) any other matter the Standing Committee declares by resolution to be confidential for the purposes of this subclause.

**8. Report of Proceedings**

The Standing Committee shall present an Annual Report of their proceedings to the Synod, which shall include a statement of their receipts and expenditure during the year, audited by the auditors appointed by the Synod.

**9. Date of Coming into Force**

This Ordinance shall come into force upon the first day of the first ordinary session of the next Synod.

**10. Ordinance Repealed**

The Ordinance intituled the “Standing Committee Ordinance of 1895” is hereby repealed.

**11. Name of Ordinance**

This ordinance is the Standing Committee Ordinance 1897.

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**Notes**

This Ordinance came into effect on 20 September 1898.

Clause 5 of the Miscellaneous Amendments Ordinance 1997 provides as follows –

“Notwithstanding clauses 1A and 3(1) of the Standing Committee Ordinance 1897, an election by the Synod to fill a casual vacancy in the office of member of the Standing Committee referred to in paragraphs 1A(1)(b) and (c) of the Standing Committee Ordinance 1897 shall be conducted in accordance with the provisions of the Elections Ordinance 1970, other than clause 37A.”

The amendments made by Ordinance No 34, 2015 commence on the day immediately following the last day of the 2nd session of the 50th Synod.

**Table of Amendments**

*[not reproduced here]*



# Synod Membership Ordinance 1995

(Reprinted under the Interpretation Ordinance 1985.)

The Synod Membership Ordinance 1995 as amended by the Miscellaneous Amendments Ordinance 1997, the Assisted Provisional Parishes (Reclassification) Ordinance 1997, the Conduct of the Business of Synod Ordinance 2000, the Synod Membership Ordinance 1995 Amendment Ordinance 2003, the Synod and Standing Committee (Membership) Amendment Ordinance 2003, the Synod Membership (Election of Parochial Representatives) Amendment Ordinance 2004, the Synod Membership (Indigenous Representation) Amendment Ordinance 2006, the Synod Membership (Nominated Indigenous Representatives) Ordinance 2009, the Synod (Electronic Communications) Amendment Ordinance 2013, the Conduct of the Business of Synod Ordinance 2000 Amendment Ordinance 2014, the Synod and Standing Committee (Membership) Amendment Ordinance 2015, the Synod Membership Ordinance 1995 Amendment Ordinance 2016, the Synod Membership Amendment Ordinance 2017, the Synod Membership Ordinance 1995 Amendment Ordinance 2019 and the Synod Membership Ordinance 1995 Amendment Ordinance 2021.

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Dictionary

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**Long Title**

An Ordinance to provide for the election, appointment and summoning of Synod members and for matters incidental thereto.

Now the Synod of the Diocese of Sydney Ordains as follows –

**Part 1 – Preliminary**

**1. Citation**

This Ordinance may be cited as the “Synod Membership Ordinance 1995”.

**2. Definitions**

A word or expression used in this Ordinance and which is defined in the Dictionary at the end of this Ordinance has the meaning set out in the Dictionary.

## Part 2 – Frequency and Proceedings of Synod

### 3. Frequency

A new Synod must be elected and convened at least once in every 3 years.

### 4. Rules for Conduct of Business of Synod

The rules for the conduct of all business coming before the Synod shall be those set out in the Schedule to the Conduct of the Business of Synod Ordinance 2000.

## Part 3 – Membership of Synod

### 5. Membership

Subject to this Ordinance, the members of a Synod comprise –

- (a) Parochial Ministers (see Part 4);
- (b) Parochial Representatives for that Synod (see Part 5);
- (c) Chief Executive Officers of Nominated Organisations for that Synod (see Part 6);
- (d) Nominated Ministers for that Synod (see Part 7);
- (e) Nominated Laypersons for that Synod (see Part 8); and
- (f) Nominated Indigenous Representatives for that Synod (see Part 8A); and
- (g) Other members (see Part 9).

#### 5A. Consent to use of personal information by Registrar

(1) Each person elected or appointed as a Parochial Representative, alternate for a Parochial Representative, Nominated Layperson or lay Nominated Indigenous Representative must give the following consent prior to notice of his or her election or appointment being given under this Ordinance to the Registrar –

“I consent to my name, contact details and any other personal information that is reasonably necessary for the proper administration of the Synod and the Diocese being collected, used and disclosed by the Registrar for these purposes.”

(2) The person who or the body which is required to give the Registrar notice of an election or appointment referred to in subclause (1) must retain, or cause to be retained, a written record of the consent.

(3) For the purposes of subclause (1), the proper administration of the Diocese includes any act or practice which is –

- (a) performed pursuant to or under an ordinance or resolution of the Synod or the Standing Committee, or
- (b) reasonably necessary to give effect to an ordinance or resolution of the Synod or the Standing Committee, or
- (c) a discharge of the duties or exercise of the powers and authorities of the Archbishop however arising,

and the proper administration of the Synod includes any act or practice which is undertaken by the Diocesan Secretary or the Secretary of the Synod in the course of administering the Synod.

### 6. Declaration

(1) Each Parochial Representative, alternate for a Parochial Representative, Nominated Layperson and lay Nominated Indigenous Representative must sign the following declaration prior to notice of his or her election or appointment being given under this Ordinance to the Registrar –

“I, the undersigned A.B., do declare that I am a communicant member of the Anglican Church of Australia and not a member of any other Church.”

(2) The person or body which is required to give the Registrar notice of an election or appointment referred to in subclause (1) must retain, or cause to be retained, the signed declaration.

## Part 3A – Synod Communications

#### 6A. Members of Synod to ensure Registrar holds current postal and email addresses

(1) Each person who holds office as a member of the Synod *ex officio* must ensure that the Registrar holds a current postal and email address for that person.

(2) Each member of the Synod must ensure that each postal and email address held by the Registrar for the member remains current.

**6B. Synod communications may be sent by email**

(1) Subject to subclauses (2), (3) and (4), a Synod Communication may be sent to a member of the Synod at any email address held by the Registrar for the member instead of the member's postal address.

(2) If the Registrar does not hold an email address for a member of the Synod, any Synod Communication which would otherwise have been sent to the member by email is taken to have been duly sent to and received by the member.

(3) If an email address held by the Registrar for a member of the Synod is not current and a Synod Communication is sent to the member at that email address, the Synod Communication is taken to have been duly sent to and received by the member.

(4) The Standing Committee may make regulations from time to time prescribing –

- (a) the manner in which Synod Communications are to be sent to members of the Synod by email, and
- (b) any type of Synod Communication which must also be sent to members by post.

**6C. Notifying information about members of the Synod to the Registrar**

(1) The Registrar may make provision for –

- (a) any notice required by ordinance to be given to the Registrar about a member of the Synod, and
- (b) any other information which is or may be held by the Registrar about a member of the Synod,

to be directly provided to or updated on a secure on-line database held by the Registrar.

(2) To the extent the Registrar makes the provision referred to in subclause (1) –

- (a) any notice required by ordinance to be given to the Registrar about a member of the Synod is taken to have been given to the Registrar, and
- (b) any other information about a Synod member is taken to be held by the Registrar,

if the notice or information is duly provided to or updated on the secure on-line database.

(3) In making the provision referred to in subclause (1), the Registrar must take reasonable steps to ensure that –

- (a) the information held by the Registrar on the database is secure, and
- (b) a person who provides a notice to or updates information on the secure on-line database is a person entitled to do so.

**Part 4 – Parochial Ministers*****Division 1 – Parochial Ministers*****7. Each Parochial Minister must be summoned to Synod**

Each Parochial Minister is a member of the Synod and must be summoned to each session of the Synod convened after that person becomes a Parochial Minister.

**8. What if a person ceases to be a Parochial Minister after a summons has issued?**

If a person is summoned to a session of Synod as a Parochial Minister and before the first day of that session the person ceases to be a Parochial Minister, the person ceases to be a member of the Synod and the summons is void.

***Division 2 – Alternate for a Parochial Minister*****8A. Parochial Minister may appoint an alternate**

(1) A Parochial Minister may appoint a Minister holding a licence from the Archbishop to be the alternate for the Parochial Minister for a session of the Synod if the Parochial Minister expects that during all or part of that session –

- (a) the Parochial Minister will be outside the Diocese; or
- (b) the Parochial Minister will be on annual leave or long service leave; or
- (c) the Parochial Minister will be unable to perform normal ministry duties due to sickness or accident for which the Parochial Unit will be in receipt of benefits from the Sydney Diocesan Sickness and Accident Fund; or

- (d) the Parochial Minister, with the consent of the Archbishop, will for any other reason be unable to attend all or part of that session.
- (2) The appointment of an alternate can only be made by the Parochial Minister giving to the Registrar, at least 7 days, or such lesser period as the Registrar may determine prior to the first day of the session, a written notice –
- (a) certifying that the Parochial Minister expects that during all or part of that session the Parochial Minister will be outside the Diocese or will be on annual leave or long service leave or will be unable to perform normal ministry duties in terms of subclause (1)(c) or, with the consent of the Archbishop, will for another reason be unable to attend all or part of that session; and
- (b) specifying the name of, and a postal and email address for, the alternate appointed as the alternate and the session of the Synod for which the alternate has been appointed.
- (3) An appointment made under this clause may only be revoked –
- (a) by the Parochial Minister; and
- (b) if written notice of the revocation is given to the Registrar at least at least 7 days, or such lesser period as the Registrar may determine prior to the first day of the session.

**8B. Alternate to attend in place of the Parochial Minister**

- (1) At the session of the Synod for which an alternate is appointed as the alternate for a Parochial Minister, the alternate –
- (a) may exercise all the rights which a Parochial Minister may exercise as a member of the Synod; and
- (b) shall be taken to be a Parochial Minister in determining any quorum at the session, but is not entitled to be elected to any office or committee of the Synod for which membership of the Synod is a qualification.
- (2) If –
- (a) a Parochial Minister has appointed an alternate under clause 8A; and
- (b) the appointment has not ended under clause 8C,

the Parochial Minister is not to attend the session of the Synod for which the alternate has been appointed.

**8C. When does an appointment of an alternate end?**

The appointment of an alternate for a Parochial Minister under clause 8A ends on the first to occur of –

- (a) the person making the appointment ceasing to be the Parochial Minister of the Parochial Unit to which the person was licensed at the time the appointment was made; or
- (b) the person appointed as alternate ceasing to be licensed by the Archbishop; or
- (c) the Parochial Minister revoking the appointment under clause 8A(3); or
- (d) the end of the last day of the session of the Synod for which that person was appointed as an alternate.

Part 5 – Parochial Representatives

***Division 1 – Parochial Representatives***

**9. Who is a Parochial Representative?**

A person is a Parochial Representative for a Synod if –

- (a) that person has been elected to be a Parochial Representative for that Synod; and
- (b) notice of the election has been given to the Registrar under clause 17; and
- (c) that person has not retired as a Parochial Representative under clause 18.

***Division 2 – Election of Parochial Representatives***

**10. How many Parochial Representatives can a Parish elect?**

A Parish may elect 1 or 2 Qualified Persons to be Parochial Representatives.

**11. How many Parochial Representatives can a Provisional Parish elect?**

A Provisional Parish may elect 1 Qualified Person to be a Parochial Representative.

**12. What if a Parish is reclassified as a Provisional Parish?**

- (1) If a Parish is reclassified as a Provisional Parish, the persons elected (if any) to be Parochial Representatives for that Parish retire as Parochial Representatives on the date the reclassification takes effect.
- (2) A Parochial Representative for the Provisional Parish may be elected at a General Meeting held at any time after the date of reclassification.
- (3) For the purposes of this clause –
  - (a) “reclassified” does not include provisionally reclassified; and
  - (b) where the date of reclassification occurs within 2 months before the first day of a session of Synod or occurs during a session of Synod, the date of reclassification is taken to be the day after the last day of that session of Synod.

**13. What if a Provisional Parish is reclassified as a Parish?**

- (1) If a Provisional Parish is reclassified as a Parish an additional Parochial Representative for that Parochial Unit may be elected at a General Meeting held at any time after the date of reclassification.
- (2) If a Provisional Parish is reclassified as a Parish within 2 months before the first day of a session of Synod or during a session of Synod, the date of reclassification is taken to be, for the purpose of this clause, the day after the last day of that session of Synod.

**14. What if 2 or more Parochial Units Amalgamate?**

- (1) Where 2 or more Parochial Units are amalgamated, the persons elected (if any) to be Parochial Representatives for each of those Parochial Units retire as Parish Representatives on the date of amalgamation.
- (2) A Parish Representative or Representatives for the new Parochial Unit may be elected at a General Meeting held at any time after the date of amalgamation.
- (3) If 2 or more Parochial Units are amalgamated within 2 months before the first day of a session of Synod or during a session of Synod the date of amalgamation is taken to be, for the purposes of this clause, the day after the last day of that session of Synod.

**15. When may persons be elected to be Parochial Representatives?**

A person may be elected to be a Parochial Representative of a Parochial Unit for a Synod at a General Meeting held at any time during the calendar year in which the first ordinary session of that Synod is to be convened or at any time thereafter.

**16. How are elections to be conducted?**

The provisions which apply to the nomination of persons and the conduct of contested elections at a General Meeting apply in relation to the nomination of a person as a Parochial Representative and to the conduct of contested elections as if those provisions were set out in full in this ordinance.

**17. Notice to be given to the Registrar when a person is elected to be a Parochial Representative**

Upon the election of a person to be a Parochial Representative, the chairman of the General Meeting at which the election took place must give, or cause to be given, to the Registrar a written notice –

- (a) specifying the name and date of election of the person elected to be a Parochial Representative; and
- (b) specifying a postal and email address for the person; and
- (c) specifying the Synod for which the person has been elected to be a Parochial Representative; and
- (d) certifying that the person has given the consent required by clause 5A and that a written record of the consent has been retained; and
- (e) certifying that the person has signed the declaration required by clause 6(1) and that the signed declaration has been retained.

***Division 3 – Retirement of Parochial Representatives*****18. When does a person retire as a Parochial Representative?**

- (1) A Parochial Representative continues to be a member of the Synod until the day before the first day of the first ordinary session of the next Synod.
- (2) A person retires as a Parochial Representative if –

- (a) a Disqualifying Event occurs in respect of that person;
- (aa) the person ceases to be a Qualified Person;
- (b) the person resigns by written notice given to the Parochial Minister or, if there is no Parochial Minister, to the Wardens;
- (c) the person retires as a Parochial Representative by reason of clause 12 or 14; or
- (d) a General Meeting of the Parochial Unit resolves to revoke the person's entitlement to hold office as a Parochial Representative in circumstances where the person has ceased being a parishioner of the Parochial Unit and the Parochial Minister certifies that, having made reasonable efforts to contact the person –
  - (i) no contact has been made, or
  - (ii) contact has been made but the person did not indicate a wish to remain as a Parochial Representative.

**19. Notice to be given to the Registrar when a person retires as a Parochial Representative**

If a person retires as a Parochial Representative otherwise than by reason of clause 12 or 14, the Parochial Minister or, if there is no Parochial Minister, the Wardens must give, or cause to be given, to the Registrar a written notice specifying –

- (a) the name of the person and the date on which the person retired as a Parochial Representative; and
- (b) the Synod for which the person had been a Parochial Representative.

**20. A vacancy in the office of a Parochial Representative may be filled**

A person may be elected to fill a vacancy in the office of a Parochial Representative at a General Meeting of the Parochial Unit.

***Division 4 – Summoning of Parochial Representatives to Synod***

**21. Parochial Representatives must be summoned to Synod**

Each person who is a Parochial Representative for a Synod is a member of that Synod and must be summoned to each session of that Synod convened after that person becomes a Parochial Representative.

**22. What if a person retires as a Parochial Representative after a summons has issued?**

If a person is summoned to a session of Synod as a Parochial Representative and before the first day of that session that person retires as a Parochial Representative, the summons is void.

***Division 5 – Alternate for a Parochial Representative***

**22A. Parochial Representative may appoint an alternate**

(1) With the consent of the Wardens, a Parochial Representative may appoint a Qualified Person to be the alternate for the Parochial Representative for a session of the Synod if the Parochial Representative expects that during all or part of the session –

- (a) the Parochial Representative will be outside the Diocese; or
- (b) the Parochial Representative will be on annual leave or long service leave or sick leave; or
- (c) the Parochial Representative will be for any other reason unable to attend all or part of that session.

(2) The appointment of an alternate can only be made by the Parochial Representative giving to the Registrar, at least at least 7 days, or such lesser period as the Registrar may determine prior to the first day of the session, a written notice –

- (a) certifying that the Parochial Representative expects that during all or part of that session the Parochial Representative will be outside the Diocese or will be on annual leave or long service leave or sick leave or for another specified reason will be unable to attend all or part of that session; and
- (b) specifying the name of the Qualified Person appointed as the alternate and the session of the Synod for which the alternate has been appointed; and
- (c) specifying a postal and email address for the Qualified Person appointed as the alternate; and
- (d) certifying that the Wardens have consented to the appointment of the Qualified Person as the alternate; and

- (e) certifying that the Qualified Person appointed as the alternate has given the consent required by clause 5A and that a written record of the consent has been retained; and
- (f) certifying that the Qualified Person appointed as the alternate has signed the declaration required by clause 6(1) and that the signed declaration has been retained.

(3) An appointment made under this clause may be revoked if written notice of the revocation is given to the Registrar at least at least 7 days, or such lesser period as the Registrar may determine prior to the first day of the session –

- (a) by the parish council; or
- (b) by the Parochial Representative if he or she has become available to attend the session of Synod.

#### **22B. Alternate to attend in place of the Parochial Representative**

(1) At the session of the Synod for which a Qualified Person is appointed as the alternate for a Parochial Representative, the alternate –

- (a) may exercise all the rights which a Parochial Representative may exercise as a member of the Synod; and
- (b) shall be taken to be a Parish Representative in determining any quorum at the session,

but is not entitled to be elected to any office or committee of the Synod for which membership of the Synod is a qualification.

(2) If –

- (a) a Parochial Representative has appointed an alternate under clause 22A; and
- (b) the appointment has not ended under clause 22C,

the Parochial Representative is not to attend the session of the Synod for which the alternate has been appointed.

#### **22C. When does an appointment of an alternate end?**

The appointment of a Qualified Person as the alternate for a Parochial Representative under clause 22A ends on the first to occur of –

- (a) the retirement of the Parochial Representative under clause 18; or
- (b) the person appointed as the alternate ceasing to be a Qualified Person; or
- (c) the revocation of the appointment under clause 22A(3); or
- (d) the end of the last day of the session of the Synod for which that person was appointed as an alternate.

### **Part 6 – Chief Executive Officers of Nominated Organisations**

#### ***Division 1 – Nominated Organisations***

#### **23. What is a Nominated Organisation?**

Subject to clause 25, a diocesan organisation established by ordinance is a Nominated Organisation for a Synod if –

- (a) the organisation has been declared by the Standing Committee under clause 24 to be a Nominated Organisation for that Synod; and
- (b) notice of the declaration has been given to the Registrar under clause 26.

#### ***Division 2 – Declaration of organisations etc to be Nominated Organisations***

#### **24. How does a organisation etc become a Nominated Organisation?**

The Standing Committee may, by resolution, declare a diocesan organisation to be a Nominated Organisation for a Synod.

#### **25. How many Nominated Organisations may exist at one time?**

(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.

(2) A declaration made in breach of subclause 25(1) is void.

**26. Notice must be given to the Registrar when a organisation etc is declared to be a Nominated Organisation**

Upon the making of a declaration under clause 24, the Standing Committee must give, or cause to be given, to the Registrar and to the governing body of the relevant organisation a written notice specifying –

- (a) the name of the organisation and the date on which the declaration was made; and
- (b) the Synod for which the organisation has been declared to be a Nominated Organisation.

***Division 3 – Chief Executive Officers of Nominated Organisations*****27. Nominated Organisation to give notice re Chief Executive Officer**

At any time after receiving notice under clause 26, the governing body of a Nominated Organisation may give to the Registrar written notice of the name of, and a postal and email address for, its Chief Executive Officer.

**28. Notice must be given to the Registrar when a person ceases to be Chief Executive Officer**

(1) If –

- (a) the governing body of a Nominated Organisation has given a notice under clause 27; and
- (b) the person referred to in that notice ceases to be the Chief Executive Officer,

the governing body of the Nominated Organisation must give to the Registrar written notice specifying the name of that person and the date on which that person ceased to be the Chief Executive Officer.

(2) The governing body of the Nominated Organisation may then give a notice under clause 27 in respect of its new Chief Executive Officer.

***Division 4 – Summoning of Chief Executive Officers to Synod*****29. Chief Executive Officers of Nominated Organisations must be summoned to Synod**

If –

- (a) a diocesan organisation is a Nominated Organisation; and
- (b) a notice has been given under clause 27; and
- (c) the person referred to in that notice has not ceased to be Chief Executive Officer; and
- (d) that person is not entitled to be summoned to the Synod under Part 4, 5 or 9 of this ordinance,

that person is a member of the Synod and must be summoned to each session of the Synod held after the date on which the person became the Chief Executive Officer.

**30. What if a person ceases to be Chief Executive Officer of a Nominated Organisation after a summons has issued?**

If a person is summoned to a session of Synod as the Chief Executive Officer of a Nominated Organisation, and before the first day of that session that person ceases to be the Chief Executive Officer of a Nominated Organisation, the summons is void.

**Part 7 – Nominated Ministers*****Division 1 – Nominated Ministers*****31. Who is a Nominated Minister?**

A person is a Nominated Minister for a Synod if –

- (a) that person has been appointed by the Archbishop to be a Nominated Minister for that Synod;
- (b) notice of the appointment has been given to the Registrar and to the Standing Committee under clause 34; and
- (c) that person has not retired as a Nominated Minister under clause 35.

**32. Number of Nominated Ministers**

(1) As soon as is practicable in the calendar year in which the first ordinary session of a Synod is to be convened, and in any event not less than 2 months before the first day of that session, the Archbishop shall advise the Standing Committee of the number of persons the Archbishop intends to appoint as Nominated Ministers for that Synod.

(2) The number of Nominated Ministers for a Synod must not, at any time, exceed that number which is equal to 10% (rounded to the nearest whole number) of the total number of Parochial Units determined on 1 January in the calendar year in which the first session of that Synod is to be or was held.

(3) The Archbishop may, at any time, by advice to the Standing Committee increase the number of persons to be appointed as Nominated Ministers for a Synod provided that the total number of Nominated Ministers for that Synod must not exceed the number calculated in accordance with subclause (2).

(4) If the Archbishop increases the number of Nominated Ministers under subclause (3) within 2 months before the first day of a session of Synod, such increase does not take effect until the day after the last day of that session.

#### ***Division 2 – Appointment of persons to be Nominated Ministers***

#### **33. Who may be appointed to be a Nominated Minister?**

The Archbishop may only appoint a person to be a Nominated Minister if –

- (a) that person is a Qualified Minister; and
- (b) that person is not entitled to be summoned to a session of Synod under Part 4, 6 or 9 of this ordinance.

#### **34. Notice must be given on the appointment of a person to be a Nominated Minister**

(1) The Archbishop must give written notice to the Registrar and the Standing Committee of the name of each person appointed by the Archbishop to be a Nominated Minister for a Synod and a postal and email address for such persons.

(2) The Archbishop must not appoint a person to be a Nominated Minister for a Synod if such appointment would result in the number of Nominated Ministers for that Synod exceeding the number advised by the Archbishop to the Standing Committee under subclauses 32(1) or (3).

#### ***Division 3 – Retirement of Nominated Ministers***

#### **35. When does a person retire as a Nominated Minister?**

A person retires as a Nominated Minister if –

- (a) a Disqualifying Event occurs in respect of that person; or
- (b) the person resigns by written notice given to the Archbishop; or
- (c) the person ceases to be a Qualified Minister; or
- (d) the Archbishop, by written notice to the person, revokes the person's appointment as a Nominated Minister; or
- (e) the person becomes entitled to be summoned to a session of Synod under Part 4, 6 or 9 of this ordinance.

#### **36. Notice must be given when a person retires as a Nominated Minister**

Upon a person retiring as a Nominated Minister the Archbishop must give, or cause to be given, to the Registrar a written notice specifying –

- (a) the name of the person and the date on which the person retired as a Nominated Minister; and
- (b) the Synod for which that person had been a Nominated Minister.

#### **37. Filling of Casual Vacancies**

The Archbishop may appoint a person to fill a vacancy in the office of a Nominated Minister.

#### ***Division 4 – Summoning of Nominated Ministers to Synod***

#### **38. Nominated Ministers must be summoned to Synod**

Each Nominated Minister is a member of the Synod for which that person has been appointed and must be summoned to each session of that Synod convened after that person becomes a Nominated Minister.

#### **39. What if a person retires as a Nominated Minister after a summons has issued?**

If a person is summoned to a session of Synod as a Nominated Minister and before the first day of that session the person retires as a Nominated Minister, the summons is void.

### **Part 8 – Nominated Laypersons**

#### ***Division 1 – Nominated Laypersons***

#### **40. Who is a Nominated Layperson?**

A person is a Nominated Layperson for a Synod if –

- (a) that person has been elected to be a Nominated Layperson for that Synod; and
- (b) notice of the election has been given to the Registrar under clause 45; and

- (c) the person has not retired as a Nominated Layperson under clause 46.

#### **41. Number of Nominated Laypersons**

- (1) The number of Nominated Laypersons for a Synod is the same as the number of Nominated Ministers for that Synod which the Archbishop has advised the Standing Committee under subclause 32(1) or (3).
- (2) The retirement of a Nominated Minister under clause 35 does not reduce the number of Nominated Laypersons for a Synod.

### ***Division 2 – Election of Nominated Laypersons***

#### **42. Who elects persons to be Nominated Laypersons?**

The Standing Committee may elect persons to be Nominated Laypersons.

#### **42A. Heads of Diocesan Schools**

If the Nominated Laypersons pursuant to clause 41 is greater than 15, the persons elected by Standing Committee under clause 42 must include three (and not more than three) heads of Diocesan Schools, and no more than two may come from schools located in one Diocesan region. In determining candidates, the Standing Committee must consider any names that have been recommended by heads of the Diocesan Schools in consultation with the Archbishop.

#### **43. Who may be elected to be a Nominated Layperson**

The Standing Committee may only elect a person to be a Nominated Layperson if –

- (a) that person is a Qualified Person; and
- (b) that person is not entitled to be summoned to a session of Synod under Part 5, 6 or 9 of this ordinance.

#### **44. When may persons be elected to be Nominated Laypersons?**

On receipt of advice from the Archbishop under clause 32 or at any time thereafter, the Standing Committee may, by resolution, elect Qualified Persons to be Nominated Laypersons.

#### **45. Notice must be given on the election of a Nominated Layperson**

Upon the election of a person to be a Nominated Layperson, the Standing Committee must give, or cause to be given, to the Registrar written notice –

- (a) specifying the name of that person and the date of election; and
- (b) specifying a postal and email address for that person; and
- (c) specifying the Synod for which that person has been elected to be a Nominated Lay Person; and
- (d) certifying that the person elected to be a Nominated Lay Person has given the consent required by clause 5A and that a written record of the consent has been retained.
- (e) certifying that the person elected to be a Nominated Lay Person had signed the declaration required by clause 6(1) and that the signed declaration has been retained.

### ***Division 3 – Retirement of Nominated Laypersons***

#### **46. When does a person retire as a Nominated Layperson?**

- (1) A nominated Layperson continues to be a member of the Synod until the day before the first day of the first ordinary session of the next Synod.
- (2) A person retires as a Nominated Layperson if –
- (a) a Disqualifying Event occurs in respect of that person; or
  - (b) that person resigns by written notice given to the Diocesan Secretary; or
  - (c) the Standing Committee, by resolution, revokes the person's entitlement to hold office as a Nominated Layperson; or
  - (d) the person becomes entitled to be summoned to Synod under Part 5, 6 or 9 of this ordinance.

#### **47. Notice must be given when a person retires as a Nominated Layperson**

When a person retires as a Nominated Layperson, the Standing Committee must give, or cause to be given, to the Registrar written notice specifying the name of that person and the date on which that person retired as a Nominated Layperson.

**48. A new Nominated Layperson may be elected to fill a vacancy**

A person may be elected by the Standing Committee to fill a vacancy in the office of a Nominated Layperson.

***Division 4 – Summoning of Nominated Laypersons to Synod*****49. Nominated Laypersons must be summoned to Synod**

Each Nominated Layperson is a member of the Synod for which that person has been elected and must be summoned to each session of that Synod convened after the date on which that person becomes a Nominated Layperson.

**50. What if a person retires as a Nominated Layperson after a summons has issued?**

If a person is summoned to a session of Synod as a Nominated Layperson and before the first day of that session the person retires as a Nominated Layperson, the summons is void.

**Part 8A – Nominated Indigenous Representatives*****Division 1 – Election of Nominated Indigenous Representatives*****50A. Who is a Nominated Indigenous Representative?**

A person is a Nominated Indigenous Representative for a Synod if –

- (a) that person has been elected to be a Nominated Indigenous Representative for that Synod; and
- (b) notice of the election has been given to the Registrar under clause 50C; and
- (c) the person has not retired as a Nominated Indigenous Representative under clause 50D.

**50B. Election of Nominated Indigenous Representatives**

(1) The Sydney Anglican Indigenous Peoples' Ministry Committee may elect up to 2 persons to be Nominated Indigenous Representatives.

(2) A person may be elected to be a Nominated Indigenous Representative if the person is –

- (a) an Indigenous Person,
- (b) a Qualified Person or Qualified Minister, and
- (c) not entitled to be summoned to a session of the Synod under any Part of this Ordinance other than Part 8A.

**50C. Notice must be given on the election of a Nominated Indigenous Representative**

Upon the election of a person to be a Nominated Indigenous Representative, the Sydney Anglican Indigenous Peoples' Ministry Committee must give, or cause to be given, to the Registrar written notice –

- (a) specifying the name of that person and the date of election; and
- (b) specifying a postal and email address for that person; and
- (c) specifying the Synod for which that person has been elected to be a Nominated Indigenous Representative; and
- (d) if the person elected to be a Nominated Indigenous Representative is a Qualified Person, certifying that the person has given the consent required by clause 5A and that the person has signed the declaration required by clause 6(1), and that a written record of the consent and the signed declaration have been retained.

***Division 2 – Retirement of Nominated Indigenous Representatives*****50D. When does a person retire as a Nominated Indigenous Representative?**

A person retires as a Nominated Indigenous Representative if –

- (a) a Disqualifying Event occurs in respect of that person, or
- (b) that person resigns by written notice given to the Chairman of the Sydney Anglican Indigenous Peoples' Ministry Committee, or
- (c) the person becomes entitled to be summoned to Synod under any Part of this Ordinance other than Part 8A.

**50E. Notice must be given when the person retires as a Nominated Indigenous Representative**

When a person retires as a Nominated Indigenous Representative, the Sydney Anglican Indigenous Peoples' Ministry Committee must give, or cause to be given, to the Registrar written notice specifying the

name of that person and the date on which that person retired as a Nominated Indigenous Representative.

**50F. A new Nominated Indigenous Representative may be elected to fill a vacancy**

A person may be elected by the Sydney Anglican Indigenous Peoples' Ministry Committee to fill a vacancy in the office of a Nominated Indigenous Representative.

***Division 3 – Summoning of Nominated Indigenous Representative to Synod***

**50G. Nominated Indigenous Representatives must be summoned to the Synod**

Each Nominated Indigenous Representative is a member of the Synod for which that person has been elected and must be summoned to each session of that Synod convened after the date on which that person becomes a Nominated Indigenous Representative.

**50H. What if a person retires as a Nominated Indigenous Representative after a summons has issued?**

If a person is summoned to a session of Synod as a Nominated Indigenous Representative and before the first day of that session the person retires as a Nominated Indigenous Representative, the summons is void.

Part 9 – Other Members of Synod

**51. The Chancellor**

The Chancellor is a member of the Synod and must be summoned to each session of the Synod.

**52. The Registrar**

The Registrar is a member of the Synod and must be summoned to each session of the Synod.

**52A. Diocesan Secretary**

(1) The Diocesan Secretary is a member of the Synod and must be summoned to each session of the Synod.

(2) The Diocesan Secretary does not have the right to vote as a member of the Synod.

**52B. Regional Bishops**

The Regional Bishops are members of the Synod and must be summoned to each session of the Synod.

**52C. Archdeacon for Women's Ministry**

The Archdeacon for Women's Ministry is a member of the Synod and must be summoned to each session of the Synod.

**52D. Principal of Moore Theological College**

The Principal of Moore Theological College is a member of the Synod and must be summoned to each session of the Synod.

**53. Warden of St Paul's College and College Representatives**

(1) The Warden of St Paul's College is a member of the Synod and must be summoned to each session of the Synod.

(2) Two Qualified Persons, elected by the council of St Paul's College from among themselves, must, subject to the giving of the notice under subclause (3), be summoned to the Synod.

(3) The Warden must cause a certificate of election to be delivered to each member of the council so elected and must give, or cause to be given, to the Registrar written notice –

- (a) specifying the names of the persons elected and the date of election; and
- (b) specifying postal and email addresses for those persons; and
- (c) certifying that those persons have given the consent required by clause 5A and that a written record of such consents has been retained.

Part 10 – Transitional

**54. Commencement and Transitional**

(1) Parts 2 to 8 inclusive and Part 9 and clause 55 commence on the last to occur of –

- (a) the date on which the Constitution Ordinance 1994 of the Provincial Synod is adopted by the Synod of each diocese in the Province of New South Wales; and

- (b) the passing of a canon of the General Synod ratifying the Constitution Ordinance 1994 of the Provincial Synod.
- (2) With effect on and from the date of commencement of Parts 2 to 8 inclusive and Part 9 –
- (a) persons who, immediately before that date, were representatives of a Parochial Unit elected for a Synod under the Former Legislation are taken to be Parochial Representatives duly elected for that Synod under Part 5;
  - (b) persons who, immediately before that date, were nominated chief executive officers for a Synod under clause 2A of the Synod Representative and Membership Ordinance 1945 are taken to be duly appointed Chief Executive Officers of a Nominated Organisation for that Synod under Part 6;
  - (c) clergymen who, immediately before that date, were eligible to be summoned to a session of Synod under the 14th Constitution Ordinance 1988 are taken to be duly appointed Nominated Ministers for that Synod under Part 7; and
  - (d) laypersons who, immediately before that date, were eligible to be summoned to a session of Synod under the Regulations made by the Synod on 23 September 1903 under the 14th Constitution in the Schedule to the Anglican Church of Australia Constitutions Act 1902 are taken to be duly appointed Nominated Laypersons for that Synod under Part 8.
- (3) A declaration made by a person under the 17th Constitution in the Schedule to the Anglican Church of Australia Constitutions Act 1902 for the purposes of the Synod which is current on the date on which 2 to 8 inclusive and Part 9 commence are taken to have been made under clause 6.

### **55. Repeal of Former Legislation**

The Former Legislation is repealed but without invalidating anything done under or pursuant to it before the commencement of this clause.

#### Dictionary

In this ordinance unless the context otherwise requires –

“Associate Minister” means an assistant minister or a senior assistant minister within the meaning of the Assistant Ministers Ordinance 1990.

“Chief Executive Officer” of a diocesan organisation means the person who is responsible to the governing body of the organisation for the work of the organisation.

“Diocesan School” means any school that is constituted by or under an ordinance of the Synod of the Diocese or in relation to which the Synod is empowered to make ordinances, and includes schools of the Anglican Schools Corporation.

“Disqualifying Event” in relation to a person means any of the following –

- (a) the death of that person;
- (b) becoming an insolvent under administration;
- (c) becoming a mentally incapacitated person;

“Former Legislation” means each of the following (as amended) –

- (a) Synod Representative and Membership Ordinance 1945;
- (b) 14th Constitution Ordinance 1988; and
- (c) regulations made by the Synod on 23 September 1903 under the 14th of the Constitutions contained in the Schedule to the Anglican Church Constitutions Act Amendment Act of 1902.

“General Meeting” means –

- (a) in relation to a Parochial Unit having only one church to which the rules in Schedule 1 of the Parish Administration Ordinance 2008 apply – a general meeting of the parishioners of the church of the Parochial Unit, and
- (b) in relation to a Parochial Unit having more than one church to which the rules in Schedule 1 of the Parish Administration Ordinance 2008 apply or in relation to a Parochial Unit to which the rules in Schedule 2 of that ordinance apply – a general meeting of the parishioners of the Parochial Unit, and
- (c) in relation to St Andrew’s Cathedral – the Annual Meeting of the Cathedral Congregations under the Cathedral Ordinance 1969.

“Indigenous Person” means –

- (a) being of Aboriginal or Torres Strait Islander descent, and

- (b) identifying as an Aboriginal Person or Torres Strait Islander, and
- (c) being accepted as such by the community in which you live or formerly lived.

“Minister” means a person in holy orders.

“Nominated Indigenous Representative” for a Synod means a person to whom clause 50A applies.

“Nominated Layperson” for a Synod means a person to whom clause 40 applies.

“Nominated Minister” for a synod means a person to whom clause 31 applies.

“Nominated Organisation” for a Synod means a diocesan organisation that, in accordance with clause 23, is a nominated organisation for the Synod.

“Parish” means a parish constituted under or recognised as such under the Parishes Ordinance 1979 or a recognised church under the Recognised Churches Ordinance 2000.

“Parochial Minister” means a Minister who is licensed as the rector or acting rector of a Parochial Unit, including an acting rector appointed to a parish during a vacancy in the position of Parochial Minister.

“Parochial Representative” for a Synod means a person to whom clause 9 applies.

“Parochial Unit” means a Parish and a Provisional Parish.

“Provisional Parish” means a provisional parish constituted under or recognised as such under the Parishes Ordinance 1979 or a provisional recognised church under the Recognised Churches Ordinance 2000.

“Qualified Minister” means a Minister who is authorised or licensed to officiate by the Archbishop.

“Qualified Person” means a layperson who –

- (a) is 18 years of age or older; and
- (b) is a communicant member of the Anglican Church of Australia.

“session of the Synod” means all meetings of the Synod to which a summons issued to members of the Synod applies.

“Synod Communication” means a summons, notice, document or other communication that is –

- (a) required by ordinance or resolutions of the Synod or the Standing Committee to be sent or provided to one or more members of the Synod; or
- (b) sent or provided to all members of the Synod or a class of members of the Synod by the Diocesan Secretary or the Secretary of the Synod in the course of administering the Synod.

“Wardens” means –

- (a) in relation to a Parochial Unit to which the rules in Schedule 1 of the Parish Administration Ordinance 2008 apply – the wardens of the principal or only church of the Parochial Unit, and
- (b) in relation to a Parochial Unit to which the rules in Schedule 2 of the Parish Administration Ordinance 2008 apply – the wardens of the Parochial Unit, and
- (c) in relation to St Andrew’s Cathedral – the Cathedral Chapter.

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**Note**

The amendments made by Ordinance No 47, 2019 commence on 1 January 2020.

**Table of Amendments**

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**Third Session of  
52<sup>nd</sup> Synod**

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

**Book 4**

(Pages 402 to 490)

**Reports and Papers  
to be received**

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

## 2022 Other Reports and Papers Received

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## Synod Funds – Amalgamated

### Annual Financial Report – 31 December 2021

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 135	Ministry Spouse Support Fund
Fund 136	Parish Human Resources Partner Fund
Fund 153	The Archbishop's Professional Standards Unit
Fund 189	Ordination Training Fund

### Discussion and Analysis report for the year ended 31 December 2021

The Synod Funds' (the Fund) Discussion and Analysis report provides an overview of the Fund's financial activities for the year ended 31 December 2021. 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 405.

The Fund is an amalgamation of the individual funds listed below. At 31 December 2021 the Synod Funds comprised of 11 funds (2020: 11 funds) –

Fund 127	Work Outside the Diocese Fund
Fund 128	Mission Areas Fund
Fund 129	Synod Appropriation and Allocation Fund
Fund 130	Sydney Representatives at General Synod Fund
Fund 131	Sydney Diocesan Synod Fund
Fund 132	Social Issues Committee Fund
Fund 133	Diocesan Research Fund
Fund 135	Ministry Spouse Support Fund
Fund 136	Parish Human Resources Partner Fund
Fund 153	The Archbishop's Professional Standards Unit
Fund 189	Ordination Training Fund

The main sources of funds during 2021 were distributions from the Diocesan Endowment (DE), and the Synod – St Andrew's House Fund. The distribution from the DE was a higher amount of \$3,239,000 (2020: \$2,880,000). The distribution from the Synod – SAH Fund was also higher at \$2,693,000 (2020: \$2,600,000). Distributions under various parish ordinances totalled \$1,164,361 (2020: \$1,223,738). Of the components of the parish ordinance distributions the increase mainly related to the Church Hill Trust, lower by \$59,000 and the Ryde Ordinance, which contributed \$58,000 less than in 2020. The Professional Standards Unit received \$90,000 (2020: \$190,331) 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 Diocesan Cash Investment Fund. The significantly lower interest earnings is due to the low interest rate environment that prevailed during most of 2021.

The Fund's total revenues decreased by \$97,760 or 1.12% to \$8,600,786 (2020: \$8,698,546).

The application of funds is divided between:

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

The Fund's total outgoings increased by \$1,192,272 or 15.77% to \$8,751,775 (2020: \$7,559,503). This increase reflects higher grants.

The Net Assets of the Fund increased by 6.31% to \$2,528,876 (2020: \$2,699,068) due to operating surpluses in almost all of the funds. The assets of the Fund are composed mainly of cash and receivables. Liabilities of the Fund represent accrued expenses and provisions for staff leave entitlements.

Fund 131 has exceeded the target equity identified as appropriate at its establishment. During 2021 there is no pre-approved replenishment of the Fund 0131 from the Appropriation Fund 0129.

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

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

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

### Redress Scheme Contingent Liabilities Disclosure

The Standing Committee of the Synod of the Anglican Diocese of Sydney has elected to participate in the *National Redress Scheme for People who have Experienced Child Sexual Abuse* (the Scheme). The Diocese is responsible for satisfying its financial liabilities to the Scheme, should such liabilities occur. There are no such known liabilities as at 31 December 2020.

There are no matters that have arisen since 31 December 2021 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 16 June 2022.

## Standing Committee of Synod - Synod Funds

Income Statement for the 12 months ended 31 December 2021

	Fund 127	Fund 128	Fund 129	Fund 130	Fund 131	Fund 132	Fund 133	Fund 135	Fund 136	Fund 153	Fund 189	Elimination	Total	Actual
	Work Outside the Diocese Fund	Mission Areas Fund	Synod Approp. & Alloc. Fund	Sydney Reps. at General Synod Fund	Sydney Diocesan Synod Fund	Social Issues C'tee Fund	Diocesan Research Fund	Ministry Spouse Support Fund	Parish Human Resources Partner Fund	Archbp's PSU	Ordin. Training Fund			12 Months ending 31 December 2020
	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
<b>Income</b>	<b>Note</b>													
Distributions - Diocesan Endowment		-	-	3,239,000	-	-	-	-	-	-	-	-	3,239,000	2,880,000
Distributions - Synod - St Andrew's House - Fund 0134		-	-	2,693,000	-	-	-	-	-	-	-	-	2,693,000	2,600,000
Distributions - Anglican Church Property Trust	2	-	-	1,164,361	-	-	-	-	-	-	-	-	1,164,361	1,223,738
Distributions - Diocesan Cash Investment Fund				96,000									96,000	
Interest		113	44	1,295	49	582	14	17	104	12	152	26	2,408	18,056
PCR Contributions		-	-	-	-	52,311	-	-	-	1,149,710	-	-	1,202,021	1,326,587
Synod Grants		607,000	-	-	40,000	-	47,040	-	-	-	54,000	(748,040)	-	-
Other Income		-	-	500	-	-	-	-	-	203,496	-	-	203,996	650,165
<b>Total income</b>		<b>607,113</b>	<b>44</b>	<b>7,194,156</b>	<b>40,049</b>	<b>52,893</b>	<b>14</b>	<b>47,057</b>	<b>104</b>	<b>12</b>	<b>1,353,358</b>	<b>54,026</b>	<b>(748,040)</b>	<b>8,600,786</b>
<b>Expenses</b>														
Interest		-	-	-	-	-	-	-	-	594	-	-	594	969
Staff & Related		-	-	-	-	-	37,600	-	-	763,016	-	-	800,616	901,954
Professional Fees		-	-	15,120	-	2,240	400	-	-	179,646	2,280	-	199,686	188,225
SDS Fees		13,700	3,396	1,021,008	17,196	3,396	6,996	-	-	42,300	3,396	-	1,111,388	1,109,628
Computer & Software		-	-	-	-	-	-	-	-	26,595	-	-	26,595	23,141
Insurance		-	-	-	-	-	-	-	-	678	-	-	678	478
Rent & Occupancy		-	-	27	-	-	-	-	-	31,278	-	-	31,305	38,774
Printing & Stationery		-	-	4,954	-	-	-	-	-	1,060	-	-	6,014	11,231

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	Fund 127	Fund 128	Fund 129	Fund 130	Fund 131	Fund 132	Fund 133	Fund 135	Fund 136	Fund 153	Fund 189	Elimination	Total	Actual
	Work Outside the Diocese Fund	Mission Areas Fund	Synod Approp. & Alloc. Fund	Sydney Reps. at General Synod Fund	Sydney Diocesan Synod Fund	Social Issues C'tee Fund	Diocesan Research Fund	Ministry Spouse Support Fund	Parish Human Resources Partner Fund	Archbp's PSU	Ordin. Training Fund			12 Months ending 31 December 2020
	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
<b>Income</b>	<b>Note</b>													
Entertainment & Travel	-	-	623	1,364	-	-	-	-	-	4,115	1,006	-	7,108	11,772
Depreciation	-	-	-	-	-	-	-	-	218	4,600	-	-	4,818	3,597
Advertising	-	-	-	-	-	-	-	-	-	7,810	-	-	7,810	7,835
Office	850	-	-	-	-	-	-	-	-	6,571	-	-	7,421	10,491
Miscellaneous	-	-	667	-	25,000	-	-	-	-	34,191	-	-	59,858	61,672
Grants	503,249	343	6,349,116	-	177,594	-	-	-	-	114,012	49,695	(748,040)	6,445,969	5,189,736
Bad Debts (Recovery)	-	-	-	-	-	-	-	-	-	1,915	-	-	1,915	-
Fund reserves	40,000	-	-	-	-	-	-	-	-	-	-	-	40,000	-
<b>Total expenses</b>	<b>557,799</b>	<b>3,739</b>	<b>7,391,515</b>	<b>18,560</b>	<b>208,230</b>	<b>400</b>	<b>44,596</b>	<b>-</b>	<b>218</b>	<b>1,218,381</b>	<b>56,377</b>	<b>(748,040)</b>	<b>8,751,775</b>	<b>7,559,503</b>
<b>Net surplus/(deficit)</b>	<b>49,314</b>	<b>(3,695)</b>	<b>(197,359)</b>	<b>21,489</b>	<b>(155,337)</b>	<b>(386)</b>	<b>2,461</b>	<b>104</b>	<b>(206)</b>	<b>134,977</b>	<b>(2,351)</b>	<b>-</b>	<b>(150,989)</b>	<b>1,139,043</b>
Transfer from current year surplus/(deficit)	-	-	-	-	-	-	-	-	-	69,200	-	-	69,200	-
<b>Net available surplus/(deficit) after transfer to reserve</b>	<b>49,314</b>	<b>(3,695)</b>	<b>(197,359)</b>	<b>21,489</b>	<b>(155,337)</b>	<b>(386)</b>	<b>2,461</b>	<b>104</b>	<b>(206)</b>	<b>65,777</b>	<b>(2,351)</b>	<b>-</b>	<b>(220,189)</b>	<b>1,139,043</b>

## Notes to the financial report for the year ended 31 December 2021

### 1. Summary of significant accounting policies

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

#### **(a) Basis of preparation**

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

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

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

#### ***Historical cost convention***

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

#### **(b) Revenue recognition**

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

#### ***Grants and donations***

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

#### ***Disposal of plant and equipment***

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

#### ***Distributions***

Distributions are recognised on an accruals basis when the right to receive payment is established.

#### ***Interest***

Interest revenue is recognised on a time proportion basis using the effective interest method.

#### **(c) Grants and donations expense**

Grants and donations are generally recognised upon payment.

#### **(d) Acquisitions of assets**

The purchase method of accounting is used to account for all acquisitions of assets regardless of whether equity instruments or other assets are acquired. Cost is measured as the fair value of the assets given, shares issued or liabilities incurred or assumed at the date of exchange.

**(e) Cash and cash equivalents**

Cash and cash equivalents includes cash on hand, deposits held at call with financial institutions, other short-term, highly liquid investments with original maturities of three months or less that are readily convertible to known amounts of cash and which are subject to an insignificant risk of changes in value, and bank overdrafts. Bank overdrafts are shown within borrowings in current liabilities on the balance sheet.

Cash includes amounts lodged with the Diocesan Cash Investment Fund (DCIF). These deposits are at call. DCIF pays interest quarterly.

**(f) Receivables**

Receivables are recognised initially at fair value and subsequently measured at amortised cost, less provision for doubtful debts. Receivables are due for settlement no more than 30 days from the date of recognition.

The collectability of receivables is reviewed on an ongoing basis. Debts, which are known to be uncollectible, are written off. A provision for doubtful receivables is established when there is objective evidence that the entity will not be able to collect all amounts due according to the original terms of receivables. The amount of the provision is recognised in the income statement.

**(g) Fair value estimation**

The fair value of financial assets and financial liabilities must be estimated for recognition and measurement or for disclosure purposes.

**(h) Plant and equipment**

Plant and equipment is stated at historical cost less depreciation. Historical cost includes expenditure that is directly attributable to the acquisition of the items.

Depreciation is calculated using the straight-line method to allocate their cost or re-valued amounts, net of their residual values, over their estimated useful lives as follows –

- Computer hardware and printers      3 years
- Furniture and fittings                      10 years

The assets' residual values and useful lives are reviewed, and adjusted if appropriate, at each balance sheet date.

**(i) Payables**

These amounts represent liabilities for goods and services provided prior to the end of financial year that are unpaid. The amounts are unsecured and are usually paid within 30 days of recognition.

**(j) Provisions**

Provisions are recognised when there is a present legal or constructive obligation as a result of past events; it is probable that an outflow of resources will be required to settle the obligation; and the amount has been reliably estimated.

Where there are a number of similar obligations, the likelihood that an outflow will be required in settlement is determined by considering the class of obligations as a whole. A provision is recognised even if the likelihood of an outflow with respect to any one item included in the same class of obligations may be small.

Provisions are measured at the present value of management's best estimate of the expenditure required to settle the present obligation at the balance sheet date. The discount rate used to determine the present value reflects current market assessments of the time value of money and the risks specific to the liability. The increase in the provision due to the passage of time is recognised as interest expense.

**(k) Reserves**

Appropriate reserves are created to enable PSU to meet projected Domestic Violence Task Force expenditure. A reserve within Synod Appropriation and Allocation Fund has been established in 2017 to part compensate for loss of income under *St Matthew's Manly Ordinance 2018*. Work Outside the Diocese

Fund has established reserves towards support for the Church of Confessing Anglicans Aotearoa New Zealand in 2020, and the cost of GAFCON in 2023.

**(l) Employee benefits**

*Wages, salaries, annual leave and personal leave*

Liabilities for wages and salaries including non-monetary benefits and annual leave expected to be settled within 12 months of the reporting date are recognised either in payables or current provisions in respect of employees' services up to the reporting date and are measured at the amounts expected to be paid when the liabilities are settled.

No liability has been recognised for personal leave, as there is no provision made for personal leave and it is not considered that any personal leave taken will incur in additional costs.

*Long service leave*

The liability for long service leave expected to be settled more than 12 months from the reporting date is recognised as a provision and measured at the present value of expected future payments to be made in respect of services provided by employees up to the reporting date. Consideration is given to expected future wage and salary levels, experience of employee departures and periods of service. Expected future payments are discounted using market yields at the reporting date on national government bonds with terms to maturity that match, as closely as possible, the estimated future cash outflows.

Employee benefit on-costs are recognised and included in employee benefit liabilities and costs when the employee benefits to which they relate are recognised as liabilities.

**(m) Goods and Service Tax (GST)**

The funds are members of the Sydney Diocesan Services GST group and the Anglican Church of Australia GST Religious group.

Revenues, expenses and assets are recognised net of the amount of GST, unless the GST incurred is not recoverable from the Australian Taxation Office (ATO). In these circumstances, it is recognised as part of the expense or as part of the cost of acquisition of the asset.

Receivables and payables are stated inclusive of the amount of GST receivable or payable. The net amount of GST recoverable from, or payable to, the ATO is included with other receivables or payables in the balance sheet.

**(n) Income tax**

The funds are exempt from income tax under Section 50-5 of the Income Tax Assessment Act 1997.

**2. Distributions – Anglican Church Property Trust – Synod Appropriation and Allocation Fund (Fund 400)**

	<b>2021</b>	<b>2020</b>
	<b>\$</b>	<b>\$</b>
Ryde (Kirkby Gdns. & Archbold) Ordinance 2000	548,697	572,656
Church Hill Trust (No1 York Street)	267,881	326,462
St James Hall	231,000	231,000
Narellan (Elderslie) Land Sale Ordinance 1980	25,322	19,204
Wollongong Parish Leasing and Licensing Property Fund	25,305	24,814
Bondi Trust Ordinance	21,642	13,081
St Georges Paddington Leasing Ordinance	14,741	8,738
South Sydney Variation of Trusts Ordinance 50/97	7,199	9,666
Sydney St Phillip (Resumption) Ordinance 19/1983	4,985	3,832
Miranda Leasing Ordinance	3,665	6,926
Surry Hills Trust	1,965	1,483
Retained net income from ACPT Fund 0400	11,959	5,876
	<b>1,164,361</b>	<b>1,223,738</b>

## 3. Current liabilities - Provisions

		2021	2020
<b>Current</b>		\$	\$
Employee benefits - annual leave		53,545	53,545
Employee benefits - long service leave		2,188	2,188
		55,733	55,733

## 4. Non-current liabilities – Provisions

		2021	2020
<b>(a) Non-current</b>		\$	\$
Employee benefits - long service leave		34,319	34,319
<b>(b) Provisions</b>	<b>Note</b>	<b>2021</b>	<b>2020</b>
		\$	\$
Provisions - Current	3	55,733	55,733
Provisions - Non-current	4(a)	34,319	34,319
Balance 31 December		90,052	90,052

## 5. Equity - Capital

Use of the capital of the Sydney Diocesan Synod Fund (Fund 131) is restricted to meeting material external liabilities which affect the Diocese as a whole and which are not properly met by other Diocesan organisations or funds.

There are no restrictions on the use of the capital of Fund 132.

## 6. Contingencies

Under the *Sydney Anglican (National Redress Scheme) Corporation Ordinance 2018* the Synod Funds have an obligation to provide funding to the Sydney Anglican (National Redress Scheme) Corporation to meet a share of ongoing administrative expenses of the Corporation and also claims that derive from defunct bodies. As at 31 December 2021 the Synod Funds had no outstanding obligations to the Corporation.

## 7. Events occurring after the end of the reporting period

The members are not aware of any events occurring after the reporting period that impact on the financial report as at 31 December 2021.

The financial statements were authorised for issue on 16 June 2022 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 405 to 410 –

- (a) comply with the accounting policies set out in note 1,
- (b) give a fairly presented view of the Fund’s financial position as at 31 December 2021 and of its performance for the year ended on that date.

In the members’ opinion there are reasonable grounds to believe the individual funds will be able to pay its debts as and when they become due and payable.

This declaration is made in accordance with a resolution of the members.

### **Assurance Procedures**

The Finance Committee engaged PricewaterhouseCoopers to undertake a range of “Agreed upon procedures” to provide assurance to the Finance Committee on the matters attested to in this declaration. The Agreed upon procedures covered the range of funds in the Synod group and included procedures covering the validity of the balances by reference to the general ledger, tests of income received, and tests of key expenses including Synod grants. The Finance Committee reviewed the results of the work undertaken by PricewaterhouseCoopers in forming its opinion on the Annual financial report.

**NICOLA WARWICK-MAYO**  
**Member**

**JOHN PASCOE**  
**Member**

16 June 2022

## **Synod 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 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 135	Ministry Spouse Support Fund
Fund 136	Parish Human Resources Partner 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. *[Appendix 1 and Appendix 2 not reproduced here.]* The procedures performed are detailed in the engagement letter dated 9 November 2021 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 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 2. 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

NIALL McCONNELL  
Principal

Sydney  
19 May 2022

## Parish Funds – Amalgamated

### Annual Financial Report – 31 December 2021

Incorporating –

Fund 951	Parish Costs Recovery Fund
Fund 952	Stipend Continuance Fund
Fund 953	Sydney Diocesan Long Service Leave Fund
Fund 954	Sydney Diocesan Sickness and Accident Fund
Fund 955	Clergy Removals Fund

### Discussion and Analysis report for the year ended 31 December 2021

The Parish Funds' Discussion and Analysis provides an overview of the Parish Funds' financial activities for the calendar year ended 31 December 2021. The Discussion and Analysis should be read in conjunction with the financial report for the same period beginning on page 415.

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 2021 the Parish Funds amalgamation is comprised of 5 funds (2020: 5) –

Fund 951	Parish Costs Recovery Fund
Fund 952	Stipend Continuance Fund
Fund 953	Sydney Diocesan Long Service Leave (Clearing) Fund
Fund 954	Sydney Diocesan Sickness and Accident Fund
Fund 955	Clergy Removals Fund

The source of funds during 2021 were mainly from Parochial Cost Recoveries Charges on Parochial units as determined in the *Parochial Cost Recoveries and Church Land Acquisitions Levy Ordinance 2018*. Certain Diocesan organisations are also levied Long Service Leave and Stipend Continuance Insurance charges for ordained staff. A distribution is received from ACPT Fund Moorebank Estate for the purposes of the Clergy Removal Fund. Interest is earned on deposits held with the Diocesan Cash Investment Fund (DCIF). Significant monies are also received from the Long Service Leave Fund and the Stipend Continuance Insurer in respect to individual claims.

The Parish Funds total revenues increased by \$2,962,497 or 16.95% to \$20,444,716 (2020 \$17,482,219). This increase is a result of the resumption of collecting the Church Land Acquisition Levy, which contributed \$2,453,593 to the increase. Also significantly lower were claims to use Long Service leave, down \$553,296 on 2020.

Claims on insurers via the Stipend Continuance Fund decreased by \$553,296 or 39.90% to \$833,299 (2020: \$1,386,595). At 31 December 2020 there were 11 clergy receiving stipend continuance claims (2020: 11). Long Service Leave receipts increased \$111,421 or 15.73% to \$819,575 (2019: \$708,154).

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 clergy superannuation funds, the Long Service Leave Fund, the Sydney Diocesan Sickness and Accident Fund and cost of obtaining stipend continuance insurance.

Under the *Parochial Cost Recoveries and Church Land Acquisitions Levy Ordinance 2018* parochial network costs during 2021 were principally comprised of –

- the property and liability insurance program,
- the parish related work of the Professional Standards Unit
- the parish risk management program,
- the safe ministry training program,
- the Ministry Spouse Support and Clergy Assistance programs,
- the ACPT management fee payable by all parishes with property, and
- the contribution towards the costs of the Diocesan archives.

Funds were also applied to expenses such as Sydney Diocesan Services administration fees. The Parish Fund total outgoings increased by \$3,260,110 or 19.07%, to \$20,358,853 (2020: \$17,098,743).

The Net Assets of the Parish Funds increased by \$85,860 or 3.61% (2021: \$2,461,128, 2020 \$2,375,268). The assets of the Parish Funds are composed of deposits with DCIF and receivables. Liabilities of the Parish Funds represent accrued expenses and other payables.

The Equity of each Parish Fund represents accumulated surpluses from operations which are retained to provide working capital for the operations of each Fund.

There are no other matters that have arisen since 31 December 2021 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 16 June 2022.

## Sydney Diocesan Parish Funds

Amalgamated income and expenditure statement for the period ending 31 December 2021

	FUND 951 PARISH COSTS RECOVERY FUND	FUND 952 STIPEND CONTIN- UANCE FUND	FUND 953 LONG SERVICE LEAVE FUND	FUND 954 SICKNESS & ACCIDENT FUND	FUND 955 CLERGY REMOVALS FUND	ELIMIN- ATIONS	TOTAL	Dec-20 TOTAL
	\$	\$	\$	\$	\$	\$	\$	\$
<b>INCOME</b>								
Parochial Network Costs recoveries								
PCR Variable Charge Recovery	6,192,037	-	-	-	-	-	6,192,037	5,062,825
PCR Professional Standards Unit Recovery	998,264	-	-	-	-	-	998,264	1,021,573
PCR Risk Management Recovery	246,598	-	-	-	-	-	246,598	240,659
PCR Safe Ministry Recovery	155,741	-	-	-	-	-	155,741	151,786
PCR Administration Fee	215,641	-	-	-	-	-	215,641	210,699
PCR Archives Recovery	72,875	-	-	-	-	-	72,875	70,900
PCR Relief or Remission Recovery	9,979	-	-	-	-	-	9,979	9,987
PCR Ministry Spouse Support Fund Program	-	-	-	-	-	-	-	150,194
PCR ACPT Management Fee	478,815	-	-	-	-	-	478,815	558,227
PCR Clergy Assistance Program	68,367	70,874	-	-	-	(68,354)	70,887	56,779
Parochial Network Costs recoveries Sub-total	8,438,317	70,874	-	-	-	(68,354)	8,440,837	7,533,629
Clergy Support Cost recoveries								
PCR Superannuation Recovery	5,378,279	-	-	-	-	-	5,378,279	5,331,813
PCR LSL Recovery	752,853	-	752,979	-	-	(752,979)	752,853	754,474
PCR LSL - Admin Fees	61,322	-	61,344	-	-	(61,344)	61,322	61,456
LSL - Organisations	-	-	86,786	-	-	-	86,786	117,370
LSL - Organisations - Admin Fees	-	-	5,292	-	-	-	5,292	7,157
PCR Stipend Continuance Recovery	1,312,743	1,312,578	-	-	-	(1,312,578)	1,312,743	1,307,983
PCR Stipend Continuance Admin Fees	54,697	54,684	-	-	-	(54,684)	54,697	54,499
Stipend Continuance Organisations	-	86,499	-	-	-	-	86,499	89,564
Stipend Continuance Orgs - Admin Fees	-	3,654	-	-	-	-	3,654	3,767
PCR S&A Recovery	58,964	-	-	58,985	-	(58,967)	58,982	59,092
Clergy Support Cost recoveries Sub-totals	7,618,858	1,457,415	906,401	58,985	-	(2,240,552)	7,801,107	7,787,175
PCR Church Land Acquisition Levy	2,454,933	-	-	-	-	-	2,454,933	1,340
AMP Stipend Continuance receipts	-	833,299	-	-	-	-	833,299	1,386,595
LSL - Buy-backs	-	-	71,327	-	-	-	71,327	30,734
LSL - Claims - Anglican LSL Fund	-	-	819,575	-	-	-	819,575	708,154
PCR Contribution cost of NCLS Profiles	-	-	-	-	-	-	-	-
Interest on cash	3,045	55	140	212	40	-	3,492	7,521
Moorebank Estate - Distribution	-	-	-	-	19,921	-	19,921	27,071
Receipt of prior year PCR charges	-	-	-	-	-	-	-	-
<b>TOTAL INCOME</b>	<b>18,515,153</b>	<b>2,361,643</b>	<b>1,797,443</b>	<b>59,197</b>	<b>19,961</b>	<b>(2,308,906)</b>	<b>20,444,491</b>	<b>17,482,219</b>

	FUND 951 PARISH COSTS RECOVERY FUND	FUND 952 STIPEND CONTIN- UANCE FUND	FUND 953 LONG SERVICE LEAVE FUND	FUND 954 SICKNESS & ACCIDENT FUND	FUND 955 CLERGY REMOVALS FUND	ELIMIN- ATIONS	TOTAL	Dec-20 TOTAL
	\$	\$	\$	\$	\$	\$	\$	\$
<b>EXPENSES</b>								
Parochial Network Costs								
PCR Insurance	6,192,037	-	-	-	-	-	6,192,037	5,076,133
Professional Standards Unit	1,082,833	-	-	-	-	-	1,082,833	973,022
Parish Risk Management Program	246,598	-	-	-	-	-	246,598	241,285
Safe Ministry Training Program	155,741	-	-	-	-	-	155,741	152,181
Accounting & Secretarial Fees	215,004	54,996	54,996	14,004	6,000	-	345,000	337,896
PCR Archives Charges	72,875	-	-	-	-	-	72,875	71,084
PCR Clergy Assistance Program	68,354	86,200	-	-	-	(68,354)	86,200	66,127
PCR Ministry Spouse Support Fund Program	-	-	-	-	-	-	-	150,583
PCR ACPT Management Fee	549,670	-	-	-	-	-	549,670	380,951
PCR Replenish Synod Risk Reserve	-	-	-	-	-	-	-	51,209
Parochial Network Costs Sub-total	8,583,112	141,196	54,996	14,004	6,000	(68,354)	8,730,954	7,500,471
Clergy Support Cost contributions								
PCR Superannuation	5,380,657	-	-	-	-	-	5,380,657	5,331,813
PCR LSL	814,218	-	-	-	-	(814,323)	(105)	-
LSL - Payments to the Anglican LSL Fund	-	-	866,684	-	-	-	866,684	868,358
PCR Stipend Continuance	1,367,129	-	-	-	-	(1,367,262)	(133)	-
Stipend Continuance Insurance Expense	-	1,264,729	-	-	-	-	1,264,729	1,186,125
PCR S&A	58,967	-	-	-	-	(58,967)	-	-
Clergy Support Cost contributions Sub-total	7,620,971	1,264,729	866,684	-	-	(2,240,552)	7,511,832	7,386,296
Church Land Acquisition Levy	2,454,933	-	-	-	-	-	2,454,933	-
Claims Paid	-	772,685	891,521	40,678	24,933	-	1,729,817	2,170,806
Audit Fees	13,800	-	-	-	-	-	13,800	13,432
Operating Costs	300	-	-	-	-	-	300	301
PCR Relief or Remission costs	-	-	-	-	-	-	-	-
Contribution to Human Resources Partner Fund	-	-	-	-	-	-	-	-
Contribution to Professional Standards Unit review of the Ministry Standards Ordinance	-	-	-	-	-	-	-	27,437
Sundry Expenses	(84,569)	1,561	-	-	-	-	(83,008)	-
<b>TOTAL EXPENSES</b>	<b>18,588,547</b>	<b>2,180,171</b>	<b>1,813,201</b>	<b>54,682</b>	<b>30,933</b>	<b>(2,308,906)</b>	<b>20,358,628</b>	<b>2,211,976</b>
<b>NET SURPLUS/(DEFICIT)</b>	<b>(73,394)</b>	<b>181,472</b>	<b>(15,758)</b>	<b>4,515</b>	<b>(10,972)</b>	<b>-</b>	<b>85,863</b>	<b>(36,518)</b>

**Amalgamated Balance Sheet as at 31 December 2021**

	FUND 951 PARISH COSTS RECOVERY FUND	FUND 952 STIPEND CONTIN- UANCE FUND	FUND 953 LONG SERVICE LEAVE FUND	FUND 954 SICKNESS & ACCIDENT FUND	FUND 955 CLERGY REMOVALS FUND	ELIMIN- ATIONS	TOTAL	Dec-20 TOTAL
	\$	\$	\$	\$	\$	\$	\$	\$
<b>Assets</b>								
Cash	1,476,669	619,959	482,568	473,117	98,227	-	3,150,540	2,670,005
PCR Receivables - Parishes	-	-	-	-	-	-	-	16,662
Organisations Receivable	-	-	-	-	-	-	-	31,021
Other receivables	3	6,031	-	74	14	-	6,122	21,879
<b>TOTAL Assets</b>	<b>1,476,672</b>	<b>625,990</b>	<b>482,568</b>	<b>473,191</b>	<b>98,241</b>	<b>-</b>	<b>3,156,662</b>	<b>2,739,567</b>
<b>Liabilities</b>								
LSL Fund Payable	-	-	-	-	-	-	-	218,162
Other Payables	278,439	187,894	229,201	-	-	-	695,534	146,137
<b>TOTAL Liabilities</b>	<b>278,439</b>	<b>187,894</b>	<b>229,201</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>695,534</b>	<b>364,299</b>
<b>Net Assets</b>	<b>1,198,233</b>	<b>438,096</b>	<b>253,367</b>	<b>473,191</b>	<b>98,241</b>	<b>-</b>	<b>2,461,128</b>	<b>2,375,268</b>
<b>Equity</b>								
Accumulated Surplus - Prior Year	1,271,627	256,624	269,125	468,676	109,213	-	2,375,265	1,991,792
Net Surplus/(Deficit) - Current Year	(73,394)	181,472	(15,758)	4,515	(10,972)	-	85,863	383,476
<b>TOTAL Equity</b>	<b>1,198,233</b>	<b>438,096</b>	<b>253,367</b>	<b>473,191</b>	<b>98,241</b>	<b>-</b>	<b>2,461,128</b>	<b>2,375,268</b>

**Notes to the financial report for the year ended 31 December 2021****1. Summary of significant accounting policies**

The principal accounting policies adopted in the preparation of the financial report are set out below. These policies have been consistently applied to all the years presented, unless otherwise stated.

**(a) Basis of preparation**

This is a special purpose financial statement that has been prepared for the sole purpose of providing amalgamated financial information to Synod and for distribution to the members of Synod and must not be used for any other purpose. The Standing Committee has determined that the accounting policies adopted are appropriate to meet the needs of Synod.

The amalgamated income and expenditure statement and balance sheet are submitted as amalgamated statements for administrative purposes. The process of amalgamation consists of adding all the balances of the individual funds on a line by line basis. There is no consideration of beneficial interests, which is involved or implied in the preparation of the amalgamated financial report. Material transactions have been eliminated between the funds.

The net assets at the date of exit of funds exiting the amalgamated accounts are debited to the relevant category of equity. The items of the statement of income for a fund that has exited the amalgamated accounts during the period are only included in the amalgamated accounts until the date of exit. When a fund is joining the amalgamated accounts a credit to equity is generally recognised to record the net assets that have been included in the amalgamated accounts.

***Historical cost convention***

These financial statements have been prepared under the historical cost convention.

**(b) Revenue recognition**

Revenue and other income is measured at the fair value of the consideration received or receivable. Amounts disclosed as revenue are net of taxes paid. Revenue and other income is recognised for the major business activities as follows:

***Grants and donations***

Grants and donations are recognised to the extent they have been deposited in the bank, which is the point at which the entity gains control of the grant or donation.

***Distributions***

Distributions are recognised on an accruals basis when the right to receive payment is established.

***Interest***

Interest revenue is recognised on a time proportion basis using the effective interest method.

***Recoveries***

Personnel cost recoveries from parochial and non-parochial units have been accounted for as income received in respect of certain clergy entitlements to cover superannuation contributions, insurances and other premiums paid on behalf of parochial and non-parochial units.

Diocesan program costs recovered from parochial units have been accounted for as income received in respect of insurances and other centrally managed programs.

Recognition is on an accruals basis.

**(c) Grants and donations expense**

Grants and donations are generally recognised upon payment.

**(d) Cash and cash equivalents**

Cash and cash equivalents includes cash on hand, deposits held at call with financial institutions, other short-term, highly liquid investments with original maturities of three months or less that are readily convertible to known amounts of cash and which are subject to an insignificant risk of changes in value, and bank overdrafts. Bank overdrafts are shown within borrowings in current liabilities on the balance sheet.

In addition to cash and cash equivalents balances the Parish Funds have adopted a policy which includes short-term investments as a cash and cash equivalent balance. These investments are lodged with the Diocesan Cash Investment Fund (DCIF). The deposits are at call.

**(e) Receivables**

Receivables are recognised initially at fair value and subsequently measured at amortised cost, less provision for doubtful debts. Receivables are due for settlement no more than 30 days from the date of recognition.

The collectability of receivables is reviewed on an ongoing basis. Debts, which are known to be uncollectible, are written off. A provision for doubtful receivables is established when there is objective evidence that the entity will not be able to collect all amounts due according to the original terms of receivables. The amount of the provision is recognised in the income statement.

**(f) Fair value estimation**

The fair value of financial assets and financial liabilities must be estimated for recognition and measurement or for disclosure purposes.

**(g) Payables**

These amounts represent liabilities for goods and services provided prior to the end of financial year that are unpaid. The amounts are unsecured and are usually paid within 30 days of recognition.

**(h) Provisions**

Provisions are recognised when there is a present legal or constructive obligation as a result of past events; it is probable that an outflow of resources will be required to settle the obligation; and the amount has been reliably estimated.

Where there are a number of similar obligations, the likelihood that an outflow will be required in settlement is determined by considering the class of obligations as a whole. A provision is recognised even if the likelihood of an outflow with respect to any one item included in the same class of obligations may be small.

Provisions are measured at the present value of management's best estimate of the expenditure required to settle the present obligation at the balance sheet date. The discount rate used to determine the present value reflects current market assessments of the time value of money and the risks specific to the liability. The increase in the provision due to the passage of time is recognised as interest expense.

**(i) Goods and Service Tax (GST)**

The funds are members of the Sydney Diocesan Services GST group and the Anglican Church of Australia GST Religious group.

Revenues, expenses and assets are recognised net of the amount of GST, unless the GST incurred is not recoverable from the Australian Taxation Office (ATO). In these circumstances, it is recognised as part of the cost of acquisition of the asset or as part of the expense.

Receivables and payables are stated inclusive of the amount of GST receivable or payable. The net amount of GST recoverable from, or payable to, the ATO is included with other receivables or payables in the balance sheet.

**(j) Income tax**

The funds are exempt from income tax under Section 50-5 of the *Income Tax Assessment Act 1997*.

**2. Events occurring after the end of the reporting period**

The members are not aware of any events occurring after the reporting period that impact on the financial report as at 31 December 2021.

The financial statements were authorised for issue on 16 June 2022 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 415 to 419 –

- (a) comply with the accounting policies set out in note 1,
- (b) give a fairly presented view of the Fund's financial position as at 31 December 2021 and of its performance for the year ended on that date.

In the members' opinion there are reasonable grounds to believe the individual funds will be able to pay its debts as and when they become due and payable.

This declaration is made in accordance with a resolution of the members.

## Assurance Procedures

The Finance Committee engaged PricewaterhouseCoopers to undertake a range of “Agreed upon procedures” to provide assurance to the Finance Committee on the matters attested to in this declaration. The Agreed upon procedures covered the range of funds in the Parish Funds group and included procedures covering the validity of the balances by reference to the general ledger, tests of key expenses, test of the accuracy of Parish Cost Recoveries charges and a test of the accuracy of superannuation payments for ministers under the Parish Cost Recoveries system. The Finance Committee reviewed the results of the work undertaken by PricewaterhouseCoopers in forming its opinion on the Annual financial report.

NICOLA WARWICK-MAYO  
Member

JOHN PASCOE  
Member

16 June 2022

## 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	Sydney Diocesan Long Service Leave Fund
Fund 954	Sydney Diocesan Sickness and 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. [*Appendix 1 and Appendix 2 not reproduced here.*] The procedures performed are detailed in the engagement letter dated 28 August 2020 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 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 2. 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

NIALL McCONNELL  
Principal

Sydney  
19 May 2022

## Synod – St Andrew’s House Fund

### Annual Financial Report – 31 December 2021

#### Statement of comprehensive income for the year ended 31 December 2021

	Notes	2021 \$	2020 \$
<b>Revenue from continuing operations</b>			
Interest		246	2,273
Distributions from St Andrew's House Trust		2,567,500	2,783,000
<b>Total revenue from continuing operations</b>		<b>2,567,746</b>	<b>2,785,273</b>
<b>Expenses from continuing operations</b>			
SDS Management fee		90,000	90,000
Payments under ordinance to the Anglican Church Growth Corporation		345,000	643,094
<b>Total expenses from continuing operations</b>		<b>435,000</b>	<b>733,094</b>
Share of net profit of investments	5	821,809	(401,852)
<b>Surplus for the year</b>		<b>2,954,555</b>	<b>1,650,327</b>
<b>Other comprehensive income</b>			
Funding of provision for distribution	6	(2,477,000)	(2,693,000)
<b>Total comprehensive income for the year</b>		<b>477,555</b>	<b>(1,042,673)</b>
<b>Transfer from current year surplus</b>			
Transfer (to) future rental costs reserve	8	-	-
Transfer from (to) future non-sinking fund capital works reserve	8	-	742,500
<b>Net available surplus/(deficit) after transfer from (to) reserves</b>		<b>477,555</b>	<b>(300,173)</b>

The above Statement of comprehensive income should be read in conjunction with the accompanying notes.

## Statement of financial position as at 31 December 2021

	Notes	2021 \$	2020 \$
<b>ASSETS</b>			
<b>Current assets</b>			
Cash and cash equivalents	3	1,514,928	2,075,328
Receivables	4	146	-
<b>Total current assets</b>		<b>1,515,074</b>	<b>2,075,328</b>
<b>Non-current assets</b>			
Investment in St Andrew's House Trust	5	111,203,134	110,381,325
<b>Total non-current assets</b>		<b>111,203,134</b>	<b>110,381,325</b>
<b>Total assets</b>		<b>112,718,208</b>	<b>112,456,653</b>
<b>LIABILITIES</b>			
<b>Current liabilities</b>			
Provisions	6	2,477,000	2,693,000
<b>Total current liabilities</b>		<b>2,477,000</b>	<b>2,693,000</b>
<b>Net assets</b>		<b>110,241,208</b>	<b>109,763,653</b>
<b>EQUITY</b>			
Capital	7	78,945,046	78,945,046
Reserves	8	3,671,250	3,671,250
Accumulated surplus		27,624,912	27,147,357
<b>Total equity</b>		<b>110,241,208</b>	<b>109,763,653</b>

The above Statement of financial position should be read in conjunction with the accompanying notes.

## Statement of changes in equity for the year ended 31 December 2021

	Notes	Capital \$	Reserves \$	Accumulated surplus \$	Total \$
<b>Balance at 1 January 2020</b>		<b>78,945,046</b>	<b>4,413,750</b>	<b>27,447,530</b>	<b>110,806,326</b>
Surplus for the year		-	-	(1,042,673)	(1,042,673)
<b>Total comprehensive income for the year</b>		<b>-</b>	<b>-</b>	<b>1,042,673</b>	<b>1,042,673</b>
<b>Transactions with beneficiaries:</b>					
Share of SAHT's movement in future non-sinking fund capital works reserve	8	-	(742,500)	742,500	-
		-	(742,500)	742,500	-
<b>Balance at 31 December 2020</b>		<b>78,945,046</b>	<b>3,671,250</b>	<b>27,147,357</b>	<b>109,763,653</b>
Surplus for the year		-	-	477,555	477,555
<b>Total comprehensive income for the year</b>		<b>-</b>	<b>-</b>	<b>477,555</b>	<b>477,555</b>
<b>Transactions with beneficiaries:</b>					
Share of SAHT's movement in future non-sinking fund capital works reserve	8	-	-	-	-
		-	-	-	-
<b>Balance at 31 December 2021</b>		<b>78,945,046</b>	<b>3,671,250</b>	<b>27,624,912</b>	<b>110,241,208</b>

The above Statement of changes in equity should be read in conjunction with the accompanying notes.

## Statement of cash flow for the year ended 31 December 2021

	Note	2021 \$	2020 \$
<b>Cash flows from operating activities</b>			
Interest received		100	8,374
Distributions received		2,567,500	2,783,000
Payments to suppliers (SDS Management fee)		(90,000)	(90,000)
<b>Net cash inflow from operating activities</b>		<b>2,477,600</b>	<b>2,701,374</b>
<b>Cash flows from financing activities</b>			
Payments under ordinance to the Anglican Church Growth Corporation		(345,000)	(643,094)
Capital paid out		(2,693,000)	(2,600,000)
<b>Net cash (outflow) from financing activities</b>		<b>(3,038,000)</b>	<b>(3,243,094)</b>
Net (decrease) increase in cash held		(560,400)	(541,720)
Cash at the beginning of the period		2,075,328	2,617,048
<b>Cash at the end of the period</b>	3	<b>1,514,928</b>	<b>2,075,328</b>

The above Statement of cash flow should be read in conjunction with the accompanying notes.

## Notes to the annual financial report for the year ended 31 December 2021

### 1. Purpose

The Synod – St Andrew’s House Fund (“the Fund”) is held by the Anglican Church of Australia Diocese of Sydney (Synod) upon the trusts set out in the *St Andrew’s House Trust (Variation) Ordinance 2017*.

The purposes of the Trust are:

- Hold the half share of the trust property for the general purposes of the Anglican Church of Australia in the Diocese of Sydney;
- Act so that the income of the property be paid to and applied or otherwise dealt with by the Standing Committee in accordance with the determination and direction of the Synod as the governing body of the Diocese.

### 2. Summary of significant accounting policies

The principal accounting policies adopted in the preparation of the financial report are set out below. These policies have been consistently applied to all the years presented, unless otherwise stated. The Fund is not-for-profit for financial reporting.

#### (a) Basis of preparation

These special purpose financial statements have been prepared in accordance with the *Accounts, Audits and Annual Statements Ordinance 1995* and the *St Andrew’s House Trust (Variation of Trusts) Ordinance 2017* for the sole purpose of providing financial information to Synod and for distribution to the members of Synod and must not be used for any other purpose.

##### *Historical cost convention*

These financial statements have been prepared under the historical cost convention, as modified by the revaluation of financial assets and liabilities at fair value through profit or loss, and revaluation of land and buildings to market value.

##### *Critical accounting estimates*

The preparation of financial statements requires the use of certain critical accounting estimates. It also requires management to exercise its judgement in the process of applying the Fund’s accounting policies.

The material area of the financial statements where assumptions or estimates are used is the valuation of the beneficial interest in the St. Andrew’s House Trust (refer note 2).

#### (b) Investment in St Andrew’s House Corporation

Under the *St Andrew’s Trust (Variation of Trusts) Ordinance 2017* the Fund has a 50% beneficial interest in St Andrew’s House Trust (SAHT). The principal asset of SAHT is the land and building known as St Andrew’s House.

In the statement of financial position the beneficial interest in SAHT is stated at fair value, measured as 50% of the SAHT’s accumulated funds and provision for distribution. Revaluation increments/decrements are credited/debited directly to the operating surplus.

The key accounting policies and critical accounting estimates applied in St Andrew’s House Trust are:

##### (i) Lease income

Lease income from operating leases is recognised in income on a straight-line basis over the lease term, where it has a material effect on the accounts.

##### (ii) Investment property

Investment property, comprising an office complex, carpark and a retail arcade, is held for long-term rental yields. In St Andrew’s House Trust, investment property is carried at fair value, representing open-market value determined annually by external valuers. Changes in fair values are recorded in

St Andrew's House Trust's surplus. The valuation of investment property requires the use of critical accounting estimates.

#### *Valuation basis*

Fair value of investment property is the price at which the property could be exchanged between market participants under current market conditions. The best evidence of fair value is given by current prices in an active market for similar property in the same location and condition.

An independent valuation of the Tower, the St Andrew's House car park and Town Hall Square Arcade has been undertaken by Knight Frank Australia Pty Ltd. For valuation purposes, St Andrew's House is considered to be a single asset and its separate parts not independently realisable. The values provided for the Tower, Car Park and Town Hall Square Arcade are notional assessments of the value of the separate parts of the building.

The capitalisation rates adopted by the valuer are as follows:

	<b>2021</b>	<b>2020</b>
	%	%
Tower and Car Park	5.50	5.75
Town Hall Square Arcade	5.75	5.50

The valuation is as follows:

	<b>2021</b>	<b>2020</b>
	\$	\$
Tower and Car Park	176,500,000	172,000,000
Town Hall Square Arcade	36,000,000	41,500,000
	<u>212,500,000</u>	<u>213,500,000</u>

The fair value of the investment properties includes the amortised cost of lease incentives and the impact of straight-lining rental income in accordance with Australian Accounting Standards.

#### *(iii) Sinking fund*

On 16 February 2001 the Glebe Administration Board, in its capacity as owner and manager of St Andrew's House Corporation (lessor), entered into a lease agreement with St Andrew's Cathedral School (the lessee). Under the agreement the school leased levels 6-8, the roof and the school's Kent Street entrance for a period of 120 years. Part of the lease agreement required the establishment of a fund (sinking fund) to provide for structural works. The school currently contributes 34.36% and the lessor 65.64% of the required amounts.

The St Andrew's House Corporation's share of the sinking fund is set aside as a restricted cash balance. The St Andrew's Cathedral School's share of the sinking fund which is not spent at year end is classified as a deferred income in the balance sheet. The deferred income will be released to the income statement as and when the capital expenditure relating to the maintenance of the building is occurring.

#### *(iv) Reserves*

Reserves are set aside under the terms provided for in the *St Andrew's House Trust Ordinance 2015*.

Clause 5(b) for the ordinance provides for amounts to be reserved for replacement or refurbishment of the St Andrew's House tower, shopping arcade and car park.

Clause 5(b) of the ordinance provides amounts to be reserved for other purposes that St Andrew's House Corporation may determine including amounts set aside for distributions in future years.

#### **(c) Revenue recognition**

Income (with the exception of grants and donations) is recognised on an accruals basis. It is measured at the fair value of the consideration received or receivable. Grants and donations are recognised on a cash basis. Amounts disclosed as revenue are net of goods and services tax (GST) where applicable.

Dividends and distribution from unlisted trusts are brought to account as revenue when equities and units are quoted “ex distribution”. Distributions are recorded as revenue in the period in which they are received. The Trust’s proportion of the unpaid surplus is included in the value of the beneficial interest owned.

Other revenue is brought to account on an accruals basis, except as otherwise disclosed.

**(d) Income tax**

The Trust is exempt from income tax under Section 50-5 of the *Income Tax Assessment Act 1997*.

**(e) Acquisitions of assets**

The purchase method of accounting is used to account for all acquisitions of assets regardless of whether equity instruments or other assets are acquired. Cost is measured as the fair value of the assets given, shares issued or liabilities incurred or assumed at the date of exchange plus costs directly attributable to the acquisition.

**(f) Impairment of assets**

Assets are reviewed for impairment whenever events or changes in circumstances indicate that the carrying amount may not be recoverable. An impairment loss is recognised for the amount by which the assets carrying amount exceeds its recoverable amount. The recoverable amount is the higher of an asset’s fair value less costs to sell and value in use. Where the future economic benefits of the asset are not primarily dependent on the asset’s ability to generate net cash inflows and where the Trust would, if deprived of the asset, replace its remaining future economic benefits, value in use is the depreciated replacement cost of the asset. For the purposes of assessing impairment, assets are grouped at the lowest levels for which there are separately identifiable cash inflows (cash generating units).

**(g) Cash and cash equivalents**

For statement of cash flow presentation purposes, cash and cash equivalents includes cash on hand, deposits held at call with financial institutions, other short-term, highly liquid investments with original maturities of three months or less that are readily convertible to known amounts of cash and which are subject to an insignificant risk of changes in value, and bank overdrafts.

Cash includes amounts lodged with the Diocesan Cash Investment Fund (DCIF). These deposits are at call. DCIF pays interest quarterly.

**(h) Receivables**

Receivables are recognised initially at fair value and subsequently measured at amortised cost, less provision for impaired receivables. Receivables are generally due for settlement no more than 30 days from the date of recognition.

Collectability of receivables is reviewed on an ongoing basis. Debts, which are known to be uncollectible, are written off. A provision for impaired receivables is established when there is objective evidence that the Trust will not be able to collect all amounts due according to the original terms of receivables. The amount of the provision is recognised in the Statement of comprehensive income.

**(i) Payables**

These amounts represent liabilities for goods and services provided prior to the end of financial year that is unpaid. The amounts are unsecured and are usually paid within 30 days of recognition.

**(j) Goods and Service Tax (GST)**

The Fund is a member of the Sydney Diocesan Services GST group.

Revenues, expenses and assets are recognised net of the amount of GST, unless the GST incurred is not recoverable from the Australian Taxation Office (ATO). In these circumstances, it is recognised as part of the cost of acquisition of the asset or as part of the expense.

Receivables and payables are stated inclusive of the amount of GST receivable or payable. The net amount of GST recoverable from, or payable to, the ATO is included with other receivables or payables in the Statement of financial position.

Cash flows are presented on a net basis. The GST components of cash flows arising from operating, investing or financing activities, which are recoverable from, or payable to the ATO, are presented as operating cash flow.

### (k) Capital

Amounts will be added to the capital of the Trust where they represent additions to the "Capital Fund" as defined in the Capital Ordinance.

### 3. Current assets – Cash and cash equivalents

	2021	2020
	\$	\$
Current account with Sydney Diocesan Services	286,064	2,573
Diocesan Cash Investment Fund (DCIF)	1,228,864	2,072,755
	<u>1,514,928</u>	<u>2,075,328</u>

Included as a cash equivalent is a deposit with the Diocesan Cash Investment Fund (DCIF). The DCIF is a wholesale charitable investment fundraiser. The Glebe Administration Board is trustee of the DCIF. The underlying investments of DCIF are cash accounts at call, term deposits and cash trusts. Deposits are payable at call.

### 4. Current assets – Receivables

	2021	2020
	\$	\$
Diocesan Cash Investment Fund interest receivable	146	-

### 5. Non-current assets – Investment in St Andrew's House Trust

	2021	2020
	\$	\$
<b>Beneficial interest in the St Andrew's House Trust</b>	<u>111,203,134</u>	<u>110,381,325</u>
<b>Movements in carrying amounts of investment in associate</b>		
Carrying amount at 1 January	110,381,325	110,783,177
Share of net (deficit) surplus of investments	821,809	(401,852)
Carrying amount at 31 December	<u>111,203,134</u>	<u>110,381,325</u>
<b>Comprised of:</b>		
Capital invested	4,714,615	4,714,615
Future rental costs reserve	8 1,310,000	1,310,000
Non-sinking fund capital works reserve	8 986,250	986,250
Strategic projects reserve	8 1,375,000	1,375,000
Accumulated surplus	102,817,269	101,995,460
	<u>111,203,134</u>	<u>110,381,325</u>

**(a) Summarised financial information of associates**

The Fund’s share of the results of its investment in the St Andrew’s House Trust and its aggregated assets and liabilities are as follows:

	Ownership	Synod - St Andrew's House's share of:			
	Interest	Assets	Liabilities	Revenues	Surplus
	%	\$	\$	\$	\$
<b>2021</b>					
St Andrew's House Trust	50	113,953,771	2,750,637	5,628,705	3,389,309
<b>2020</b>					
St Andrew's House Trust	50	113,834,633	3,453,308	6,154,351	2,381,149

**(b) Share of capital commitments**

	2021	2020
	\$	\$
Share of capital commitments	-	-

**6. Provisions**

	2021	2020
	\$	\$
<b>Current</b>		
Provision for distribution to the Synod Appropriations Fund	2,477,000	2,693,000

**7. Capital**

	2021	2020
	\$	\$
Balance 31 December	78,945,046	78,945,046

Capital has been contributed by variations of the trusts declared in the *St Andrew’s House Trust Ordinance 2015*.

## 8. Reserves

	2021 \$	2020 \$
Share of SAHT's future rental costs reserve	1,310,000	1,310,000
Share of SAHT's future non-sinking fund capital works reserve	986,250	986,250
Share of SAHT's strategic projects reserve	1,375,000	1,375,000
	<u>3,671,250</u>	<u>3,671,250</u>
<b>Movements:</b>		
<b>Future rental costs reserve (a)</b>		
Balance at 1 January	1,310,000	1,310,000
Share of increase in SAHT's future rental costs reserve	-	-
Balance at 31 December	<u>1,310,000</u>	<u>1,310,000</u>
<b>Future non-sinking fund capital works reserve (b)</b>		
Balance at 1 January	986,250	1,728,750
Share of increase in SAHT's future non-sinking fund capital works reserve	-	742,500
Balance at 31 December	<u>986,250</u>	<u>986,250</u>
<b>Strategic projects reserve (c)</b>		
Balance at 1 January		
Balance at 1 January	1,375,000	1,375,000
Share of increase in St Andrew's House Corporation's strategic projects reserve	-	-
Balance at 31 December	<u>1,375,000</u>	<u>1,375,000</u>
<b>Total Reserves</b>	<u>3,671,250</u>	<u>3,671,250</u>

***Nature and purpose of reserves*****(a) Future rental costs reserve**

This represents the Fund's share of the reserve of St Andrew's House Trust to provide for future rental void, incentive and leasing costs for St Andrew's House.

**(b) Future non-sinking fund capital works reserve**

This represents the Fund's share of the reserve of St Andrew's House Trust to provide for future non-sinking fund capital works for St Andrew's House.

**(c) Strategic projects reserve**

This represents the Fund's share of the reserve of St Andrew's House Trust to provide for strategic projects to better position St Andrew's House.

## 9. Events occurring after the balance sheet date

The members are not aware of any other events occurring after reporting date that impact on the financial report as at 31 December 2021.

The financial statements were authorised for issue on 16 June 2022 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 422 to 430:

- (a) comply with the accounting policies set out in note 2,
- (b) give a fairly presented view of the Fund’s financial position as at 31 December 2021 and of its performance for the year ended on that date.

In the members’ opinion there are reasonable grounds to believe the Fund will be able to pay its debts as and when they become due and payable.

This declaration is made in accordance with a resolution of the members.

### Assurance Procedures

The Finance Committee engaged PricewaterhouseCoopers to undertake a range of “Agreed upon procedures” to provide assurance to the Finance Committee on the matters attested to in this declaration. The Agreed upon procedures covered the range of funds in the Synod group and included procedures covering the validity of the balances by reference to the general ledger, tests of income received, and tests of key expenses including Synod grants. The Finance Committee reviewed the results of the work undertaken by PricewaterhouseCoopers in forming its opinion on the Annual financial report.

NICOLA WARWICK-MAYO  
Member

JOHN PASCOE  
Member

16 June 2022

## Synod – St Andrew’s House Fund

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 fund –

Fund 134 Synod – St Andrew’s House Fund (Procedure 6 & 7 only applicable)

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. *[Appendix 1 and Appendix 2 not reproduced here.]* The procedures performed are detailed in the engagement letter dated 9 November 2021 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 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 2. 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

NIALL McCONNELL  
Principal

Sydney  
19 May 2022

## 62/19 Gender Representation on Diocesan Boards and Committees

(A report from the Standing Committee.)

### Recommendations

1. Synod receive this report.

### Background

#### 62/19 Gender representation on Diocesan boards and committees

2. In 2019, the Synod passed Resolution 62/19 in the following terms –

‘Synod, noting the report 27/17 Gender representation on Diocesan boards and committees (Revised 2019) –

- (a) requests the Standing Committee to ask the members of the 2019 Committee to oversee the implementation of the following initiatives –
  - (i) a survey of Synod members to determine logistical arrangements (such as times and locations) that should be considered by boards and committees,
  - (ii) analyse the responses to the survey, and convey relevant information to the boards and committees of the Diocese including –
    - (A) an outline of the value of increasing women’s participation, and presenting the case for reconsideration of the skills matrix, if appropriate, to include broader competencies and life experiences in addition to traditional professional competencies,
    - (B) a suggestion that they give fresh consideration to their meeting logistics (such as times and locations) to ensure that any possible obstacles to serving are removed,
    - (C) encouragement to foster a culture of mentoring by appointing existing members as mentors for new members (or those considering membership),
    - (D) encouragement to develop a one-page overview of the work of their board or committee, to be made available to potential new members,
    - (E) a request that when vacancies need to be filled, to include information on gender composition along with any recommendations regarding skills desired in a person to fill a vacancy,
  - (iii) seek publication of articles in print and online media to stimulate interest in serving on boards and committees, and
- (b) encourages its members who are experienced as board or committee members to consider a ministry of mentoring women newly appointed to, or considering a position on, boards and committees in the Diocese,
- (c) requests SDS to –
  - (i) produce a short guide to participating on boards and committees in the Diocese,
  - (ii) provide annual statistics of gender composition on boards and committees to the Standing Committee,
- (d) encourages the Standing Committee in its existing practice of considering gender composition when filling casual vacancies.’

3. At its meeting on 18 November 2019, the Standing Committee noted Synod resolution 62/19 (above), and asked in accordance with paragraph (a) of the resolution, asked the Gender Representation Committee (the **Committee**) to –

- (a) survey Synod members to determine logistical arrangements (such as times and locations) that should be considered by boards and committees in an effort allow women greater opportunity to participate, and
- (b) analyse responses to the survey, conveying relevant information to boards and committees of the Diocese, and
- (c) seek publication of articles in print and online media to stimulate interest in serving on boards and committees.

## **Discussion**

### Results of surveys

- 4. In addition to the Synod survey, the Committee, in response to the Synod resolution, also gathered information from the Chairs of all diocesan boards, councils and committees indicating their meeting patterns going forward.
- 5. A total of 73 responses (from a possible 83) were gathered from boards, councils and committees in response to our request for information.
- 6. In May 2022 the results of the survey of Synod members were analysed along with the information gathered from committee chairs regarding their meeting patterns going forward. From this analysis we learn that one of the significant reasons women indicated a reluctance to serve on a diocesan board, council or committee was due to the time & location of the meetings. It is significant to note that of the 73 boards, councils and committees who completed our survey, 32 (44%) indicated they met in the early evening (5-7pm).
- 7. An overview of the results, alongside the matters under 2 (ii) (a) of the 2019 Synod motion, have now been sent to the chairs of diocesan boards and committees as requested by the Synod. This overview includes suggestions of how the chairs might consider issues like those above which need to be addressed to increase participation of women on their committee. A copy of the letter is attached as **Appendix 1** for information.

ARCHDEACON KARA HARTLEY  
**Chair, Gender Representation Committee**

15 July 2022



# Anglican Church Diocese of Sydney

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TELEPHONE: +61 2 9265 1555

ALL CORRESPONDENCE TO:  
PO BOX Q190  
QVB POST OFFICE NSW 1230  
[www.sds.asn.au](http://www.sds.asn.au)

**Via email attachment**

15 July 2022

[Name, Position  
Organisation]

Email: [email address]

Dear [first name]

## **Findings from Gender Representation surveys**

Thank you for your contribution to the recent survey conducted by the Gender Representation Committee about the anticipated logistical arrangements for boards, councils and committees in 2022.

You may also be aware a survey of the whole Synod was undertaken in 2021 to ask what kind of logistical arrangements would allow women greater opportunity to participate in diocesan governance.

The Synod requested the findings from both these surveys be sent to you for your consideration in enabling greater participation of women on your board, council or committee. As such, please find attached a short overview of those findings with some brief recommendations.

The Synod also requested that I convey to you –

- (a) the value of increasing women's participation, and the potential need to reconsider your skills matrix, if appropriate, to include broader competencies and life experiences in addition to traditional professional competencies,
- (b) a suggestion that you give fresh consideration to your meeting logistics (such as times and locations) to ensure that any possible obstacles to serving are removed,
- (c) encouragement to foster a culture of mentoring by appointing existing members as mentors for new members (or those considering membership),
- (d) encouragement to develop a one-page overview of the work of your board, council or committee, to be made available to potential new members,
- (e) a request that when vacancies need to be filled, to include information on gender composition along with any recommendations regarding skills desired in a person to fill a vacancy.

I would be grateful if you could please bring this to the attention of «Committeethe». Should you wish to access the full report, please contact me at [khartley@sydney.anglican.asn.au](mailto:khartley@sydney.anglican.asn.au).

Yours sincerely

*Kara Hartley*

ARCHDEACON KARA HARTLEY  
**Chair, Gender Representation Committee**

[cc. Name, Position]

## 1. Overview of Synod Survey

The data from this survey has been analysed and considered alongside data produced by the 2021 survey of Synod representatives, which enquired more broadly into the reasons people may or may not choose to serve on Diocesan boards, councils, and committees.

As a diocese we want to continue to encourage a greater number of Sydney Anglicans to become involved in board/council/committee work. Benefits of a concerted effort in this direction may include:

- the inclusion/participation of some church members that might otherwise feel on the 'outside' in the Diocese,
- a wider range of qualified and committed Christian voices on Diocesan boards, councils, and committees,
- increasingly targeted and productive application of God's gifts for the building up of His Kingdom.

Just under half of Synod members submitted a completed survey (324 responses out of around 819). The distribution between male/female (77%/23%) and clergy/lay (36%/64%) of respondents is roughly equivalent to the overall proportions in Synod.

The survey of Synod members made enquiries about possible obstacles that may exist for a Synod member to be involved in Diocesan governance. The findings are outlined below.

## 2. Overall Findings

While meeting location and time appear to be factors in the ability to be / interest in being involved in boards, councils and committees, and particularly so for women, regional (out of Sydney), and older members of Synod, they weren't the only factors. The survey highlighted the following factors of at least equal significance:

- ***Prior and other commitments/priorities***
- ***Awareness of opportunities, and understanding the roles of boards, councils, and committees***

Awareness and education about board/council/committee participation, the expectations, and opportunities, are areas in which further work could be undertaken, especially if attracting women to Diocesan board, council, and committee work is a goal. Compared to male Synod members, female Synod members are less likely to have served on a Diocesan board, council, or committee, (69% of females compared to 51% of males have not served) and, at the moment, are slightly less interested in doing so (36% of females and 42% of males, of those that are not serving, are interested in doing so).

When given the opportunity to elaborate on possible reasons for lack of involvement by lay people many helpful and constructive ideas were raised by female Synod members. These include:

- ***Busyness/Other priorities and responsibilities.***  
Many respondents pointed out that women were often busy with family and other ministry responsibilities. Even if they wanted to serve on a board/committee the time required, and the frequency of meeting (travel, prep, actual meeting) would be a factor in their willingness to be involved.
- ***Meeting Arrangements.***  
The ability to attend meetings was also mentioned in relation to older women (meeting start time) and those from outside the Sydney metropolitan area (meeting location). Attending 'in person' was more problematic than virtual.
- ***Attitude to women, recruitment, awareness, perceptions about boards/committees/councils, and governance.***  
Some female respondents felt they would not be wanted or valued in what they see as a male dominated/oriented environment. Linked to this, comments indicated that these sort of bodies

could be perceived as a 'boys' club'; there was a lack of awareness amongst women about how to get involved and the expectations of members; and some indication that the basis of recruitment was 'who you knew', rather than the experiences and skills one might bring to a board, council, or committee.

When asked the same questions, themes from male respondents were similar to those found amongst female respondents:

- Other commitments/priorities, and inability/barriers to attending meetings,
- A feeling that particular experience or knowledge is needed, and
- Lack of awareness about how such bodies work and how one might serve on one.
- Additionally a number of male respondents indicated they believed that some women feel undervalued in and/or intimidated by the Sydney Diocese's formal structures.

The male respondents also noted:

- There is a place for considering how to increase the involvement of other groups that are currently underrepresented on boards, councils, and committees such as younger people, those who do not work in professions, and those living outside Sydney.
- The perception that it's 'who you know', rather than what one can offer, that determines one's involvement, which leads back to the awareness/perception issue identified by female respondents.
- The perception that given the high demands on people's time there is more value in continuing to serve in local church ministries which appear to more directly helpful to Gospel work.

### **3. Survey of Diocesan boards, councils, and committees about their current and future meeting arrangements**

The survey of Diocesan boards, councils, and committees about their meeting arrangements found that:

- Monthly is the prevalent frequency for meetings.
- Mid-week is the most popular meeting time (Tuesday/Wednesday).
- Early evening is the most common meeting start time, with significant numbers of others (approximately 30%) split evenly between afternoon and later evening starts.
- The majority have been using a mix of meeting modes (in person, videoconferencing, hybrid, and changing according to circumstances)

An understandable degree of uncertainty about the mode of meeting to be used in the future was detected. However, responses indicate that whilst technology is valued, and is used/continues to be used, in-person meeting is still favoured when/where possible.

### **4. Summary**

Overall the Synod survey, and survey of boards, councils and committees highlight some important issues concerning female participation in diocesan governance.

Some issues, such as greater education on the purpose, value, and role of these committees will require the Synod and Standing Committee to address.

Yet there are others which your board or committee could consider. For example, the continued use of **videoconferencing** to allow women with young families, older people, and others who may have difficulty attending evening meetings, and those that live outside of Sydney, to serve. On average, women synod representatives scored meeting location and meeting time slightly higher in importance to participation than the wider Synod average score.

In addition, given the perception that women's participation is under-valued it could be helpful for your board or committee to review its own practice to assess if any cultural barriers exist making it difficult for women to participate or join in your work.

## Ordinances passed by the Standing Committee since its last report

(A report from the Standing Committee.)

Anglican Church Growth Corporation and Mission Property Amendment Ordinance No 52, 2021  
St Andrew's House Trust Ordinance 2015 (Social Covenants) Amendment Ordinance No 53, 2021  
Cost Recoveries Framework Ordinance 2008 Amendment Ordinance No 54, 2021  
Picton (ACPT Client Fund 0411) Variation of Trusts Ordinance No 55, 2021  
Willoughby Land Sale Ordinance 2020 Amendment Ordinance No 56, 2021  
Liverpool Trust Ordinance 2016 Amendment Ordinance No 57, 2021  
Seven Hills Trust Ordinance No 58, 2021  
Northmead and Winston Hills Trust Ordinance No 59, 2021  
Northmead and Winston Hills Mortgaging Ordinance No 60, 2021  
Anglican Church Growth Corporation and Mission Property Amendment Ordinance 2021  
Amendment Ordinance No 1, 2022  
Moorebank Trust Ordinance 2020 Amendment Ordinance No 2, 2022  
Bellevue Hill Trust Ordinance No 3, 2022  
Canterbury with Hurlstone Park Trust Ordinance No 4, 2022  
Cranebrook with Castlereagh Trust Ordinance No 5, 2022  
The Illawarra Grammar School Ordinance 1958 Amendment Ordinance No 6, 2022  
Governance Omnibus Amendment Ordinance No 7, 2022  
Annandale Mortgaging Ordinance No 8, 2022  
Church Hill Leasing Ordinance 2011 Amendment Ordinance No 9, 2022  
Ashfield, Five Dock and Haberfield Variation of Trusts and Mortgaging Ordinance 2016 Amendment  
Ordinance No 10, 2022  
Randwick Trust Ordinance 2004 Amendment Ordinance No 11, 2022  
Asquith/Mt Colah/Mt Kuring-gai Trust Ordinance No 12, 2022  
Asquith/Mt Colah/Mt Kuring-gai Mortgaging Ordinance No 13, 2022  
Synod Estimates Ordinance 1998 Amendment Ordinance No 14, 2022  
Norwest Mortgaging Ordinance No 15, 2022  
Wollongong Regional Council Variation of Trusts Ordinance No 16, 2022  
Anglican Education Commission Repeal Ordinance No 17, 2022  
Westmead Subdivision and Leasing Ordinance No 18, 2022  
Manly Corso Property and Mortgaging Ordinance 2017 Amendment Ordinance No 19, 2022  
Cronulla Variation of Trusts and Land Sale Ordinance No 20, 2022  
Mission Property Fund Ordinance 2002 Amendment Ordinance No 21, 2022  
Synod Estimates Ordinance 1998 Further Amendment Ordinance No 22, 2022  
South Western Regional Council Land Sale Ordinance No 23, 2022

For and on behalf of the Standing Committee.

DANIEL GYNN  
**Diocesan Secretary**

26 July 2022

## Pastoral Consultation (Professional Supervision) Recommendation

### Key Points

- There are significant merits of pastoral consultation for all parish ministry workers, and not just for those working with children or youth.
- Standing Committee has agreed to the implementation of a pilot program of pastoral consultation commencing as soon as practicable in 2022 and which includes at least the assistant bishops.
- Standing Committee has also agreed, following a review of the pilot program, to the phased introduction of a program of pastoral consultation for all full-time parish ministry workers in the Diocese over several years (the timing determined to some extent by the number of available consultants).
- This report uses the term 'pastoral consultation' for the type of professional supervision discussed.

### Purpose

1. To report to the Synod regarding a program for mandatory professional supervision in the Diocese.

### Recommendations

2. Synod receive this report.

### Background

3. The Final Report of the Royal Commission into Institutional Responses to Child Sexual Abuse (**Report of the Royal Commission**) was released on 15 December 2017.<sup>1</sup>

4. Recommendation 16.45 of the report states –

“Consistent with Child Safe Standard 5, each religious institution should ensure that all people in religious or pastoral ministry, including religious leaders, have professional supervision with a trained professional or pastoral supervisor who has a degree of independence from the institution within which the person is in ministry.”<sup>2</sup>

5. In addition, Recommendation 16.5 of the report states –

“The Anglican Church of Australia should develop and each diocese should implement mandatory national standards to ensure that all people in religious or pastoral ministry (bishops, clergy, religious and lay personnel):

- a. undertake mandatory, regular professional development, compulsory components being professional responsibility and boundaries, ethics in ministry and child safety
- b. undertake mandatory professional/pastoral supervision
- c. undergo regular performance appraisals.”<sup>3</sup>

<sup>1</sup> Royal Commission into Institutional Responses to Child Sexual Abuse. 2017. Final Report. Accessed 12 May 2021 at <https://www.childabuseroyalcommission.gov.au/final-report>.

<sup>2</sup> Royal Commission, *Final Report*, at 58.

<sup>3</sup> Royal Commission, *Final Report*, at 50.

6. In 2018, the Professional Supervision Working Group (the **Working Group**) was established to support the Standing Committee's Royal Commission Steering Committee (**Steering Committee**) in its consideration of various recommendations of the Report of the Royal Commission, including mandatory professional supervision for clergy and church workers.
7. Based on the report from the Steering Committee, the Working Group recommended the formation of a subcommittee to bring forward recommendations for implementation of the recommendations in the Report of the Royal Commission in respect of professional supervision (the **Committee**).
8. Accordingly, at its meeting in February 2021, the Standing Committee appointed a subcommittee comprising Bishop Peter Lin (Chair), Archdeacon Kara Hartley, the Rev Gary O'Brien, the Rev Archie Poulos, and the Rev Roger Cunningham to develop a proposal for mandatory professional supervision which articulates –
  - (a) the merits of ensuring that professional supervision is a condition on new licences for first-time rectors and assistant ministers who are primarily ministering to children or youth;
  - (b) a proposal for how the professional supervision will be funded; and
  - (c) a program or strategy to increase the availability of professional supervisors.
9. The Committee met eleven times throughout 2021 and early 2022. Ms Susan Duc, Diocesan Legal Counsel, served as secretary to the Committee.

## Introduction

10. This report sets out the program of pastoral consultation adopted by Standing Committee.
11. On 9 May 2022, the General Synod passed the following motion –

“The General Synod notes:

  - (a) Royal Commission recommendations 16.4, 16.44 and 16.45 for national mandatory standards for professional development, professional/pastoral supervision and performance appraisals, and
  - (b) the endorsement of the Ministry Wellbeing and Development: Policy, Guidelines and Resources document by the Standing Committee,

and encourages dioceses to fully implement the policy and guidelines to enhance the wellbeing and professional development of clergy and some paid workers.”
12. In developing the program, regard has been given to the General Synod's *Ministry Wellbeing and Development: Policy, Guidelines and Resources* document.<sup>4</sup>
13. The Committee had also interacted with several practitioners and benchmarked the proposed program against other supervision models in similar contexts, including the NSW Presbyterians, the Anglican Church Diocese of Melbourne and Reach Australia.
14. Pastoral consultation is meritorious in its own right, and the benefits flowing from positive engagement by ministry workers in pastoral consultation should mitigate any concerns regarding their required involvement.

### *Pastoral consultation vs professional supervision*

15. Although terms such as 'professional supervision' and 'pastoral supervision' are used (including in the Report of the Royal Commission), the better term for the activity discussed in this report is 'pastoral consultation'.

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<sup>4</sup> Anglican Church of Australia, Safe Ministry Commission. 'Ministry Wellbeing and Development: Professional Development, Professional Supervision, Ministry Reviews – Policy, Guidelines, Resources', Anglican Church of Australia Trust Corporation (2021). <https://anglican.org.au/wp-content/uploads/2022/03/SC2021-4-12.3-2-National-Policy-and-Guidelines-for-Ongoing-Professional-Development-Professional-Supervision-and-Ministry-Reviews.pdf>

16. The term 'pastoral' was chosen over 'professional' to better reflect and distinguish the theological character of the practice, and 'consultation' over 'supervision' to distinguish the work of the consultant from the supervision commonly provided by a line manager (usually the rector).
17. However, for the purposes of implementing the recommendations of the Report of the Royal Commission, the term 'pastoral consultation' as used in this report is equivalent to 'professional supervision'.
18. This report sets out the following –
  - (a) What is pastoral consultation?
  - (b) What are the merits of pastoral consultation?
  - (c) Who should receive pastoral consultation?
  - (d) Common concerns regarding pastoral consultation
  - (e) How should pastoral consultation be administered?
  - (f) The phased implementation process
  - (g) Two models of pastoral consultation
  - (h) Who can deliver pastoral consultation?
  - (i) Measuring effectiveness/outcomes
  - (j) Costs of the program
  - (k) Ministry reviews

## **Program of pastoral consultation**

### **What is 'pastoral consultation'?**

19. In this report, the term 'pastoral consultation' describes the following –

“...an agreed, regular, planned, confidential and intentional space in which a practitioner skilled in supervision (the supervisor) meets with one or more ministers (the supervisee/s) to consider together the practice of ministry with a view to enhancing the supervisees' personal wellbeing and effectiveness in ministry and in their ministry relationships.”<sup>5</sup>

20. Likewise, the Association for Pastoral Supervision and Education (UK) defines 'pastoral supervision' as –

“a regular, planned, intentional and bounded space in which a practitioner skilled in supervision (the supervisor) meets with one of more other practitioners (the supervisees) to look together at the supervisees practice; a relationship characterised by trust, confidentiality, support and openness that gives the supervisee freedom and safety to explore the issues arising in their work...”<sup>6</sup>

21. As Mike Dicker, Principal of Youthworks College writes –

“[s]o much of ministry practice is shaped by pragmatics and history, rather than our theological beliefs. Supervision provides an opportunity to reflect on our practice in light of our theology. It's time-out from the day-to-day stuff of what we do to think about why we do it”.<sup>7</sup>

22. In essence, pastoral consultation seeks to provide a regular and guided opportunity for a ministry worker to reflect on their practice through formative, restorative and normative activities.

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<sup>5</sup> Paragraph 2.1 of Policy on Professional Supervision of clergy and authorised lay ministers (Approved by Archbishop in Council: September 2021), Anglican Diocese of Melbourne at 1.

<sup>6</sup> From Leach, J., & Paterson M., (2015) *Pastoral Supervision: A Handbook (2nd ed.)*. SCM Press: London at 10.

<sup>7</sup> Dicker, M. “The How and Why of Pastoral Supervision” Youthworks College blog dated 19 March 2019. Accessed 29 October 2021 at <https://www.youthworkscollege.edu.au/youthworks-college-blog/pastoral-supervision>.

23. The three activities which comprise the reflective practice undertaken in pastoral consultation can be described as follows –
  - (a) the ‘formative’ activity is directive and educative, including both content and process such as guidance on handling difficult situations, skill development and developing self-awareness, offering different views, and encouraging growth and change;
  - (b) the ‘restorative’ activity incorporates self-reflection and a supportive space in which to reflect through active listening, feedback, and encouragement, where the person is given the opportunity to share difficult feelings and focus on the impact on self; and
  - (c) the ‘normative’ activity identifies and strengthens ethical and moral boundaries to ensure ministry practice standards are maintained, for example *Faithfulness in Service*.<sup>8</sup>
24. In the case of a full-time ministry worker, ‘regular’ pastoral consultation usually involves one-hour long meetings which occur 6-10 times a year.
25. A consultation may involve one consultant to one consultee or one consultant to a group of consultees. The consultee may decide to engage exclusively in one-to-one consultation or group consultation, or decide on a mixture of both types of consultation, although some one-to-one consultation is recommended to provide opportunity to address more sensitive issues.
26. To establish the appropriate framework for pastoral consultation, a written contract for pastoral consultation is essential. The contract sets out expectations regarding the relationship which are agreed between the consultant and consultee, including its duration, the times and occasions of meetings, cost, confidentiality and its limits, short- and long-term goals of consultation, as well as reviews and changes to the contract.<sup>9</sup>

*Difference between pastoral consultation, mentoring and coaching*

27. The terms ‘coaching’, ‘mentoring’ and ‘supervision’ are often used in development and accountability processes. There is no uniform understanding of these terms, and they exhibit much overlap. Definitions of these terms as used in this report are given in paragraphs 28 to 30 below.
28. ‘Coaching’ is the support of a person or group by a coach who may or may not be a competent practitioner in the field of the coachee. The coach has the capacity to view the context of the coachee objectively, in order to enable observation of blind spots, identification of areas of possible enhancement and to assist in the navigation of the complexities of the coachee’s circumstances in a non-directive manner.
29. ‘Mentoring’ is conducted by a mentor who has extensive experience in the field of the mentee. Like the coach, the mentor facilitates wide observation of the situation but can also offer specific advice based on their own experience. Mentoring may be conducted individually or with a group of mentees.
30. ‘Supervision’ is a practice that enables the supervisee to raise their issues of concern and to assist them to find their own solution to the issue. Consistent with the coach and mentor, the supervisor assists in developing the abilities of the supervisee. However, the supervisor has a specific focus on ensuring the supervisee functions appropriately in their context through adhering to regulations and expectations, and by supporting the supervisee through difficult times.
31. Pastoral consultation recognises that the consultee operates in a setting where they may already have coaching or mentoring relationships. As pastoral consultation employs the skills of coaching, mentoring and supervision, it may be less intense as it understands and utilises the other supports available to the consultee.
32. The ‘Pastoral Consultation Essentials Training Course Overview’ set out in **Attachment 1** provides a more detailed explanation of the differences between supervision, coaching and mentoring and the

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<sup>8</sup> Sarah Balogh. ‘Towards a model of Supervision for the Sydney Anglican Diocese’, unpublished working document at 1 and paragraph 4.16 of ‘Ministry Wellbeing and Development’, at 26.

<sup>9</sup> Paragraph 4.24 of ‘Ministry Wellbeing and Development’ (2021) at 28.

preference for supervision as the preferred pathway for the provision of support to ministry workers in the Diocese.<sup>10</sup>

### What are the merits of pastoral consultation?

33. Pastoral consultation has merits for the consultee, persons ministered to by the consultee, other ministry workers who interact with the consultee and the Diocese. The merits of pastoral consultation are also identified in the Report of the Royal Commission.
34. First and foremost, pastoral consultation provides opportunity for personal and ministry development of the consultee as a church worker.
35. Significantly, it can also contribute effectively as a part of a suite of preventative measures against harmful behaviour (including abuse) by growing the worker's reflective practice, self-awareness, modified thinking and behaviour, and resilience.
36. These qualities and skills will, on the one hand, moderate against poor resilience declining into inappropriate habits and behaviours, and on the other, develop and grow the alignment of the inner self with external expectations for the individual (God's and organisations).
37. Although pastoral consultation is intended to respond to a recommendation of the Report of the Royal Commission (to create safer churches and protect vulnerable persons), the primary focus of pastoral consultation is the potential growth in the wellbeing and capacity of ministry workers.
38. As Don Owers states –

“...[i]f the focus on clergy wellbeing is unclear or seen as secondary, any derivative benefit may be lost or diminished.”<sup>11</sup>

and

“...[i]f supervision is introduced primarily as a means to leverage child protection, there is a high probability that it will be seen as yet another compliance requirement – with consequent resistance to engagement.”<sup>12</sup>

39. Accordingly, pastoral consultation should be viewed primarily as a significant opportunity for refreshment, renewal and theological and personal integration. In being firstly a restorative practice, it can be effective as a normative and formative task.

### *Merits for the consultee*

40. Francis, Kaldor, Shelvin and Lewis surveyed 4370 Australian clergy through the National Church Life Survey and found emotional exhaustion was most prevalent in younger clergy, with Anglican clergy being in the second quartile for clergy stress.<sup>13</sup>
41. Bucknell found that enhanced self-reflection and self-insight, which are developed through pastoral consultation, are strongly correlated to resilience (the ability to quickly recover mental health after significant stress) and improved wellbeing.<sup>14</sup>
42. Bucknell also found that pastoral consultation improved positive wellbeing where it was previously lacking.

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<sup>10</sup> Sarah Balogh. 'Pastoral Consultation Essentials Training Course Overview', unpublished working document at 16-19 (Appendix 2).

<sup>11</sup> D. Owers. 'If supervision is the solution, what is the problem? Some clergy-centred concerns about the proposed introduction of supervision', *St Mark's Review*, No. 254, December 2020 (4): 36-49 at 43.

<sup>12</sup> Note 11, Owers, "If supervision is the solution" at 44.

<sup>13</sup> L.J. Francis, Kaldor, P.; Shelvin, M.; and Lewis, A. (2004) "Assessing-emotional exhaustion among the Australian clergy: Internal reliability and construct validity of the scale of emotional exhaustion in ministry (SEEM)". *Review of Religious Research*, 45(3) No. 3, 269-274.

<sup>14</sup> K. Bucknell. (2019) "The Moderating Roles of Self—Reflection and Self—Insight in the Relationship Between Religious Coping Methods and the Resilience of Australian Protestant Ministers".

43. Bickerton has explored the relationship between work engagement and the spirituality of Australian clergy. His work demonstrates a strongly negative correlation between work engagement and emotional ill health and concludes that enhanced work engagement will likely improve a clergyperson's emotional health.<sup>15</sup>
44. Further, empirical evidence shows that pastoral consultation improves the emotional well-being of the consultee. It does this through enhanced accountability, the benefit of not feeling isolated through an increased feeling of support and the desire for and development of professional skills leading to improved efficacy.<sup>16</sup>
45. It is reasonable to assume that these measures will also lead to an increased trust in the integrity of clergy, which will further enhance their sense of wellbeing.

*Merits for persons ministered to by the consultee*

46. Koivu, Saarinen and Hyrkas observe a strong correlation between job and personal resources and high levels of motivation and commitment to the organisation.<sup>17</sup>
47. It follows that the benefits of the enhanced qualities and skills of ministry workers noted in paragraphs 40 to 45 above will flow to persons ministered to and their churches.
48. In addition, pastoral consultation involves exploring normative values and behaviours. Strengthening these values usually leads to the protection of children and vulnerable adults, as well as protecting consultees from behaviours that may imperil them.

*Merits for other ministry workers*

49. Pastoral consultation involves conversations between a consultee and a consultant. Socialising such conversations usually leads to more constructive conversations between ministry workers.
50. Armenakis et al. observe that changes in belief and practice are facilitated by people feeling there will be support from their peers and leaders. The provision of pastoral consultation, and the improvements in efficacy that may flow from this, benefits not only the consultee but other ministry workers in their team as well.<sup>18</sup>

*Merits for the Diocese*

51. The Report of the Royal Commission has called on the Anglican Church of Australia to implement supervision. Failure to do so has the danger of severely compromising the reputation of the Diocese.
52. Koivu, Saarinen and Hyrkas showed the way that good supervision enhances commitment to the organisation.<sup>19</sup>
53. In addition, Poulos' study showed that younger clergy saw support and de-siloing of ministry as the most valuable change that could be implemented in ministry contexts.<sup>20</sup>
54. Further, Palmer, Feldman and McKibbin identified 'total institutions' as cultures that are prone to enabling child sexual abuse. By this they meant organisations that do not admit external critique. They argue that these dangers to organisational life can be mitigated through employment of non-

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<sup>15</sup> G.R. Bickerton. (2013) "Spiritual Resources as Antecedents of Work Engagement among Australian Religious Workers." Unpublished doctoral dissertation, Western Sydney University.

<sup>16</sup> G.W. Lambie and Sias, S.M. (2009). "An Integrative Psychological Developmental Model of Supervision for Professional School Counselors-in-Training." *Journal of Counseling and Development*, 87(3): 349-356 and Bernard, J. M., & Goodyear, R. K. (2014) *Fundamentals of clinical supervision (5th ed.)*. Merrill: Upper Saddle River.

<sup>17</sup> A. Koivu, Saarinen, P.I. and Hyrkas, K. (2012). "Who benefits from clinical supervision and how? The association between clinical supervision and the work-related well-being of female hospital nurses." *Journal of Clinical Nursing*, 21(17-18), 2567-2578.

<sup>18</sup> A. Armenakis, Bernerth, J. B., Pitts, J. P. and Walker, H. J. (2007). "Organizational Change Recipients' Beliefs Scale: Development of an Assessment Instrument". *Journal of Applied Behavioral Science*, 43(4), 481-505.

<sup>19</sup> A. Koivu et al (2012). "Who benefits" at 2567-2578.

<sup>20</sup> A.P. Poulos. "The Development of a Competency Measurement Instrument for Sydney Anglican Clergy." Doctoral dissertation, forthcoming.

hierarchical input.<sup>21</sup> Pastoral consultation is one helpful method of providing such input to ministry workers.

55. The broad definition of pastoral consultation also facilitates the pursuit of the benefits of pastoral consultation in concert with other forms of personal development (such as mentoring and coaching) with the least addition of cost and time.

#### *Merit in responding to the Royal Commission*

56. The Report of the Royal Commission was completed after extensive and detailed inquiry into cases of child sexual abuse within institutions.

57. The report includes specific recommendations for both religious institutions in general, and the Anglican Church of Australia in particular, drawing on their case studies, consultations, private sessions, and examples of policies and procedures received during the inquiry.<sup>22</sup>

58. Central to the Royal Commission's findings is the identification of a recurrent failure in leadership, governance and culture within religious institutions, and the importance of developing these to reduce the frequency of child sexual abuse.<sup>23</sup>

59. The report identifies that –

“leaders play a critical role in shaping and maintaining institutional cultures, through the way in which they model behaviour and communicate assumptions, values and beliefs. Religious leaders, by virtue of their position and religious status, hold considerable power and influence.”<sup>24</sup>

60. The report contains recommendations to be enacted simultaneously to support leaders in their role and development, with pastoral consultation identified as a specific and necessary element among them.<sup>25</sup>

61. The report commends pastoral supervision as a reflective practice used in other caring professions such as psychology and counselling as a constructive means of supporting practitioners to better their practice.

62. Further, the report commends not only the culture of healthy boundaries and accountability pastoral consultation develops, but of the culture and benefit of support over and above compliance.<sup>26</sup>

63. The merits of pastoral consultation outlined in this report are equally applicable to the circumstances of other relationships in which ministry workers are involved apart from safe ministry to children, given the inherent power imbalances and nature of interpersonal and dual relationships in ministry, and the need for ministry workers to be conscious of their internal workings.<sup>27</sup>

#### Who should receive pastoral consultation?

64. It is not currently possible to differentiate between licensed clergy and authorised lay ministers who minister to children and youth and those who do not.

65. The merits of pastoral consultation (outlined above) support the case for the involvement of all licensed clergy and authorised lay ministers. As ministry workers serve in a variety of categories (full-time, part-time, trainees), it would be sensible and orderly to begin the program of pastoral

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<sup>21</sup> D. Palmer, Feldman, V. and McKibbin, G. (2016) “Final report: the role of organisational culture in child sexual abuse in institutional contexts.” Royal Commission into Institutional Responses to Child Sexual Abuse research papers.

<sup>22</sup> Royal Commission into Institutional Responses to Child Sexual Abuse. 2017. *Final Report*, at 314, accessed 12 May 2021 at [https://www.childabuseroyalcommission.gov.au/sites/default/files/final\\_report\\_-\\_volume\\_16\\_religious\\_institutions\\_book\\_3\\_0.pdf](https://www.childabuseroyalcommission.gov.au/sites/default/files/final_report_-_volume_16_religious_institutions_book_3_0.pdf)

<sup>23</sup> Royal Commission *Final Report*, at 314-338.

<sup>24</sup> Royal Commission *Final Report*, at 265.

<sup>25</sup> Royal Commission *Final Report*, at 281-400.

<sup>26</sup> Royal Commission *Final Report*, at 364-365.

<sup>27</sup> Royal Commission *Final Report*, at 365.

consultation with full-time licensed clergy and authorised lay ministers, with ministry workers in categories other than full-time to be considered in due course.

66. Accordingly, when the Standing Committee adopted the program for Pastoral Consultation, it also recommended that the Archbishop mandate formally contracted pastoral consultation as a condition of licensing all new rectors from mid-2023, and licensing and authorising assistant ministers from early 2024, as well as licensing and authorising all full-time parish ministry workers thereafter in a staged process based on years of service (in accordance with the plan outlined in paragraphs 93 to 99 below).

### Common concerns regarding pastoral consultation

67. There has been feedback expressing concern in pursuing mandatory pastoral consultation, including –
- (a) the need for the program to have a level of independence from authority structures within the Diocese, including in the handling of personal information obtained from ministry workers;
  - (b) the impact on Anglican polity;
  - (c) the lack of agency afforded to ministry workers;
  - (d) the perceived prohibitive cost of the program; and
  - (e) the short supply of consultants.
68. These concerns are addressed below.

#### *Independence and privacy*

69. Pastoral consultation requires openness and honesty to cultivate trust and be effective. Therefore, it is important that any program be established and conducted with appropriate independence from Diocesan ordination and authorising bodies.
70. This can be achieved through upholding the confidentiality of consultations and any records of consultation between the contracted parties.
71. No content from a consultation will be made available to the Diocese, unless disclosure is with the consultee's agreement or required by mandatory reporting.
72. The Diocese will only maintain records to ensure an appropriately contracted pastoral consultation is in place; noting the necessary details of the consultee and consultant, and confirming the consultant is on the register of consultants approved to undertake such relationships in the Diocese.

#### *Pastoral consultation and Anglican polity*

73. The pastoral consultation relationship is novel to the Anglican polity relationships established by the threefold roles of bishop, presbyter and deacon.
74. The program of pastoral consultation does not interfere with the existing relationship between rector and ministry worker. The rector will continue to have prime responsibility for the development and well-being of ministry workers in their team. In addition, it is the rector who has the prime responsibility for ensuring that ministry workers in his team undergo regular performance appraisals, as recommended by the Report of the Royal Commission.
75. According to Leach and Paterson, line management relationships sometimes inhibit honest conversations in the clerical context and so it is beneficial for ministry workers to have a separate formal relationship to express their issues.<sup>28</sup>
76. The methodology of pastoral consultation aims to enhance accountability of the ministry worker to external expectations (biblical and organisational) and offers suggestions about personal norms and development which the worker will be encouraged to discuss with their rector or bishop.

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<sup>28</sup> J. Leach and Paterson, M. (2009) *Pastoral Supervision – A Handbook*. SCM Press: London.

*Mandatory pastoral consultation*

77. The merits of pastoral consultation, which make the case for the introduction of the practice in the Diocese, have been enumerated above.
78. Further, the Diocese must take responsibility for requiring pastoral consultation. To delegate the choice to undertake pastoral consultation to individual ministers would be incongruent with both the problems identified and recommendations in the Report of the Royal Commission regarding leadership, governance and culture.
79. Although a recommendation of the Royal Commission is not lawfully binding, it carries significant moral weight and shapes community expectations regarding the required response of the Diocese.
80. The proposal in this report does not prescribe specific requirements for pastoral consultation but establishes minimum Diocesan standards. Individuals have the flexibility to make their own consultation arrangements based on their needs or preferences, provided the minimum Diocesan standards are met.

*Costs of pastoral consultation*

81. The start-up costs, consultation costs and administration costs associated with the program of pastoral consultation are considered in paragraphs 122 to 136 below.
82. In sum, the overall costs represent, at most, a two percent increase in the cost of a full-time parish ministry worker.
83. When the overall cost of pastoral consultation is balanced against its merits, a program of pastoral consultation appears to be both necessary and warranted.

*Supply of consultants*

84. In addition to the existing supply of pastoral supervisors, highly experienced ministers could provide pastoral consultation, including retired and part-time rectors.
85. The Centre for Ministry Development (**CMD**) has also indicated that the 40 coaches at CMD were interested in providing pastoral consultation alongside their current services.

**How will the program of pastoral consultation be administered?**

86. The program has ongoing administrative needs that are intended to be finalised by the time of the review of the pilot program. However, it is anticipated that the program may be serviced as follows:
  - (a) MTD to assume overall responsibility for the program, its management, development and improvement.;
  - (b) MTD to screen and approve candidates to be pastoral consultants;
  - (c) Moore Theological College has been approached to deliver appropriate training; and
  - (d) the Diocesan Registry to maintain the register of pastoral consultants and records of pastoral consultation relationships for compliance with the Diocesan Policy in a similar way to how safe ministry requirements are managed centrally.
87. Appropriate funding is required to facilitate the work of overseeing the program. This may involve the employment of a program coordinator for 1-2 days per week in order to implement the Diocesan Policy and to make recommendations to the oversight body.

**The phased implementation process**

*Development phase*

88. The Standing Committee has tasked the Committee (that proposed the Consultation program) to develop a Diocesan Policy on pastoral consultation (which will deal with matters such as training

- requirements, the approval process, the requirements for pastoral consultation relationships and record-keeping), and implement a 12 month pilot-program of pastoral consultation.
89. The proposed Pastoral Consultation Essentials Training Course (see **Attachment 1**), developed by Sarah Balogh, sets out the core competencies and essential training for pastoral consultants.
  90. Other persons with expertise and experience in this field have also agreed to serve in an advisory role, including the preparation of the terms of the Diocesan Policy.
  91. Once the program design has been completed and approved by the Committee, the pilot program will run for a period of 12 months (expected to commence in late 2022), and will involve –
    - (a) pastoral consultants selected by the Committee who will undertake the 'Pastoral Consultation Essentials Training Course' before working with their assigned consultees; and
    - (b) pastoral consultees consisting of an appropriate and achievable number of ministry workers.
  92. During the pilot, feedback will be sought from the consultants and consultees and measured against a matrix of desired outcomes. The feedback will be provided to MTD as the relevant oversight body for its consideration and response before moving to the implementation phase.

#### *Implementation phase*

93. Given the current pool of potential consultants is insufficient to cover all parish ministry workers in the Diocese, any implementation of a program of pastoral consultation will need be a staged process.
94. Following the pilot program, the intention is for the implementation phase to commence with all new rectors and full-time assistant ministers. The granting of licences and authorities to these workers would be conditional on their participation in formal pastoral consultation.
95. From this phase forward, and as part of the licensing or authorisation process, the ministry worker will confirm they have a signed contract for pastoral consultation with the Diocesan Registry. The worker will be required to provide confirmation of a contracted pastoral consultation arrangement every three years thereafter.
96. In the following phase, more full-time assistant ministers will be required to participate in pastoral consultation. The requirement will be rolled out in stages according to years in ministry (e.g., less than 5, 5-10, etc) and increments based on consultant availability.
97. The final phase will involve the inclusion of all current rectors, in a staged process according to years in ministry (from least to most).
98. The proposed timetable for implementation and scope of coverage will be shaped by the number of trained pastoral consultants available to meet demand.
99. Consideration should be given to the integration of pastoral consultation into the existing structures of CMD and MTD as these organisations cover the significant majority of persons targeted in the first phase of the program roll-out. Currently, there are approximately 160 people enrolled in both programs.

#### Two models of pastoral consultation

100. There are benefits in pastoral consultation under a one-to-one model and in a consultant-led peer group. Ministry workers may choose the most suitable option for their circumstances, although some one-to-one consultation is recommended to allow for exploration of sensitive issues.
101. The one-to-one model means pastoral consultation can address issues on a more individual level and more confidentially. It is however likely to cost more than consultant-led peer consultation, and the consultee may not have the benefit of the insights and honesty of peers.
102. Consultant-led peer groups may have a less personal focus but may cover a wider range of pastoral issues, some of which will be relevant to an observer in the session who may not have considered the issue previously. Notably, reflective practice has been shown to improve in the peer group setting.

103. Consultant-led peer groups are not an unfamiliar concept to ministry workers, and existing 'safe groups' established at Moore College and in MTD and CMD programs could be leveraged for this type of consultation.
104. Over the past 5 years, students at Moore College have been enrolled in a subject called 'Intentional Ministry Reflection' which has generated significant trust across peer groups.
105. Further, MTD conducts mentor groups that could become consultant-led peer groups, and CMD convenes cluster groups of seasoned clergy where there is a strong dynamic of trust.
106. It is important that the pastoral consultant is not the consultee's line manager. The reasons are set out in the paper, *Dual Relationships* at **Attachment 2**.
107. Ministry workers should be encouraged to discuss with their rector, mentor or other appropriate person about the type of consultation that may be best for them.

### Who can deliver pastoral consultation?

108. The proposed Pastoral Consultation Essentials Training Course comprises training in pastoral consultation and Diocesan-specific requirements including *Faithfulness in Service*, the structure of the Diocese, its commonly shared practice and theology, and the character of the movement that is Sydney Anglicanism.
109. All candidates intending to become Diocesan-approved pastoral consultants must meet the minimum standards reflected in the four components of the Essentials Training Course.
110. The Essentials Training Course as currently drafted provides that a candidate who has already received training in certain competencies will only be required to complete the relevant components required to meet the minimum standards.
111. However, the Committee is contemplating, based on feedback received from experienced supervisors, to require candidates to complete all four components of the Essentials Training Course. The Committee will continue to liaise with relevant experts in finalising the program design.
112. Consideration has been given to the training and methodology of several organisations which provide pastoral consultation to ministry workers in the Diocese, including the models established in other denominations. Their responses have been factored into the recommendations set out below.
113. The program envisages two "streams" of pastoral consultant –
  - (a) "Ministry background" consultants: those who have completed an "Essentials Training Course". This type of consultant would typically have no less than 5 years' experience in pastoral ministry (including retired clergy or ministry workers) or other related vocations, but would not be an accredited supervisor through a professional body, such as the Australasian Association of Supervisors (**AAOS**); and
  - (b) "Other background" consultants: supervisors who have completed a recognised supervision, mentoring or coaching course, are accredited through a professional body (such as AAOS) and have practised in one of those fields for at least 5 years, with a minimum of 200 hours' experience. The current proposal will require these candidates to complete at least the relevant components of the Essentials Training Course in order to be approved for inclusion on the Diocesan register of pastoral consultants.
114. Both "Ministry background" and "Other background" consultants who have completed the Pastoral Consultation Essentials Training Course may charge for services provided as part of the program. Accordingly, there may be a range in the fees charged. However, the expectation is that "ministry background" consultants engaged in parish ministry will either impose no charge for their services or pay any fees received to their parish.
115. "Other background" consultants involved in the program would need to have their own professional indemnity insurance. Those "ministry background" consultants who are ordained or authorised ministers in the Diocese will be covered under the Diocesan Church Insurance Policy for services rendered as part of the program, including where fees are charged.

116. All pastoral consultants must have their own pastoral consultation arrangements and be committed to ongoing professional development.

### Measuring effectiveness/outcomes

117. In terms of the Report of the Royal Commission, the key outcome is the prevention of abuse of children and other vulnerable people by clergy and church workers. Pastoral consultation is one recommended process to facilitate this outcome, and its effectiveness cannot be easily measured, except by the absence of cases.
118. This report identifies many other important benefits of pastoral consultation. Individual effectiveness may be measured by self-reporting and may include aspects such as a stronger sense of resilience, decreased feelings of burnout, increased self-insight, identification of unhelpful patterns, strengthened personal and pastoral relationships, relative effectiveness of their ministry, the avoidance of moral failures or gross misconduct and so forth.
119. The form and content of individual measures of effectiveness will need to be designed by an expert engaged by the Committee. It is envisaged that the design would enable the data to be collected and collated in a secure, anonymous and time efficient way, such that analysis could facilitate ongoing improvement to the program.
120. At the Diocesan level, the individual (and de-personalised) data collected and collated over a period of time could be used to ascertain whether there is a correlative relationship between pastoral consultation and metrics related to abuse, sense of resilience, burnout rates, self-insight etc.
121. The efficacy of pastoral consultation is significantly dependent on the honesty and deliberate engagement of the consultee. It is expected that clergy and church workers will engage in pastoral consultation in good faith, and the lack of good faith will be evident in due course. The prospect that some participants may simply “go through the motions” is not enough reason to resist pastoral consultation.

### Costs of the program

122. An indicative budget for the pilot program of pastoral consultation is included in **Attachment 3**.

#### *Start-up costs*

123. Development of the Pastoral Consultation Essentials Training Course Overview and Diocesan Policy will cost approximately \$10,000. This amount has already been approved by Standing Committee and work has commenced on this aspect.
124. Start-up costs for the pastoral consultation program are expected to be \$20,000, comprising:
- (a) training of pastoral consultants in the Pastoral Consultation Essentials Training Course;
  - (b) recruitment and approval of pastoral consultants; and
  - (c) the creation of registries.

#### *Consultation costs*

125. Consultation costs could vary from \$0-\$1800 per year. Some consultants may not charge at all (as is the case in some other denominations) and from there costs can range anywhere up to the standard charge for AAOS supervisors (ten one-hour individual sessions amounts to approximately \$1800 per year).
126. A very possible example of pastoral consultation could involve a church worker participating in the suggested minimum of six one-hour consultations a year, in a group setting of five people, with a consultant charging \$200/hr for a group session.
127. In the above example, the cost to the church worker for pastoral consultation would be \$40 per session, for a total cost of \$240 for the year. Were the individual and parish to agree to pay half each, the annual cost of pastoral consultation would be reduced to \$120 each.

128. Consideration was given to seeking Diocesan subsidies for the program through the Diocesan Resources Group. However, any funding from the Diocese would likely be generated through Parish Cost Recoveries, which would involve a further layer of bureaucracy and an additional indirect impost on parishes.
129. As pastoral consultation should be viewed as professional development for ministers, the preference is for parishes and individuals to work out costs between them. The parish may wish to contribute between 50-100% of the cost of pastoral consultation, and the ministry worker paying the balance out of their Minister's Discretionary Benefit Account should they so wish.

*Time costs*

130. Currently, mandatory professional development ranges from approximately 2 to 12 days per year for parish ministry workers.
131. Pastoral consultation would add an extra 2 days per year to the ministry worker's development schedule. This comprises 6 one-hour sessions, factoring a generous 1 hour's travel on each occasion.
132. Some ministry workers are already engaged in coaching or mentoring. The minimum standards of pastoral consultation do not create undue time demands that are likely to overly impact other commitments or personal development initiatives.
133. A table which sets out the professional development requirements for ministry workers is included as **Attachment 4**.

*Administration costs*

134. It is envisaged that the Diocese (i.e., MTD, program coordinator, and the Diocesan Registry) would bear the cost of maintaining the program.
135. MTD would also require further resourcing to enable them to carry out any responsibilities given to them for the program.
136. Ongoing administration costs include –
- (a) recruiting, screening and co-ordinating pastoral consultants;
  - (b) review and improvement of the program; and
  - (c) Diocesan Registry functions.

**Ministry reviews**

137. Recommendation 16.5 of the Report of the Royal Commission set out a three-pronged approach comprising (a) professional development, (b) professional supervision and (c) ministry reviews (performance appraisals). This report only addresses the '(b) professional supervision' component of the recommendation.
138. The professional development of a form envisaged by the Report of the Royal Commission in Recommendation 16.5(a) is mandated in the Diocese through Safe Ministry Training for all clergy and persons undertaking ministry to children and Faithfulness in Service training for clergy and lay ministers.
139. The Standing Committee has, at its meeting in May 2022, appointed a further committee to propose a course of action in relation to Recommendation 16.5(c) (ministry reviews).

For and on behalf of the Standing Committee.



## Pastoral Consultation Essentials Training Course Overview

### **PART 1**

#### **Preamble**

In November 2021, the Standing Committee of Synod engaged this clinician's services to:

*"Develop an essentials training course for clergy and ministry workers in the Sydney Diocese."*<sup>1</sup>

#### **Relevant Background**

This Pastoral Consultation Essentials Training Course has been formulated in response to Recommendations 16.45 and 16.5 of the Final Report of the Royal Commission into Institutional Responses to Child Sexual Abuse.

These recommendations identified the need for clergy and church workers to receive professional or pastoral supervision as part of a suite of support mechanisms to create safer churches and to protect vulnerable persons.

However, the primary focus of pastoral supervision is the potential growth in the wellbeing and capacity of ministry workers. The report to the Standing Committee notes:

*"...pastoral consultation should be viewed as a significant opportunity for refreshment, renewal and theological and personal integration. In being firstly a restorative practice, it can be effective as a normative and formative task."*<sup>2</sup>

#### **Diocesan-specific Requirements**

The Pastoral Consultation Essentials Training Course comprises training in Pastoral Consultation for provision of services to clergy and church workers in the Diocese, as well as Diocesan-specific requirements including Faithfulness in Service, the structure of the Diocese and the character of the movement that is Sydney Anglicanism.

#### **External Perspective**

Third party perspectives have been gathered to inform the development of the Pastoral Consultation Essentials Training Course.

To this end, the following people have been consulted –

- Rev Paul McKendrick (Mentor and Associate Superintendent Presbyterian Church of NSW Ministry and Mission)
- Dr Rick Lewis (Mentor and Convenor of the Australian Christian Mentoring Network)

<sup>1</sup> P. Lin, Report to Standing Committee on Pastoral Consultation (Pastoral Supervision) Recommendation, 20 May 2022.

<sup>2</sup> Note 1, Report to Standing Committee.

- Right Rev Peter Lin (Bishop of South Western Sydney)
- Rev Archie Poulos (Head of Ministry and Mission, Director for Centre for Ministry Development at Moore Theological College)
- Rev Ted Brush (Supervisor and Coach)
- Rev Kurt Peters (Ministry Coach, Ministry Supervisor, Trained Counsellor, Co-Founder of Biblical Counselling Australia)
- Paul Grimmond (Dean of Students and IMR program coordinator – Moore College)
- Yannick Jacob (Secular Psychologist, Coach and Supervisor, International Centre for Coaching Supervision London)
- Michelle Grosvenor (Principal Psychologist Associated Psychology Practice)
- Caroline Clarke (Mentor and former CMS Missionary)

## **PART 2**

### **What is a Pastoral Consultant?**

Over the last five years, there has been much debate in churches regarding the difference between mentoring, supervision, and coaching for ministry (see Appendix 2).

The Royal Commission highlighted this difference when it recommended that ministry workers have supervision with a “trained professional or pastoral supervisor”.<sup>3</sup> It also specified that this supervision should have a “degree of independence from the institution within which the person is in ministry.”<sup>4</sup>

Although mentoring, supervision and coaching exist to provide one-to-one support of the “individual” in a ministry setting, the Royal Commission has recommended *supervision*. To satisfy the recommendations of the Royal Commission, the Diocese has decided to adopt a Pastoral Consultation model.

In this document, Pastoral Consultation is defined as:

“...an agreed, regular, planned, confidential and intentional space in which a practitioner skilled in supervision (the supervisor) meets with one or more ministers (the supervisee/s) to consider together the practice of ministry with a view to enhancing the supervisees’ personal wellbeing and effectiveness in ministry and in their ministry relationships.”<sup>5</sup>

In essence, pastoral consultation seeks to provide a regular and guided opportunity for a ministry worker to reflect on their practice through formative, restorative and normative activities.



The Pastoral Consultation Essentials Training Course is based upon a supervision model of practice and will provide basic training in Pastoral Consultation skills appropriate for the provision of Pastoral Consultation to clergy and ministry workers in the Diocese.

However, completion of the Essentials Training Course will not give the consultants accredited qualifications in mentoring, supervision, counselling, or coaching. Pastoral Consultants may pursue qualifications through further training after the Essentials Training Course.

Those who enter the Essentials Training Course with pre-existing supervision, mentoring, coaching, and/or counselling qualifications (see Appendix 1) will only be required to complete component 4.1 of the Course (pending individual application registry approval).

Completion of the required components of the Pastoral Consultation Essentials Training Course and certification by Moore Theological College is required for the approval of any application for inclusion on the Diocesan register of Pastoral Consultants.

<sup>3</sup> Recommendation 16.45, *Final Report Recommendations—Royal Commission into Institutional Responses to Child Sexual Abuse*, 58. Accessed on 29 June 2022:

[https://www.childabuseroyalcommission.gov.au/sites/default/files/final\\_report\\_\\_recommendations.pdf](https://www.childabuseroyalcommission.gov.au/sites/default/files/final_report__recommendations.pdf)

<sup>4</sup> Note 3, *Final Report* at 58.

<sup>5</sup> Paragraph 2.1 of Policy on Professional Supervision of clergy and authorised lay ministers (Approved by Archbishop in Council: September 2021), Anglican Diocese of Melbourne at 1.

### **What makes a good Pastoral Consultant?**

A good Pastoral Consultant is first and foremost a follower of Jesus.

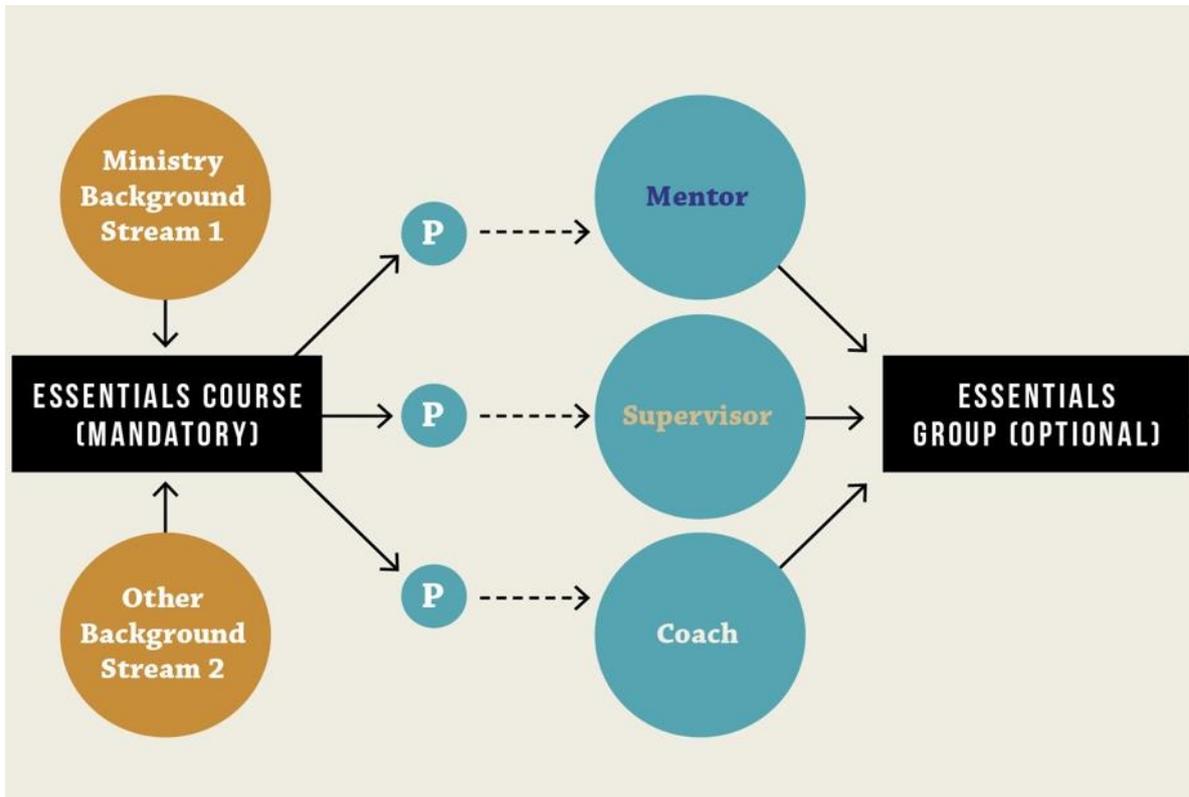
However, good Pastoral Consultants are also:

1. Able (capable, emotionally intelligent, and experienced)
2. Approachable (good interpersonally, good listener)
3. Perceptive (intuitive, curious observer and reflector)
4. Wise (discerning and knowledgeable)
5. Qualified (Completed training and demonstrated competence)
6. Aware (of self and others)

## PART 3

### Course and Course Structure

#### Pastoral Consultation Pipeline



Key: P = Pastoral Consultant

#### Explaining the Pastoral Consultation Pipeline

There are **two streams** from which candidates enter the Pastoral Consultation Pipeline: via a “Ministry Background” or “Other Background”.

Once candidates have completed the Essentials Training Course and have been certified by Moore Theological College, they may be registered as **Pastoral Consultants** in the Diocese and provide Pastoral Consultation services to clergy and ministry workers who are licensed or authorised to serve in the Diocese.

Although a Pastoral Consultant may charge for their services upon completion of only the Essentials Training Course, the Diocese recommends that a Pastoral Consultants complete further training in supervision, coaching, or mentoring before charging for their services.

Candidates with **professional training** in coaching, mentoring or supervision (see Appendix 1 for accredited courses) are encouraged to complete the **Essentials Group** component, which will provide training for Pastoral Consultation in group settings. The Essentials Group component will focus on the implementation of Intentional Ministry Reflection Training (see Appendix 3).

#### How long will the Pastoral Consultation Pipeline take to complete?

The mandatory Essentials Course takes, at most, four days to complete. However, completing the entire Pastoral Consultation Pipeline may take a year or more for an individual.

The expectation is that all Pastoral Consultants will continue training over many years through ongoing professional development.

## Two-streamed training:

The minimum requirement for any Pastoral Consultant is the completion of components 1 and 4.

### 'Ministry Background' Stream

#### *Prerequisites*

Candidates will need five years of voluntary or paid ministry experience in either parish or para-church ministry.

#### *Required components of the Essentials Training Course*

If you are coming from a Ministry Background, you must complete Components 1, 3 and 4 of training.

### 'Other Background' Stream

#### *Prerequisites*

Candidates will need five years of experience in any of the following disciplines: Counselling, mentoring, coaching, or supervision. The Diocese must sight formal qualifications.

Five years' experience means the candidate has met with at least 4 different clients during that time, and provided at least 200 hours of service in their discipline.

#### *Required components of the Essentials Training Course*

If you are entering from an 'Other' Background, you will need to complete Components 1, 2 and 4.

### Exemptions

If you are entering the course from both a 'Ministry Background' and 'Other Background', you may apply for an exemption from Components 2 and 3 and only need to complete Components 1 and 4.

## Course Structure – Four Components

- **Component 1 – Pre-selection:** The baseline requirement for enrolment in the Pastoral Consultation Essentials Training Course is a recognised qualification in ministry, counselling, coaching, mentoring or supervision (see Appendix 1).

All candidates must have at least five years of experience in their given specialty and a written character reference from their current Rector/Minister or Christian Supervisor/Mentor/Coach.

All candidates must have a current Working with Children Check and Safe Ministry Training.

- **Component 2 – Knowledge assessment:** Completion of pre-reading in required areas (Faithfulness in Service, knowledge of Sydney Anglicanism, self-reflection and supervision models and practice). To be completed by passing an online assessment task.
- **Component 3 – Skills training workshop:** This part combines prior learning and practical skills. The workshop will involve 1.5 to 3 days (depending on consultant's experience) of face-to-face training and observation to target the development of reflection and Pastoral Consultation competence.
- **Component 4 – Competency-based assessment and evaluation:** Completion of a 30–60-minute conversation demonstrating competencies as a Pastoral Consultant (see below in Table 1).

The conversation is recorded and assessed by a Diocesan representative (a qualified Pastoral Consultant) and given a pass or fail. If the candidate fails component 4, the consultant may resubmit a second time. However, to pass the course, the consultant must pass all four parts of training.

If a candidate enrolls in the Essentials Training course as a qualified counsellor, supervisor, mentor, or coach (see Appendix 1), the candidate may apply for an exemption from Component 4, citing prior learning and experience.

**Table 1. Competencies for Pastoral Consultants**

	Demonstrated Competencies		Aligns with Component
Formative	<b>1. Demonstration of listening skills</b>	Demonstration of listening skills: <ul style="list-style-type: none"> <li>• Non-verbal listening skills and attending</li> <li>• Building rapport</li> <li>• Reflecting and paraphrasing</li> <li>• Clarifying and the use of open questions</li> <li>• Summarising</li> <li>• Ability to identify emotion</li> </ul>	<b>1.1</b> Helpful ministry conversations <b>3.1</b> Listening and reflecting well <b>3.2</b> Listening skills <b>3.4</b> Practicum demonstration of listening skills
Formative	<b>2. Demonstration of CLEAR supervision model</b>	Demonstrate examples of the following skills as per the CLEAR supervision model: <ul style="list-style-type: none"> <li>• Contracting</li> <li>• Listening</li> <li>• Exploring</li> <li>• Action planning</li> <li>• Reviewing</li> </ul>	<b>1.2</b> CLEAR supervision model. <b>3.3</b> Practicum demonstration of CLEAR supervision model <b>3.4</b> Practicum demonstration of listening skills
Normative	<b>3. Knowledge of, and skills in, Ethical Formation</b>	<ul style="list-style-type: none"> <li>• Knowledge of Faithfulness in Service Code of Conduct</li> <li>• Demonstrate the ability to highlight any issues of concern in relation to the Faithfulness in Service</li> <li>• Demonstrated ability to choose a consultee who has an appropriate degree of independence from the consultant</li> <li>• Identify any issues of misuse of power and/or trust</li> </ul>	<b>2.4 (3.5)</b> Special Issues in pastoral consultation <b>4.2</b> Faithfulness in Service – use in Pastoral Consultation <b>4.3</b> Legal and ethical issues <b>4.4</b> Limits of competence
Normative	<b>4. Knowledge and ability to identify any disconnect between personal practice and Biblical practice</b>	<ul style="list-style-type: none"> <li>• Identify and or/demonstrate the competencies involved (e.g., reflecting and paraphrasing, clarifying, and using open questions and summarising) in reflecting to the consultee any gaps (or potential gaps) observed between their practice and Biblical Practice.</li> </ul>	<b>2.1</b> Theological Formation <b>2.2</b> Theological Formation - Gap and Pre-reflection <b>2.3</b> Demonstration of application of theological disconnect

	Demonstrated Competencies		Aligns with Component
Restorative	<b>5. Knowledge of mental health or pastoral concern (e.g., Burnout)</b>	<ul style="list-style-type: none"> <li>• Knowledge of common mental health concerns and or pastoral concerns</li> <li>• Demonstrate ability to identify any mental health or pastoral concerns to consultee using appropriate listening and reflecting skills</li> <li>• Demonstrate knowledge in reflection and resilience</li> <li>• Knowledge of limits of competence and duty of care.</li> </ul>	<b>1.3</b> Mental Health -caring for consultee's mental health <b>1.4</b> Reflection and resilience <b>3.5 (2.4)</b> Special Issues in Pastoral Consultation <b>4.5</b> Limits of competence
Restorative	<b>6. Ability to demonstrate support for consultee and self</b>	<ul style="list-style-type: none"> <li>• Awareness of appropriate referral pathways</li> <li>• Demonstrate the love of Christ through the exercise of care and compassion via verbal or non-verbal listening skills</li> <li>• Knowledge and ability to apply Biblical principles to consultee</li> <li>• Applying self-care and accessing support if required</li> </ul>	<b>1.3</b> Mental Health - Duty of Care and referral, self-care <b>2.1</b> Theological Formation <b>2.2</b> Theological Formation - Gap and Preflection <b>3.1</b> Listening and reflecting well <b>3.2</b> Listening skills

## Required Pre-Reading for Pastoral Consultation Essentials Training Course

### Key Texts

- Hawkins and Aisling McMahon (2020) "Supervision in the Helping Professions"
- Jane Leach and Michael Paterson (2015) "Pastoral Supervision" (2<sup>nd</sup> Ed)

### Required pre-training reading

<p><b><u>What is Pastoral Consultation (Supervision)?</u></b>            J. Leach and M. Paterson (2015) <b>Pastoral Supervision: A Handbook</b> (London: SCM Press), pp. 1-7.</p>
<p><b><u>The Seven Capacities of the Reflective Learner</u></b>            J. Leach and M. Paterson (2015) <b>Pastoral Supervision: A Handbook</b> (London: SCM Press), pp. 35-61.</p>
<p><b><u>Ethical Formation</u></b>            The Anglican Church of Australia Trust Corporation (2006) <b>Faithfulness in Service</b> (2017 ed.)</p>

**Models of Supervision**

Peter Hawkins & McMahon, Aisling (2020) *Supervision in the helping professions* (London: McGraw Hill, 5th ed.), pp.65-74.

**Reflective Practice**

K. Bucknell (2019) *The Moderating roles of Self-Reflection and Self-Insight in the Relationship between Religious Coping Methods and the Resilience of Australian Protestant Ministers* Department of Psychology, Macquarie University. pp 1-20.

**Australian Context – Sydney**

N. Lock (2014) *An exploration into the nature of reservations concerning professional Supervision amongst Sydney Anglican Clergy* School of Theology Charles Sturt University. pp 1-10.

**Independence of Relationship**

F. Reamer (2003) *Boundary Issues in Social Work: Managing Dual Relationships* Social Work, Vol 48 (1), 121-133.

**A Theology of Pastoral Consultation**

Archie Poulos TBA

**Required pre-Reading for Component 1**

For both “Other Background” and “Ministry Background” Streams

1.1 Supervision, coaching, mentoring...?

- Why “Pastoral Consultant”?
- Background and Royal Commission

Safe Ministry

- Having a helpful conversation?
- Contracting and Confidentiality – Brief Overview of different contracts that may be used but are mandatory

1.2 Models of Supervision

- Focus – more than the individual (7 eyed)
- Example: CLEAR Model – used in both supervision and coaching

1.3 Mental Health

- Caring for consultee’s mental health
- Duty of Care and referral
- Self-care

1.4 Reflection and Resilience

- Best practice
- IMR Framework for reflection

### Required pre-Reading for Component 2 – “Other path”

2.1 Theological formation <ul style="list-style-type: none"><li>• Theology of Pastoral Supervision Archie Poulos or Paul Grimmond (Pre-recorded)</li></ul>
2.2 Transformation- <ul style="list-style-type: none"><li>• What is the gap? Closing the gap</li><li>• Acquiring self-knowledge</li><li>• Appraising self-knowledge, using Biblical principles, ethics, and values.</li><li>• Pre-reflection</li></ul>
2.3 Practicum <ul style="list-style-type: none"><li>• Demonstration of, then application of theological disconnect (Gap)</li><li>• Afternoon session practising application (with CLEAR model)</li></ul>
2.4 Special issues in pastoral consultancy (2.4 and 3.5 are the same component) <ul style="list-style-type: none"><li>• Burnout, ethical breaches, family breakdown, critical pastoral incidents</li></ul>

### Required pre-Reading for Component 3 – Ministry Path

3.1 Common pitfalls in ministry conversations <ul style="list-style-type: none"><li>• Listening and reflecting well Practicum</li></ul>
3.2 Listening skills focus on open questions <ul style="list-style-type: none"><li>• Reflection Practicum</li></ul>
3.3 Contracting Informed consent
Working Alliance
3.4 Practicum <ul style="list-style-type: none"><li>• Demonstration then application</li><li>• Afternoon session practising the application of counselling skills (with CLEAR model)</li></ul>
3.5 Special issues in pastoral consultancy <ul style="list-style-type: none"><li>• Burnout, ethical breaches, family breakdown, critical pastoral incidents</li></ul>

## Required pre-Reading for Component 4

4.1 Sydney Diocese – Sydney Anglicanism and the structure of the Diocese
4.2 <i>Faithfulness in service</i> – how to use this document in Pastoral Consultation
4.3 Legal and ethical issues <ul style="list-style-type: none"><li>• Ethical breaches and models for decision making</li></ul>
4.4 PSU – How this system works <ul style="list-style-type: none"><li>• Critical incidents</li></ul>
4.5 Limits of competence <ul style="list-style-type: none"><li>• When to refer?</li><li>• Who to refer to?</li></ul>
4.6 Recording your sessions?
4.7 Case notes for clients
4.8 Insurance
4.9 Where to from here? <ul style="list-style-type: none"><li>• Further training pathways</li></ul>

### **Sarah Balogh**

#### **Psychologist**

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PACFA, ACWA, ACA and AASW Recognised Supervisor



Ministry Supervision

Ministry for the long haul

Online Contact: [sarahbalogh.net](http://sarahbalogh.net)

## Appendix 1

Certified Counsellor, Psychologist, Supervisor, Mentor, Coach, Ministry Facilitator.

**Counsellor/Supervisor** – [ACA](#), [AASW](#), [PACFA](#), [CCAA](#) (clinical supervisor member certified).

**Psychologist/Supervisor** – [AHPRA](#), St Marks [Register](#), [ACA](#), [AAOS](#), [Chaplaincy Australia Supervisor Register](#), or [PACFA](#) certified.

**Mentor/Coach** – [ACMN](#), Professional Category.

**Ministry (IMR) Facilitator** – Pastoral Consultation Essentials Training Course (Component 1-4), Essentials Group, plus at least 2 years of IMR Facilitation at MTC (Moore Theological College).

AHPRA Australian Health Practitioner Regulation Agency

AAOS Australasian Association of Supervision

AASW Australian Association of Social Workers

ACA Australian Counselling Association

ACMN Australian Christian Mentoring Network

CCAA Christian Counselling Association of Australia

PACFA Psychotherapy and Counselling Federation of Australia

## Ministry

Ministry in a voluntary or paid capacity in a church or para-church organization (e.g., AFES, CMS, City Bible Forum) of a Reformed Evangelical persuasion who can sign the Pastoral Consultant's statement of faith<sup>6</sup>.

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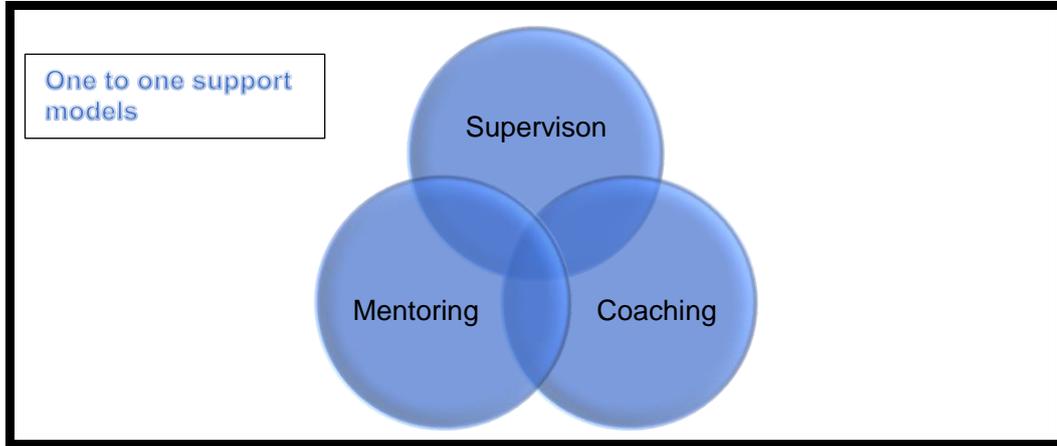
<sup>6</sup> This shall be consistent with the Sydney Diocese statement of faith.

Appendix 2

**Benefits of the Supervision Model**

Mentoring, Supervision and Coaching are all one-to-one support models for individuals.

**Table 1. One to one support models**



Below is a table that highlights some similarities and differences between mentoring, coaching and supervision.

**Table 2. Some similarities and differences between Supervision, Mentoring and Coaching**

	<b>Mentor</b>	<b>Coach</b>	<b>Supervisor</b>
<b>Focus</b>	<b>Personhood</b>	<b>Performance orientated</b>	<b>Best practice via reflection</b>
<b>Experience in occupation of the client</b>	Required	Not necessary, but may be present	Not necessary, but may be present
<b>Support for client</b>	Present	Present	Present
<b>Boundaries</b>	Informal, ongoing	Informal, short-term activity	Formal, professional, ongoing
<b>Contracted expectations</b>	Not required but may be present	Not required but may be present	Required
<b>Ethical Focus</b>	Not required but may be present	Not a focus, but may be present	Required. Ethical accountabilities are transparent
<b>Independence of relationship</b>	Not required – dual roles may occur	Not a focus	Required as part of practice
<b>Focus on ministry recipients (see 3. Below)</b>	Not required	Not required	Required
<b>Goal development</b>	A focus	A focus	Not a focus but discussed when contracting
<b>Accountability</b>	Present	Present in relation to planned actions <sup>7</sup>	Present

<sup>7</sup> Qld Baptists Pastoral Services (2021). 'Professional Supervision A Guide for Queensland Baptists' at 8.

## Differences of Opinion

There are several tables in the literature which will differ from the one above. This is due to differences of opinion around what sets mentoring, supervision, and coaching apart.<sup>8</sup> There is also variance around the benefits and drawbacks of each field, with practitioners from each field tending to preference their own. Given that the areas of one-to-one support are less regulated than other allied health professions (e.g., social work), this is not surprising, and variance is likely to persist depending on the working environment.

There is overlap between the three fields (see Table 1), but they do have different one-to-one support foci. The Diocese recognises each form of one-to-one support and wishes to use them across the Diocese for the assistance of those in ministry. There are also several gifted practitioners who work within these spaces, and their expertise is welcome. At the same time, it is important to recognise the differences between the frameworks, and that the Diocese needed to choose a framework to underpin its training.

Whereas Pastoral Consultants are free to choose further training in their area of choice (mentoring, coaching or supervision, as per the Pastoral Consultation Pipeline) the Diocese encourages consultees to choose supervision as their preferred pathway for the following reasons:

### 1. Supervision has a greater focus on Normative (ethical) practice

The above table indicates ethical practice is not a focus for coaching and mentoring in general. Given that ethical practice is one of the recommendations from the Royal Commission, supervision seems best placed to offer this support.<sup>9</sup>

### 2. Supervision is the one-to-one model chosen by the Royal Commission

The Royal Commission has named supervision as their benchmark for one-to-one support in the Child Safe Standards. Their choice of wording should be noted. That is, the Royal Commission did not use the word “coach” or “mentor” in Recommendation 16.45:

Consistent with Child Safe Standard 5, each religious institution should ensure that all people in religious or pastoral ministry, including religious leaders, have professional supervision with a trained professional or pastoral supervisor who has a degree of independence from the institutions within which the person is in ministry.”<sup>10</sup>

### 3. Recipients of ministry are kept “in view”

Supervision is the only one-to-one model that focuses on keeping ministry recipients (often called clients in other professions) “in view” at all times. This means that it is the only model that continuously focuses on the recipients of the ministry. Given that the Royal Commission recommendations were made to prevent the abuse of recipients of ministry, supervision seems the logical choice.<sup>11</sup>

### 4. Conflict of Interest

The Royal Commission has warned against conflict of interest in relationships. This quote expands on their view:

<sup>8</sup> J. Leach and M. Paterson (2015). *Pastoral Supervision: A Handbook* (London: SCM Press) at 2. Trist, R. (2017). *Professional Supervision for Clergy and Lay Ministers for the 2017 General Synod*. (Melbourne) at 2. Qld Baptists Pastoral Services (2021). *Professional Supervision A Guide for Queensland Baptists* at 7-8. Gray, D (2010). *Towards the lifelong skills and business development of coaches: An integrated model of supervision and mentoring*. *Coaching An International Journal of Theory Research and Practice* Research and Practice (1): 60-72. Moore, P. (2021). *Supervision, Christian Mentoring and Gospel Coaching in Australia after the Royal Commission into Institutional Responses to Child Sexual Abuse*. Pp.8. Reach Australia. Unpublished.

<sup>9</sup> Recommendation 16.46 in *Final Report Recommendations—Royal Commission into Institutional Responses to Child Sexual Abuse* (2017).

<sup>10</sup> Recommendation 16.45 in *Final Report Recommendations—Royal Commission into Institutional Responses to Child Sexual Abuse* (2017) at 58. Accessed on 29 Jan 2022: [https://www.childabuseroyalcommission.gov.au/sites/default/files/final\\_report\\_recommendations.pdf](https://www.childabuseroyalcommission.gov.au/sites/default/files/final_report_recommendations.pdf).

<sup>11</sup> Trist, R. (2017). *Professional Supervision for Clergy and Lay Ministers* at 2 (see table taken from St Marks Theological Centre Graduate Certificate in Supervision Cert).

“We found that in some instances conflicts of interest arose for diocesan bishops and senior office holders in their response to individuals accused of child sexual abuse. Bishops have close relationships with clergy in their dioceses, which we found has at times impacted on their response to allegations. We also found that conflicts arose for senior office holders as a consequence of their personal and professional interests.”<sup>12</sup>

It is clear from this statement that the Royal Commission would like one-to-one support to be free from conflict of interest.

Some mentors and coaches consult with people within their social circles and church ecosystems. This practice opens the door to conflict of interest and lack of objectivity in the one-to-one support space which can lead to abuse.<sup>13</sup>

For this reason, supervisors are directed to avoid multiple relationships and dual roles and do so in practice.<sup>14</sup> It makes sense then, that supervision may be a better one to one model for reducing the instances of conflict of interest and therefore abuse.

## **5. Number of people to Supervise**

Traditionally, mentoring and coaching tend to be “spaces” with fewer boundaries than supervision.<sup>15</sup> Personal information from a mentor may be shared, and relational reciprocity is often at play.

Because the relationship is closer in mentoring and there are fewer boundaries, mentoring may require more emotional energy and thus the emotional load of the relationship may be heavier. For this reason, professionals who work across mentoring, supervision and coaching find that they can supervise more individuals than they may have the capacity to mentor.

Given the sheer number of people the Diocese needs to have supervision, supervision seems the best model for maximum coverage of people.

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<sup>12</sup> *Final Report Recommendations—Royal Commission into Institutional Responses to Child Sexual Abuse* (2017), Final Report: Volume 16, Religious Institutions Book 1 at 756.

<sup>13</sup> Reamer, F. (2009). Boundaries in supervision. *Social Work today*. Vol 9. No.1: “Supervisors should avoid dual relationships that have the potential to interfere with the quality and objectivity of their supervision.”

<sup>14</sup> Kreider, H.D. (2014). *Administrative and Clinical Supervision: The Impact of Dual Roles on Supervisee Disclosure in Counselling Supervision*. *The Clinical Supervisor*, 33: 256-268.

<sup>15</sup> Leach, J. and Paterson, M (2015). *Pastoral Supervision: A Handbook* (London: SCM Press) at 10, 22.

### Appendix 3

#### **IMR (Intentional Ministry Reflection) groups**

IMR is a group model which intends to enhance ministry trainee's self-awareness and awareness of others. This model has been running at Moore College since 2018.

According to Paul Grimmond, Dean of Students at Moore College:

“The aim has been to grow skills in self-awareness, perspective (the ability to understand a complex situation from another person's point of view), the ability to see the 'gaps' between a student's desire to honour Jesus and their actual behaviour in difficult pastoral situations, and the ability to grow in pastoral wisdom as they seek to serve others with the gospel.”

The IMR model has enormous transformative power in aiding reflection, resilience, and growing self-awareness and ministry competence among students. Due to its overwhelming success, Moore College plans to make it mandatory for all students in 2023.

The IMR Reflection template is like a group supervision model. Within its structure, IMR provides some room for normative, formative, and restorative care.

*This essay was originally written as part of the course work for the Pastoral Supervision Masters Subject at Moore College.*

*Supervision and dual relationships. Is it possible to supervise someone you have a dual relationship with? This seminar presentation explores the theological, clinical and ethical/practical considerations in the reality of professional supervision.*

## Dual Relationships

An ongoing ethical issue in professional supervision is the existence of dual relationships. These relationships are defined as 'any situation where multiple roles exist between a therapist and a client.'<sup>1</sup> Essentially when we interact with another person in more than one capacity we form a dual relationship. Richard Gula says, 'Dual relationships are like trying to wear two hats at the same time.'<sup>2</sup> Examples of dual relationships include a teacher inviting a student to be a baby-sitter or a youth minister dating someone from youth group, or a supervisor seeking financial services from a supervisee.

In the helping professions it is generally agreed that dual relationships are to be avoided, but if not possible, managed wisely and carefully. The reason is because of the possibility supervision will be at best compromised and at worst neglectful or harmful, to either the supervisee, the supervisor or the supervisee's work. The Zur Institute identifies at least 11 types of dual relationships, including supervisory relationships, which inherently involve multiple roles, loyalties, responsibilities and functions. A supervisor has professional relationships and duty not only to the supervisee, but also to the supervisee's clients, as well as to the profession and the public.<sup>3</sup> Many other professional organisations develop guidelines regarding when and where crossing boundaries might be appropriate.<sup>4</sup> These guidelines include policy around receiving gifts, inappropriate and unethical sexual relationships with clients, and also how to handle the possible inevitable dual relationship for those in rural communities for example. Ultimately the ethical guidelines for many professional bodies exist to ensure no harm is done to a client or supervisee.<sup>5</sup> It is not necessarily true that every boundary crossing is a violation of the client. It will be up to the professional to differentiate between the conduct that simply crosses boundaries, versus conduct that violates the boundary.<sup>6</sup> Included in the ethic of avoiding harm and exploitation is the appropriate use of any power within the relationship. The greater the power differential between two parties allows for the potential for greater harm or exploitation. The clinician, social worker, counselor, or supervisor must take this in to consideration if a relationship then occurs outside the bounds of the professional boundaries.

At this point the place of contracts or covenants become an essential element of the supervisory experience. A clear example is that a doctor is not to serve as the primary physician for a family member. 'Multiple relationships can be inappropriate and even wrong because they are fertile ground for impairing judgment, harbouring conflicts of interest, and exploiting the trust of dependency.'<sup>7</sup> Ultimately there is room within the clinical professions for dual relationships, but strong ethical codes ensure the good and wellbeing of the client remain the priority.

<sup>1</sup> <http://www.zurinstitute.com/dualrelationships.html> cited on 21/7/16

<sup>2</sup> R. Gula, *The Dynamics of Power in Just Ministry* (New York: Paulist Press, 2010). 137.

<sup>3</sup> <http://www.zurinstitute.com/dualrelationships.html#key> cited on 13/11/16

<sup>4</sup> see <https://www.aasw.asn.au/document/item/2354>, <https://www.bu.edu/ssw/files/2015/09/Reamer-F.-Boundary-Issues-in-Social-Work-Managing-dual-relationships.pdf>; <https://www.apa.org/about/policy/guidelines-supervision.pdf>

<sup>5</sup> <http://drwaltz.com/laws-ethics/what-is-a-dual-relationship> cited 13/11/16.

<sup>6</sup> See Olusegun Emmanuel Afolabi: Dual Relationships and Boundary Crossing: A Critical Issues in Clinical Psychology Practice. Department of Educational Foundation, University of Botswana, Botswana. Received 21 October 2014; Accepted 2 February, 2015. Accessed online 13/11/16 at <http://www.academicjournals.org/journal/IJPC/article-full-text-pdf/327553050945> pg 31.

<sup>7</sup> Gula, *Dynamics of Power*, 138.

Yet what about pastoral ministry and professional supervision? Can we and ought we be as strict about dual relationships as other helping professions? Is it possible to be this deliberate? It can be argued that the nature of pastoral ministry, which doesn't exactly parallel the helping professions, doesn't necessarily allow for exact boundaries and therefore the reality of dual relationships exists. As Gula says, 'Realistically and sometimes out of necessity, we inevitably blend several roles and functions.'<sup>8</sup> Given this reality, what is it about dual relationships makes them problematic? The simple answer to that is 'us'. The very nature of humanity is a chief factor in complicating dual relationships. This is because at the heart of the issue around dual relationships are two pillars – power and boundaries. How we manage these ethical realities is one of the greatest professional challenges we have to face.

In Christian ministry theological and ethical considerations help face this challenge, and answer the question of whether it's possible to supervise someone with whom you have a dual relationship.

### ***Theological Issues***

Kenneth Pholy, as quoted in Leach and Paterson, believes supervision occurs within the covenant established by God. We belong to one another because of Christ and in and through Christ.<sup>9</sup> The intention of supervision is to help the supervisee see their ministry clearly. Leach and Paterson call for mutual accountability in ministry and supervision attends to the 'vision and vocation into which God is calling us.'<sup>10</sup> Inskipp and Proctor argue for a three-legged stool model of supervision, the three tasks being the normative, formative and restorative, in enabling supervisees to address and explore ministry practice.

In light of these intentions and models, and the fact that in supervision the primary responsibility of the supervisor is not to the supervisee but to the congregation beyond them, the application of theological understanding of biblical anthropology, the doctrine of sin, soteriology, that is salvation in Christ, & eschatology will bring clarity on how dual relationships may impact the practice of supervision. Since we exist in community as we supervise and are supervised this is all set against the backdrop of the church.

Biblical anthropology begins with the assertion that humanity is made equally in the image of God, with dignity and purpose as outlined in Genesis 1 & 2. Men and women were created to be in relationship and are conducted under God's good rule, within the paradigm of love and good of the other.<sup>11</sup> Due to the fall and introduction of sin in Genesis 3 that image is marred.<sup>12</sup> As humanity is marred by sin we are incapable of seeing God, the world and ourselves rightly.<sup>13</sup> Despite being intelligent, able creatures with an ability to do good ultimately our efforts will be tainted as we fail to live according to God's good rule.<sup>14</sup> This impairment, lack of judgment and in the end sin, which is rife in our world, is seen in violence, sickness, disease, misuse of power and even death (Romans 8). As the minister conducts his/her ministry within a broken world it has a cumulative effect on them. The worker needs a place to wash the muck off their boots before heading back into the trenches. This is where supervision can play such a restorative role.

Yet it's not just the cumulative effects of the broken world that makes supervision necessary, but biblical anthropology informs us that the minister themselves are impaired. Due to sin, we are unable to assess our world and ourselves rightly. Through the spirit of God we have been restored, yet we still live out the effects of world under sin. We need a place for accountability. Therefore the normative and formative functions of supervision allow space for reflection and helping the minister to reflect on their practice and tell the truth about themselves. Yet if this supervision takes place in the context of a dual relationship, each aspect of the supervision functions may be compromised. As mentioned one of the great concerns around dual relationships is the possible distortion that comes from the use of power. In a world opposed to God's rule power becomes a weapon against another. The misuse of power is seen throughout the Bible, and this misuse has the ability to lead people into evil actions and behaviours that harm the other. Examples include God's people in the Old Testament who were punished by God for mistreating the foreigner, the widows and

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<sup>8</sup> Gula, *Dynamics of Power*, 138.

<sup>9</sup> J Leach and M Paterson, *Pastoral Supervision: A Handbook* (2<sup>nd</sup> Ed; London: SCM Press, 2015), 17.

<sup>10</sup> Leach and Paterson, *Pastoral Supervision*, 7.

<sup>11</sup> Genesis 1:1; Genesis 1:26; Genesis 2:22; Exodus 20; Matthew 5-7.

<sup>12</sup> Genesis 3.

<sup>13</sup> See Genesis 6:5; Psalm 10:4-7; Jeremiah 17:9; Romans 3:10

<sup>14</sup> While the penalty of sin has been dealt with in Jesus' death on the cross, we still live with the reality and power of sin in the world. Romans 5-8 outlines this tension in the life of the believer along with Colossians 3.

the orphans against God's express command.<sup>15</sup> Prophets, priests and kings, teachers of the law all misused their God given power.<sup>16</sup> It is only God and Jesus who are able to exercise true power with justice and equity, emanating from their innate character.<sup>17</sup> If misuse of power is within the human capacity as we relate to one another, either as equals, or in authoritative relationships, even with the best of intentions an inappropriate power dynamic may corrupt the safe space essential for supervision.

The theology of salvation found in the Lord Jesus allows each one of us to be restored back into true relationship with God, and also into new covenant relationship with one another, in light of the eschaton.<sup>18</sup> The restoration in the gospel then allows us to love one another in a new way with Jesus himself modelling for us the way of love that is sacrificial and life giving, seeking the good of the other (John 13). Seeking the good of the other offers an alternative to misuse of power and gives an ethical framework to supervision, enabling the other to enter into a process which reforms and shapes their ministry practice. Supervision is an other-person centred activity. Yet when supervision is conducted in a dual relationship it is easy to see how it may become problematic. With a dual relationship in operation the supervisor may not be seeking the best for the supervisee, but instead seeking to meet their own needs in that relationship. If supervisee and supervisor share the same ministry experience, the supervisor may seek the best for their own ministry rather than their supervisee or the congregation beyond them. Part of the reality of supervision is accepting responsibility to monitor our own needs and 'satisfy them outside the professional relationship.'<sup>19</sup> When supervision takes place between friends or colleagues, it is important for the supervisor to submerge their own needs to meet the needs of the other and even more importantly the congregation or group beyond.

'The purpose of avoiding dual relationships is to guarantee a unambiguous space for people who seek pastoral service to get their needs met without our own needs and projections getting in the way.'

Against the backdrop of a hierarchical ecclesiology, such as the Anglican Church, placing the supervision in context of an "in-line" relationship may have issues of conflicts of interest, lack of accountability, and seeking the good of the institution over the needs of the supervisee. This is where some of the examples of Royal Commission into Institutional Responses into Child Sexual Abuse found fertile ground. The investigation into the abuse with the CEBS group in the Anglican church in Hobart and Sydney, for example, discovered a series of failures to report or listen to reports of abuse by CEBS leaders by those in authority, because the man was trusted, known and enjoyed the confidence & friendship of those in leadership.<sup>20</sup>

Given these theological considerations what ethical considerations need to be addressed in regard to dual relationships and supervision?

As mentioned the two ethical issues related to supervision relationships are power and boundaries. Gula argues that pastoral relationships are fundamentally marked by inequality of power (minister to parishioner, bishop to minister) and 'hierarchical stratification creates enormous potential to take advantage of the vulnerability of those seeking pastoral advice.'<sup>21</sup> This comment together with the theological issues outlined above, means a minister is unlikely to experience 'safe' supervision, which is accountable, formative, normative and restorative from a bishop for example, who has the power over the minister's very employment/ministry. This dual relationship creates a compromise of care of the other.

'The potential for negative outcomes, as a result of dual relationships, centers on the power differential between the two parties. Dual relationships may be problematic in that they increase the potential for exploitation and for impairment of the objectivity of both parties, and they can interfere with the professional's primary obligation for promoting the student's welfare.'<sup>22</sup>

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<sup>15</sup> See Ezekiel 22:7; cf. Exodus 22:21-24.

<sup>16</sup> Jeremiah 23:15f; 2 Sam 11:3f; Matt. 23:23;

<sup>17</sup> Ps. 77:14; Daniel 2:37; Acts 10:34-43. See also Ex.34:6 and Ps. 145:8 for descriptions of God's character.

<sup>18</sup> Gal. 6:1-2; Eph. 2:10, 19-22, 4:2-6; Phil. 2:2-5; Col 3:12-17; 1 John 4:7, 10-11; Rom. 13:8-14; 1 Thess. 5:4-11

<sup>19</sup> Gula, 140.

<sup>20</sup> <http://www.childabuseroyalcommission.gov.au/case-study/eac1b457-7227-4c5f-bf2d-bc9433cca7cf/case-study-36,-january-2016,-hobart>

<sup>21</sup> Gula, 119.

<sup>22</sup> <http://www.zurinstitute.com/dualrelationships.html> accessed on 21/7/16

This may also be true for a supervision relationship with between a minister's and his warden or an assistant minister and senior minister. This doesn't mean there can't be any kind of supportive role given in these relationships, and common sense suggests there ought to be, but given the problematic nature of dual relationships highlighted above, the best supervision isn't possible when the supervisee feels compromised in what they share in such a relationship.

The second ethical consideration is the issue of boundaries. Dual relationships by nature cross boundaries. The minister meets with people in a variety of settings and as such pastoral relationships can easily overlap with other kinds, such as personal, social and business. Boundaries are important as they give safety, security and respect to the other. In dual relationships it is difficult to establish and maintain boundaries. For example in the pastoral ministry a supervisor and supervisee may find themselves bought together in an external group or committee. They will need discipline to leave the supervision relationship aside and relate equally in the external group.

'It is the Supervisors responsibility to openly acknowledge and discuss the management of the multiple relationships that may exist between supervisor and supervisee. Supervisees are encouraged to ask for clarifications regarding any confusion resulting from dual relationships.'

### *Case Study*

A church organisation seeks to install supervision as best practice for professional development and accountability. They arrange the supervision within line-management structures. One of these relationships is a Bishop who is supervising a Rector of a local parish. The Bishop is the pastoral supervisor and overseer of the Rector, a dual relationship.

The Rector has only been at the church for 18 months. He has made some significant changes and there is unrest in the parish. This continues to the point where an extraordinary general meeting is called and the wardens invite the Bishop to attend and help navigate through the relational breakdown.

At this point the Bishop, who is supervisor of Rector, needs to act as impartial 'referee' between the congregation and Rector. It wouldn't be a) unreasonable for the Rector to feel vulnerable, or b) unreasonable for the Bishop to feel compromised or unable to put aside the information the Rector has shared with him about the congregation during their supervision sessions. Overall this situation highlights the problems of the appropriateness of supervision in the context of a dual relationship, especially in a hierarchical church structure. The power dynamic, which may be managed well during supervision, eventually could become a reality affecting the supervision relationship.

Overall, dual relationships are a reality in pastoral ministry. If in conducting professional supervision a dual relationship exists or emerges it is the responsibility of both parties to monitor that reality and if it becomes unhelpful, for one or both to seek clarity via contracting, or consider the possibility to end that relationship. In the context of a hierarchical ecclesiology such as the Anglican Church, the existence of a power dynamic in relationships is a reality. Given humanity's difficulty of managing power responsibility, or the prospect of relationship boundaries being crossed, then it could be that for the sake of the supervisor and supervisee who participate in an 'in-line' relationship and the parish/community beyond them, that these supervision relationships are avoided. Of course in this church network it would not be possible to avoid dual relationships per se. After all the nature of the community holds the possibility of crossing over from supervision into committee's or even social networks. Yet because the power dynamic may change, or even disappear, as for example the supervisee becomes the chair of the committee of which the supervisor is a member, it is more possible to provide the space for the transition into the new dynamic. Dual relationships therefore aren't always going to be a problem in pastoral supervision, but wisdom suggests that for supervision to be conducted as a place for reflective practice, it must be removed from any dual relationship where power and authority have the possibility of compromising the process.

KARA HARTLEY

2016

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**Indicative Budget for Pilot Program of Pastoral Consultation**

<b>Delivery of Essentials Training</b>		4,000
2 facilitators X 4 days		
<b>Participants</b>		
Group		
2 groups of 4	\$300 per session/group X 6 sessions	3,600
Group + Individual		
2 groups of 4	\$300 per session/group X 3 sessions	1,800
	\$150 per session X 3 sessions (8pax)	3,600
Individual		
15 approx.	\$150 X 6 sessions	13,500
<b>Assessment/analysis of Pilot</b>		0*
<b>Total</b>		26,500

Note: This is the bare minimum of 6 sessions

\* Marshall Ballantine Jones and Peter Mayrick have agreed to do this gratis.

**Professional Development Days for Clergy and Lay Ministers**

	<b>Assistant Minister (1-3 years)</b>	<b>Assistant Minister / Lay Minister</b>	<b>Rector</b>
<b>MD program</b>	10 days	-	-
<b>Synod</b>	-	-	5 days
<b>Faithfulness in Ministry (Triennial – 1 day)</b>	1/3 day	1/3 day	1/3 day
<b>Safe Ministry Refresher (Triennial 3.5 hrs)</b>	1 hour	1 hour	1 hour
<b>Current total days of professional development</b>	<b>~12 days per year</b>	<b>~2 days per year</b>	<b>~7 days per year</b>
<b><i>Pastoral consultation</i></b>	<i>6 hours</i>	<i>6 hours</i>	<i>6 hours</i>
<b><i>Proposed total days of professional development</i></b>	<b><i>~14 days per year</i></b>	<b><i>~4 days per year</i></b>	<b><i>~9 days per year</i></b>

## Anglican Church Property Trust Diocese of Sydney (ACPT)

(Report to Third Session of the 52<sup>nd</sup> Synod of the Diocese of Sydney.)

### Introduction

1. As the Chair of the ACPT, and on behalf of the Board, I have pleasure in presenting the ACPT's 2021 annual report to the Synod.
2. Our report to the 3rd Ordinary Session of the 52<sup>nd</sup> Synod, was prepared against the backdrop of floods that have impacted a number of parishes and the communities they serve and of course, the COVID-19 pandemic that has affected the lives of everyone across the diocese during all of 2021 and continues into 2022. The Board acknowledges the way parishes across the diocese rose to the challenges presented and on behalf of my fellow Board members and the SDS team that supports the ACPT, we again say "thank you!" and assure you of our ongoing collective prayers.

### Strategic focus

3. As noted in previous annual reports to Synod, the role of the ACPT as defined by its constituent documents, an Act of the NSW parliament (1917) and an ordinance of the Synod (1965), has necessarily evolved from operating as a relatively passive trustee of church trust property to one that had needed to respond to significantly more complex regulatory, legal, political and social environments. As mentioned in previous annual reports, Trustees may also be exposed to potential personal liability under legislation such as that relating to heritage and fire safety.
4. As complexity has continued to increase for parishes, so it has for the ACPT through 2021 as members continued to ensure that corporate and individual fiduciary duties were effectively discharged. The examples of where parishes and ACPT have needed to operate in a more highly complex environment are varied. The examples previously cited remain:
  - (a) ongoing obligations under frequently changing NSW Department of Health Orders
  - (b) obligations under the *NSW Heritage Act 1977*
  - (c) ongoing compliance with ACNC legislation
  - (d) ongoing compliance with fire safety aspects of the Environmental Planning and Assessment Regulations (2000)
  - (e) increased obligations under the *Cemeteries & Crematoria Act 2013*
  - (f) operating in an increasingly litigious external environment with associated implications for insurance, reputation/risk and personal liability
  - (g) changes to NSW planning instruments
  - (h) more complex administration of the various Local, NSW and Commonwealth Government grant programs
  - (i) ongoing key obligations arising from the Royal Commission into Institutional Responses to Child Sexual Abuse.
5. Because parishes are unincorporated bodies there is a necessary interface with ACPT in parish church trust property matters. In this regard, the ACPT includes the following February 2014 Standing Committee resolution as a salient reminder of the polity of the diocese:

*Standing Committee declares its view that the polity of this Diocese generally gives precedence to parishes over the affairs of the Diocese, including in relation to the management of property held for a parish and the benefit of income from such property.*
6. This intersection needs to be managed with consistency and regard to the interests of parishes, the increased complexities noted above, the legal and fiduciary obligations of the ACPT and the potential personal liability that may be imposed upon its Board members.

## Highlighted activities during 2021

7. The 2020 report was prepared in mid-2021 for consideration by the Standing Committee and tabling at the one day Synod on 3 May 2021. Since that time, ACPT, as the corporate trustee of the Diocese, has continued to operate across the full spectrum of diocesan activities. Some notable outcomes include:
- (a) Ensuring that the capital of parish investments in the DCIF would be maintained over 2021 by granting relief from the portion of the funding of the ACPT's business that is contributed through a 0.5% pa of the market value of parish assets invested in the Glebe Administration Board's Diocesan Cash Investment Fund (DCIF) over 2021. As foreshadowed in our last annual report, the ACPT and the Standing Committee have worked together to ensure that the temporary relief granted to parish DCIF investments over 2021 is now a permanent outcome. This was achieved through a very modest increase in the portion of the PCR that contributes to the ACPT's support of parish activities.
  - (b) ACPT is currently working with the Standing Committee with a view to seeking an alternative funding mechanism for the sole remaining portion of the ACPT management fee that is applied to parishes outside the PCR process. That is to remove the 0.5% pa of the market value of direct parish Long Term Pooling Fund (LTPF) investments that is subject to a management fee.
  - (c) Assisting parishes lodge over 73 applications under various NSW and Commonwealth Government grant programs and administered in excess of \$1.067m in successful grant funding.
  - (d) Overseeing the investment, on behalf of parishes, of approximately \$61.7 million (31 December 2021) in the DCIF and a further \$89.2 million (31 December 2021) in the LTPF.
  - (e) Implementing and concluding the 2021/2022 renewal of the Church Insurances Program (CIP) in an ongoing "hard" insurance market to deliver a level of insurance coverage at a cost outcome that was ~ 14% higher than the prior year, in the midst of a market that was generally seeing 20%+ year on year increases in cost.
  - (f) Further bolstering the membership of the ACPT's "Major Property Works" sub-committee by appointing additional property and finance specialists, active in diocesan parishes, to harness their professional skills and to bolster the ACPT's existing skills in these areas for the guidance of parishes and oversight of larger property projects. On behalf of the Board I thank the sub-committee members and especially the Rev David Ould for his contribution as Chair over 2021.

## Synod's Governance Policy for Diocesan Organisations

8. As detailed in the last two reports to Synod, the ACPT Board welcomed the Governance Policy for Diocesan Organisations that was approved by Synod 2019. The Board has investigated ways to adopt as many of the Governance Standards and Policy Guidelines that are included in the policy as are pragmatically possible for a trustee. Several amendments to the ACPT's constituent documents have already been agreed by the Board and discussions following legal comment concluded in May 2022 in respect to a perceived structural impediment to full compliance with the Synod's Governance Policy regarding placing maximum terms fixed for members of diocesan bodies. The structural impediment relates to the provisions of the Anglican Church of Australia Trust Property Act 1917 (the Act) which provides for 6 year appointment terms and no maximum term, so the Act would need to be amended by the NSW Parliament if such tenure compliance is to be achieved. Recent attempts to amend the Act have foundered because the NSW Parliamentary process requires all diocese within the province of NSW to agree the amendments, and such agreement has not historically been forthcoming. Options that the Standing Committee might consider to overcome the need for an amendment to the Act to be sought will be included in the response.
9. In the interests of efficiency, rather than promoting several amendment ordinances to Standing Committee, the Board will now seek to conclude the matter with a single amendment ordinance which will be submitted to the Standing Committee before the end of 2022.

## Composition of the Board

10. Refer Appendix for details of Board membership.

## Acknowledgements

11. I take this opportunity to thank parish councils, the episcopal team and the SDS teams that support the Board, especially recognising the contribution made, often in the face of intensive workloads, to deliver lasting and meaningful ministry outcomes. I also take this opportunity to acknowledge the contribution made to the efficient functioning of the ACPT through the critical skills provided by all members of the Board. During 2021 Dr Glenn Davies concluded his episcopacy and also retired from the Board. In the 2020 report to Synod I commented on his judicious and effective manner in which he presided over the Board during his episcopacy as the 12<sup>th</sup> Archbishop of Sydney. I also acknowledge with gratitude, Bishop Peter Hayward's term as Administrator of the Diocese during the period between Dr Davies' episcopacy ending and Archbishop Kanishka Raffel's election and consecration. My fellow directors and I valued his strong engagement with the ACPT's various activities during his administration. In June 2021, the Board welcomed Archbishop Raffel to the presidency of the Board and prays for the Lord's blessing on his episcopacy and for the Raffel family in a personal sense.
12. On behalf of the Board, I also extend sincere appreciation to the advisors to the non ACPT members of the various sub-committees, Ms Michelle Lim (Director, KPMG with a banking and strategic advisory background) and Mr Roger Collison, (former member of the ACPT) who are both advisors to the investment, insurance and finance subcommittee, and Finance subcommittee (IIFC), and Mr Greg Chambers (Engineer and Director, Strategy and Development, Jones Nicholson), Mr Glynn Evans (architect and former member of the ACPT), Ms Charmian Reid (Development Manager, Charter Hall), Ms Priscilla Tran (Development Manager, City West Housing) and Mr John Ward (Architect, Fulton Trotter), advisors to the Major Works subcommittee.
13. Finally, I express my personal thanks to Mrs Melinda West, who very capably supports the Board as Deputy Chair and Chair of the IIFC as well as the staff of SDS who continue to serve the Board faithfully and diligently.
14. A summary of the operational aspects of the breadth of the ACPT's activities in support of parishes during 2021 is provided below by the ACPT's executive officer and Head of Parish Property Services, Mr Greg Ellem.
15. I commend this report to the Synod.

MR RICHARD NEAL

**Chair, Anglican Church Property Trust Diocese of Sydney**

May 2022

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## Summary by the Head of Parish Property Services, Mr Greg Ellem

1. On behalf of my Parish & Property Services (PPS) colleagues, Penny Barletta, Scott Lincoln, Cindy Wong, Elle Byrne, Kenneth Ho, Sally Satya, Grace Shi, I express gratitude for the assistance provided to us by the Board, the senior episcopal team and the many parish volunteers, as we partner parishes in a variety of property and insurance matters as they continue to undertake front line Christian ministry across the diocese.
2. We serve the Board as its executive management arm and relate to the Board in accordance with a service level agreement that is negotiated annually and is reviewed during the year.

## Executive summary

3. During 2021 the SDS management team supported the ACPT in its corporate and trustee capacity as trustee for parishes and some diocesan organisations in the following areas:
  - (a) Exercised oversight and administered 7 separate building projects for amounts in excess of \$1 million with a total value of \$14.7 million. Key property projects that were completed during 2021 include a new church building at Silverdale for Grace West parish and a new foyer connecting ministry buildings at Jannali church. ACPT administered contracts and completed projects on a number of heritage buildings including: roof restoration works at St Michael's Cathedral Wollongong and Redfern church on behalf of Synod (Maori Anglican Fellowship); church building remediation works at South Sydney and a pipe organ at St Luke's Mosman. During 2021 contracts were executed and work commenced for alterations and additions to the heritage buildings at Vine Church Surry Hills.
  - (b) Assisted parishes in the provision of 9 ministry houses. 4 new properties were acquired that comprised existing dwellings for occupation as rectories for the parishes of Campbelltown, Central Villages Lawson, Lidcombe and Jervis Bay and St Georges Basin. ACPT exchanged contracts to acquire 3 rectories on behalf of the parishes of Village Church Annandale, Darling Street and Northmead. ACPT administered and completed contracts for the construction of 2 new ministry houses and a rectory on existing parish lands for 2 parishes at Belmore with McCallums Hill and Clenton Park and at Stanhope respectively.
  - (c) Received, reviewed, signed and processed a record 600 separate documents for parishes (including development applications, building contracts, leases, licence agreements, contracts of sale, applications for grant funding, insurance claims, etc.). This compares with 535 documents processed in the 12 months to Synod 2021,
  - (d) Circulated Spring 2020 and Summer 2021 editions of "Property Matters" newsletter for parishes to enhance communication channels with parishes in respect to insurance and property-related matters,
  - (e) Administered a record 78 Public Liability insurance claims and 63 Industrial Special Risk (Property and Contents) insurance claims or notifications on behalf of parishes,
  - (f) Prepared and issued 16 separate circulars to parishes about a range of policy/procedure matters such as the quarterly "About Your Invested Funds" circular to parishes and diocesan organisations on whose behalf the ACPT invests funds, advice about applications for grant funding from the NSW, Local and Commonwealth governments, advice in respect to cemeteries and columbaria, advice about using Anglican halls as polling places, as well various insurance related circulars.
4. In compliance with NSW Government Public Health Orders, for much of 2021, SDS staff worked remotely. Despite not having access to the St Andrew's House facilities, and as noted above, it was very much "business as usual" in our support of parishes. We are particularly pleased that the aggregate value of the NSW Government's CBP program alone, has delivered financial support to parishes over the period 2010 – 2021 of \$15.9m. The ACPT's executive team also met with the parliamentary staff and elected members of the NSW Government and local Councils, in relation to several specific parish building, sale and heritage projects. Further meetings have occurred during 2022.

## Constitution and purpose

5. The ACPT is an incorporated body constituted by the *Anglican Church of Australia Trust Property Act 1917*. The *Anglican Church Property Trust Diocese of Sydney Ordinance 1965* regulates the functioning of the ACPT. Pursuant to the 1917 Act, the ACPT is the legal owner and trustee of church trust parish property within the Diocese of Sydney. As owner, the ACPT is required to be involved in a wide range of parish property transactions, including but not limited to insurance, leases, licences, property sales/purchases, building contracts and administration of estates.

## Principal ACPT Activities during 2021

6. Partnering parishes with specific significant projects:

(a) Parish of Parramatta

Since 2018, the parish and ACPT have been progressing a Planning Proposal through the City of Parramatta Council to give effect to a 2020 Gateway Approval from the NSW Department of Planning & Environment that will transform the parish footprint around the historic St John's Cathedral by significantly enhancing ministry facility space while providing a robust, recurrent ground lease rental cash flow that will assist the parish and broader diocesan mission into the future.

(b) Parish of Surry Hills

The completion of this project during Q2/Q3 2022, will see the church building, original rectory and heritage hall joined together with an expansive foyer providing much needed gathering space, improved amenities and connection to the street and green space. The church building itself has also been modernised with the floor levelled, pews removed and a new sound system, but still retains its heritage charm – even more apparent now with custom designed lighting.

(c) Parish of South Sydney

Significant restoration project scheduled for completion in Q2 2022 that will ensure the extraordinary barrel ceiling of the church remains protected from the elements. The project includes stone repair and cleaning four storeys off the ground and repair of stained glass windows. The work continued underground with solutions being implemented to resolve rising damp problems. The investment of time and money in this project will ensure the parish is able to continue to serve the local community well into the next century

(d) Parish of Jannali

Mission to the local community has been enhanced by the addition of a new foyer and meeting/amenities area has connected the various ministry buildings comprising the ministry centre designed around a central courtyard and children's playground area.

(e) Parish of Grace West

A new 150 seat ministry centre with associated hall, amenities and car parking facilities was completed in a population growth area at Silverdale. The official building opening was a time of thankfulness to God representing the culmination of more than 2 decades of work by the congregation at Mulgoa parish and more recently in partnership with the Glenmore Park parish following the 2005 acquisition of the subject land.

(f) Jervis Bay and St Georges Basin

ACPT, on behalf of the parish of Jervis Bay and St Georges Basin completed the sale of the Huskisson church building, cemetery and rectory and the Sanctuary Point church building to realise funds that have been used to purchase a new rectory with remaining funds held to fund the construction of a new parish ministry centre at a more suitably and centrally located site in Vincentia that was acquired from Anglican Schools Corporation in 2020. ACPT continues to work with the parish to submit a development application for the construction of the new ministry centre.

(g) Cathedral of St Andrew – Chapter House redevelopment

A partnership between the Chapter of the Cathedral of St Andrew and St Andrew's Cathedral School (SACS) enabled the Cathedral Chapter to embark on a much needed renovation of the Chapter House. The space is now used by the school as its principal auditorium under a lease and licence arrangement between the ACPT as trustee for the Cathedral and SACS. In ACPT's trustee role various agreements were executed which established the formal relationship that should ensure the Chapter House remains in excellent condition, and the Cathedral has significant new facilities to support its various ministries.

- (h) Parish of Wollongong  
The impact of COVID-19 on the residential student population of University of Wollongong (UoW), led UoW to take the strategic decision to take steps to dispose of its interest in the MarketView student accommodation that is owned by UoW on parish land and subject to long term ground lease rentals. ACPT and its SDS executive management team continue to work with UoW executives and the wardens and acting rector to agree a suitable incoming lessee for the property.
- (i) 1 York, Sydney (Parish of Church Hill and Synod as income beneficiaries)  
In early 2021, the Head Lessee of the current ground lease over the building at 1 York Street, Sydney approached the Landlord (ACPT) seeking to negotiate revised terms. Those negotiations involve engagement with the two diocesan income beneficiaries (the wardens of the parish of Church Hill and a subcommittee of the Standing Committee) and are ongoing.
- (j) Construction on behalf of the Mission Property Committee (MPC)  
In the northwest of Sydney a new 250 seat ministry centre at Leppington was completed and occupied in time for Christmas 2021 church services. The project included construction of mains sewer infrastructure works on behalf of Sydney Water to replace an existing septic system and a new stormwater drainage system on the former agricultural site, coordination of a shared driveway and car parking area with the adjoining site that is owned by Anglican Schools Corporation and will become a new Anglican School. In the South West of Sydney, development consent was obtained for the staged construction of a new ministry centre at Marsden Park.

7. Providing guidance to parishes:

- (a) Presented parish property webinars including a webinar attended by 14 parish representatives in relation to State Heritage listing and the requirements for maintenance of cemeteries on church trust properties and a Property webinar for 30 rectors and wardens in the Western Region. More webinars are planned for the various diocesan regions in 2022.
- (b) Conducted a survey on building maintenance of 40 parishes and published online best practice guidelines on the maintenance of church buildings.
- (c) Lodged objections to the proposed draft local heritage listings of church buildings at parishes of Campsie, Lidcombe, Wentworthville and Westmead and submissions to the City of Sydney in support of heritage floor space incentives to facilitate funding for the maintenance of state heritage listed church buildings including St Andrews Cathedral.
- (d) Provided desktop valuations to over 30 parishes free of charge in relation to prospective properties to be acquired as ministry housing

Insurance

- 8. Pursuant to the terms of the *Church Insurances Ordinance 1981* the ACPT effects insurance on behalf of parishes and some diocesan organisations under the CIP. The annual renewal date of the diocesan insurance policies is 31 August. There is an annual insurance premium of approximately \$4.9million, to insure some 1,100 parish buildings and property of many diocesan organisations under the CIP.
- 9. The ACPT Manager, Insurance Services, commences the renewal process early each calendar year by collecting key insurance data from parishes and diocesan organisations to facilitate negotiations with various investment grade insurance counterparties for suitable insurance cover. Significant time is invested in administering the cover for those diocesan organisations that participate in the CIP (including Anglican Aid, Anglican Education Commission, Anglican Media, Arundel House, Anglican Youthworks, Camperdown Cemetery Trust, Endowment of the See, Evangelism & New Churches, GFS, Glebe Administration Board, Ministry Training & Development, Mission Property Committee, Moore Theological College, Mothers Union, New Churches for New Communities, Sydney Anglican Loans, Sydney Anglican Indigenous Peoples Ministry Committee, St Andrew's House Corporation Council St James Hall, Sydney Diocesan Services, St Jude's Music Association, Anglican Church Growth Corporation (ACGC), Sydney Anglican (National

Redress Scheme) Corporation (SANRSC), SDS Legal, Professional Standards Unit, the Council of Living Faith and Work Outside the Diocese). This is achieved under the oversight of the diocesan insurance broker, Marsh Pty Ltd (Marsh). With the assistance of Marsh, insurance policies are established for a suite of insurance products with a spectrum of insurance counterparties, all of whom are ascribed an “investment grade” external counterparty credit rating by the recognised international insurance Credit Rating Agencies.

10. As noted in the report from the Chair, 2021 again proved to be a challenging year for insurance markets generally. While market rates generally increased by ~ 20% year on year, the cost of the CIP was able to be restricted to ~ 14% higher than the 2020/21 CIP. This was achieved through the benefits derived from the second year of a two year Long Term Agreement (LTA) in respect to the parish ISR component of the CIP (representing ~ 60% of the total cost of the CIP) that was negotiated with the CHUBB Australia Insurance Ltd and Catholic Church Insurance at 2020 premium rates. This structure enabled the year on year increase in the cost of the ISR policy between 2020/21 and 2021/22 to be held at 7.5%.
11. Insurance-related enquiries are dealt with by the Manager, Insurance Services (Cindy Wong) and the Insurance Assistant, Ms Sally Satya. The enquiries handled by Cindy and Sally include day-to-day insurance enquiries and issuance of Certificates of Currency which enable parishes to conduct off-site activities.

### Archbishop of Sydney’s Discretionary Trust

12. ACPT is trustee of the Archbishop of Sydney’s Discretionary Trust (“ADT”). The fund was established pursuant to the *Archbishop of Sydney’s Discretionary Trust Ordinance 2012*. On 18 March 2019 the ACPT was appointed trustee of the ADT pursuant to the *Archbishop of Sydney’s Discretionary Trust Vesting and Amendment Ordinance 2019* and was no longer subject to an external audit as the client fund is just one of some 455 separate ACPT client funds. With net assets of \$1,616,586 as at 31 December 2021 (2020: \$1,558,251), the ADT was solvent and also ranked 22<sup>nd</sup> largest ACPT client fund (excluding the LTPF and Church Insurances Fund). The ACPT auditor, PricewaterhouseCoopers, undertook a range of Agreed Upon Procedures for the 2021 year in respect to ACPT client funds.
13. On 27 May 2022, ACPT received and adopted the ADT Financial Report for 2021 and authorised the Trustee’s Declaration in the report to be signed.
14. The funds are currently invested in both the ACPT’s LTPF and the GAB’s DCIF.
15. Further information required by clause 14 of the *Accounts, Audits and Annual Reports Ordinance 1995* is set out in the Appendix.

### Long Term Pooling Fund

16. While the ACPT Board provides key strategic oversight of the LTPF, management is responsible for reviewing and developing/recommending policies and procedures for adoption by the full ACPT Board in relation to the 191 separate investments in the DCIF as trustee for parish unitholders and some 102 separate investments for parish unitholders in the LTPF.
17. The Investment Objective for the LTPF is to achieve a real rate of return of 3.5% pa over rolling 5 year periods (after external investment management fees and tax effects) subject to:
  - (a) preserving the real value of a unit in the LTPF over a rolling 10 year period (commencing 1/7/2010) with a 60% - 70% probability, and
  - (b) adopting a distribution policy that is consistent with the Investment Objective
18. As at 31 December 2021, the aggregate value of the LTPF was ~ \$88.6 million. The average real rate of investment return generated by the LTPF over the rolling 10 year period to 31/12/2021 was 8.22%pa, considerably above the real rate of return objective. During 2021 distributions aggregating \$2.46 million were made to beneficiary parishes and diocesan organisations.
19. Quarterly reports are received from the investment and asset manager, Mercer Pty Limited (Mercer) that demonstrated that ACPT’s Ethical Investment Policy (EIP) was in compliance

throughout the review period. ACPT's EIP requires underlying fund managers to positively tilt their portfolios to ethical companies and to maintain carbon intensity exposures below that of equivalent market benchmarks within the actively managed listed asset classes. The EIP was initially adopted and implemented by the ACPT with the endorsement of the Standing Committee in 2016. The policy was reviewed by ACPT during 2020 and a subcommittee, comprising members of ACPT, GAB and Anglican Super has been assembled to consider a diocesan-wide EIP for consideration by either Synod or Standing Committee.

20. The EIP also retains the “negative screens” (that is, screening out “disapproved businesses”) such as businesses deriving income from alcohol, armaments, gambling, pornography and tobacco and stem cell research involving the destruction of embryos, abortifacients and elective abortions.
21. Overseas Shares are passively managed so there is no difference from the benchmark in terms of carbon intensity. The ACPT is well advanced in taking a similar approach to seeking a reduction in the carbon intensity of other parts of the portfolio in due course. A copy of the ACPT's EIP can be found at [www.sds.asn.au](http://www.sds.asn.au).
22. Further information required by clause 14 of the *Accounts, Audits and Annual Reports Ordinance 1995* is set out in the Appendix.

### Sydney Grants Administration Fund

23. The Sydney Grants Administration Fund is the Fund held on trust by ACPT to receive grants and payments, including government grants for specific parish projects. Some 81 of grants received by the Fund are derived from the NSW Government's Community Building Partnership Grant program for which grants are generally made annually.
24. Since the initial CBP grants were announced in 2009, the ACPT has promoted, facilitated and administered all CBP Grant Programs. The process includes:
  - (a) assisting parishes construct applications and liaising with local MPs
  - (b) reviewing documentation and grant conditions applicable to each successful parish
  - (c) responding to enquiries from parishes about various aspects of the CBP Grant Program
  - (d) responding to enquiries from the NSW CBP Office and NSW Government Members of Parliament about successful parish projects
  - (e) receiving and distributing grant funds to each successful parish
  - (f) progress and acquittal reporting to the NSW State Government in accordance with grant application criteria
  - (g) following up incomplete acquittal information from grantees to satisfy NSW Government CBP Grant Program audit procedures and ensure that parishes are given a fair opportunity to share in future CBP Grant Programs.
  - (h) The data collected over the years of CBP Grant Programs is currently being analysed for information about successful applications and the lessons learnt will be provided to parishes through a new Grants tab on the SDS Parish Property page in due course.
25. A summary of the grants received from CBP Grant Programs since the program commenced in 2009 follows –

Year	No. of successful Parishes	\$ Grant amount (rounded)
CBP 2009 - 2020 CBP (I) – (XII)	677	\$14,325,663
CBP 2021 (XII)	62	\$1,067,189
<b>Total</b>	<b>739</b>	<b>\$15,392,52</b>

26. In addition to the \$1,067,189 received over 2021 from CBP Grant programs, the Fund received grants totalling \$1,313,889 including Stronger Communities Program, Powering Communities Program and My Community Projects Program and others across a number of Federal, other NSW State and Local Government Grant programs.

27. Further information required by clause 14 of the *Accounts, Audits and Annual Reports Ordinance 1995* is set out in the Appendix.

## **Property and Insurance team**

28. The SDS parish and property services team who support the ACPT look forward to continuing to serve parishes and diocesan organisations. The Parish Property Services team can be contacted:

<b>Greg Ellem, Head of Parish Property</b>	<a href="mailto:gxe@sydney.anglican.asn.au">gxe@sydney.anglican.asn.au</a>	02 9265 1546
<b>Penny Barletta, Manager, Parish Property (Northern and South Sydney regions)</b>	<a href="mailto:pxb@sydney.anglican.asn.au">pxb@sydney.anglican.asn.au</a>	02 9265 1561
<b>Scott Lincoln, Manager Parish Property (Western, South Western and Wollongong regions)</b>	<a href="mailto:sxl@sydney.anglican.asn.au">sxl@sydney.anglican.asn.au</a>	02 9265 1633
<b>Cindy Wong, Manager, Insurance Services</b>	<a href="mailto:cpw@sydney.anglican.asn.au">cpw@sydney.anglican.asn.au</a>	02 9265 1679
<b>Grace Shi, Assistant, Parish Property (Tuesday, Wednesday, Thursday)</b>	<a href="mailto:gbs@sydney.anglican.asn.au">gbs@sydney.anglican.asn.au</a>	02 9265 1562
<b>Elle Byrne, Assistant, Parish Property (Monday, Wednesday, Thursday)</b>	<a href="mailto:elle.byrne@sydney.anglican.asn.au">elle.byrne@sydney.anglican.asn.au</a>	02 9265 1517
<b>Kenneth Ho, Assistant, Parish Property</b>	<a href="mailto:Kenneth.Ho@sydney.anglican.asn.au">Kenneth.Ho@sydney.anglican.asn.au</a>	02 9265 1516
<b>Sally Satya, Insurance Assistant</b>	<a href="mailto:ssatya@sydney.anglican.asn.au">ssatya@sydney.anglican.asn.au</a>	02 9265 1557

GREGORY ELLEM  
**Head of Parish Property**

May 2022

## Additional information required by Accounts, Audits and Annual Reports Ordinance 1995

This appendix sets out additional information required by clause 14 of the *Accounts, Audits and Annual Reports Ordinance 1995* for the following trusts held by the ACPT -

- The Archbishop of Sydney’s Discretionary Trust
- The Anglican Church Property Trust (Sydney) Long Term Pooled Investment Fund
- The Anglican Church Diocese of Sydney Grants Administration Fund

### Charities group status report (clause 14(c))

Legal name and ABN of entity (and any other entity under its control)	Whether registered with the ACNC as a charity? (√/X)	Whether an AIS and, if applicable, an annual financial report and auditor’s or reviewer’s report provided to the ACNC for 2021? (√/X)
Archbishop of Sydney’s Discretionary Trust ABN 82 339 428 846	√	√
Anglican Church Property Trust (Sydney) Long Term Pooled Investment Fund ABN 40 383 894 774	√	√
Anglican Church Diocese of Sydney Grants Administration Fund ABN 19 344 575 886	√	√

### Access information (clause 14(d)(i))

The principal office is  
Level 2, St Andrew’s House,  
Sydney Square

Mail: PO Box Q190  
QVB Post Office, NSW 1230

Phone: (02) 9265 1555

Hours of access are between 8.30am and 5.30pm

### Members (clause 14(d)(ii))

Throughout 2021 the Board comprised the following members –

Name of member	Method and term of appointment	Attendance at meetings	Membership of significant board committees
The Most Rev Kanishka Raffel	Ex Officio – President. Term expires at conclusion of episcopacy.	6 of 7	Various ex officio committees

Name of member	Method and term of appointment	Attendance at meetings	Membership of significant board committees
Dr Glenn Davies	Ex officio – President. Concluded in March 2021	2 of 2	Various ex officio committees
The Rt Rev Peter Hayward	Ex officio – (Diocesan Administrator) until the consecration of Archbishop Raffel	2 of 2	Various ex officio committees
The Rev Canon Christopher Allan	Synod – expires Synod 2023	9 of 11	ACPT's MWC**, the Archbishop's Committee for portraits, etc, board of ACGC, and Council of SHORE
Mr Wayne Bramley	Synod – expires Synod 2024	9 of 11	ACPT's IIFC **
Mr Richard Neal (Chair)	Synod – expires Synod 2025	10 of 11	ACPT's IIFC** and MWC **
Mr David Nelson	Synod – expires Synod 2026	11 of 11	Nil
The Rev David Ould	Synod – expires Synod 2027	10 of 11	ACPT's IIFC** and MWC** (Chair), Anglican Super Board, Ethical Investment Working.
Mr Ian Pike	Synod – expires Synod 2025		ACPT's IIFC
Mr Peter Rusbourne	Synod – expires Synod 2027	10 of 11	Nil
The Rev Andrew Schmidt	Synod – expires Synod 2023	11 of 11	Nil
Ms Margaret Stuart	Synod – expires Synod 2026	7 of 11	Ethical Investment Working Group
Mrs Melinda West (Deputy Chair)	Synod – expires Synod 2025	9 of 11	ACPT's IIFC ** (Chair) and MWC ** Standing Committee and Synod

\*\* IIFC – Investment, Insurance & Finance subcommittee of the ACPT

\*\* MWC – Major Works Committee subcommittee of the ACPT

#### Charter and financial results summary (clause 14(d)(iii) and (v))

Name of entity	Charter	Financial Results
Archbishop of Sydney's Discretionary Trust (ADT)	<i>In accordance with Clause 5 of the Archbishop's Discretionary Trust Ordinance 2012, the ADT is held on trust for the purposes of the Anglican Church of Australia in the Diocese of Sydney (the Diocese). The capital of the ADT is to be invested and may be applied for such purposes of the Diocese as the Archbishop-in-Council may approve.</i>	<i>As at 31 December 2021, the ADT held net assets of \$1,616,586 (31 December 2020: \$1,558,251). The ACPT deemed the ADT solvent as at the last balance sheet date.</i>

Name of entity	Charter	Financial Results
	<p><i>30% of the income of the trust fund is to be capitalised and the undistributed income of the trust fund may be applied for such purposes of the Diocese as the Archbishop may approve.</i></p>	
<p>Anglican Church Property Trust (Sydney) Long Term Pooled Investment Fund</p>	<p>In accordance with paragraphs 3 and 4 of the LTPF Ordinance 2012, the LTPF is held by ACPT on trust for the Anglican Church of Australia in the Diocese of Sydney to make distributions of income to invested client funds, and to pay costs and expenses of ACPT in performing its functions and exercising its powers under this ordinance.</p> <p>The ACPT is to invest, manage and administer the LTF and maintain the real value of the LTPF</p>	<p>The average real rate of investment return generated by the LTPF over the rolling 10 year period to 31/12/2021 was 8.22%pa, considerable above the real rate of return objective.</p> <p>As at 31 December 2021, the aggregate value of the LTPF was ~ \$88.6 million and during 2021 distributions aggregating \$2.46 million were made to beneficiary parishes and diocesan organisations.”</p>
<p>Anglican Church Diocese of Sydney Grants Administration Fund</p>	<p>In accordance with paragraphs 4 and 5 of the <i>Sydney Grant’s Administration Ordinance 2019</i>, the fund is held on trust for the Anglican Church of Australia in the Diocese of Sydney to receive grants and payments, including government, grants, for purposes including specific projects and also broader purposes that are not specific to any particular type of grant, on behalf of Anglican entities and to receive distribute/apply those grants in accordance with the purposes for which they have been made.</p>	<p><i>Over 2021, NSW Govt. Community Building Partnership grants were received for 62 separate parishes in the aggregate amount of \$1,067,189.</i></p> <p>In addition to the CBP Grant programs, the ACPT administered a further \$246,700 across a number of Federal, State and local Government Grant programs.</p>

**Conformity with Synod Governance Policy (clause 14(e))**

The Synod Governance Policy applies to ACPT as trustee of the Archbishop’s Discretionary Trust, Long Term Pooled Investment Fund and Sydney Grants Administration Fund.

Refer paragraphs 7 and 8 of this Annual Report.

## Regional Councils' Annual Reports for 2021

(A compilation of extracts from the annual reports of the Regional Councils.)

### Key Points

- Under clause 9(2) of the *Regions Ordinance 1995* each Regional Council must present an annual report of its proceedings and the exercise of its general functions for inclusion in the Standing Committee's report to Synod for that year
- These reports are in addition to the annual reports prepared by the Regional Councils and tabled at the Synod under the *Accounts, Audits and Annual Reports Ordinance 1995*

### Background

1. Under clause 9(2) of the *Regions Ordinance 1995*, each Regional Council must present to the Standing Committee an annual report of its proceedings and the exercise of its general functions under clause 6 in sufficient time each year to enable the Standing Committee to include the report in the report for that year of the Standing Committee to Synod.
2. The general functions of the Regional Councils under clause 6 are –
  - (a) to carry out or assist in carrying out any resolutions passed by the Synod or the Standing Committee and referred to it for implementation;
  - (b) to develop ministry strategies in the Region;
  - (c) to assess applications for grants in the Region made or referred to it;
  - (d) to make grants or loans from money (consistent with any trusts on which that money may be held) available to it for distribution or for lending;
  - (e) to accept gifts and grants;
  - (f) to raise and expend money for any purpose connected with ministry in the Region;
  - (g) to employ persons for any purpose connected with ministry within the Region, and to dismiss any person so employed;
  - (h) to manage and control any endowment held for the Region as a whole;
  - (i) to discuss matters affecting the Region and to disseminate information in the Region;
  - (j) to make recommendations to the Archbishop about alterations to regional boundaries; and
  - (k) to exercise such other functions as the Synod or the Standing Committee may from time to time prescribe.
3. The following are the reports from the Regional Councils for 2021 for the purposes of clause 9(2). These reports are extracts from the annual reports prepared by the Regional Councils and tabled at the Synod under the *Accounts, Audits and Annual Reports Ordinance 1995*.

### Northern Regional Council

4. The Council met once during the year. The Council also passed a circular resolution on 23 March 2021, with all members at the time supporting the resolution.
5. The Rev Ian Millican resigned from the Council effective 17 September 2021 because of his taking the role of Bishop's Assistant in Armidale Diocese. Mr Millican served on the Council since 2006.
6. The Council meeting enabled discussion of a range of matters relating to ministry strategies in the region, including consideration of ways the Council might assist parish ministry in line with the Diocesan Mission.
7. The coronavirus pandemic restricted the Council's ability to meet face to face and to undertake a range of activities that it had planned or usually would have undertaken, such as an annual meeting of region clergy.

8. In accordance with its authority and responsibilities under relevant ordinances, in March 2021 the Council agreed to support the Parish of St Paul's Terry Hills progressing to full parish status with effect from 1 July 2021 [promoted to Synod in May 2021].
9. The Council noted and discussed the paper presented at [the May 2021] Synod which will result in new regional boundaries. The Council supported engaging with parish churches to seek their input on the boundary matter and also to establishing roles akin to prior archdeacon offices with authority to make mission area decisions e.g. a mission area deacon/leader to approve certain property matters without being required to consult with the Regional Bishop.

### **South Sydney Regional Council**

10. The South Sydney Regional Council serves the South Sydney Region of the Diocese of Sydney which includes the Inner West, Sydney City, Eastern Suburbs, and Bayside Mission Areas. The South Sydney Region also includes the parish of Lord Howe Island and the Church of England on Norfolk Island.
11. Only two Council meeting was held in 2021. Further consultation occurred via phone and email.
12. In 2021, the main activities of the Council either by way of report or action was as follows –
  - Receiving reports from, and providing approved funding for, the Church of England on Norfolk Island (\$28,228), Living Water Indigenous Ministry (\$6,250), and the Parish of South Sydney (\$10,000).
  - Distributing to the Parish the Synod Grant for Lord Howe Island (\$22,000).
  - Giving feedback to the reconfiguration of Regions and Mission Areas in the Diocese.
  - Providing financial support for a Regional Ministry Conference (which was cancelled due to COVID restrictions).
  - Approving the change of rules that apply to the Parish of Eastgardens under the Parish Administration Ordinance from Schedule 1 to Schedule 2.
  - Reviewed progress on the appointment of clergy to vacant parishes and various property development proposals.

### **South Western Regional Council**

13. The Regional Council had three meetings in 2021 due to COVID-19. The Council continued to meet to discuss strategies for reaching the Region. The challenge of the Greenfields has begun to be a discussion point. Whilst the Council does not have much by the way of funds nor any significant ongoing source of funds, how to maximize those funds for gospel ministry has also been subject to discussion.

### **Western Sydney Regional Council**

14. The main committees are the Executive Committee, the Ordinance Review Panel and the Architectural Panel.
15. The Council met on 3 occasions during 2021 via Zoom.
16. The main areas of consideration included assisting parishes with a response to COVID-19 lockdowns and related matters, parish vacancies and new appointments, strategic partnerships between parishes, formation of a new recognized church, building projects in the region, approving parish boundary adjustments, assisting a parish in negotiations with ASC over property use, assisting a parish to regenerate ministry in a socially disadvantaged area and encouraging some ministers into the Reach Australia development program.

## Wollongong Regional Council

17. The Wollongong Regional Council met three times during 2021, on the evenings of 2 March, 22 June and 12 October. The meetings were held in Wollongong with each meeting preceded by a meal.
18. The realignment of regional boundaries midway through 2021 meant that the Macarthur Mission Area was no longer part of the Wollongong Region. This meant that Rev Stephen Swanepoel and Mrs Kerry Thomas were no longer members of the Regional Council for the third meeting of the year.
19. Bishop Peter Hayward and the Regional Council worked closely to further support ministry across the Region. This included –
- providing financial support for CMD consultancy for parishes working in marginalised communities
  - coordinating the sale of a dwelling to the parish of Sussex Inlet for use as a rectory
  - coordinating the sale of a dwelling to MPC for use as a rectory at Leppington
  - tidying up parochial boundaries for parishes in the Macarthur Mission Area prior to the regional boundary realignment
  - creating a pilot program to help fund new workers in parishes (Keiraville and Port Kembla for 2022)
  - promoting an ordinance to change the status of Jamberoo to a full parish at the next synod session
  - providing financial support with subsidised demountable at Helensburgh and Denham Court, and agreeing to the sale of a demountable to Helensburgh
  - meeting with and support of Mission Area leaders
  - support for Rectors
  - 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 Anglicare 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
  - provision of advice and support through the impact of the pandemic.
20. During 2021 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>
CMD	Consultancy – marginalised areas	\$20,000	
Keiraville Parish	Grant – new worker	\$5,000	\$25,000

21. The Council received reports from Bishop Hayward and the Assistant to the Bishop at each meeting.

For and on behalf of the Standing Committee.

DANIEL GLYNN  
**Diocesan Secretary**

26 July 2022

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**Third Session of  
52<sup>nd</sup> Synod**

(to be held on 10, 12-14 and 19-20 September 2022)

**Book 5**

(Pages 502 to 566)

**Supplementary  
Reports and Papers**

Standing Committee of the Synod  
Anglican Church Diocese of Sydney

## **Supplementary Reports and Papers for 2022**

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## 2/05 Stipends, Allowances and Benefits for 2023

(A report from the Standing Committee.)

### Key Points

- In August 2021 we discontinued the use of AWE as the benchmark for setting recommended minimum stipends for 2022 onwards and instead adopted fixed increase of 2.4% as from 1 July in each of the next 2 years.
- As a result we approved a recommended minimum stipend for a minister of \$71,182 from 1 July 2022 and \$72,890 from 1 July 2023.
- In August 2021 we also removed the recommended limitations on the types of exempt benefit that may be provided to a minister in recognition of the ATO's Ruling TR 2019/2 and renamed the MEA as the Minister's Discretionary Benefits Account (MDBA).
- The structure of remuneration package remains unchanged.

### Introduction

1. By resolution 2/05, the Synod requested that the Standing Committee report its findings about stipends and allowances to the Synod each year.
2. It is expected that the advice to ministers and wardens entitled "Guidelines for the Remuneration of Parish Ministry Staff for 2022-2023" (the **Guidelines**) will be published in September this year and will provide details of the recommended stipends, allowances and benefits for ministers, assistant ministers and lay ministers for 2023.

### Recommended Minimum Stipends

3. In August 2021 Standing Committee noted that continuing the application of its policy to set the recommended minimum stipend at 75% of AWE would have resulted in a 3.7% increase applying from 1 January 2022 and agreed to discontinue the use of AWE as the benchmark for setting minimum stipends for 2022 onwards and instead adopt a fixed increase of 2.4% as from 1 July in each of the next 2 years.
4. In accordance with the new policy, in August 2021 Standing Committee set the recommended minimum stipend for a minister at \$71,182 pa from 1 July 2022 and \$72,890 from 1 July 2023.
5. Accordingly, for 2023 the recommended minimum stipend will be –

	% of Minister's Recommended Minimum Stipend	Jul'22 – Jun'23 Recommended Minimum Stipend \$ pa	Jul'23 – Jun'24 Recommended Minimum Stipend \$ pa
Minister	100	71,182	72,890
Assistant Ministers, Lay Ministers & Youth and Children's Ministers (Theological degree or Advanced Diploma) –			
5 <sup>th</sup> and subsequent years	95	67,623	69,246
3 <sup>rd</sup> and 4 <sup>th</sup> year	90	64,064	65,601
1 <sup>st</sup> and 2 <sup>nd</sup> year	85	60,505	61,957

	<b>% of Minister's Recommended Minimum Stipend</b>	<b>Jul'22 – Jun'23 Recommended Minimum Stipend \$ pa</b>	<b>Jul'23 – Jun'24 Recommended Minimum Stipend \$ pa</b>
Youth and Children's Ministers (Diploma) – 7 <sup>th</sup> and subsequent years	85	60,505	61,957
4 <sup>th</sup> to 6 <sup>th</sup> year	75	53,387	54,668
1 <sup>st</sup> to 3 <sup>rd</sup> year	65	46,269	47,379

## Remuneration Packaging

6. The maximum level of stipend that may be sacrificed to a Minister's Discretionary Benefits Account (MDBA) remains set at 40%, with the member of the ministry staff able to set a lower percentage. Ministry staff may sacrifice an additional amount of stipend (over and above the 40%) to increase superannuation savings. There are now no limitations on the types of benefit that may be provided from the MDBA. Benefits, whether related to the minister's pastoral duties or of a private nature, received in this way are exempt from fringe benefits tax and income tax.

## Superannuation Contributions

7. 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 2022*. Superannuation for lay ministers is paid separately. As in previous years, the amount of the superannuation contribution is generally set at approximately 17% of the applicable minimum stipend, accordingly the annual contributions proposed for 2023 are –

	<b>2023</b>
Minister	12,246
Assistant Ministers, Lay Ministers & Youth and Children's Ministers (Theological degree or Advanced Diploma)– 7 <sup>th</sup> and subsequent years	12,246
1 <sup>st</sup> to 6 <sup>th</sup> year	11,022
Youth and Children's Ministers (Diploma) – 7 <sup>th</sup> and subsequent years	10,409
1 <sup>st</sup> to 6 <sup>th</sup> year	9,185

## Travelling Allowances/Benefits

8. The diocesan scale for the travelling allowance to be paid to ministers, assistant ministers, lay ministers and youth and children's ministers for 2023 is calculated in accordance with the following scale –
- a fixed component of \$8,047 (2022 – \$8,047) per annum to cover depreciation, registration, insurance etc, plus
  - a reimbursement at the rate of \$246 (2022 – \$246) for every 1,000 kilometres travelled by the person concerned on behalf of the church or organisation which he or she serves.
9. Travel benefits may be provided through a MDBA in lieu of a travel allowance in accordance with the guidelines published in the Guidelines.

## Remuneration for Occasional Services

10. The recommended rates for clergy who take occasional services are –

	<b>2023</b> <b>\$</b>
For 1 service	90
For 2 or more services in a half day	120
For a whole day	180

11. 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 (2022 – 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

12. 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 (2022 – 80 cents).
13. 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.
14. Part time pastoral workers must be included under the parish's workers compensation insurance policy.

## Student Ministers

15. The recommended assistance for student ministers working one full day per week for 2023 is –

	<b>% of Minister's Minimum Stipend</b>	<b>Jul'22 – Jun'23 \$ pa</b>	<b>Jul'23 – Jun'24 \$ pa</b>
Studying for a degree	15.0	10,677	10,934
Studying for a diploma	12.5	8,898	9,111

If a student minister works more than one full day then the rate payable is a pro-rata amount of the full day rate.

16. 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 2022 the national minimum wage for adults has been \$21.38 per hour. This means that the recommended stipend allows for no more than 9.6 hours work per week if studying for a degree, and 8.0 hours if studying for a diploma. The national minimum wage will be reviewed next on 1 July 2023.
- (d) Arrangements should be made to ensure student ministers are provided with appropriate hospitality. For example, appropriate breaks should be provided especially in a long working day.
- (e) Preparation time adds to the total time incurred in service for the parochial unit and should be allowed for when the amount of payment is considered.
- (f) Superannuation contributions (at a minimum of 10.5% from 1 July 2022) are payable on the stipends and salaries of all employees.
- (g) Worker's compensation insurance cover must be arranged by the parish.
- (h) By arrangement with the student minister the parish may agree to pay college fees (tuition, boarding, etc) on behalf of the student minister in lieu of part of the normal remuneration. If such fees are paid they should be considered an exempt fringe benefit provided –
  - (i) the student is a ministry candidate, and/or holds the Archbishop's licence, or is an independent candidate undertaking the same course of study as required for a ministry candidate, and
  - (ii) the benefit is only applied to paying fees and the provision of accommodation/board.

For and on behalf of the Standing Committee.

DANIEL GLYNN  
**Diocesan Secretary**

22 August 2022

# Financial support for the Diocese of Bathurst

(A report from the Standing Committee.)

## Purpose

1. To provide a mission update from the Diocese of Bathurst following the Diocese of Sydney's commitment of financial support; and to seek an extension of financial support for a further six years.

## Recommendations

2. Synod receive this report.
3. Synod agree in principle to provide financial support of \$250,000 per year towards the costs of a Bishop and his registrar for the Anglican Diocese of Bathurst for a period of six years from 2025, subject to the Bishop of Bathurst during that time having the written support of the Archbishop of Sydney.

## Background

4. At the Second Ordinary session of the 51<sup>st</sup> Synod, the Synod received a report from Bishop Michael Stead and passed the following resolution about financial support for the Diocese of Bathurst –

### **8/18 Financial support for the Diocese of Bathurst**

Synod, noting the report Proposal to financially support the Diocese of Bathurst, agrees in principle to provide financial support of \$250,000 per year towards the costs of a Bishop and his registrar for the Anglican Diocese of Bathurst for a period of six years, subject to the Bishop of Bathurst during that time having the written support of the Archbishop of Sydney.

5. Synod's initial six year financial commitment covers 2019-2024. Mark Calder was elected bishop on 30 August 2019.
6. The Diocese of Bathurst has provided the **attached** report as a mission update on the impact of the support from Sydney. This will be supplemented by a short audio-visual presentation to the Synod.
7. The Sydney Synod will consider the *Funding Principles and Priorities* that will underpin Synod budgets for the next triennium at Synod next year (2023). By passing the suggested motion to agree in principle to continue to support gospel ministry in the Diocese of Bathurst, this commitment will be incorporated into the *Funding Principles and Priorities* that come to Synod next year.
8. A commitment for a further 6 years is sought, as this will provide time to consolidate the gains already made, implement the new Strategic plan, and provide certainty in the transition to the next Bishop of Bathurst. (Mark Calder reaches the statutory retirement age as Bishop in June 2029. A six year funding commitment from 2025 goes through until the end of 2030, giving an 18 month buffer after the appointment of the next Bishop of Bathurst). The proposed funding commitment has the same condition as the current commitment: ongoing funding is conditional on "the Bishop of Bathurst during that time having the written support of the Archbishop of Sydney." Bathurst's Bishop's Election Ordinance also replicates this same condition.

For and on behalf of the Standing Committee.

DANIEL GLYNN  
Diocesan Secretary

22 August 2022

## Diocese of Bathurst – with heartfelt thanks

With heartfelt thanks for your generous gift and a request that renewal of the gift might be considered

### 1. History

- (a) **Bathurst Diocese – ‘financially distressed’** – The General Synod Diocesan Financial Advisory Task Force lists only the Bathurst Diocese as ‘financially distressed’.<sup>1</sup> Due to unwise financial decisions in the past, the diocese was faced with a \$40M debt to the Commonwealth Bank (CBA). Settlement required the sale of all Diocesan schools and many significant properties – many of which had been income producing. Thankfully, the bank issued a deed of release, and we have no further obligation to the CBA. However, during this time, the Endowment of the See had also been run down to zero as the capital was spent. Tragically, redress payments have also cost the diocese \$6M to this point and claims continue to be made. Only the sale of further property can fund these payments.
- (b) **Bishop Palmer and Archbishop Glenn Davies** – Archbishop Raffel, in an interview with Bishop Calder recorded in February 2022, commented that a renewed relationship between Bathurst Diocese and Sydney Diocese, began when Bishop Ian Palmer and Archbishop Glenn Davies struck up a personal friendship which grew into a gospel partnership. Both bishops then worked with their own synods to see what might develop. Kanishka observed that the decision of the two bishops and the two synods to work together in this way was a work of God. You can see this section of the interview here: <https://youtu.be/cA24vBuqx4M?t=481>.
- (c) **A generous offer** – The Standing Committee and Synod of Sydney offered a generous gift to the Bathurst Diocese of \$250,000 a year for 6 years to fund our bishop and registrar/business manager. This is year 4 of that gift. Without such generosity, the future of the diocese would not have been viable.
- (d) **Subsequent change to the Bathurst Diocese bishop’s election ordinance** – it is significant to note that, without objection, Bathurst Diocese agreed to the request of the Sydney Synod, that their bishop’s election ordinance be changed to include the requirement that the Archbishop of Sydney must agree to the list of final nominees for Bishop of Bathurst, prior to the final election by the bishop’s election board. It is believed that this reflected not only the serious nature of the financial need, but a desire from the Synod, for a bishop who would assist in bringing a gospel-focused, Jesus- centred change to the diocese.
- (e) **Election of Mark Calder as bishop 30 August 2019** – Archbishop Glenn Davies indicated his approval of all the names on the final list which the election board considered. Subsequently, the Rev’d Mark Calder, rector of the parish of Noosa in the Diocese of Southern Queensland, was elected. Mark studied at Moore Theological College and served as Rector of St Andrew’s Roseville for 18 years prior to serving 10 years as Rector of Noosa.

### 2. COVID-19

- (a) **Delay in physically getting around the diocese** – just four months following Bishop Calder’s consecration and installation (21 and 23 of November 2019), COVID lockdown occurred. This severely limited Mark’s plans in getting around the diocese and getting to know people and observe ministry.
- (b) **Increased exposure across the diocese and in every church** – when lockdown began in late March 2020, only two parishes (out of 30 at the time), were able to offer any online ministry. Mark set about immediately to offer two complete pre-recorded services each week via his YouTube channel – one traditional and the other contemporary. This meant that for four months, most people across the diocese were watching Mark’s services and hearing him preach. The impact of this ministry is still being felt. It assisted many in the diocese to get to

<sup>1</sup> Report to Standing Committee of General Synod 12-13 November 2021.

know Mark. Many found the teaching in the weekly sermon inspiring and encouraging. Some became Christians. Others grew in their understanding of the gospel and became assured of their salvation. Some people who had attended traditional services all their life, found they preferred the contemporary service as they loved the fresh approach, the music and seeing young people involved. Mark still produces a sermon each week which is screened in the Sunday service of many parishes without clergy.

### 3. Return for investment

By the close of 2022, \$1M will have been given to Bathurst Diocese by the Sydney Diocese. How is it possible to measure the impact of such a gift? Without the gift, the parish levies necessary to support the bishop and business manager would have crippled local ministry. Instead, parishes are now able to put their limited resources into ministry at the coalface.

However, more significantly, the appointment of a Bishop with a charge from the election board to implement not just any change but Jesus-focused change has brought a greater emphasis on gospel proclamation, expository Bible teaching, ministry with a strategic intent and equipping each member so that members might use their gifts in the service of their church and community.

The appointment of a bishop with Sydney connections has also meant he has been able to recruit Bible college graduates for ministry in the West who are having their own profound effect in the parishes they serve.

- (a) **New clergy** – in 2½ years, Mark has ordained and/or appointed
1. Andrew Thornhill from SMBC to Coonabarabran
  2. Wally Cox from Moore College to Blayney
  3. Steven Klouth from SMBC to an assistant role at the cathedral
  4. Kevin Simington – an experienced pastor – as honorary ministry consultant in the diocese
  5. Roger and Sally Phelps from SMBC to Parkes
  6. James Daymond (Moore and SMBC) as deacon evangelist in Mudgee
  7. Bec Choi as an assistant in Blayney (currently studying through Ridley College)
  8. Ben Mackay from SMBC to Parkes
  9. David Blackmore (an experienced minister ordained in Newcastle) to Cudal-Molong
  10. Matthew Brooks-Lloyd from Sydney Diocese to Rylstone-Kandos in Cudgegong Valley parish
  11. Cathy Brooks-Lloyd to youth and children's work in Rylstone-Kandos
  12. Andy Martin from Oak Hill College UK, to Holy Trinity Orange (starts Oct 2022)
  13. Tim Smith from Moore College to Grenfell (starts 2023)

#### **Appointments pending**

14. An appointment to Cowra of a Moore College graduate (in partnership with BCA)
15. Jonny Lush – location under discussion – will be ordained in December - a graduate of the Brisbane School of Theology
16. Pending – location under discussion – another graduate from Moore College

Mark is also in discussion with another 4-5 ministers or students considering ministry in the diocese.

- (b) **Renewed leadership** – we are thankful that there is renewed leadership in the following boards and positions:
- i. Bishop-in-council (BiC); Anglican Property Trust (APT); and Bishop's election board
  - ii. Business manager/registrar
  - iii. Office administration

- (c) **Parish partnerships** – we are grateful that several Sydney parishes have formed partnerships with parishes in our diocese for the purposes of mutual support, financial assistance, and the possibility of doing mission together. For example:
- i. Norwest and Blayney – doing an Easter mission with SU next year
  - ii. Lithgow and Coonabarabran – pulpit exchange, prayer points, possible mission team visiting Coonabarabran
  - iii. St Andrew's Roseville and St Philip's South Turramurra providing financial support for the Rev'd Bec Choi in Blayney parish. Bec has visited, and the bishop has preached at both parishes in recognition of the partnership
  - iv. Springwood and the 10am service at the Cathedral – prayer, preaching, possible mission
- (d) **Bishop-in-council taskforces** – following the Synod in September last year, Bishop Calder was instrumental in the establishment of the following task forces of bishop-in-council:
- i. **Strategic planning** – to work towards formulating a strategic plan for the diocese which would be capable of adoption by each parish by adapting the plan for their own context. The plan was launched on 30 July 2022 at the annual diocesan conference.
  - ii. **Recruitment pathways** – to investigate and target people at all different stages to recruit as gospel workers in the diocese: those we can send to college to return to minister here; those in various Bible colleges at present; those already serving in ministry elsewhere. Bishop Calder, for each of the last two years, has visited and either preached or led seminars and met with students at Moore College, SMBC, Ridley, Queensland Theological College, and Brisbane School of Theology. We are excited by the possibility of working with Bishop Rod Chiswell in Armidale Diocese who is keen to help funnel trained curates via Armidale to Bathurst Diocese for appointment. Our inability to supply training roles for graduates, with the necessity they move directly into leading a parish, means that some do not feel able to consider serving here directly from college.
  - iii. **Financial sustainability** – the initial focus of this taskforce is to obtain a clear picture of the current financial position of our parishes and determine possible ways towards financial sustainability for both parishes and the diocese in the future. The work of this task force is continuing, however, in the end, we recognise that the only way to long term financial sustainability is good gospel proclamation and Bible teaching ministry in our parishes which brings growth and generosity.
  - iv. **Ordinance review** – this taskforce is currently working through our administration ordinance with a view to achieving greater clarity, removing inconsistencies, and reflecting a deeper gospel focus on the purpose and intent of our parish and diocesan administration.
- (e) **A strategic plan for the diocese launched 30 July** (see appendix) – with the catch phrase, '*SHARING JESUS for LIFE*', the plan reflects our desire to inspire and equip our people to become disciples who are so focused on, and enlivened by the Lord Jesus that they cannot help but share the news of the life we have through him with others. Members of the strategic planning taskforce will make themselves available between now and the end of 2022 to consult with each parish to assist with implementing 3-4 ideas from the plan immediately, and work towards longer term implementation over the next 3-4 years.

The bishop's keynote address from the launch may be viewed here:

<https://youtu.be/sMvIPyuQm-4>

## 4. The present

We have 28 parishes, 14 without clergy. Many are unable to support full-time clergy; some are unable to support any.

Here are our parishes with stipendiary clergy:

	Parish	Clergy	Full time/part time	Comment
1.	Cathedral	Dean James Hodson Phil Howes Steven Klouth (BCA)	5 days Full time Full time	Phil established a contemporary service which is growing. Phil is funded by donors
2.	Kelso	Canon Tim Fogo	5 days	Tim is our Ministry Development officer, 1 day a week.
3.	Blayney	Wally Cox Bec Choi	4 days 3 days	Funded by Sydney parishes
4.	Forbes	Roger and Sally Phelps	4 days between them	Deacon team leaders
5.	Parkes	Ben Mackay	5 days	Newly ordained
6.	Dubbo	Brett Watterson	Full time	Has some assistance from honorary clergy
7.	Cudgegong Valley	Jono Williams Matthew-Brooks-Lloyd James Daymond (BCA)	Full time 3 days 5 days – evangelist	Takes in Mudgee, Gulgong, and Rylstone-Kandos
8.	Holy Trinity Orange	Andy Martin	Full time	Starts October
9.	St Barnabas Orange East	Bob Cameron	4 days	
10.	Canowindra	Joy Harris	4 days	Cooperating parish – UCA
11.	Cudal-Molong	David Blackmore	4 days	
12.	Coonabarabran	Andrew Thornhill	Full time	
13.	Grenfell	Tim Smith	Full time	Starts 2023, fundraising 40% of his stipend
14.	Wellington	Carl Palmer	Part time	Deacon - honorarium

Here are our parishes *without* clergy:

	Parish	Future	Full time/part time	Comment
1.	Cowra	Appointment pending	Full time – due to BCA	Thanks BCA
2.	West Wyalong	Hopeful of appointment	Full time – due to BCA	Thanks BCA
3.	Cobar	Hopeful of appointment	Full time – due to BCA	Thanks BCA
4.	Narromine	No one in pipeline	Bishop wants full time	Will need help
5.	Gilgandra	No one in pipeline	Bishop wants full time	Will need help
6.	Oberon	Hopeful of appointment	Outside funding pledged	Very thankful/hopeful
7.	Coonamble	May afford two days a week No one in pipeline	Bishop wants full time	Will need generous help
8.	Nyngan	May afford two days a week No one in pipeline	Bishop wants full time	Will need generous help
9.	Coolah-Dunedoo	Currently has house-for-duty minister	Bishop wants full time	Will need generous help
10.	Cumnock	May afford a day a week No one in pipeline	Needs to be linked	And will need help!

	<b>Parish</b>	<b>Future</b>	<b>Full time/part time</b>	<b>Comment</b>
11.	Trundle	Can afford a day a week No one in pipeline	Bishop wants full time	These two parishes may be able to work together with someone working full time across both parishes
12	Condobolin	Can afford a day a week No one in pipeline	Bishop wants full time	
13.	Bourke/Brewarrina	Can afford a day a week No one in pipeline	Bishop wants full time	Will need generous help
14.	Warren	Might afford a day No one in pipeline	Perhaps link to Nyngan	Will need generous help

More generally, we are currently reviewing our property portfolio to identify more properties to sell; finalising new arrangements regarding levels of insurance for various parish buildings; recommending a new stipend and allowances package; ensuring our safe ministry screening and practices are in line with policies; working with Bishop Chiswell to create pathways to serve in Bathurst via Armidale, and preparing for Synod on 16-17 September.

## 5. The future

Under God, we feel that the future is very encouraging. We have a bishop who is committed to teaching God's word and proclaiming the Gospel. We are seeing more people coming to minister in the West and enquiring about the same. We have a strategic plan in place to give direction and practical help to parishes to reach our lost generations. We are seeing growth in some parishes with new families joining us. We have leadership in BiC and APT committed to good governance and wise stewardship, and who are also gospel focussed and Jesus centred. We have a business manager who is working to identify greater efficiencies in all that we are doing.

However, we know that turning around a diocese and its parishes is hard, slow work. By the end of 2024, we will not be in a position to replace the Sydney gift either from our own parishes nor anywhere else. To expect our parishes to double their current Synod contributions would cripple ministry at the coal face. To re-establish the Endowment of the See would require at least a \$5M capital injection, which would be needed to provide the equivalent of the gift via interest.

It is with great thanks to God for all that has occurred so far for the good of gospel ministry; and with dependence on God and trust in his sovereign hand, that we ask you to consider renewing your generous gift for a further six years.

2024 is the final year of the Synod's six-year funding commitment. We understand that the Sydney Synod in 2023 will consider and approve the *Funding Principles and Priorities* that will underpin the Synod budgets for the next triennium. We humbly ask the Synod to indicate its desire to continue its commitment to supporting gospel ministry in the Diocese of Bathurst at Synod this year, so that this can be included in the *Funding Principles and Priorities* that come to the Synod next year.

The Synod's first six-year commitment has led to a renewal of gospel focussed ministry in our diocese. A commitment for a further 6 years will undoubtedly consolidate the transformation currently underway, as gospel proclamation and clear Bible teaching releases the lost from sin and death, prepares the saints for works of service, and builds up the body of Christ until we are unified in the faith and in the knowledge of the Son of God and become mature, attaining to all the measure of the fullness in Christ.

Signed with heartfelt thanks,

The Rt Rev'd Mark Calder  
Bishop

Dr Warwick Baines  
Business Manager and Registrar

Canon Tim Fogo  
Ministry Development Officer



# SHARING JESUS *for* LIFE

## Sharing

## Jesus

## Life

### VISION

A **MISSIONAL** church that is lovingly connecting with their community and effectively sharing Jesus.

A **JESUS - CENTRED** church where Jesus is worshipped in spirit and truth and the Bible is clearly taught.

A **DISCIPLING** church producing life-long disciples of Jesus who are trained and equipped for ministry.

### SERVICES

- Church services that are welcoming, engaging and compelling
- Minimising formality and ritual to effectively communicate the Gospel to a contemporary world

- Church services in which Jesus is central, and God's Word is preached clearly and applied powerfully
- Clear, relevant prayers, Bible readings and songs that are Jesus-centred and Gospel focused

- Church services that involve and develop the gift ministry of believers
- Preaching which transforms and equips believers for life-long discipleship

### BIBLE STUDIES

- Regular courses for introducing people to Jesus and the Christian faith
- Effective discipleship of new Christians

- Develop a growing number of ongoing Bible study groups that are Bible-based and Jesus-focused
- Co-ordination of Bible studies with the preaching program

- All church members encouraged to join a Bible study group
- Structure and content of Bible study groups facilitate personal growth in all aspects of discipleship

### POSSIBLE PROGRAMS & STRATEGIES

- Develop an invitational culture
- Occasional non-threatening social events for inviting friends
- Occasional Gospel events and/or evangelistic services for inviting friends
- Effective welcoming and follow up of newcomers
- Effective advertising and promotion of the church within the community
- More effective connection with existing contacts (baptisms, confirmations, weddings, etc)
- Special annual services to honour and pray for key community groups (RFS, local council, etc)
- Develop a needs-based outreach ministry providing practical care in Jesus' name
- Develop age-appropriate ministries (eg, children, seniors, young mothers)
- Training courses to equip believers to share Jesus simply and effectively
- Develop appropriate pathways and resources for evangelising and discipling

- Foster dependence upon Jesus by a commitment to regular corporate prayer that underpins and upholds all church programs and ministries
- Encourage obedience to Jesus by the intentional pursuit of personal and corporate holiness
- Reflect the love of Jesus by the intentional pursuit of love, forgiveness, unity and hospitality within the church
- Revel in the grace of Jesus through the joyful and reverent celebration of Baptism and the Lord's Supper.
- Honour Jesus through the generous, sacrificial giving of time, talents and money by church members
- Faithfully serve Jesus through wise governance of the church and good stewardship of resources
- Model Jesus by the establishment and nurturing of godly leaders who are led by the Spirit of Christ and reflect Jesus to the church.

- Develop and promote resources to facilitate personal daily Bible reading and prayer
- Encourage and facilitate personal prayer partners, for the purposes of mutual encouragement, accountability and support in walking with Jesus.
- Train and equip Bible study leaders
- Train and equip pastoral carers
- Train and equip lay service leaders
- Train and equip Bible readers and pray-ers for church services
- Train and equip a welcoming team for services and events
- Train and equip people to disciple others
- Train, equip and develop a growing team of preachers and teachers
- Develop and resource age-appropriate ministries (such as children, youth, young adults, retirees, young mothers, etc)
- Encourage and facilitate participation in conferences, seminars and online courses for people wanting to go deeper in their faith

### INDICATORS

- New people coming into relationship with Jesus and incorporated into the church family
- Practical care provided to the community in the name of Jesus
- Growth of the church's favourable reputation in the community

- ↑ understanding of the Gospel
- ↑ number of Bible study groups
- ↑ obvious love and unity
- ↑ hospitality in each other's homes
- ↑ people attending prayer meetings
- ↑ people attending services regularly
- ↑ health of finances and resources

- ↑ trained leaders for ministries
- ↑ people in Bible study groups
- ↑ number of ministries
- ↑ people involved in ministries
- ↑ number of people across all ages and backgrounds within the church

### CHALLENGES

#### ISSUES:

1. Ageing buildings requiring high maintenance
2. Parishes spread thinly between multiple worship centres
3. Ageing congregations with limited energy
4. Limited finances in many parishes
5. Many parishes without clergy
6. Too many worship services in some churches

#### CONSIDER:

1. Renovate or sell and relocate, either buy or rent
2. Close smaller worship centres and combine for ↑ impact and ↑ efficiency of resources
3. Pray for young families and create an environment to attract them (contemp. service)
4. Seek financial advice from Diocese re: priorities and possible steps forward
5. Utilise occasional locum ministries and short-term missions.
6. Consolidate services to enhance unity and maximise resources

# Domestic Violence Response Monitoring Committee: Progress Report

(A report from the Domestic Violence Response Monitoring Committee.)

## Purpose

1. To provide a progress report to the Synod from the Domestic Violence Response Monitoring Committee, on behalf of the Standing Committee.

## Recommendation

2. Synod receive this progress report from the Domestic Violence Response Monitoring Committee.

## Background

3. On Monday 21 June 2021, Standing Committee resolved as follows:

Standing Committee –

- (a) notes the recent publication of the *National Anglican Family Violence Project Research Report Top Line Results* from the General Synod's National Anglican Family Violence Working Group,
  - (b) refers the report, including the *Ten Commitments for Prevention and Response to Domestic and Family Violence in the Anglican Church of Australia*, to the Domestic Violence Response Monitoring Committee (comprising Canon Sandy Grant and Archdeacon Kara Hartley),
  - (c) requests the Committee to provide a report to the Standing Committee to be promoted to the forthcoming session of Synod with initial observations on how the national study interacts with the work of the Diocese in this area, with a link in the Synod papers to the Top Line Results, the Ten Commitments paper, and the other research reports of the National Anglican Family Violence Working Group, and
  - (d) requests the Committee (or a subsequently appointed committee) to bring a further report –
    - (i) on how the findings of the National Anglican Family Violence Project Research Reports, and the Ten Commitments document intersect with policy and practice in Sydney,
    - (ii) identifying any gaps in current policy and practice, and
    - (iii) providing any recommendations,to the Standing Committee by March 2022, for promotion to the 2022 ordinary session of Synod.
4. The Domestic Violence Response Monitoring Committee (hereafter 'Monitoring Committee') met via teleconference to begin its work on Monday 28 June 2021.
  5. We agreed to seek advice about obtaining the earliest possible access to the full research papers foreshadowed by the National Anglican "Top Line Results" research report. This report includes the sad 'headline' finding that Anglican church attenders appear to be more likely than members of the general public to have experienced domestic violence over a lifetime, and as likely within the last year.
  6. We note these limitations to the research noted by the NCLS researchers themselves: The prevalence study methodology was a carefully weighted *non-probability* survey utilising samples drawn from online panels. However this limitation means one cannot confidently generalise about

- the Australian population or about Anglicans overall. Another limitation is that to get a large enough sample size for statistically significant inferences to be drawn, the study had to define 'church-attending Anglicans' as those who indicated that 'they attended religious services at least several times a year', which includes highly irregular attenders alongside weekly attenders.
7. Dean Grant published a preliminary personal response to the research along with a 'potted history' of Sydney Anglican engagement with the issue, via interview with Murray Campbell, at the website of The Gospel Coalition – Australia, entitled "Responding to Family Violence – The Anglican Example"<sup>1</sup>.
  8. Archdeacon Hartley and Dean Grant, along with Mrs Belinda Burn (PSU Chaplain) and Mrs Lynda Dunstan (Anglicare Domestic Violence Advisor) attended the Anglican Church of Australia's "Family Violence Prevention, Next Steps Working Conference" held on 10-11 August 2021 via video conference (due to COVID restrictions), where the full research papers were released, and the "Ten Commitments for Prevention and Response to Domestic and Family Violence in the Anglican Church of Australia"<sup>2</sup> were discussed.
  9. The final National Anglican Family Violence Project (hereafter "NAFVP") research releases comprised 4 papers:
    - "National Anglican Family Violence Research Report" (overview of the three studies)<sup>3</sup>,
    - "NAFVP Prevalence Study Report" (prevalence of intimate partner violence among Australians who identify as Anglican)<sup>4</sup>,
    - "NAFVP Experience Study Report" (the nature of experiences of family violence for those with a connection with Anglican churches, particularly victims and survivors)<sup>5</sup>, and
    - "NAFVP Clergy and Lay Leaders Study Report" (Anglican clergy and lay leader attitudes, beliefs, knowledge and practices regarding intimate partner violence)<sup>6</sup>.
  10. Archdeacon Hartley was able to present at the conference on progress in the area of preventing and responding to domestic violence in our Diocese, with a special focus on the Ministry Spouse Support Fund set up by our Synod. We also indicated areas requiring further work and a willingness to engage with the "Ten Commitments".
  11. We were also able to confirm with NCLS researchers at the conference that the NAFVP research did not address the question of the prevalence of *perpetrators* in our churches, let alone whether they are also over-represented. This is because the study asked about people's experience of IPV in terms of being a victim. The NCLS researchers did note that their other regular NCLS research shows that of those who are married present in our churches, a majority say they attend with their spouse.
  12. It is noteworthy that among the regularly attending Anglicans (i.e., those who attend "several times a year" or more), when asked to identify with up to two church tradition descriptors, 37% selected Anglo Catholic or Catholic, 17% selected Evangelical or Reformed, 17% selected Traditional, 15% selected Liberal or Progressive", and 18% said they did not identify with such descriptors.
  13. In addition, the research methods did not determine whether the views of respondents (or alleged perpetrators), in regard to gender roles and marriage, could be characterised as complementarian/conservative, or egalitarian/progressive, or otherwise.
  14. Most Ministers would know that some victims of IPV are sadly abused by church-attenders (some of whom may attend very regularly), who conceal their misconduct, and continue to attend. But other abusers, once exposed, cease coming to church. Still other victims are married to non-Christian spouses, some of whom are abusive. And some victims come into our church fellowships to find support and healing and, hopefully, faith in Jesus, after previous abuse in entirely non-religious settings.

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<sup>1</sup> <https://au.thegospelcoalition.org/article/responding-family-violence-the-anglican-example/>

<sup>2</sup> <https://anglican.org.au/wp-content/uploads/2021/06/Ten-Commitments-April-2021.pdf>

<sup>3</sup> <https://anglican.org.au/wp-content/uploads/2021/08/1.-NAFVP-Research-Report.pdf>

<sup>4</sup> <https://anglican.org.au/wp-content/uploads/2021/08/2.-NAFVP-Prevalence-Study-Report.pdf>

<sup>5</sup> <https://anglican.org.au/wp-content/uploads/2021/08/3.-NAFVP-Experience-Study-Report.pdf>

<sup>6</sup> <https://anglican.org.au/wp-content/uploads/2021/08/4.-NAFVP-Clergy-Lay-Leaders-Report.pdf>

15. Nevertheless, it would be both a pity and a critical mistake to focus solely on definitional or methodological debates over the prevalence studies and how they are reported in the media.
16. Perhaps a safe working assumption is that people attending Anglican churches, sadly, are as likely to experience domestic abuse as those from the general population. This should motivate our continued repentance and other further action as church members and leaders.
17. The Monitoring Committee notes that the Anglican Diocese of Sydney's response began well in advance of this research. Since 2017, we have taken the following steps (sometimes even world-first), initiatives to ensure support and care of victims, alongside expert training and equipping for our clergy –
  - Established the Domestic Violence Task Force which brought a comprehensive report to Synod
  - Listened to survivors and identified key themes and experiences
  - Issued an apology to survivors and victims (and encouraged the General Synod to do likewise)
  - Adopted a Domestic Violence Policy and Good Practice Guidelines (possibly the first of its type among Australian Anglican Dioceses)
  - Established the Domestic Violence Response Monitoring Committee to oversee the ongoing implementation of our Domestic Violence Policy and related commitments
  - Provided Domestic Violence leave for clergy
  - Established the Ministry Spouse Support Fund through Synod for the support of ministry spouses impacted by domestic violence or other serious misconduct by a clergyperson or church worker to whom they are or were married
  - Produced resources online and in print for survivors, clergy and lay contact persons, including in some languages other than English (e.g., Chinese, Korean and Arabic)
  - Provided training at the compulsory triennial *Faithfulness in Ministry* seminars for all clergy and paid lay ministry workers on identifying, assisting and referring survivors of family abuse
  - Liaised with Professional Standards Unit, Moore College, Ministry Training and Development, and Youthworks reviewing the adequacy of screening of ordinands and of the education for those currently training in ministry in regard to this matter
  - Welcomed Anglicare's appointment of a Family and Domestic Violence Advisor and encouraged clergy responding to Domestic Violence to seek advice from her
  - Produced, via the cooperation of Anglicare with our PSU, an online training course, *Know Domestic Abuse*, for clergy and church workers
  - Noted the joint effort of Anglicare and Youthworks in publishing a 4 week 'primary prevention' program, *"Before it Starts"*, involving Bible study and other activities for use in our schools and youth groups.
18. The Monitoring Committee is also able to report the following about recent engagement with diocesan resources, as at mid 2022:
  - Four people (all women) have accessed the Ministry Spouse Support Fund, since its inception. We are aware of others who may be seeking payments from the fund.
  - 150 participants have completed our online training Know Domestic Abuse, with another 95 in progress.
  - The services of Anglicare's Family and Domestic Violence Advisor been accessed for advice on approximately 150 occasions by parish ministers or other persons.
  - The Family and Domestic Violence Advisor has run training seminars regarding domestic violence for churches and ministry teams on approximately 40 occasions.
  - Information and training sessions for ministry wives have been conducted by the Archbishop's wife, the Family and Domestic Violence Advisor, the Chaplain of the PSU, and the Archdeacon for Women's Ministry.
19. We have begun reviewing our own diocesan policy "Responding to Domestic Abuse: Policy and Good Practice Guidelines" in light of the NAFVP research. We are also engaging with the national "Ten Commitments" adopted and recommended by the General Synod and its Standing Committee. We anticipate possible points of critique and also recommendations as to areas we can learn from and suggestions to adopt or adapt.

20. We adopted the following two-part approach for the review, utilising the assistance of the Diocesan Researcher at the time, Dr Laurel Moffatt:
- Invite a panel of relevant stakeholders to assist in the review
  - Request written feedback on our Policy and Guidelines document from a panel of relevant stakeholders, in light of the NAFVP research and “Ten Commitments”
  - Review feedback themes via a roundtable discussion with stakeholders.
21. The review stakeholders included the following persons:
- Anglicare’s Family and Domestic Violence Advisor
  - The PSU’s Chaplain
  - A person representing victims and survivors (located via the PSU Chaplain)
  - A parish clergy person
  - A ministry wife
  - A Christian of another Bible-believing denomination with relevant experience
  - A Christian medical practitioner with relevant experience
  - The CEO of ADM (whose Project Officer also joined us)
  - The Principal of Youthworks College
  - A representative of SDS Legal
  - (Moore College was unable to nominate a representative at the time).
22. Extensive written feedback on the existing Policy and Guidelines was received from all stakeholders and was collated by the Diocesan Researcher. We then reviewed feedback and discussed key themes emerging via roundtable video conference in November 2021, with most stakeholders in attendance.
23. Without pre-empting final recommendations, a number of wider key themes were identified, though not all will fit neatly into a policy document, for example:
- (a) Our Diocese likely needs to be more intentional about continuous professional development for ministry workers in the areas both of prevention and response.
  - (b) Our Policy and Guidelines needs to integrate concepts and language that have become more prominent in recent years, such as “coercive control”.
  - (c) Our flow chart may need improvement and even greater, hence earlier, prominence in our policy documents.
  - (d) We may need to become more “trauma informed” regarding IPV, and also to grow in awareness of the impact of IPV on children.
  - (e) We need to understand better the very non-linear, “long road out”, not only for victims and survivors, but also often for carers who walk with them.
  - (f) We may benefit from greater education or training in the areas of picking up cues related to domestic violence and in spotting “grooming” behaviour.
  - (g) We probably need to increase our efforts in primary prevention, for example with our youth and in teaching on marriage and in marriage preparation.
  - (h) We may need to better address male victims and survivors of IPV (who are a minority group).
  - (i) We have further work to do with people from culturally and linguistically diverse (CALD) backgrounds, people from our Aboriginal and Torres Strait Islander communities, and among people living with disabilities.
  - (j) We could improve our cooperation with local agencies (e.g., DV services and shelters) noting that local councils and libraries can be good repositories of local service contacts. Parishes could be encouraged to appoint a ‘local champion’ to be a contact point and to research local services.
24. However, at this stage, we do not consider that the best way forward for the Diocese of Sydney is to simply adopt the national “Ten Principles” and somehow ‘bolt them on’ to our already extensive policy and guidelines. Instead as we review our policy we will give consideration as to how these “Ten Principles” might sit within our own work or inform our review.

25. However, one immediate response to the stimulus of the “Ten Commitments” has been for the Monitoring Committee to meet with members of the Sydney Anglican Indigenous People Ministry Committee (SAIPMC) in May 2022, at their ministry centre in Wedderburn. We began by making an apology to SAIPMC for not contacting them earlier in the process of either producing or reviewing diocesan domestic abuse policy. They graciously forgave this failure.
26. From a wide-ranging discussion, two themes emerged for the Monitoring Committee's consideration:
  - (a) Training in prevention and response to domestic abuse from an Indigenous perspective, would need to come via a more relaxed discussion and relational approach than an online or seminar-based delivery method approach.
  - (b) Significant cultural differences in responding to the issues of abuse and violence include the history of Indigenous Peoples' interactions with government authorities and agencies, including mistrust and concerns over the removal of children; this means finding the right places for referral is more complex.
27. Like many other ministry leaders, Indigenous ministry leaders experienced under-resourcing and were often struggling with being reactive to abuse rather than proactive in prevention. However, the Monitoring Committee observed great practical insight and attitudes present into the issues they face, such as the value of the “aunties”, the challenge of absent fathers, and courage creating churches as safe spaces even if it means the difficult step of excluding an abusive person.
28. Therefore we look forward, in liaison with SAIPMC and Anglicare's Family and Domestic Violence Advisor, in seeing guidelines and training develop in this area.
29. The Monitoring Committee notes that when the diocesan Policy and Guidelines were adopted in 2018, Synod authorised the Standing Committee to make amendments to the Policy provided any amendment made by the Standing Committee is made in consultation with the Professional Standards Unit and the Anglicare Domestic Violence Advisor (unless such proposal to amend is referred to Synod by any 3 members of the Standing Committee).
30. The Monitoring Committee also notes that at that time, Synod asked Standing Committee to review the Domestic Abuse Policy and Good Practice Guidelines after four years' operation and provide a report on the outcome of the review to the first ordinary session of the 53<sup>rd</sup> Synod in 2023.
31. The Monitoring Committee is now turning its mind towards considering both the detailed suggestions for amending of the existing policy documents and the wider themes identified by the review, with a view to bringing recommendations to Standing Committee in time for the first ordinary session of Synod in 2023.

ARCHDEACON KARA HARTLEY  
DEAN SANDY GRANT

22 August 2022

# Holding surplus ministry assets in trust for the purposes of the Diocese

(A report from the Standing Committee.)

## Key Points

- The Archbishop's Property Forum recommended that, in the situation where ministry has ceased in a parish and it is to be amalgamated with another parish, surplus ministry assets should be held in trust for the purposes of the Diocese.
- Surplus ministry assets on amalgamation should be held in the Mission Property Fund/Ministry Infrastructure Development Fund, and a policy of the Standing Committee has been adopted by the Standing Committee subject to the endorsement of the Synod.

## Purpose

1. The purpose of this report is to seek the Synod's endorsement of a policy of the Standing Committee in relation to surplus ministry assets on amalgamation.

## Recommendations

2. Synod receive this report.
3. Synod, noting this report, endorse the attached Standing Committee policy on Variations of Trusts after Parish Amalgamation.

## Background

4. In 2021, Archbishop Kanishka Raffel established the Archbishop's Property Forum (**APF**), in recognition that property issues were significant barriers to future ministry, both in the Greenfields, in terms of lack of sites, and in existing suburbs, by way of inadequate or substandard facilities.
5. Recommendation 10b of the APF was that surplus ministry assets arising when ministry ceased in a parish should be held in trust for the purposes of the Diocese. The explanation given by the APF for the recommendation in its report of 24 October 2021 to the Standing Committee was as follows –

Historically, when ministry in a parish has diminished to the point of non-viability, or has ceased entirely, that parish has been amalgamated with a neighbouring parish. The property assets are thenceforth held on trust for the purposes of the new, combined parish, and its wardens and parish council become the key decision makers as to the strategic use and development of these assets. Continuing to pursue this approach will result in property that remains concentrated in the same geographic locations in the Diocese, with little opportunity to consider whether surplus assets in one location would be better redeployed elsewhere.

We should explore the feasibility of surplus ministry assets in such a scenario being held on trust for the wider purposes of the Diocese, and for the Standing Committee (on advice from the ACGC) to be the key decision maker in relation to the strategic use and development of these assets. The Standing Committee should have the flexibility to explore different options over time. For example, the assets could be put to the use for the amalgamated parish for a time, to see if ministry can be reinvigorated, but this would not preclude a different strategy in the future, should ministry not revitalise.

If feasible, a policy should be developed and put to Synod for adoption, so that the Synod collectively can give its approach to this new approach. It will probably be necessary to “grandfather” existing arrangements, and only have this policy apply prospectively to new amalgamations.

## **Legal considerations in implementing the recommendation**

6. Amalgamations and boundary changes under the *Parishes Ordinance 1979* do not change the trusts of the church trust property in the affected parishes. Any variation to the trusts would need to be effected by an ordinance passed under section 32 of the *Anglican Church of Australia Trust Property Act 1917* (NSW).
7. Section 32 makes it lawful for the Synod to declare by ordinance other trusts for the use, benefit or purposes of the Anglican Church within the Diocese if it is of the opinion that, as a result of circumstances subsequent to the creation of the current trusts, it has become impossible or inexpedient to carry out or observe the current trusts.
8. Section 32 also includes the following proviso on the power to vary trusts:

Provided that such property shall be dealt with and applied for the benefit of the [Anglican Church] in the parish or parishes (if any) for the benefit of which such property was immediately before such ordinance held in trust, and for the same purposes as nearly as may be as the purposes for which such property was immediately before such ordinance held unless the synod of such diocese shall by ordinance declare that by reason of circumstances, subsequent to the creation of the first mentioned trusts, it is, in the opinion of the synod, impossible or inexpedient to deal with or apply such property or some part thereof for the use or benefit of such parish or parishes or for the same or the like purposes, in which case such property or such part thereof may be dealt with and applied for the use and benefit of the [Anglican Church] for such other purposes and in such other parish or parishes in the said diocese or otherwise as shall be declared by ordinance of the synod of the said diocese.
9. Currently, the usual practice of the Standing Committee is to pass an ordinance to vary the trusts of the property of both former parishes so it is held on trust for the purposes of the newly amalgamated parish. The master trust ordinance of the primary parish is amended to accommodate this change and the master trust ordinance of the secondary parish is repealed. This form of variation falls within the first limb of the proviso since the property is held for the purposes of the same (albeit expanded) parish and for purposes that are as nearly as may be the purposes for which it was formerly held.
10. The Standing Committee could instead vary the trusts of the church trust property of the secondary parish using the second limb of the proviso so it is held for some other purpose of the Anglican Church in the Diocese of Sydney. However, to do so the ordinance will need to include a further declaration that it is not only impossible or inexpedient to carry out the current trusts but also “impossible or inexpedient to deal with or apply such property or some part thereof for the use or benefit of such parish or parishes or for the same or the like purposes”.
11. Such ‘double declaration’ variations of trust are not uncommon. For example, they are the means by which a proportion of sale proceeds or property income is applied for non-parish purposes under the Large Receipts Policy.
12. Each trust requires an Australian Business Number and registration with the Australian Charities and Not-for-Profits Commission or else the income of the trust will be subject to tax, among other implications.
13. Surplus parish assets could be added to an existing trust (such as the Mission Property Fund/Mission Infrastructure Development Fund) or a new trust could be created to hold the assets. If a new trust is required, it may be possible to continue to use the ABN and charity registration of the ACPT as trustee of a parish that is being amalgamated with another parish since only one ABN will be needed for the newly amalgamated parish. That fund could then be used to hold surplus parish assets from

other sources in the future. The master trusts ordinance of the parish would be amended or replaced as the trust instrument for the fund.

## **Summation**

14. On this basis, surplus ministry assets should be held in the Mission Property Fund/Ministry Infrastructure Development Fund, rather than in a recycled Master Trust ordinance.
15. Notwithstanding the suggestion in the report from the APF that “a policy should be developed and put to Synod for adoption”, this matter should be a policy of the Standing Committee (rather than the Synod), since it is the Standing Committee that passes ordinances to vary trusts in relation to specific parish property. If this matter is regulated by a policy of the Standing Committee, the Standing Committee retains the flexibility to vary the policy or to depart from the policy in particular circumstances.
16. Accordingly, at its meeting on 22 August 2022, the Standing Committee conditionally adopted the policy at **Attachment 1** of this report: ‘Variations of Trusts after Parish Amalgamation’. In order to ensure alignment with the Synod, the policy requires the endorsement of the Synod before it comes into effect.

For and on behalf of the Standing Committee.

DANIEL GLYNN  
**Diocesan Secretary**

22 August 2022

## Variations of Trusts after Parish Amalgamation (A policy of the Standing Committee, subject to the endorsement of the Synod)

1. An amalgamation of parishes occurs by means of a resolution for amalgamation passed under clause 10(1) of the *Parishes Ordinance* 1979 by a Regional Council (acting on behalf of the Standing Committee). For this to occur, the minister and parish councils of the parishes involved must give approval for the amalgamation.
2. An amalgamation changes parish boundaries, but it does not alter the trusts on which the church trust property of the former parish was held. This requires an ordinance of the Standing Committee. The purpose of this policy is to articulate the principles and guidelines that the Standing Committee has adopted for determining the extent to which the church trust property is to be used for the purposes of the amalgamated parish and the extent to which it should be used for purposes beyond the boundaries of that parish.

### Principles and Guidelines

3. Parishes seeking to amalgamate should prepare a “ministry and evangelism plan” (MEP). The MEP should articulate how the church / residences / other property of the combined parish will be used to support the ministry of the parish. In addition, where the ministry activity in one or more of the ministry sites had declined such that the local offertories are below the Net Operating Receipts threshold for ongoing viability, the ministry and evangelism plan must include measures which have the potential to revitalise ministry, including a weekly service, at the site/in the former parish, unless scenario 4 below is considered the appropriate path forward. The Regional Council should not proceed with an amalgamation unless the ministry and evangelism plan is approved by the Regional Bishop.

### Scenario 1 – Continuing Ministry at a Site

- Church trust property is held on trust for the beneficial use of a particular local parish. Where the MEP demonstrates that ongoing Anglican ministry is planned to continue **at that ministry site** beyond amalgamation, Standing Committee should vary the trusts so that the church trust property is held for the benefit of the parish unit (or recognised church) that will have the responsibility for ministry on that site. The trust ordinance will include a clause that requires the parish to bring a report to Standing Committee three years hence (or a longer period if, in the view of the Regional Bishop, this is warranted by the MEP), so that the Standing Committee can review progress against the goals set out in the MEP. In the event that Anglican ministry subsequently ceases at the site, the Standing Committee will have regard to the principles of this policy in any subsequent application to it in relation to the property.

**Example:** *Parish B has a church (St Barnabas) and a rectory. Parish A and parish B amalgamate. As per the prepared MEP, services at St Barnabas continue after amalgamation, with the assistant minister who leads this congregation living in the associated rectory. On amalgamation, Standing Committee varies the trusts of Parish B to transfer the beneficial use of church and rectory to parish A. At the three year review, the report from the parish indicates that the revitalisation milestones set out in the MEP have not been reached, but that there is still prospect for this to occur. Standing Committee extends the review date for another three years.*

*However, five years after amalgamation, the amalgamated parish decides to cease Anglican ministry at St Barnabas. Any subsequent application to Standing Committee in relation to the church of St Barnabas or its rectory will be treated in line with the policy principles below (i.e., Standing Committee will “remember” that these assets arose from the former parish B and that parish A does not have an a priori right to use those assets for purposes unrelated to the continuation of the ministry at St Barnabas.) The amalgamated parish still has the option of continuing ministry on a newly developed site (scenario 2), pausing ministry (scenario 3) or ceasing ministry altogether (scenario 4).*

Scenario 2 – Continuing Ministry, but at a newly developed site

- Where the intention is that Anglican ministry will not continue at a church site, but that church's congregation will continue meeting at a new site to be developed, then the Standing Committee should direct the first portion of the proceeds from sale to the *reasonable property needs* for ministry in the new location. The *reasonable property needs* should be set out in the MEP prepared by the parish, in accordance with advice from the ACGC and as approved by the Regional Bishop. Any portion remaining after the reasonable property needs of the parish should be directed to other property purposes outside the parish.

**Example:** *Parishes A and B each have parish churches that are inadequate. The parishes plan to amalgamate and sell both parish churches so that they can build a new, appropriate church centre for their combined congregations to meet in. In conjunction with the Regional Bishop and the ACGC, the parish develops an MEP that takes into account the combined size of the new congregation, the population projections for the area and the number and state of other nearby churches to determining the appropriate scale of the new church facilities (and hence the reasonable property needs). On the basis of an MEP supported by Regional Bishop and the ACGC, the Standing Committee allocates the first portion of the proceeds from sale to reasonable property of the parish, and the remainder allocated to the NCNC to fund the construction of a church in (say) South West Sydney.*

Scenario 3 – Uncertainty as to Continuing Ministry

- In this scenario, Anglican ministry is not continuing at a site immediately after amalgamation, but there is some potential for a continuing ministry on that site in the future. In conjunction with the Regional Bishop, the parish prepares an MEP for this site which articulates a pathway (with milestones) towards the revitalisation of viable ministry at this site. At the point of amalgamation, the trusts are varied so that the assets are transferred to the ACGC to be held on trust in support of the development of new properties for ministry, but assigned for the exclusive use of the parish for a period of three years (or a longer period if, in the view of the Regional Bishop and the ACGC, it is warranted by the MEP). This exclusive use allows the parish to receive the income generated from the church trust property, and also obligates the parish to maintain the church trust property. The purpose of this arrangement is to allow the ACGC to use this church trust property as security for loans, but not otherwise to deal with the property. In other respects, the local parish has both the use of, and responsibility for, the property.

After the three year (or longer) period, the progress towards revitalisation will be assessed with reference to the milestones established by the parish in the MEP. If ministry on the site is progressing towards viability, the Standing Committee can either extend the current arrangement for a further three years, or (in the event that vibrant, continuing ministry has been restored) alter the trusts so that the property is held on trust for the beneficial use of the parish.

If there is a mortgage over the property when it is transferred to the parish, the ACGC will continue to be responsible for all aspects of servicing the mortgage. In the event that Standing Committee approves the parish using the property as security for another mortgage, the Standing Committee will direct the ACGC to refinance the original mortgage so that it is secured against other assets in the ACGC portfolio.

Scenario 4 – No Continuing Ministry

- Where Anglican ministry is to cease at a church site and there is no "successor" ministry for the congregation formerly meeting on that site, the church trust property should be transferred to ACGC, to be held on trust in support of the development of new properties for ministry (rather than a particular parish). Any proposal for the sale or other dealings with the property requires the approval of the Standing Committee, based on advice received from the Regional Bishop and the ACGC, which should consider the reasonable property needs of

ministry in that location, weighed against the reasonable property needs elsewhere in the Diocese. This should include a consideration of the opportunity cost of actions now and in the future, and considerations of the potential for escalation in property values over time.

**Example:** *Parish A amalgamates with Parish B. The MEP demonstrates that the amalgamated parish needs the old rectory from Parish B for its ministry to the (larger) amalgamated parish, but does not need (or want) the church from parish B, because it is not a suitable site for ministry (now or in the future). The trusts are varied so that the amalgamated parish gains the rectory and the old church is transferred to the ACGC.*

## 3/19 Implementation of the Recommendations of the Royal Commission into Institutional Child Sexual Abuse

(A report from the Standing Committee.)

### Key Points

- The Synod has requested the Standing Committee to provide a report in relation to the actions set out in its 2019 report concerning implementation of the recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse.
- This report provides an update on the actions that have been taken to the recommendations of the Royal Commission that apply to the Anglican Church Diocese of Sydney.

### Purpose

1. The purpose of this report is to respond to Synod Resolution 3/19 by providing an update on the implementation of the recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse (the **Royal Commission**) that are applicable to the Anglican Church Diocese of Sydney.

### Recommendation

2. Synod receive this report.
3. Synod request the Standing Committee to provide a further update to the next session of the Synod in relation to implementation of the actions set out in the table to the report.

### Background

4. Synod resolved as follows at its 2019 session concerning implementation of the recommendations of the Royal Commission –
 

Synod noting the report 43/18 Implementation of Recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse –

  - (a) endorses implementation of the Royal Commission's Child Safe Standards by all institutions of the Diocese of Sydney that have contact with children in conducting their operations,
  - (b) requests the Standing Committee to provide a report to the next session of the Synod in relation to implementation of the actions set out in the report, and
  - (c) pending Standing Committee's report to Synod in 2020 (and except as otherwise addressed at the 2019 session of Synod) –
    - (i) refers questions of draft ordinances or policies required to facilitate their implementation to Standing Committee, and
    - (ii) requests the Standing Committee to bring recommendations on funding to enable implementation of the actions set out in the report for approval by Synod.
5. The Royal Commission made 58 recommendations to 'religious institutions' and 'religious organisations'. Of these, 28 relate to institutions and organisations generally and 5 recommendations relate directly to the Anglican Church of Australia. The remainder relate to other specific religious institutions and organisations.

6. For the purposes of the Royal Commission's recommendations, the Diocese of Sydney is an 'institution', an 'organisation' and an 'affiliated institution' as defined by the Royal Commission. This follows because:
  - (a) The Royal Commission defines a 'religious institution' as "an entity that operates under the auspices of a particular religious denomination and provides activities, facilities, programs or services of any kind that provide the means through which adults have contact with children". It lists 'dioceses' as an example of a religious institution.
  - (b) The Royal Commission defines a 'religious organisation' as "a group of religious institutions from a particular religious denomination or faith that coordinate and/or organise together". The Anglican Church of Australia is a 'religious organisation' for this purpose.
  - (c) The Diocese of Sydney is an 'affiliated institution' for the purposes of some recommendations because of its relationship to the General Synod.
  
7. This report considers those recommendations of the Royal Commission that apply to the Anglican Church Diocese of Sydney in these various capacities.

## **Discussion**

8. The table in the Appendix –
  - (a) lists each of the 33 recommendations of the Royal Commission that apply to the Diocese of Sydney (in columns 1 and 2);
  - (b) indicates whether or not the recommendation has been implemented (in column 3); and
  - (c) sets out the actions that have been undertaken in relation to the recommendations (in column 4).

For and on behalf of the Standing Committee.

DANIEL GLYNN  
**Diocesan Secretary**

22 August 2022

## Implementation of the recommendations of the Royal Commission addressed to the Anglican Church Diocese of Sydney

### Key



= full or substantial implementation.



= partial implementation.

*Note: Compliance with some recommendations is dependent on legislation being passed at the 2022 session of Synod. This is indicated in the 'Action Taken' column where applicable. The report assumes that the legislation will be passed to achieve compliance.*

### 1 Framework Recommendations concerning the Child Safe Standards

No.	Recommendation	Compliance	Action Taken
16.31	All institutions that provide activities or services of any kind, under the auspices of a particular religious denomination or faith, through which adults have contact with children, should implement the 10 Child Safe Standards identified by the Royal Commission.		<p>By resolution 3/19, Synod endorsed implementation of the Royal Commission's Child Safe Standards by institutions within the Diocese of Sydney.</p> <p>The Child Safe Scheme in the <i>Children's Guardian Act 2019</i> (NSW) requires religious bodies in NSW to implement the Child Safe Standards through systems, policies and processes.</p> <p>The Standards are implemented through many of the actions indicated below.</p>
16.32	Religious organisations should adopt the Royal Commission's 10 Child Safe Standards as nationally mandated standards for each of their affiliated institutions.		The recommendation for adoption is superseded by the Child Safe Scheme under the <i>Children's Guardian Act 2019</i> (NSW), which is mandatory for religious bodies.
16.33	Religious organisations should drive a consistent approach to the implementation of the Royal Commission's 10 Child Safe Standards in each of their affiliated institutions.		The Bill for the <i>Safe Ministry Board Ordinance 2001 Amendment Ordinance 2022</i> (Page 153, Book 2) will, if passed, make it a function of the Safe Ministry Board to "to ensure the Child Safe Standards are implemented and maintained by Church bodies through systems, policies, and processes, including promotion of child safety, prevention of abuse and complaint handling" (cl. 6(c)).
16.34	Religious organisations should work closely with relevant state and territory oversight bodies to support the implementation of and compliance with the Royal Commission's 10 Child Safe Standards in each of their affiliated institutions.		The Bill for the <i>Safe Ministry Board Ordinance 2001 Amendment Ordinance 2022</i> will provide for the Safe Ministry Board to have a consultation role with government and non-government bodies, including the Office of the Children's Guardian.

No.	Recommendation	Compliance	Action Taken
16.35	Religious institutions in highly regulated sectors, such as schools and out-of-home care service providers, should report their compliance with the Royal Commission's 10 Child Safe Standards, as monitored by the relevant sector regulator, to the religious organisation to which they are affiliated.		The Bill for the <i>Ministry Standards and Safe Ministry Amendment Ordinance 2022</i> (Page 163, Book 2) will, if passed, amend the Accounts, Audits and Annual Reports Ordinance 1995 to require organisations to provide reports to the Safe Ministry Board if it is required to report to a regulator regarding the Child Safe Standards or is the subject of a report concerning them.

## 2 Child Safe Standard 1: Child safety is embedded in institutional leadership, governance and culture

No.	Recommendation	Compliance	Action Taken
16.36	Consistent with Child Safe Standard 1, each religious institution in Australia should ensure that its religious leaders are provided with leadership training both pre- and post- appointment, including in relation to the promotion of child safety.		This recommendation is under consideration by the Safe Ministry Board for inclusion within the 'Faithfulness in Ministry' training course or as a separate course of training.
16.37	Consistent with Child Safe Standard 1, leaders of religious institutions should ensure that there are mechanisms through which they receive advice from individuals with relevant professional expertise on all matters relating to child sexual abuse and child safety. This should include in relation to prevention, policies and procedures and complaint handling. These mechanisms should facilitate advice from people with a variety of professional backgrounds and include lay men and women.		The Bill for the <i>Safe Ministry Board Ordinance 2001 Amendment Ordinance 2022</i> will, if passed, include as a function of the Safe Ministry Board to "provide assistance, advice and education to Church bodies in relation to the prevention of and response to abuse of children and vulnerable persons" (cl. 7(a)). Clause 10(2) of the Bill addresses the requirement for variety of in the composition of those providing advice.
16.38	Consistent with Child Safe Standard 1, each religious institution should ensure that religious leaders are accountable to an appropriate authority or body, such as a board of management or council, for the decisions they make with respect to child safety.		<i>Safe Ministry to Children Ordinance 2020.</i> <i>Ministry Standards Ordinance 2017.</i>
16.1	The Anglican Church of Australia should adopt a uniform episcopal standards framework that ensures that bishops and former bishops are accountable to an appropriate authority or body in relation to their response to complaints of child sexual abuse.		The Episcopal Standards (Child Protection) Canon 2017 was adopted in 2017 and has force in the Diocese of Sydney.  A Bill to adopt the <i>Episcopal Standards (Child Protection) (Amendment) Canon 2022</i> will be considered at the 2022 session of Synod.

No.	Recommendation	Compliance	Action Taken
16.39	Consistent with Child Safe Standard 1, each religious institution should have a policy relating to the management of actual or perceived conflicts of interest that may arise in relation to allegations of child sexual abuse. The policy should cover all individuals who have a role in responding to complaints of child sexual abuse.	✓	Conflicts of interest that may arise in relation to the role of director of professional standards, members of the PSC and PSB and Adjudicators were addressed by the Synod in 2019 via amendments to the <i>Ministry Standards Ordinance 2017</i> .  The Bill for the <i>Safe Ministry Board Ordinance 2001 Amendment Ordinance 2022</i> will, if passed, address any conflicts of interest that may arise in the work of the Safe Ministry Board.
16.2	The Anglican Church of Australia should adopt a policy relating to the management of actual or perceived conflicts of interest that may arise in relation to allegations of child sexual abuse, which expressly covers:  a. members of professional standards bodies;  b. members of diocesan councils (otherwise known as bishop-in-council or standing committee of synod);  c. members of the Standing Committee of the General Synod; and  d. chancellors and legal advisers for dioceses.	✓	Part a. of the recommendation overlaps with recommendation 16.39 and has been addressed through the measures outlined above.  The Senior Legal Counsel has developed a statement of principles concerning the management of actual or perceived conflicts of interest in relation to the engagement of lawyers and any advice from the staff of SDS, the Chancellor or a Deputy Chancellor in respect of child sexual abuse matters.  The Standing Committee has a 'Disclosure of Conflicts of Interest' regulation, which it made on 26 May 2014 under cl 6(5) of the Standing Committee Ordinance 1897. It is proposed that the scope of this regulation be reviewed following the General Synod passing <i>Rule to amend Rule II – Standing Committee (Conflict of Interest) 2022</i> .
16.49	Codes of conduct in religious institutions should explicitly and equally apply to people in religious ministry and to lay people.	✓	The <i>Faithfulness in Service</i> code of conduct applies to church workers who are both clergy and lay people. Compliance with the 'children's standards' under the Code is required by the <i>Safe Ministry to Children Ordinance 2020</i> .
16.3	The Anglican Church of Australia should amend <i>Being together</i> and any other statement of expectations or code of conduct for lay members of the Anglican Church to expressly refer to the importance of child safety.	✓	See comment above regarding <i>Faithfulness in Service</i> , which applies to lay members who are church workers.  The <i>Being Together</i> statement is not in use in the Diocese of Sydney. The <i>Safe Ministry Check</i> that is required of those who undertake ministry to children includes a pledge concerning conduct relating to children.  The Safe Ministry Board is considering whether 'community' or 'lay member' based safe ministry training should be developed as part of a layered approach to safe ministry training in the Diocese.

### 3 Child Safe Standard 2: Children participate in decisions affecting them and are taken seriously

No.	Recommendation	Compliance	Action Taken
16.40	Consistent with Child Safe Standard 2, wherever a religious institution has children in its care, those children should be provided with age-appropriate prevention education that aims to increase their knowledge of child sexual abuse and build practical skills to assist in strengthening self-protective skills and strategies. Prevention education in religious institutions should specifically address the power and status of people in religious ministry and educate children that no one has a right to invade their privacy and make them feel unsafe.		The Safe Ministry Board has Protective Behaviours Training for children under consideration. It will also be a topic for the Faithfulness in Ministry conference for clergy in 2023.

### 4 Child Safe Standard 3: Families and communities are informed and involved

No.	Recommendation	Compliance	Action
16.41	Consistent with Child Safe Standard 3, each religious institution should make provision for family and community involvement by publishing all policies relevant to child safety on its website, providing opportunities for comment on its approach to child safety, and seeking periodic feedback about the effectiveness of its approach to child safety.		<p>Safe ministry policies and procedures are published at <a href="http://safeministry.org.au">safeministry.org.au</a>. The website also includes the following statement:</p> <p><b>FEEDBACK</b></p> <p>Our aim is to support parishes and church workers to provide care and protection for everyone by building a culture of safe ministry. Any feedback to help us review and improve is welcome. Please email your feedback to the address below</p> <p><a href="mailto:feedback@safeministry.org.au">feedback@safeministry.org.au</a></p> <p>Feedback is also invited in published documents and in the course of Safe Ministry Training.</p>

## 5 Child Safe Standard 5: People working with children are suitable and supported

No.	Recommendation	Compliance	Action
16.42	Consistent with Child Safe Standard 5, each religious institution should require that candidates for religious ministry undergo external psychological testing, including psychosexual assessment, for the purposes of determining their suitability to be a person in religious ministry and to undertake work involving children.		The <i>Safe Ministry to Children Ordinance 2020</i> requires an assessment of the "personal, social and sexual maturity of a candidate". This is a broader definition that widens the scope of the inquiry beyond an exclusively psychosexual focus. In 2021 MT&D, in consultation with the PSU and the consultant screening psychologists, piloted a semi-structured interview process for selected candidates, tailored to address the broader definition.
16.43	Each religious institution should ensure that candidates for religious ministry undertake minimum training on child safety and related matters, including training that: <ul style="list-style-type: none"> <li>a. equips candidates with an understanding of the Royal Commission's 10 Child Safe Standards</li> <li>b. educates candidates on: <ul style="list-style-type: none"> <li>i. professional responsibility and boundaries, ethics in ministry and child safety;</li> <li>ii. policies regarding appropriate responses to allegations or complaints of child sexual abuse, and how to implement these policies;</li> <li>iii. how to work with children, including childhood development;</li> <li>iv. identifying and understanding the nature, indicators and impacts of child sexual abuse.</li> </ul> </li> </ul>		All students at Moore College must complete safe ministry training which is offered at the College, and participate in four modules of PSU training which addresses much of the subject-matter listed in the recommendation. The Child Safe Standards and preventative strategies for adherence are the subject of two 4th year lectures.  Youthworks College teaches a "Foundations of children's and youth ministry" unit (DE037-512) and TOUR unit (PC076-512i) which covers this subject matter in components on "how to work with children" and "childhood development".  All participants in the Ministry Development Program run by MTD, which consists primarily of newly ordained ministers, complete three units on Safe Ministry conducted by the PSU.
16.4	The Anglican Church of Australia should develop a national approach to the selection, screening and training of candidates for ordination in the Anglican Church.		This is met by the <i>Safe Ministry to Children Ordinance 2020</i> (and related <i>Safe Ministry to Children Canon 2017</i> ) in relation to screening and training.  The selection aspect of this recommendation is also under consideration by the General Synod Ministry and Mission Commission. The Diocese will contribute to its consultation process.
16.44	Consistent with Child Safe Standard 5, each religious institution should ensure that all people in religious or pastoral ministry, including religious leaders, are subject to effective management and oversight and undertake annual performance appraisals.		The Standing Committee has appointed a subcommittee to 'bring a proposed course of action in relation to Recommendation 16.5(c) ...for all people in religious or pastoral ministry to "undergo regular performance appraisals"'.  

No.	Recommendation	Compliance	Action
16.45	Consistent with Child Safe Standard 5, each religious institution should ensure that all people in religious or pastoral ministry, including religious leaders, have professional supervision with a trained professional or pastoral supervisor who has a degree of independence from the institution within which the person is in ministry.	✓	The Standing Committee has approved a 12 month pilot program of pastoral consultation. See the separate report to the Synod – <i>Pastoral Consultation (Professional Supervision) Recommendation</i> .
16.5	<p>The Anglican Church of Australia should develop and each diocese should implement mandatory national standards to ensure that all people in religious or pastoral ministry (bishops, clergy, religious and lay personnel):</p> <ul style="list-style-type: none"> <li>a. undertake mandatory, regular professional development, compulsory components being professional responsibility and boundaries, ethics in ministry and child safety</li> <li>b. undertake mandatory professional/pastoral supervision</li> <li>c. undergo regular performance appraisals.</li> </ul>	✓	The Archbishop's Faithfulness in Ministry (FiM) conference is run triennially. Its frequency, content and format are regularly reviewed by the Safe Ministry Board. The FiM conference in 2023 will include components on part a. of the of the recommendation. Parts b. and c. of the recommendation are addressed under 16.44 and 16.45.
16.46	Religious institutions which receive people from overseas to work in religious or pastoral ministry, or otherwise within their institution, should have targeted programs for the screening, initial training and professional supervision and development of those people. These programs should include material covering professional responsibility and boundaries, ethics in ministry and child safety.	✓	<p>A person from overseas – whether clergy or a lay person undertaking ministry to children - is subject to the requirements in the <i>Safe Ministry to Children Ordinance 2020</i>.</p> <p>This includes the same requirements applying to all such clergy and lay workers in relation to screening and training, but also includes additional requirements if the person is from another Province of the Anglican Church – most particularly a 'church ministry assessment', which involves obtaining information about the person from an authority in the other Province.</p> <p>People from overseas will also be included in the pilot program of pastoral consultation if they meet the applicable criteria.</p>

## 6 Child Safe Standard 6: Processes to respond to complaints of child sexual abuse are child focused

No.	Recommendation	Compliance	Actions
16.51	All religious institutions' complaint handling policies should require that, upon receiving a complaint of child sexual abuse, an initial risk assessment is conducted to identify and minimise any risks to children.		This was addressed by the Synod in 2019 via amendments to the <i>Ministry Standards Ordinance 2017</i> to require a risk assessment if a complaint relates to children.
16.52	All religious institutions' complaint handling policies should require that, if a complaint of child sexual abuse against a person in religious ministry is plausible, and there is a risk that person may come into contact with children in the course of their ministry, the person be stood down from ministry while the complaint is investigated.		This was addressed by the Synod in 2019 via amendments to the <i>Ministry Standards Ordinance 2017</i> to require suspension if the Director is satisfied that – <ul style="list-style-type: none"> <li>(a) the complaint or the substance of the complaint involves allegations of serious child-related conduct,</li> <li>(b) the complaint is not false, vexatious or misconceived, and</li> <li>(c) there is a risk that the respondent may come into contact with children in the course of their functions as a church worker.</li> </ul>
16.53	The standard of proof that a religious institution should apply when deciding whether a complaint of child sexual abuse has been substantiated is the balance of probabilities, having regard to the principles in <i>Briginshaw v Briginshaw</i> .		This was addressed by the Synod in 2019 via amendments to the <i>Ministry Standards Ordinance 2017</i> (see cl 29(4) and associated footnote).
16.54	Religious institutions should apply the same standards for investigating complaints of child sexual abuse whether or not the subject of the complaint is a person in religious ministry.		This was addressed by the Synod in 2019 via amendments to the <i>Ministry Standards Ordinance 2017</i> concerning the investigation of complaints referred to Adjudicators.
16.55	Any person in religious ministry who is the subject of a complaint of child sexual abuse which is substantiated on the balance of probabilities, having regard to the principles in <i>Briginshaw v Briginshaw</i> , or who is convicted of an offence relating to child sexual abuse, should be permanently removed from ministry. Religious institutions should also take all necessary steps to effectively prohibit the person from in any way holding himself or herself out as being a person with religious authority.		<p>The General Synod has passed the <i>Constitution Amendment (Mandatory Suspension) Canon 2022</i>, the <i>Constitution Amendment (Mandatory Disposition) Canon 2022</i> and the <i>Safe Ministry Legislation Amendments Canon 2022</i> to provide for mandatory suspension and deposition.</p> <p>The constitutional amendments have not been brought to the Synod for assent in 2022 as the Synod rules require 3 months' notice to members for constitutional amendments.</p> <p>The <i>Safe Ministry Legislation Amendments Canon 2022</i> amends a number of canons, not all of which are in force in the Diocese of Sydney. Some are in force in the form of mirror ordinances and the changes cannot be affected by simply adopting the canon. More time is needed to work through the amendments to determine what is required.</p>

No.	Recommendation	Compliance	Actions
16.56	<p>Any person in religious ministry who is convicted of an offence relating to child sexual abuse should:</p> <ol style="list-style-type: none"> <li>a. in the case of Catholic priests and religious, be dismissed from the priesthood and/or dispensed from his or her vows as a religious</li> <li>b. in the case of Anglican clergy, be deposed from holy orders</li> <li>c. in the case of Uniting Church ministers, have his or her recognition as a minister withdrawn</li> <li>d. in the case of an ordained person in any other religious denomination that has a concept of ordination, holy orders and/or vows, be dismissed, deposed or otherwise effectively have their religious status removed.</li> </ol>	*	See comment immediately above.
16.57	<p>Where a religious institution becomes aware that any person attending any of its religious services or activities is the subject of a substantiated complaint of child sexual abuse, or has been convicted of an offence relating to child sexual abuse, the religious institution should:</p> <ol style="list-style-type: none"> <li>a. assess the level of risk posed to children by that perpetrator's ongoing involvement in the religious community</li> <li>b. take appropriate steps to manage that risk.</li> </ol>	✓	The <i>Safe Ministry to Children Ordinance 2020</i> requires compliance with a <i>Person of Concern</i> Policy in these instances, which includes a risk assessment.
16.58	Each religious organisation should consider establishing a national register which records limited but sufficient information to assist affiliated institutions identify and respond to any risks to children that may be posed by people in religious or pastoral ministry.	✓	A national register has been in force in the Anglican Church of Australia since 2007.

## 7 Child Safe Standard 7: Staff are equipped with the knowledge, skills and awareness to keep children safe through continual education and training

No.	Recommendation	Compliance	Action
16.47	Consistent with Child Safe Standard 7, each religious institution should require that all people in religious or pastoral ministry, including religious leaders, undertake regular training on the institution's child safe policies and procedures. They should also be provided with opportunities for external training on best practice approaches to child safety		The <i>Safe Ministry to Children Ordinance 2020</i> requires all people undertaking ministry to children to undertake Safe Ministry Training on commencing to undertake than ministry and thereafter at 3 yearly intervals. This requirement has been in force for many years and was previously contained in the <i>Parish Administration Ordinance 2008</i> .
16.50	Consistent with Child Safe Standard 7, each religious institution should require all people in religious ministry, leaders, members of boards, councils and other governing bodies, employees, relevant contractors and volunteers to undergo initial and periodic training on its code of conduct. This training should include: <ol style="list-style-type: none"> <li>a. what kinds of allegations or complaints relating to child sexual abuse should be reported and to whom;</li> <li>b. identifying inappropriate behaviour which may be a precursor to abuse, including grooming;</li> <li>c. recognising physical and behavioural indicators of child sexual abuse;</li> <li>d. that all complaints relating to child sexual abuse must be taken seriously, regardless of the perceived severity of the behaviour.</li> </ol>		<p>This recommendation needs further consideration by the Standing Committee. Potentially it could involve:</p> <ol style="list-style-type: none"> <li>1. Amending the <i>Parish Administration Ordinance 2008</i> (with suitable transitional arrangements) to –           <ol style="list-style-type: none"> <li>(a) extend the Safe Ministry Training requirements in Chapter 7 to parish councillors and wardens,</li> <li>(b) make it a qualification for election or appointment as a parish councillor or warden that a person must have completed Safe Ministry Training (clauses 2.6 and 2.12), and</li> <li>(c) provide that a person's office as a parish councillor or warden becomes vacant if they do not maintain the currency of their Safe Ministry Training in compliance with Chapter 7 (clauses 2.8 and 2.14).</li> </ol> </li> <li>2. Amending the definition of 'Qualified Person' in the <i>Synod Membership Ordinance 1995</i> to include a requirement that the person has undertaken Safe Ministry Training.</li> </ol>

## 8 Child Safe Standard 8: Physical and online environments minimise the opportunity for abuse to occur

No.	Recommendation	Compliance	Action
16.48	Religious institutions which have a rite of religious confession for children should implement a policy that requires the rite only be conducted in an open space within the clear line of sight of another adult. The policy should specify that, if another adult is not available, the rite of religious confession for the child should not be performed.		There is no rite of confession for children in the Diocese of Sydney.

## 42/18 Reporting on the National Redress Scheme

(A report from the Standing Committee.)

### Key Points

- By resolution 42/18 the Synod requested the Director of Professional Standards to enable an annual report, with appropriate protections of confidentiality, to be provided to each ordinary session of the Synod throughout the life of the National Redress Scheme, including high level numbers and claim amounts averages.
- The requested information related to claims from 1 July 2018 to 30 June 2022 are provided in the report.

### Purpose

1. The purpose of this report is to provide Synod with a brief report regarding the status of applications under the National Redress Scheme (**NRS**), in accordance with the request of Synod resolution 42/18.

### Recommendations

2. Synod receive this report.

### Background

3. At its ordinary session in 2018, the Synod passed resolution 42/18 in the following terms –

‘Synod requests that Sydney Anglican (National Redress Scheme) Corporation and other diocesan organisations that become a Participating Institution under the National Redress Scheme report all applications received to the Director of Professional Standards to enable an annual report, with appropriate protections of confidentiality, to be provided to each ordinary session of the Synod throughout the life of the National Redress Scheme that includes –

- (a) the number of applications for redress which have been received,
- (b) the number and total and average amount of redress offers made,
- (c) the number and total and average amount of redress offers accepted, and
- (d) the number of persons to whom a direct personal response has been provided.’

### Discussion

4. The National Redress Scheme (**NRS**) commenced on 1 July 2018 and is scheduled to continue for 10 years until 30 June 2028. The Standing Committee has strongly encouraged all diocesan organisations which could possibly have any responsibility for claims of child sexual abuse to become part of the scheme. The Standing Committee has been advised that all relevant organisations subject to the control of Synod, and all schools located in the Diocese of Sydney and known as Anglican, are participants in the NRS.
5. In accordance with Synod motion 42/18, diocesan organisations have been asked to report to the Director of Professional Standards all applications received to enable an annual report, with appropriate protections of confidentiality, to be provided to each session of Synod.

6. The Director of Professional Standards has received formal reports from 18 out of 25 relevant diocesan organisations. These figures cover the four years from 1 July 2018 to 30 June 2022 –
  - (a) the number of applications for redress which have been received – 104.
  - (b) the number and total and average amount of redress offers made (in addition to previous payments made by the diocese) – 68 offers made for a total of \$3,267,394.99 with an average amount of \$48,049.93.
  - (c) the number and total and average amount of redress offers accepted (in addition to previous payments made by the diocese) – 64 offers accepted for a total of \$3,379,699.99 with an average amount of \$52,807.81.
  - (d) the number of persons to whom a direct personal response has been provided – 6.
7. It is noted that there was no requirement for an organisation to report to the Director of Professional Standards in the event that no claims were made. Therefore, it is understood that organisations who did not make a report, or did not include data from earlier financial years in their report, did not have claims in the relevant periods.
8. It is noted that some diocesan organisations included provisions for counselling and administrative/legal costs in their reporting figures while other organisations did not.

For and on behalf of the Standing Committee.

DANIEL GLYNN  
**Diocesan Secretary**

22 August 2022

## Toward the Development of a Diocesan Property Strategy

(A report from the Standing Committee.)

### Key Points

- On advice from the Archbishop's Property Forum and the Diocesan Property Directions Committee, the Standing Committee recommends the development of a diocesan-wide ministry-directed property strategy that encourages fellowship in the mission in the whole Diocese in relation to property decisions.
- Our Synod and parishes have a long and commendable history of giving generously to establish new churches in new communities (e.g., Vision for Growth in the 1980's and 1990's). More recently, the Synod has enacted mechanisms to enable parishes to contribute to ministry property needs across the diocese, such as the 2% Church Land Acquisition Levy and the Property Receipts Levy.
- The purpose of this report is to advise the Synod that the Standing Committee intends to develop a diocesan-wide ministry-directed property strategy, to be brought to the next session of the Synod. The Standing Committee seeks to develop this in consultation with members of the Synod, and invites all members of Synod to provide feedback on this report.

### Purpose

1. To advise the Synod about the development of a diocesan-wide ministry-directed property strategy, and to invite members of the Synod to be involved in a consultation process in the development of the report.

### Recommendations

2. Synod receive the report *Toward the Development of a Diocesan Property Strategy*.
3. Synod note that the members of Synod have been invited to contribute to the development of a diocesan-wide ministry-directed property strategy that will encourage fellowship in the mission in the whole Diocese in relation to property decisions, and that they can send their feedback on the report to the Diocesan Secretary (DiocesanSecretary@sydney.anglican.asn.au) by 31 December 2022.
4. Synod ask the Standing Committee to prepare a diocesan-wide ministry-directed property strategy for the next session of the Synod, having taken into account the feedback from synod members.

### Background

5. In 2021, Archbishop Kanishka Raffel established the Archbishop's Property Forum (**APF**), in recognition that property issues were significant barriers to future ministry, both in the Greenfields, in terms of lack of sites, and in existing suburbs, by way of inadequate or substandard facilities.
6. In relation to Greenfields sites, the APF recognised that we are at a crucial strategic moment for the work of the gospel in the Diocese, because sites for future churches in the Greenfields will not be available once an area has been developed. However, purchasing appropriate sites is not the only issue. The cost of construction of a new church in a new community is well beyond the capacity of an emerging new congregation. We cannot provide new churches in new communities without substantial support from other parishes. One of the recommendations of the APF was to develop a diocesan-wide ministry-directed property strategy that encourages fellowship in the mission in the whole Diocese in relation to property decisions. The Standing Committee has endorsed this recommendation, on advice from an ad-hoc sub-committee (the Diocesan Property Directions Committee).

7. There is currently no consolidated diocesan property strategy. There are various guidelines, directions, policies and strategies relating to buildings and property that have been developed by Standing Committee, the Anglican Church Property Trust (**ACPT**), the Growth Corporation, Anglicare, Moore College and The Anglican Schools Corporation (**TASC**). Parishes can pursue and implement their own local buildings and property initiatives without any awareness of wider strategic ministry needs.
8. This has resulted in some uncertainty about how to best utilise buildings and property to support and facilitate ministry and evangelism across the Diocese and a likely duplication of effort across organisations. It also means there is a lack of connectivity between strategies and potentially lost opportunities and value.
9. 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.
10. Parishes in the Diocese have a long history of working cooperatively in relation to diocesan-wide property decisions (e.g., Vision for Growth in the 1980’s and 1990’s). More recently, the Synod has enacted mechanisms to enable parishes to contribute to ministry property needs across the Diocese, such as the 2% Church Land Acquisition Levy and the Property Receipts Levy. These initiatives were implemented because the Synod recognised the impossibility of new churches purchasing land and constructing new buildings on their own.
11. The principle of considering the interests of the whole Diocese when making decisions about church trust property has also been reflected in policies of the Standing Committee, such as –
  - (a) a Large Property Sale Receipts Policy, whereby if the anticipated net proceeds of the sale of parish property exceed the expected cost of the intended application(s) of those proceeds, 50% of the ‘excess’ should be shared outside the parish,
  - (b) a Property (Lease, Licence and Investment) Receipts Policy, whereby all property receipts (i.e., lease, licence and investment income) should be subject to the Property Receipts Levy, or otherwise provide at least an equivalent matching amount to be shared with the Diocese, and
  - (c) an Urban Renewal Support Contribution policy, whereby parishes participating in the Growth Corporation’s Urban Renewal Pilot Program will return some of the surplus generated from the development to the Ministry Infrastructure Development Fund (**MIDF**) for the benefit of the wider property needs of the Diocese.
12. The Standing Committee has also –
  - (a) agreed as a matter of policy that the biblical principles of gospel partnership, manifested in generosity and sacrifice, should guide the thinking of both the parish and the Standing Committee with respect to the application of sale proceeds and property income, and
  - (b) adopted procedures in relation to any proposed sale of parish property, including an assessment of the strategic value of retaining the property for the purposes of mission in the whole Diocese.
13. The Standing Committee recognises that as we continue to move forward in this direction, it is imperative that the Synod continues to embrace and endorse the principle of fellowship in mission across the Diocese. The Standing Committee recommends that this be expressed in a diocesan-wide property strategy that is developed in consultation with the members of the Synod.
14. The Anglican Church Growth Corporation (**Growth Corporation**) has also done preparatory work to understand the property challenges facing the diocese. The Growth Corporation, in partnership with the Sustainable Development Group, commissioned a strategic planning study from SGS Economics. The intent of the research was to review the Department of Planning’s population projections out to 2056 and apply a Diocesan and parish lens to provide base information for strategically assessing the need for, and adequacy of, ministry and evangelism infrastructure across the Diocese.
15. This information has enabled a data-driven assessment of where in the Diocese we are ‘over-served’ or ‘under-served’ by ministry infrastructure from a population growth perspective. There are other important lenses needed to assess the appropriate actions we need to take to optimise our

property and built-form resources for the Kingdom, but the information has raised a number of important questions that require discussion across the Diocese.

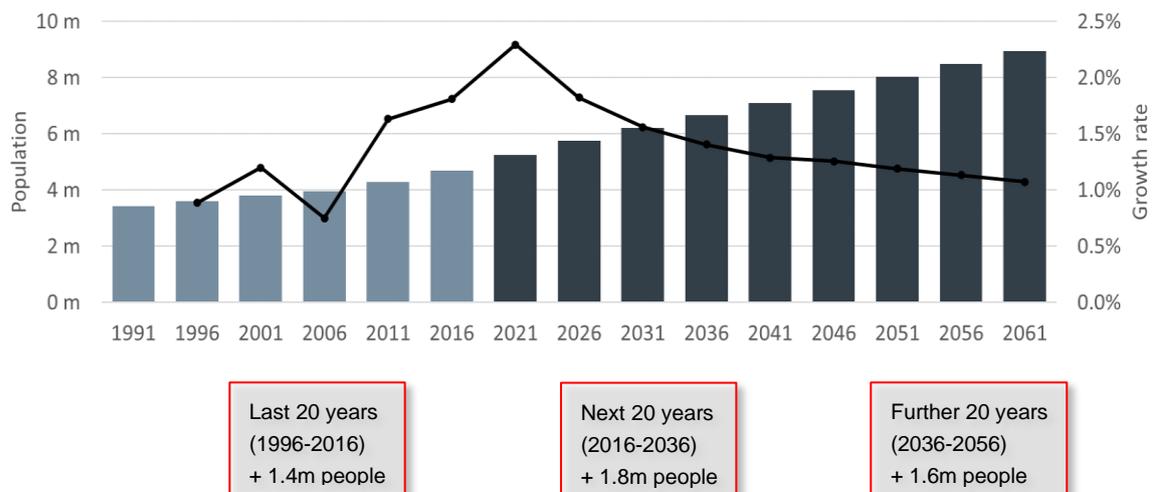
16. This report identifies three key issues on which the input of Synod members is sought. This feedback will be used to frame the development of a diocesan-wide ministry-directed property strategy that will be brought to Synod for approval in 2023.

## Discussion

### Issue 1 – Responding to the changing demography of Sydney

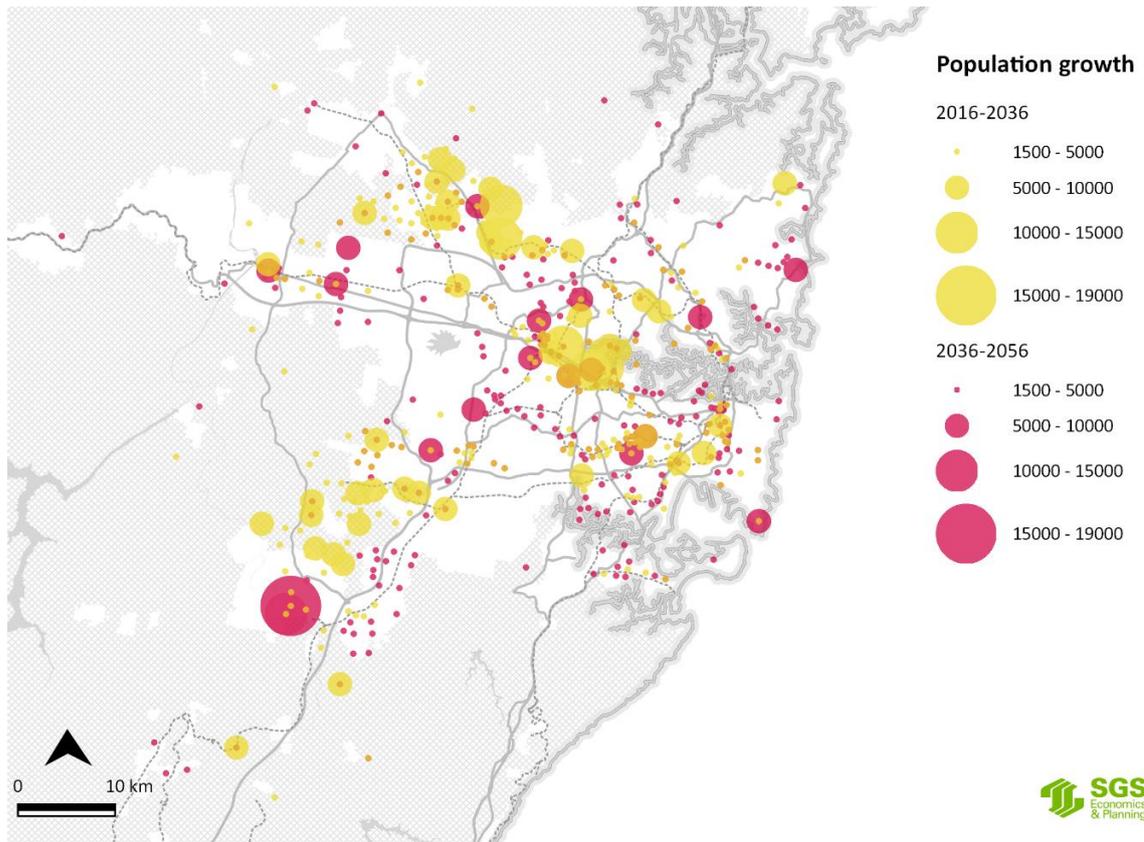
17. The first issue is the demographic changes in Sydney. Australia has become increasingly urbanised over the last 30 years, and growth has concentrated in the east coast cities of Sydney and Melbourne. Sydney has experienced dramatic growth and, as it continues to do so, will become a global mega city. By approximately 2056, 50% of the population of Greater Sydney will live west of Parramatta.
18. By 2056 there are projected to be more than 8.5 million people in Sydney's Greater Metropolitan Area. Population growth is forecast to increasingly occur in the western and south-western parts of the city, particularly in new land release areas (approximately 50 per cent of future growth). Concurrently, established areas will experience significant growth in urban renewal areas and in town centres, particularly around transport hubs, like train stations. Medium and long-term growth forecasts are illustrated in **Figure 1** and **Figure 2** below.

**Figure 1:** Greater Sydney Population Growth, 1991 to 2061



Source: SGS Economics and Planning 2020

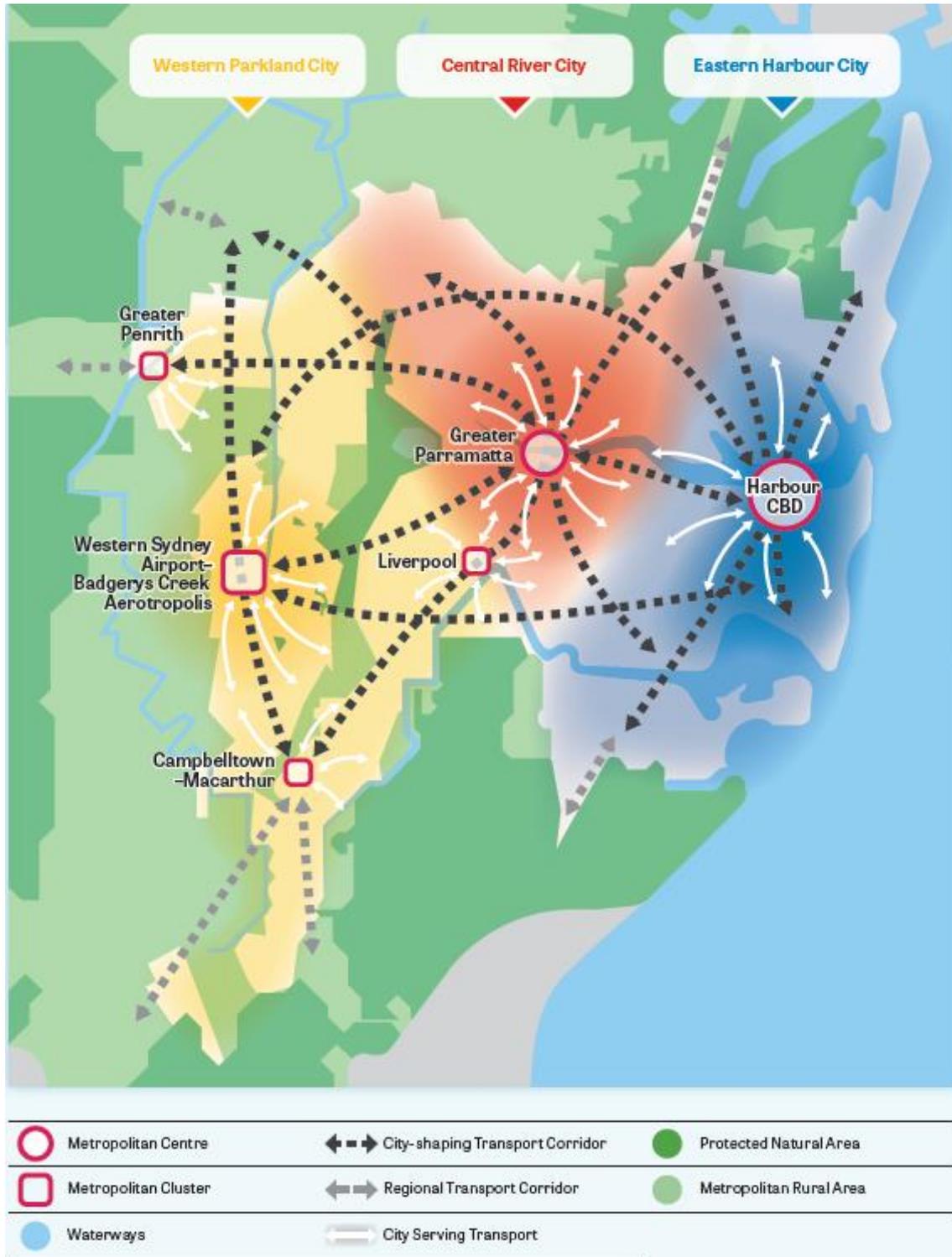
**Figure 2:** Distribution of population growth



Source: SGS Economics and Planning 2020

19. The Greater Sydney Commission (**GSC**) developed a plan for Greater Sydney in 2017. It positions Parramatta as the new geographic centre of Sydney, and at the heart of the Central River City. The 40-year vision is for Greater Sydney to become a metropolis of three connected cities, (the Western Parkland City, the Central River City and the Eastern Harbour City), by 2056. The boundaries of these three cities have been intentionally kept vague.
  
20. The GSC identified five districts across Greater Sydney. The five district plans are a pathway to implementing the *Greater Sydney Region Plan - A Metropolis of Three Cities*. The GSC three cities are shown in **Figure 3**. The five districts cover greater Metropolitan Sydney and planned growth areas in the South. They do not include Wollongong or townships and villages in the Royal National Park south of Sydney. The five districts are:
  - (a) Western City District which includes Katoomba and Penrith,
  - (b) Central City District which includes Blacktown and Parramatta,
  - (c) North District which includes Hornsby and North Sydney,
  - (d) Eastern City District which includes the CBD, and
  - (e) South District which includes Sutherland Shire.

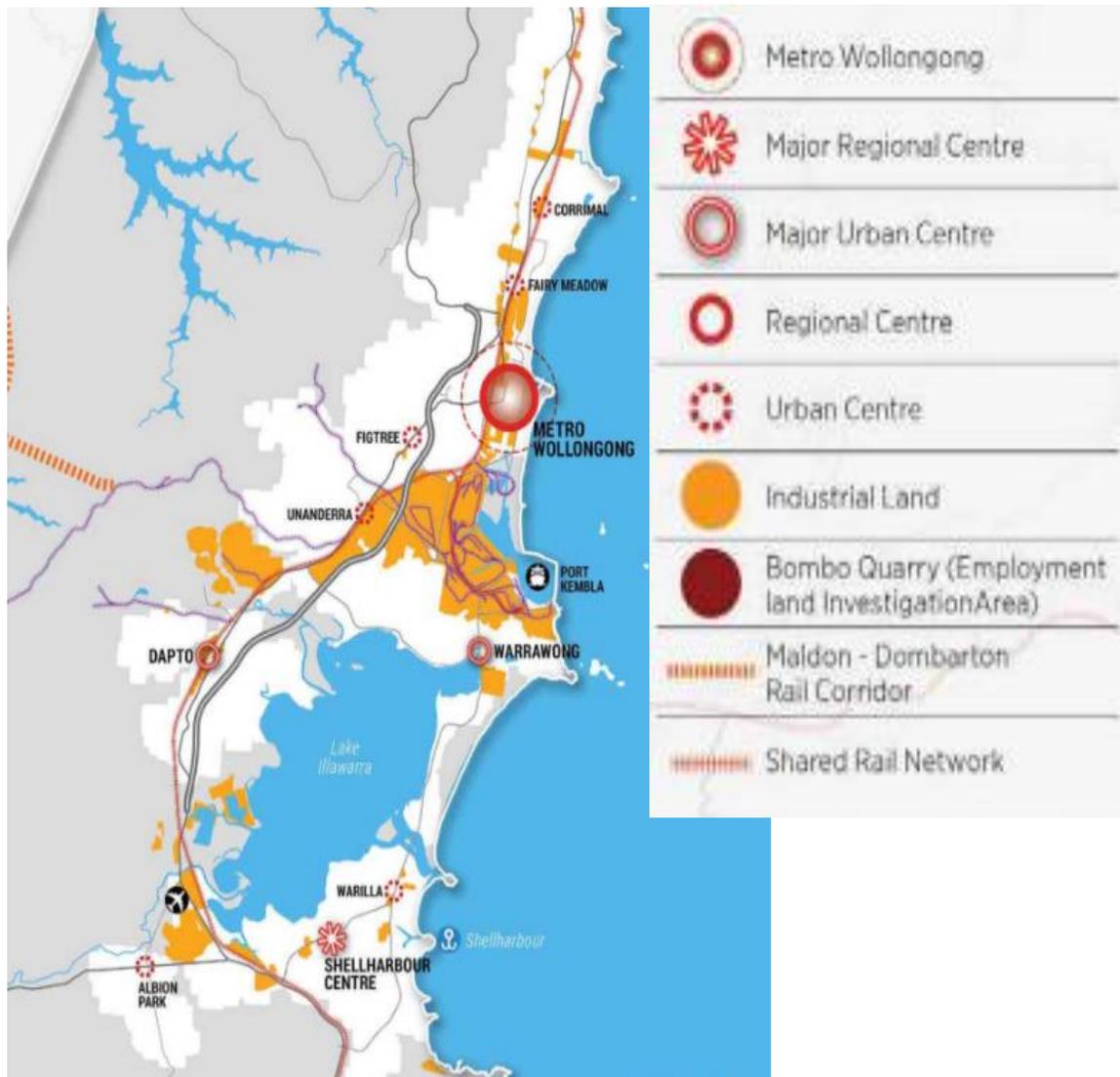
Figure 3: The Metropolis of three cities, and five GSC districts



Source: Greater Sydney Commission 2018

- Most of the Wollongong Region is covered by the State Government's Illawarra Shoalhaven Regional Plan. This plan has a vision to grow Metro Wollongong as a centre for jobs and housing, to transform Port Kembla into an international trade gateway and to drive economic growth across the region as shown in **Figure 4**. Areas further south such as Shellharbour and Kiama are affected by Local Environment Plans prepared by local councils.

Figure 4: Wollongong and surrounds



Source: NSW Government, 2015

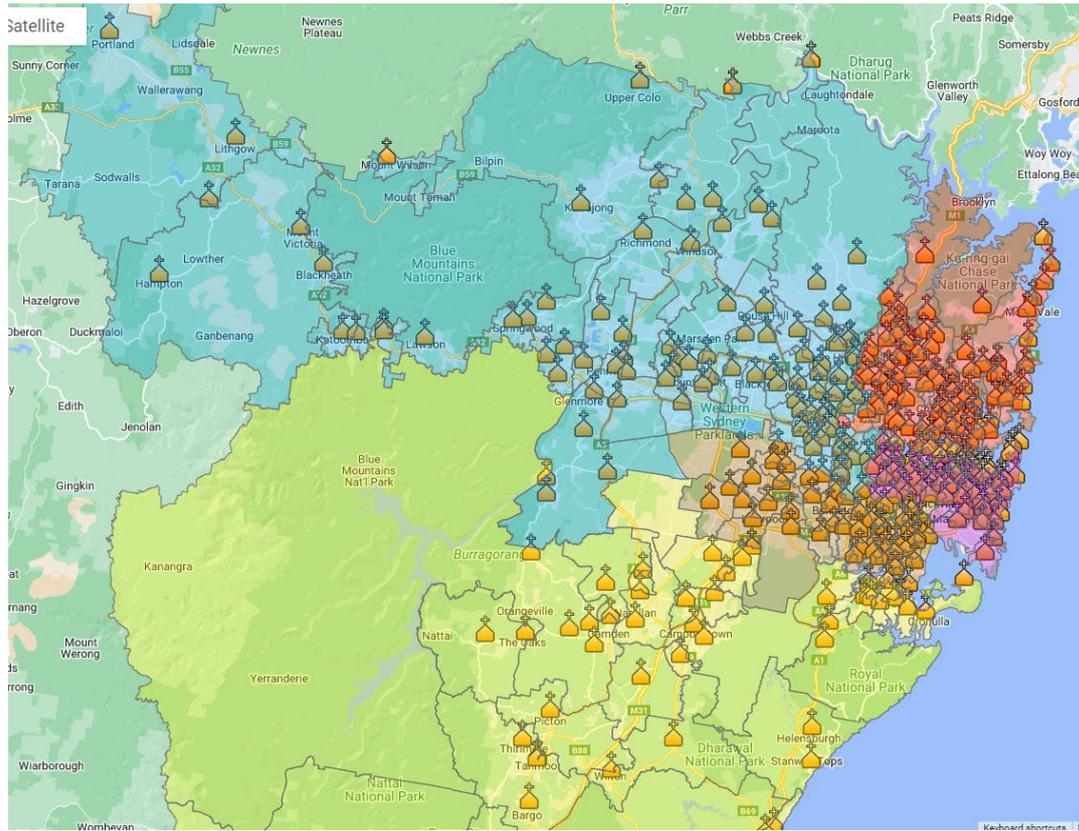
*Feedback sought*

22. The Synod has already indicated its commitment addressing the changing demography in Sydney and recognised the importance of church planting in Greenfields areas, as demonstrated by its commitment to the 2% Church Land Acquisition Levy over the last 10 years.
23. A diocesan-wide mission strategy is predicated on church planting in Greenfields areas continuing to be a strategic priority. To test the mind of the Synod on this, the Standing Committee has brought an ordinance to this Synod to seek a 10-year commitment to the Church Land Acquisition Levy. In addition to the outcome of that debate, the Standing Committee seeks further input from members of the Synod about a strategy which seeks to anticipate the demographic changes to come across the diocese.

Issue 2 – Location of ministry assets across the diocese

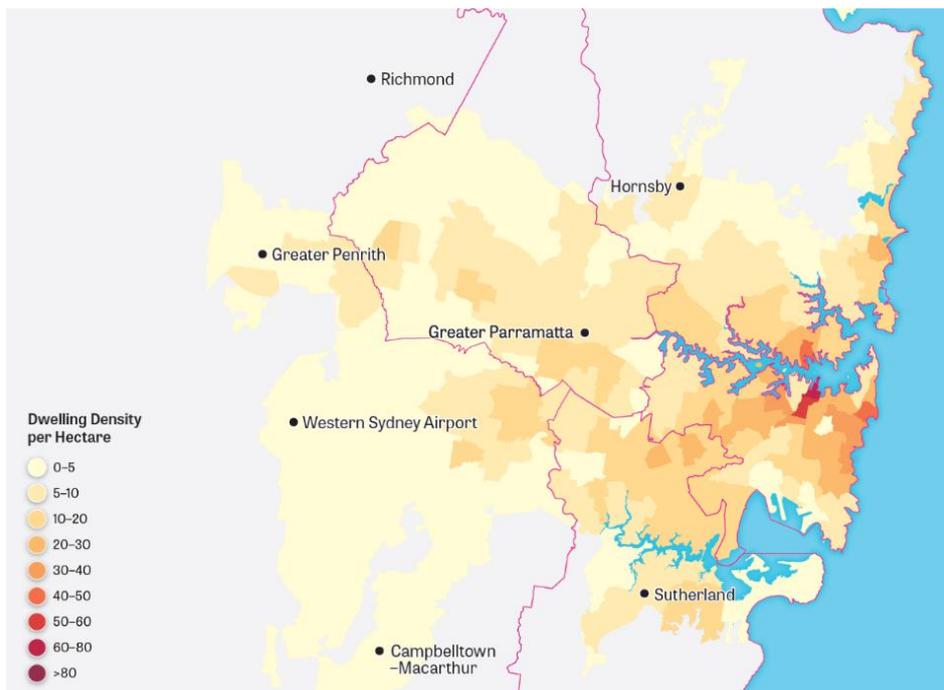
24. As noted above, it is projected that 50% of the population of Greater Sydney will live west of Parramatta by approximately 2056. However, as can be seen in **Figure 5**, approximately 70% of the Diocesan parish assets (in particular, church buildings) are located east of Parramatta.

**Figure 5:** Distribution of ministry infrastructure in Greater Sydney



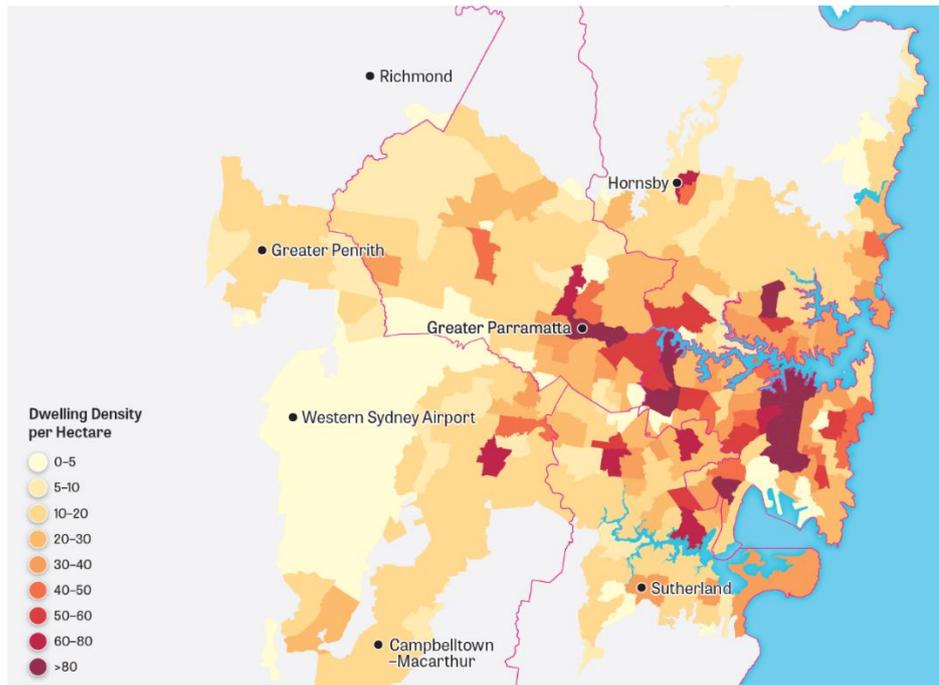
25. There is an increasing mismatch between the location of our churches and where the population of Sydney is and will be located.
26. The number of parishes in our diocese (approximately 270) not changed materially over the past 25 years. However, the population density has changed markedly, and this is predicted to continue to 2056 and beyond. For example, the following two figures (see **Figure 6** and **Figure 7**) contrast the urban density of Sydney in 1996 and 2036.

**Figure 6:** Urban density in 1996



Source: Greater Cities Commission

Figure 7: Urban density by 2036



Source: Greater Cities Commission

*Feedback sought*

27. The Standing Committee is seeking the Synod’s feedback on how to determine the reasonable property needs of a parish for ministry, and how to assess if there are surplus assets that could be shared outside the parish, for use in developing areas. The Standing Committee has already taken some steps towards this, with a proposed policy entitled Variations of Trusts after Parish Amalgamation, which is being presented for endorsement by the Synod. That paper proposes –
  - (a) Where there is uncertainty as to continuing ministry at a site, following a parish amalgamation, the trusts are varied so that the assets are transferred to the ACGC to be held on trust in support of the development of new properties for ministry, but assigned for the exclusive use of the parish for a period of three years, and
  - (b) Where Anglican ministry is to cease at a church site and there is no “successor” ministry for the congregation formerly meeting on that site, the church trust property should be transferred to ACGC, to be held on trust in support of the development of new properties for ministry (rather than a particular parish).
  
28. The debate on this policy will provide Synod members the opportunity to provide their response to this initiative. However, the Standing Committee also seeks further feedback about whether to consider further measures to better align the location of our ministry assets with the location of ministry, and if so what those measures might be.

**Issue 3 – Assessing the future property needs of parishes**

29. The previous discussion has identified that there is already, and will increasingly be, a growing imbalance between where the population is located and where our ministry assets are located. However, there is no simple mechanism to relocate ministry assets from one region to another.
  
30. It is recognised that decisions have been made in the past to sell church sites in developed areas of the city, which we have come to regret. While we are loath to repeat the mistakes of previous generations, as a Synod we must recognise that there is an opportunity cost for doing nothing in the present. A decision to maintain an existing church site which has little or no ministry at present and little prospect of vibrant ministry in the future comes at the cost of initiating ministry in growing areas of Sydney. We must distinguish between being risk averse and being good stewards. Jesus does not commend the servant who buries his Talent in the ground.

31. To minimise the risk of poor decisions about selling property, the Standing Committee has adopted a policy for assessing the strategic mission value of retaining parish property. The policy requires that Growth Corporation provide a recommendation as to whether the retention of the property has strategic value for the purposes of the mission of the Diocese.
32. In assessing the strategic value of retaining property, the Growth Corporation is to have regard to the following –
- any strategic recommendations that have been made previously by the Growth Corporation in relation to the locality of the property,
  - the most recent population data and projections for the parish catchment,
  - the existing and likely future population catchment,
  - whether the property is contiguous with other church property and the potential for any disposal of property impacting on the long-term potential for growth in ministry,
  - other diocesan land-holdings in the vicinity, whether in the parish or adjoining parishes,
  - the strategic nature of the property location (centrality in relation to population, visibility, community profile, travel habits of population),
  - accessibility to the property (vehicular access from all directions to major road network, car parking),
  - suitability and impact of adjoining property uses,
  - land size and whether the ability of the church to expand and provide reasonable flexibility for ministry strategies which might be adopted in the future will be impeded,
  - zoning development controls that are suitable,
  - site constraints including heritage, environmental and developmental, and
  - the strategic value of any alternative use proposed by the parish council of the parish concerned for the capital or income from the proceeds of sale.
33. An issue that is not addressed by the current policy is what level of future population we should be planning for in our churches. This has an obvious impact on the size and scale of development, both in existing church developments and in new parishes.
34. The Growth Corporation has developed three models to project the impact of demographic growth on the need for churches in the various regions of the diocese. In summary, these are –
- adult attendance of each parish remains at its current % of the population (Table 1),
  - adult attendance of each parish equal to 1% of the projected population of the parish (Table 2),
  - adult attendance of each parish equal to 2% of the projected population of the parish (Table 3).
35. Table 1 is based on the assumption that parish will maintain its current “reach” as a percentage of the population over time – that is, a church that currently reaches 0.5% of the parish population will continue to do so, so as the population in the parish grows, the church will grow at the same rate.

**Table 1: Church attendance - each parish maintains its current reach % of parish population**

		2020	2026	2036	2046	2056
South Western Region	Population	1,274,739	1,431,245	1,716,127	1,994,642	2,273,129
	Attendance	6,457	7,208	8,870	10,376	11,882
Northern Region	Population	1,045,430	1,128,066	1,221,375	1,313,270	1,405,128
	Attendance	13,838	14,849	15,999	17,173	18,346
South Sydney Region	Population	1,066,522	1,163,141	1,295,749	1,405,642	1,515,503
	Attendance	7,602	8,186	9,330	10,152	10,973
Western Region	Population	1,416,938	1,658,640	2,012,339	2,296,644	2,580,923
	Attendance	10,191	11,722	14,004	15,623	17,761

		2020	2026	2036	2046	2056
Wollongong Region	Population	730,308	771,342	821,574	869,891	918,190
	Attendance	8,108	8,555	9,108	9,629	10,151

36. Table 2 is based on the assumption that the adult attendance of each parish is equal to 1% of the projected population of the parish.

**Table 2: Church attendance – each parish has adult attendance = 1% of parish population**

		2026	2036	2046	2056
South Western Region	Population	1,431,245	1,716,127	1,994,642	2,273,129
	Attendance	14,312	17,161	19,946	22,731
Northern Region	Population	1,128,066	1,221,375	1,313,270	1,405,128
	Attendance	11,281	12,214	13,133	14,051
South Sydney Region	Population	1,163,141	1,295,749	1,405,642	1,515,503
	Attendance	11,631	12,957	14,056	15,155
Western Region	Population	1,658,640	2,012,339	2,296,644	2,580,923
	Attendance	16,586	20,123	22,966	25,809
Wollongong Region	Population	771,342	821,574	869,891	918,190
	Attendance	7,713	8,216	8,699	9,182

37. Table 3 is based on the assumption that the adult attendance of each parish is equal to 2% of the projected population of the parish

**Table 3: Church attendance – church adult attendance = 1% of parish population**

		2026	2036	2046	2056
South Western Region	Population	1,431,245	1,716,127	1,994,642	2,273,129
	Attendance	28,625	34,323	39,893	45,463
Northern Region	Population	1,128,066	1,221,375	1,313,270	1,405,128
	Attendance	22,561	24,428	26,265	28,103
South Sydney Region	Population	1,163,141	1,295,749	1,405,642	1,515,503
	Attendance	23,263	25,915	28,113	30,310
Western Region	Population	1,658,640	2,012,339	2,296,644	2,580,923
	Attendance	33,173	40,247	45,933	51,618
Wollongong Region	Population	771,342	821,574	869,891	918,190
	Attendance	15,427	16,431	17,398	18,364

38. Table 3 (based on 2% of population) projects adult attendance of 173,857, which is approximately four times the 2020 figures. The maximum church capacity of all of our existing buildings (assuming 3 services per Sunday) is approximately 158,000, which is not too far off the mark.

39. However, the problem is that our supply of churches is “lumpy” – In 2056, we will have an excess of capacity in some areas of the Diocese, and a deficit in others. When we drill down in the above analysis to the parish level, it is apparent that there are a number of areas where we will have a

significant undersupply of church capacity. For example, the population in the parish of Narellan is projected to grow from 76,153 in 2020 to 194,572 in 2056. 1% of their 2056 population is 1,945 people, and 2% is 3,891 people. However, Narellan Anglican Church currently has a maximum Sunday capacity across 3 services of 900 people.

40. Our priorities for both Greenfield development and infill development across the diocese need to be informed by demographic projections, so that we can be wise stewards of the resources entrusted to us.

*Feedback sought*

41. The direction that the Standing Committee intends to take is to assume attendance of 1% of the population (per Table 2) to determine the size of initial church buildings in Greenfields areas, with buildings designed in such a way that they can be extended beyond this. Similarly, an assessment of the future property needs of existing parishes would be assessed against the 1% benchmark.
42. The Standing Committee seeks feedback from members of Synod as to whether these are appropriate, and what other factors (if any) the Growth Corporation should take into account in assessing the reasonable property needs of a parish.

**Development of a diocesan-wide ministry-directed property strategy**

43. In light of the change that has already occurred, and is predicted to occur, in our Diocese, now is the moment for us as a Synod to prayerfully pause and assess how to be good stewards of the resources entrusted to us. We should adopt a diocesan-wide property strategy that will shape how we maximise the use of the buildings and property assets that previous generations have, under God, provided.
44. The key issue is to enable an appropriate re-distribution of the ministry infrastructure and resources to areas under resourced for gospel ministry. These sorts of structural shifts cannot be done at the parish level and require a coordinated diocesan-wide approach to meet this mission challenge on our doorstep. This challenge needs collaboration across parish boundaries and diocesan organisations. If we keep doing what we have been doing, we will be too slow in establishing a meaningful presence in growth areas, and too cumbersome in enhancing ministry infrastructure in infill areas.
45. The Standing Committee recommends the development of a diocesan-wide ministry-directed property strategy that encourages fellowship in the mission in the whole diocese in relation to property decisions.
46. If we are to meet the challenge of our strategic moment, and reach the lost in every part of the Diocese, we will all need to commit to working together, with a focus that extends beyond the boundaries of our individual parishes.
47. It should be noted that nothing in this strategy is intended to overturn the primacy of ministry in the local parish or the need for appropriate property resources to support the ministry in the parish. The purpose of a diocesan-wide strategy is not to prioritise a central strategy at the expense of a local strategy, but rather to ensure that part of our local strategy is to participate together in a fellowship in ministry in the Diocese. That is, each local church's commitment to this strategy is a reflection of their commitment to the spread of the gospel in this city and beyond.

For and on behalf of the Standing Committee.

DANIEL GLYNN  
**Diocesan Secretary**

22 August 2022

# **General Synod – Episcopal Standards (Child Protection) (Amendment) Canon 2022 Adopting Ordinance 2022**

## **Explanatory Statement**

### **Purpose of the bill**

1. The *Episcopal Standards (Child Protection) Canon 2017* was adopted by the Synod of the Diocese of Sydney on 1 November 2017. The Canon sets out an episcopal standards regime for diocesan bishops (and former diocesan bishops) in relation to child abuse and related forms of examinable conduct.
2. The purpose of the bill is to amend the *Episcopal Standards (Child Protection) Canon 2017* in order to implement recommendation 16.52 of the Royal Commission into Institutional Responses to Child Sexual Abuse relating to complaints handling processes.
3. The main effect of the amendment is to provide for the mandatory suspension of a Bishop against whom a plausible complaint involving a sexual offence relating to a child is made.

### **Recommendations**

4. Synod receive this report.
5. Synod pass the Bill as an ordinance of the Synod.

### **Evidence Given**

6. The evidence for this Bill is set out in the explanatory memorandum that was provided to the General Synod. The Explanatory Memorandum is included as an Appendix to this report.

For and on behalf of the Standing Committee

DANIEL GLYNN  
***Diocesan Secretary***

22 August 2022

## **Episcopal Standards (Child Protection) (Amendment) Canon 2022**

### **Explanatory Memorandum**

#### General Background: The Royal Commission into Institutional Responses to Child Sexual Abuse

1. In January 2013, the Royal Commission into Institutional Responses to Child Sexual Abuse was established and its terms of reference include “what institutions ... should do to better protect children against child sexual abuse and related matters in institutional contexts in the future”.
2. In March 2017, the failure to achieve a nationally consistent approach to child protection in this Church was highlighted by the Royal Commission at its public hearing in Case Study 52 inquiring into the current policies and procedures of Anglican Church authorities in Australia in relation to child-protection and child-safety standards, including responding to allegations of child sexual abuse. Leaders of this Church appearing before the Royal Commission in Case Study 52 committed to core national minimum standards for safe ministry to children.
3. In September 2017, the General Synod passed the Episcopal Standards (Child Protection) Canon 2017 which is designed that effective action to protect the members of the church and the public can be taken against a current or former diocesan bishop against whom a complaint of child abuse has been made.
4. In December 2017, the Final Report of the Royal Commission into Institutional Responses to Child Sexual Abuse made the following recommendation to all religious institutions on their complaint handling processes which are relevant to the amendments in this canon:

*16.52 – All religious institutions’ complaint handling policies should require that, if a complaint of child sexual abuse against a person in religious ministry is plausible, and there is a risk that person may come into contact with children in the course of their ministry, the person be stood down from ministry while the complaint is investigated.*

5. Since 2018, this Church has been publicly accountable on its progress towards implementing the recommendations from the Royal Commission into Institutional Child Sexual Abuse through an annual report to the National Office of Child Safety. By passing this canon this Church will implement this recommendation.

#### Object of the canon

6. The object of this canon is to amend the Episcopal Standards (Child Protection) Canon 2017 in order to implement recommendation 16.52 of the Royal Commission into Institutional Responses to Child Sexual Abuse relating to complaints handling processes.

#### Main provisions of the canon

7. This canon provides for the mandatory suspension of a Bishop against whom a plausible complaint involving a sexual offence relating to a child is made.

#### Notes on clauses

- |          |   |
|----------|---|
| Clause 1 | states the title of the canon.  |
| Clause 2 | states the purpose of the canon.  |
| Clause 3 | provides that once the Episcopal Standards Commission has commenced an investigation of a complaint involving a sexual offence relating to a child by a person who is a Bishop, and the complaint is plausible, that Bishop must be suspended from their duties of office and is deemed to be on paid leave and to be absent from the jurisdiction of the office. |

# **General Synod – Episcopal Standards (Child Protection) (Amendment) Canon 2022 Adopting Ordinance 2022**

No , 2022

## **Long Title**

An Ordinance to adopt Canon 9, 2022 of the General Synod of the Anglican Church of Australia.

The Synod of the Diocese of Sydney Ordains as follows.

### **1. Name**

This Ordinance is the General Synod – Episcopal Standards (Child Protection) (Amendment) Canon 2022 Adopting Ordinance 2022.

### **2. Adoption of Canon No 9, 2022**

The Synod adopts Canon No 9, 2022 of the General Synod of the Anglican Church of Australia, the text of which is set out in the Schedule.

## **Schedule**

The General Synod prescribes as follows:

### **Title**

1. This Canon may be cited as the Episcopal Standards (Child Protection) (Amendment) Canon 2022.

### **Purpose**

2. The purpose of this Canon is to amend the Episcopal Standards (Child Protection) Canon 2017 in order to implement certain recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse.

### **Action following risk assessment**

3. The *Episcopal Standards (Child Protection) Canon 2017* is amended as follows:
  - (a) in section 13(1), for “At any time after the ESC has commenced or caused to be commenced an investigation of information under this Part in circumstances where it considers” substitute “Subject to section 14A, where at any time after the ESC has commenced or caused to be commenced an investigation of information under this Part it considers”;
  - (b) after section 14 insert:

“14A.	This section applies if, at any time after it has commenced or caused to be commenced under this or any other Canon an investigation of a complaint, the ESC forms the opinion that – <ol style="list-style-type: none"><li>(a) the complaint involves a sexual offence relating to a child by a person who is a Bishop; and</li><li>(b) the complaint is plausible.</li></ol>
14B.	<ol style="list-style-type: none"><li>(1) If section 14A applies, the ESC must recommend to the President of the Board that the person be suspended from the duties of office.</li><li>(2) Where the ESC makes a recommendation under sub-section (1), the President of the Tribunal must suspend the person from the duties of office.</li><li>(3) A person suspended under sub-section (2) from the duties of a paid office, or a person to whom section 14A applies who voluntarily stands aside from performing the duties of office, is deemed to be on paid leave and to be absent from the State or Territory in which the duties of office would otherwise be performed.</li></ol>
14C.	<ol style="list-style-type: none"><li>(1) A person suspended from the duties of office under section 14B(2) remains suspended until –</li></ol>

- (a) the ESC decides to refrain from further investigation under one or both of –
  - (i) paragraphs (a), (b) or (c) of section 19 of the Special Tribunal Canon 2007; or
  - (ii) paragraphs (a), (b) or (c) of section 10 of this Canon—  
and there are no other investigations in relation to that person to which section 14A applies; or
- (b) the conclusion of an investigation or legal proceedings referred to in section 19(b) of the Special Tribunal Canon 2007 or section 10(b) of this Canon when there are no other investigations to which 14A applies; or
- (c) the person has been deposed from Holy Orders, prohibited from functioning in an order of ministry, or relinquished the exercise of some or all Holy Orders under the Constitution or a canon of the General Synod; or
- (d) the ESC brings a charge of a sexual offence relating to a child against the person –  
whichever occurs first.”

(c) in section 15(1), for “section 13” substitute “sections 13 or 14A”.

**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.

**Primate’s appointment when the canon shall come into force [SO63(19)]**

I appoint the 9th May 2022 as the date on which this canon shall come into force.

I Certify that the Ordinance as printed is in accordance with the Ordinance as reported.

Chair of Committee

I Certify that this Ordinance was passed by the Synod of the Diocese of Sydney  
on 2022.

Secretary

I Assent to this Ordinance.

Archbishop of Sydney

/ /2022

# Newmarch House 2020 COVID-19 Outbreak

(A report from Anglican Community Services, t/as Anglicare Sydney.)

## Introduction

1. On 11 April 2020, a staff member at Anglicare Sydney's Newmarch House residential aged care home was diagnosed with COVID-19. By the time the COVID-19 outbreak at Newmarch House was declared over on 15 June 2020, 37 of the 97 residents (38%) and 34 staff members had tested positive. 19 residents of Newmarch House passed away in connection with the outbreak. The staff members recovered.<sup>1</sup>
2. The outbreak was the subject of a number of reviews and inquiries, including by the Royal Commission into Aged Care Quality and Safety (the **Royal Commission**). The Royal Commission conducted a public hearing in Sydney, with Anglicare Sydney executives and others giving evidence. The final report of the Royal Commission is publicly available, as are other reports commissioned by federal and state health departments (see below).
3. The reviews are ongoing, with a coronial inquest underway. Anglicare Sydney executives and staff are witnesses at the coronial inquest at a hearing over three weeks in late July and early August. As a result, the matter is *subjudice*.
4. Anglicare Sydney has acknowledged with deep gratitude the compassion and dedication of our staff, the support provided by agency staff who joined the Anglicare Sydney team and many agencies that provided guidance and direction in dealing with the unprecedented impacts of the pandemic at Newmarch House. These included the Commonwealth Department of Health, NSW Health, the Aged Care Quality and Safety Commission, the Nepean Blue Mountains Local Health District, BaptistCare, St Vincent's Health and other organisations from the aged and health care sectors.

## The Lessons Learned

5. Anglicare Sydney's Chairman, Mr. Greg Hammond OAM, on behalf of the Board and Anglicare Sydney, has acknowledged the tragic loss of life and the distress experienced by residents, their families and friends, and apologised for the communication failures that amplified the trauma for those concerned.<sup>2</sup> Anglicare Sydney's former Chief Executive Officer, Mr. Grant Millard, has also expressed his regret in relation to the failures in communication during the early days of the outbreak.<sup>3</sup>
6. Anglicare Sydney publicly acknowledged before the Royal Commission that there have been many lessons learned from the COVID-19 outbreak at Newmarch House<sup>4</sup>. Lessons learned include recognising the emotional toll on residents, families and staff, and the need for more responsive communications and staff training.

## What Happens Next?

7. Anglicare Sydney expects that it may take some time before the Deputy State Coroner reports. When all inquiries and legal matters are resolved, Anglicare Sydney desires to be able to report in more detail to the Synod and Standing Committee.

<sup>1</sup> Royal Commission into Aged Care Quality and Safety (2020), *Aged care and COVID-19: a special report* p.5 available at <https://agedcare.royalcommission.gov.au/sites/default/files/2020-12/aged-care-and-covid-19-a-special-report.pdf>

<sup>2</sup> Anglican Community Services (2020), *Chairman's Message: Anglicare Annual Review 2020* p.4 available at <https://www.anglicare.org.au/media/7361/anglicare-2020-annual-review.pdf>

<sup>3</sup> Anglican Community Services (2020), *CEO's Message: Anglicare Annual Review 2020* p.5 available at <https://www.anglicare.org.au/media/7361/anglicare-2020-annual-review.pdf>

<sup>4</sup> Anglicare Sydney (2020), *Some Lessons Learned – A Pandemic And Residential Aged Care*, Submission to the Royal Commission available at [https://agedcare.royalcommission.gov.au/system/files/2020-08/ANG.500.007.3067\\_0.pdf](https://agedcare.royalcommission.gov.au/system/files/2020-08/ANG.500.007.3067_0.pdf)

8. In the meantime, Synod representatives who wish to obtain further information can consult the publicly available reports at the links below.

GREG HAMMOND OAM  
**Chairman, Anglican Community Services**

18 July 2022

## **Links to Publicly Available Reports**

Anglicare Sydney (2020), *Some Lessons Learned – A Pandemic And Residential Aged Care Submission* to the Royal Commission available at [https://agedcare.royalcommission.gov.au/system/files/2020-08/ANG.500.007.3067\\_0.pdf](https://agedcare.royalcommission.gov.au/system/files/2020-08/ANG.500.007.3067_0.pdf)

Gilbert, Lyn and Lilly, Alan (2020), *Newmarch House COVID-19 Outbreak [April-June 2020] Independent Review Final Report* available at <https://www.health.gov.au/sites/default/files/documents/2020/08/coronavirus-covid-19-newmarch-house-covid-19-outbreak-independent-review-newmarch-house-covid-19-outbreak-independent-review-final-report.pdf>

NSW Ministry of Health, COVID-19 Public Health Response Branch (2020), *Summary Report on Anglicare's Newmarch House, Kingswood*, available at <https://agedcare.royalcommission.gov.au/sites/default/files/2020-09/NDH.0020.0002.0001.pdf>

Royal Commission into Aged Care Quality and Safety (2020), *Aged care and COVID-19: a special report* available at <https://agedcare.royalcommission.gov.au/sites/default/files/2020-12/aged-care-and-covid-19-a-special-report.pdf>

# Ministry Spouse Support Fund Annual Report for 2021

(A report from the Professional Standards Unit.)

## Purpose

1. The purpose of this report is to provide an update on the operation of the Ministry Spouse Support Fund (**MSSF**).

## Recommendations

2. Synod receive this report.

## Background

3. At its meeting on 15 April 2019, the Standing Committee, among other things, asked that –
  - (a) a report be provided regarding the Ministry Spouse Support Fund (MSSF) to the Standing Committee by June each year (commencing in 2020) detailing the total amount distributed from the MSSF and the number of ‘cases’ involved in the previous calendar year; along with an indication of the ongoing suitability of the level of funding and any additional commentary felt useful, and
  - (b) a preliminary report be provided to the Standing Committee in July 2019 indicating the initial use of the MSSF in its first six months (for promotion to the Synod).

## Use of the MSSF

4. During the reporting period, the calendar year of 2021, no payments were made from the MSSF.
5. The partnership with Anglicare in the areas of advice from Lynda Dunstan (the Family and Domestic Violence Advisor), counselling (personal and financial), the Shift Housing Program and the skills of Family Relationship Centre counsellors and mediators has meant that the spouses are supported by skilled professionals with united aims to protect children and scaffold victims towards financial and sustained independence.
6. To the end of the reporting period, payments totalling \$69,956.82 have been made from the fund since its inception. All of the spouses who have received payment to date have been women.
7. Additionally, since the end of the reporting period, further payments totalling \$33,530 have been made.

For and on behalf of the Professional Standards Unit.

BELINDA BURN  
**Chaplain**

3 August 2022

# Safe Ministry Board and Professional Standards Unit Annual Report 2021 – 2022

(A report from the Safe Ministry Board and Professional Standards Unit.)

## Introduction

1. This report is provided under the *Safe Ministry Board Ordinance 2001 (cl 17)* and the *Ministry Standards Ordinance 2017 (cl 86)* for the period 1 July 2021 to 30 June 2022 (reporting period).
2. The Diocese of Sydney has taken a multi-faceted approach to the issue of safe ministry and child protection. Broadly speaking the policy objectives are –
  - (a) to exercise careful selection and screening of all clergy and church workers;
  - (b) to provide clear requirements and expectations of behaviour through the Diocesan Code of Conduct, *Faithfulness in Service*;
  - (c) to provide regular and comprehensive training and support for all clergy and church workers;
  - (d) to make a timely and caring response to all who are affected by abuse; and
  - (e) to enact just procedures to deal with respondents and persons of risk.

## Safe Ministry Board

3. The Safe Ministry Board (**SMB**) was established under the *Safe Ministry Board Ordinance 2001*. The SMB is tasked with ensuring that safe ministry, child protection and child abuse issues are properly dealt with throughout the Diocese. This includes the development and review of policies in these areas. The functions of the Board are defined in clauses 5 and 6 of the Ordinance. The Ordinance was under review during the reporting period with the support of the Board.
4. The members of the SMB over the reporting period were: the Rev Dr Keith Condie (Chair), Dr Tim Channon, Ms Stephanie Cole, the Rev Steve Dinning, the Rev Tom Hargreaves, the Rev Gary O'Brien, the Rev Paul Sampson, Dr Ruth Shatford AM, Ms Beth Teuben (appointed 20 December 2021) and Mrs Jenny Yung (resigned 9 March 2022).
5. The SMB met 8 times in the reporting period.

## Professional Standards Unit (PSU)

6. There was change in the PSU team during the reporting period with Mrs Annelie Singh resigning as Personal Assistant to the Director and the Unit's Administrator in March 2022 after 15 years. Annelie made a significant contribution to the work of the PSU over the years and will be greatly missed. Ms Rosemary Angus was appointed to the newly created role of PSU Team Administrator and commenced on 6 June 2022.
7. The PSU team consists of Mr Lachlan Bryant as Director of Professional Standards, Mr Stephen Coleman as Assistant Director of Professional Standards, Mrs Belinda Burn as PSU Chaplain, Mrs Stacie Pakula as Legal Officer/Executive Assistant to the Director, Ms Rosemary Angus as PSU Team Administrator, Mrs Kylie Williams as Training Consultant for Safe Ministry, Archdeacon Neil Atwood as Parish Consultant for Safe Ministry, Mrs Brenda Sheppard as Administrative and Safe Ministry Support, Ms Elenne Ford as Dispute Resolution Consultant and Mr Austin Irwin and Ms Naomie Nguyen as Legal Assistants.
8. 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.
9. The Director has overall responsibility for the PSU and is responsible for the day-to-day administration of the complaints and procedures regarding clergy and church workers (*Ministry*

*Standards Ordinance 2017*) and the National Register (*General Synod National Register Canon 2007 Adopting Ordinance 2008*).

10. When the PSU receives a complaint alleging abuse by a member of the clergy or other church worker, the Chaplain follows this up and provides a caring response to complainants and victims of abuse. The Chaplain provides pastoral support and coordinates the provision of counselling in each case. The Chaplain works closely with the PSU Contact Persons.
11. 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**), a National Register check and a "Safe Ministry Check," also referred to in this context as the Confidential Lifestyle Questionnaire (**CLQ**), which is now mandatory for all church workers being licensed or authorised for ministry. (See paragraphs 21-26 below for further information about Screening of clergy and other church workers.) The PSU provides ongoing support and advice to office holders, parishes and organisations in this regard.
12. Anglicare administers responses to historic child abuse claims for both the Church of England Homes Committee and Sydney Anglican Home Mission Society Council. 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 Home Mission Society Homes, or other Out of Home Care services, who have complained of abuse or mistreatment during their time at these Homes and placements. The Case Manager, Mrs Angela Ferguson, works from Anglicare's Telopea office, alongside the Rev Dr Andrew Ford, Executive General Manager Mission and Partnerships.

### **Archbishop's Meetings with Survivors**

13. Throughout the reporting period Archbishop Kanishka Raffel made himself available to meet with complainants, to listen to them and relate to them pastorally and provide an apology on behalf of the Diocese as appropriate. There was one of these meetings during the reporting period.
14. These meetings are of immense value in almost all cases and survivors are appreciative of the effort made by the Archbishop and the PSU Chaplain to facilitate these apologies.

### **Safe Ministry Website and Blueprint Policy Documents**

15. The [Safe Ministry website](#) and the Safe Ministry Blueprint policy model were launched at Synod in 2015 (Resolution 24/15). All parishes (Rectors, Wardens and Safe Ministry Representatives) are encouraged to adopt the [Safe Ministry Blueprint policy documents](#) if this has not been done already.

### **The Working With Children Check**

16. 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.
17. As the term of a person's WWCC number expires 5 years after it is issued, a significant number of WWCC numbers were renewed during the reporting period.

### **The NSW Reportable Conduct Scheme**

18. In response to recommendations arising from the Royal Commission into Institutional Responses to Child Sexual Abuse, the NSW Government expanded the Reportable Conduct Scheme to include faith-based organisations from 1 March 2020 under the *Children's Guardian Act 2019*.

19. On 28 February 2020 the PSU issued a Circular for Parishes which provided a summary of the new requirements of the Scheme and the impact of them in the church context. The circular was emailed to all Licensed Ministers, Authorised Lay Ministers and Safe Ministry Representatives in the Diocese. The circular is available [here](#).
20. Members of the clergy and church workers should ensure that they are both familiar and compliant with the reporting requirements of the Scheme in their practice of ministry and seek advice or clarification from the PSU if they have any questions or inquiries about them or a particular situation in which they are uncertain whether the requirements apply. There were a small number of these matters that the PSU dealt with during the reporting period.

## **Screening of Lay Church Workers**

21. All workers in 'child-related' employment (including licensed clergy or authorised lay ministers and unpaid volunteers) must have a Working With Children Check clearance. In addition, it is recommended that parishes seek full disclosure of any relevant history and fully complete reference checks with prior supervisors or employers.
22. Persons with a criminal conviction for an offence listed in Schedule 2 of the Child Protection (Working with Children) Act 2012 (including serious sexual offences and certain other offences involving children) cannot be appointed or elected as wardens, parish councilors, parish nominators or Safe Ministry Representatives.
23. See the *Safe Ministry to Children Ordinance 2020* heading below for details about the Safe Ministry Check that must be completed by all volunteers in youth or children's ministry from 1 January 2021 onwards.

## **Screening of Ministry/Ordination Candidates, Clergy and Authorised Lay Ministers**

24. All candidates for ordination by the Archbishop are required to complete a comprehensive screening and disclosure through the Confidential Lifestyle Questionnaire (**CLQ**). This is administered by Ministry Training and Development (**MT&D**) in consultation with the PSU. The CLQ was updated following the introduction of the *Safe Ministry to Children Ordinance 2020*.
25. 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 *Ministry Standards Ordinance 2017* provides a mechanism for pre-ordination disclosure and consideration of prior sexual misconduct or abuse.
26. All paid lay church ministers in the Diocese are required to apply for the Archbishop's authority. This involves their completing a comprehensive screening and disclosure through the CLQ with the applicable Regional Bishop or his representative.

## **Safe Ministry Training – Safe Ministry Essentials/Refresher**

27. The *Safe Ministry Essentials* course remains the mandated safe ministry training for the Diocese for all adult persons working with children or youth, followed by the *Safe Ministry Refresher* course every 3 years. These courses are available online (*Essentials Online* and *Refresher Online* respectively).
28. The Diocese is a member of the National Council of Churches' Safe Church Program (formerly the Safe Church Training Agreement). There are 36 independent churches and other dioceses who are signatories to the Safe Church Training Agreement across Australia.

29. A significant revision of the Safe Ministry online courses (including information about the *Safe Ministry to Children Ordinance 2020*, the Child Safe Standards, and updated scenarios) was made available in July 2021.
30. The numbers of people who enrolled in online safe ministry training over the reporting period are as follows:

<b>Online Safe Ministry Training</b>	
Essentials	2,287
Essentials – Non-Anglican	325
<b>Sub Total</b>	<b>2,612</b>
Refresher	2,570
Refresher – Non-Anglican	208
<b>Sub Total</b>	<b>2,778</b>
<b>Grand Total</b>	<b>5,390</b>

31. The current costs charged for online training for Anglicans are \$20 for Essentials and \$15 for Refresher, and \$30 for Essentials and \$25 for Refresher for non-Anglicans.
32. Due to COVID-19 restrictions during the reporting period, there was limited opportunity for face-to-face training and planning these events became more challenging. All of our planned face-to-face training events for September and November 2021 were cancelled.
33. Face-to-face training was offered at 17 locations across the Diocese in the first half of 2022. The numbers of people who completed face-to-face safe ministry training during that time are as follows:

<b>Face-to-face Safe Ministry Training</b>	
Essentials	46
Refresher	124
<b>Total</b>	<b>170</b>

34. Costs charged for face-to-face training are: \$50 for Essentials and \$25 for Refresher for Anglicans and \$60 for Essentials and \$30 for Refresher for non-Anglicans.
35. For more information please visit the [Safe Ministry training website](#).
36. Apart from the website, the key contacts for safe ministry training inquiries are:
- Mrs Brenda Sheppard, Safe Ministry Training Administrator: [brenda@safeministry.org.au](mailto:brenda@safeministry.org.au).
  - Mrs Kylie Williams, Safe Ministry Training Consultant: [kylie@safeministry.org.au](mailto:kylie@safeministry.org.au).

## **Training of Ministry/Ordination Candidates, Clergy and Authorised Lay Ministers**

37. Eight Safe Ministry Modules have been developed and are being taught through Moore College, MT&D and Youthworks College as part of their courses and programs.
38. All licensed clergy and authorised lay ministers in the Diocese must have satisfactorily completed safe ministry training within the 3 years prior to their licence being issued and every 3 years thereafter, while the licence continues.

## **Safe Ministry for Junior Leaders Online Course**

39. Our Safe Ministry Junior Leaders course, for junior leaders in youth and children's ministry aged between 13 and 17, was completed by 34 junior leaders from parishes across the Diocese during the reporting period. There were 154 junior leader enrollments during the reporting period where the course is in progress.
40. The course has been carefully structured with age-appropriate language and content. A prerequisite of the course is for parents and the Rector to authorise the junior leader's enrolment and for a support scaffold to be in place through their local parish, involving a Training Mentor, while the course is being conducted. The Junior Leaders Group Management System introduced during the last reporting period has been highly successful in helping Training Mentors manage the registration process and to track participants' progress through the course. There are now 260 of these groups in place in parishes across the Diocese (some parishes have multiple groups).
41. Following the introduction of the *Safe Ministry to Children Ordinance 2020*, the Junior Leaders Online Course is mandatory for all leaders in youth and children's ministry aged between 13 and 17 years.
42. The course is offered free of charge and is only available to those ministering in the Diocese of Sydney. Follow this [link](#) for more information.

## **Domestic Abuse Awareness, Response and Prevention Training Course**

43. The Know Domestic Abuse online course was launched at Synod in October 2019 by the PSU Chaplain and Ms Lynda Dunstan, Anglicare Domestic Violence Advisor. Resources and awareness raising packs for responding to domestic abuse were provided to each church in the Diocese to coincide with the launch.
44. The SMB encourages all persons interested in undertaking the Know Domestic Abuse course to do so. The course is particularly pertinent for clergy and church workers as it provides practical training and awareness in the complex area of responding appropriately to domestic abuse. The course will help clergy and church workers to understand and comply with the Sydney Diocese's *Responding to Domestic Abuse: Policy and Good Practice Guidelines*. The course is available free of charge.
45. There have been 161 enrolments in the course during the reporting period.
46. See this [link](#) for more information about the course.
47. For resources to help raise awareness of domestic abuse, visit the [Know Domestic Abuse website](#).

## **Translation of Materials and Resources**

48. Over the last few years the PSU has been working on translating key safe ministry materials and resources into other language groups. So far this work has involved the following documents being translated into the following languages:
  - Faithfulness in Service code of conduct (Chinese)
  - Domestic Abuse – Flow Chart (Chinese, Korean, Arabic)
  - Domestic Abuse – An Expansive Description of Domestic Abuse (Chinese, Korean, Arabic)
  - Domestic Abuse – Doctrine Commission on The Use and Misuse of Scripture with Regard to Domestic Abuse (Chinese, Korean, Arabic)
49. To access these materials visit [here](#) (for Faithfulness in Service) and [here](#) for domestic abuse materials.

## Safe Ministry to Children Ordinance 2020

50. The *Safe Ministry to Children Ordinance 2020* introduced the new Safe Ministry Assessment and consolidated existing requirements for safe ministry to children in the Diocese of Sydney. The Assessment involves the completion of the Safe Ministry Check by all volunteers engaging in ministry to children, including junior leaders aged 13-17, from 1 January 2021.
51. The PSU has implemented an online system to help Parishes with the administration of the Safe Ministry Assessment process along with resources to help equip Rectors and their Authorised Delegates to consider and assess applications. Since the online adult volunteer SMC form was launched more than 8,000 people have completed and submitted forms. The requirements of the *Safe Ministry to Children Ordinance 2020* appear to be widely understood by ministers and SMRs and there is a general level of compliance.
52. For more information see the [Safe Ministry website](#).

## Safe Ministry Representatives (SMRs)

53. Since 2008 it has been mandatory for each parish to nominate an SMR. The role of SMRs in parishes continues to be pivotal in ensuring parishes comply with safe ministry requirements. Archdeacon Neil Atwood, Parish Consultant for Safe Ministry, plays an invaluable service in supporting, resourcing and equipping SMRs in their role.
54. As at the time of writing, the Registry has been notified of 287 SMRs appointed by parishes (including ENC churches). This is pleasing, however 4 of those parishes have the Rector acting as the SMR, which is not ideal. We are following up these 4 parishes to seek for this to be rectified.
55. During the reporting period:
  - (a) four Zoom training sessions were run, aimed at new or recently appointed SMR's called "SMR 101 workshops";
  - (b) two Zoom workshops were run for SMRs and ministers around implementing secure, long term storage strategies for Safe Ministry Records;
  - (c) one Zoom workshop was run for parishes interested in using Backblaze cloud backup software for their local Safe Ministry Records;
  - (d) three parish-based audits were undertaken with an SMR and their Rector; and
  - (e) the use of PSU's centralised safe ministry database Safe Ministry Records Online (SaMRO) (which has been available to parishes through the Safe Ministry website from early 2016) has increased slightly, and at the end of the reporting period 99 parishes were using it as well as 31 parishes from another diocese in regional NSW.

## Communication with Parishes

56. The PSU continues to receive enquiries about child protection and safe ministry issues from clergy and church workers in parishes. Such calls or emails are received on a daily basis with staff members receiving at least a dozen enquiries per week and sometimes many more than this.
57. Inquiries about the requirements of the *Safe Ministry to Children Ordinance 2020* continued throughout the reporting period but this has reduced down now to a few inquiries a week.
58. Frontline, a safe ministry podcast, is designed to be another channel of communication to our churches and church workers. Mainly aimed at SMRs and ministry staff, Frontline allows for more detailed and nuanced presentation of material – especially for complex matters like the new Safe Ministry Check. For more information please visit the [Safe Ministry website](#).
59. In late 2020 we started a closed Facebook Group just for SMRs. It currently has 107 members and is another useful channel of information and discussion. In more than a few cases, it has acted as a 'self-help' group with more experienced SMR's helping newer ones with advice and information.

## **Care of Survivors of Abuse and Complainants**

60. 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 to healing for survivors of abuse.

## **Domestic Abuse**

61. In 2018 Synod passed the Sydney Diocese's Responding to Domestic Abuse: Policy and Good Practice Guidelines. That same year the Standing Committee established the Ministry Spouse Support Fund (MSSF). Over the reporting period there were payments made to one ministry spouse through the Fund.
62. During reporting period, the PSU Chaplain, Belinda Burn, together with the Anglicare Domestic Violence Advisor, Lynda Dunstan and Archdeacon Kara Hartley, presented at six seminars for Ministry Wives, one including Moore College Women, on the topic of Domestic Abuse. These seminars were well attended by Ministry Wives from across the Diocese.

## **Hope and Healing Service**

63. The Hope and Healing service (formerly Tears and Hope) is a church service held each year for survivors of abuse on behalf of the Diocese at which the Archbishop regularly offers an apology. Unfortunately, it was cancelled during the reporting period due to COVID restrictions but was rescheduled to occur just after the end of the reporting period in July 2022.

## **Pastoral Care and Assistance Scheme**

64. The Diocesan Pastoral Care and Assistance Scheme has been established to provide financial assistance to survivors of abuse to meet their needs which arise from abuse or misconduct by clergy or other church workers. The Scheme is designed to be different to litigation, which can be a protracted and harrowing process for survivors. The Scheme includes a mechanism for external assessment if necessary.
65. 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).
66. Between 1 July 2021 and 30 June 2022 there were no payments under the Diocesan scheme and three payments were funded under the SAHMS scheme.
67. The Diocesan Pastoral Care and Assistance Scheme was reviewed following the release of the Royal Commission's Report on Redress and Civil Litigation on 14 September 2015 and an increased cap and updated assessment matrix have been incorporated into the Scheme.

## **National Redress Scheme**

68. The National Redress Scheme (NRS) is the Commonwealth Government's response to the Royal Commission's recommendations for redress to survivors of institutional child sexual abuse. The NRS commenced on 1 July 2018 and will run for a period of 10 years. The NRS is administered by the Commonwealth Department of Social Services but the costs of redress are borne by the responsible institutions which have opted in to the Scheme.

69. The PSU provides information, advice and support services to the Sydney Anglican National Redress Scheme Corporation, which is the entity through which the Diocese of Sydney has opted into the NRS as part of the National Anglican Participating Group.
70. For more information about the NRS visit <https://www.nationalredress.gov.au/> or call **1800 737 377**.
71. For more information about the National Anglican Participating Group visit this [link](#).
72. Opting into the NRS does not preclude the operation of the Diocesan Pastoral Care and Assistance Scheme which continues to operate as another option for survivors who wish to engage with the Diocese directly about redress instead of going through the NRS.

## Abuse and Sexual Misconduct Complaints Protocol

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)). Reports can also be submitted via the [Safe Ministry website](#). The Contact Persons provide information and support to callers as they consider their options. The Contact Persons can then assist in the documenting and reporting of allegations or complaints of abuse or misconduct.
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. There are now seven Contact Persons servicing the Diocese. Five of them are spread across regions: Ms Jane Thomas (Illawarra), Ms Nicky Lock (Northern Beaches), Ms Rosemary Royer (Northern Suburbs), Mr Rob Carroll (Southern Suburbs) and Ms Sandy Morrison (appointed 5 October 2021) (Western Suburbs). Two of the Contact Persons, Ms Sarah Piper (appointed 5 October 2021) and Mr Richard Elms are not fixed to any one regional area.
76. The Contact Persons meet four times a year with the Director and Chaplain for training and coordination of their roles.

## Ministry Standards Ordinance

77. The Ministry Standards Ordinance 2017 commenced on 1 November 2017, replacing the *Discipline Ordinance 2006* for all complaints commenced after that date. The focus of the inquiry under the Ministry Standards Ordinance 2017 is on whether the member of clergy or other church worker has engaged in misconduct that would call into question their fitness to hold or exercise an office, position or ministry in the Diocese. Misconduct under the Ministry Standards Ordinance 2017 may include abuse against an adult or child, bullying, grooming, inappropriate pastoral conduct involving a child, failing to report a serious indictable offence, and process failure, that is, failing to report, deal with or investigate sexual abuse or child abuse in circumstances where that is required by the Ordinance. Misconduct also includes the matters specified in the Offences Ordinance such as unchastity, conviction of serious criminal offences and possession, production or distribution of child exploitation material.
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 has not already made that report.
79. The Director receives complaints against clergy and church workers of the Diocese and administers the complaints process under the *Ministry Standards Ordinance 2017*. Each matter usually involves a Contact Person taking an initial complaint, making a report 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. Mediation may be offered in certain cases, should it be considered suitable, such as in some matters involving allegations of bullying.

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 can be referred to the Professional Standards Board.
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 the exercise of their Holy Orders. There are also lesser sanctions and other recommendations available in appropriate circumstances. The Archbishop or relevant church authority (in the case of an unauthorised lay person) considers the final recommendations and takes action as may be required. The Archbishop is entitled to enquire as to progress of matters and the Director is obliged to keep him informed.

## **Complaints**

83. The Director received 15 new complaints under the Ordinance during the reporting period.
84. The Director made one complaint under the Ordinance in his own right under clause 9 during the reporting period.
85. The Professional Standards Committee met 7 times and considered 22 matters in the reporting period.
86. No matters were referred to the Professional Standards Board during the reporting period.

## **The Professional Standards Committee**

87. There are five members of the Professional Standards Committee. Under the provisions of the *Ministry Standards Ordinance 2017*, the Committee's function is to consider complaints and make recommendations to the Archbishop concerning these matters.
88. This Committee meets as required and is currently scheduled to meet every second month.

## **Adjudicator**

89. One matter concerning an unpaid lay respondent was referred to an Adjudicator for determination during the reporting period.

## **Dispute Resolution Consultant**

90. Ms Elenne Ford, in her capacity as Dispute Resolution Consultant has been a welcome addition to the PSU team by helping to explore the resolution of disputes, and in appropriate cases, allegations of bullying-type conduct that have made their way to the PSU. Elenne has assisted in reviewing the *Ministry Standards Ordinance 2017* and has made recommendations to the Ministry Standards Ordinance Review Committee to improve the way the Ordinance responds to such matters including

provision of alternative pathways for resolution. Elenne has developed some resources for the PSU and is also considering what training and education needs are required in this important area.

## **Parish Support Teams**

91. Parish Support Teams (PST) (formerly 'Parish Recovery Teams') are generally available to assist parishes where allegations of abuse or misconduct by clergy or church workers have arisen. A PST works in a parish to deal with the complex pastoral issues that arise once these matters come to light. PSTs aid those members of the parish who are affected and work towards the healing of the parish as a whole.
92. Since 2007 Pastor Tim Dyer of John Mark Ministries has trained volunteers for our PSTs. There are currently 11 trained PST consultants.
93. There was one new PST deployed during the reporting period for a new matter.

## **The Professional Standards Unit Oversight Committee**

94. In November 2015, the Standing Committee approved of the establishment of a Professional Standards Unit Oversight Committee (PSUOC) which 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 Acting Chair of the Committee is Ms Nicola Warwick-Mayo.
96. PSUOC is required to meet a minimum of three times a year.

## **Cooperation with NSW Government Agencies and Other Churches**

97. The Professional Standards Interdenominational Network (PSIDN) continues to provide a helpful forum to discuss common issues and topics relevant to safeguarding across Christian denominations and provides valuable relationship building opportunities that facilitate cooperation across denominations. The Network includes ongoing attendance by representatives of NSW Police and the Office of the Children's Guardian. Highlights during the reporting period included attendance and a presentation by the Children's Guardian, Janet Schorer, on the Child Safe Scheme and presentations from the NSW Department of Communities and Justice about the Joint Child Protection Response Program and the Information Access and Exchange Unit. Other agenda items included: peer-to-peer sexual behaviour, investigating and managing serious allegations in the absence of cooperation from the victim, changes to NSW Consent laws and vicarious trauma and its impact upon professional standards personnel.
98. The National Network of Directors of Professional Standards from Anglican Dioceses across Australia meets together each quarter. These meetings are still mainly held online due to COVID-19 restrictions. The Network meetings are crucial for continuing cooperation and communication between Professional Standards Directors across the nation. The value of the Network is the depth of experience concerning professional standards matters across the group as a whole. This also means the Network is well positioned to make important contributions to developments and initiatives in these areas and to work towards maintaining best practice in processes across Dioceses.

## **Royal Commission recommendations and Child Safe Standards**

99. The PSU and SMB are continuing to monitor and implement several key Royal Commission Recommendations. Particular areas for ongoing consideration include age-appropriate protective behaviours training for children, professional supervision (or 'pastoral consultation') for pastoral ministry staff and ongoing professional development for pastoral ministry staff.

100. The Child Safe Standards are now enshrined in legislation under the Child Safe Scheme as the primary framework to guide child safe practice for child safe organisations. This means that child safe organisations (which include religious organisations who engage in work with children) are required to implement the Child Safe Standards through systems, policies and processes. In line with Standard 9 the Safe Ministry Board and PSU will continue to review existing policy and processes to ensure that implementation of the Child Safe Standards is continuously reviewed and improved.

## **Finances**

101. The PSUOC receives and monitors accounting reports for the PSU. These accounts are included in the Synod Fund Reports provided to members of Synod.

## **New Safe Ministry Board**

102. The Standing Committee is bringing a proposal to Synod in September 2022 to amend the *Safe Ministry Board Ordinance 2001* in order for the SMB and PSUOC to be combined to become one entity. If the Synod adopts the proposal, a new Safe Ministry Board will be constituted, which will bring the current SMB arrangements to an end after 21 years. We are thankful to all those who have served on the existing SMB since its inception and the consistent and unwavering efforts of the SMB to develop, promote and enhance safe ministry policy and practices across the Diocese over the years. We are also thankful for the leadership and direction provided by PSUOC since 2015. We look forward to the improvements and renewal envisaged in the revised and updated governance arrangements proposed by the Standing Committee.

On behalf of the Safe Ministry Board and Professional Standards Unit.

THE REV DR KEITH CONDIE  
*Chair*  
*Safe Ministry Board*

21 July 2022

LACHLAN BRYANT  
*Director*  
*Professional Standards Unit*

21 July 2022