

# **2018 Session of Synod**

## **Book 3**

(Pages 301 to 497)

### **Bills for Ordinances and Proposed Policies**

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

## 2018 Bills for Ordinances and Proposed Policies

Page

### Bills for Ordinances and Proposed Policy (Provisional release)

#### General Synod – Constitution (Appellate Tribunal) Amendment Canon 2017

##### Assenting Ordinance 2018

|                            |     |
|----------------------------|-----|
| Explanatory Statement..... | 303 |
| Bill.....                  | 305 |

#### General Synod – Special Tribunal (Limitation Period) Canon 2017 Adopting Ordinance 2018

|                         |     |
|-------------------------|-----|
| Explanatory Report..... | 307 |
| Bill.....               | 309 |

#### Ministry Standards Ordinance Amendment Ordinance 2018

|                         |     |
|-------------------------|-----|
| Explanatory Report..... | 310 |
| Bill.....               | 316 |

#### ~~Parochial Cost Recoveries and Church Land Acquisition Levy Ordinance 2018~~

|   |                |
|---|----------------|
| <del>Explanatory Report (Superseded, see page 358).....</del> | <del>320</del> |
| <del>Bill (Superseded, see page 370).....</del>               | <del>332</del> |

#### Synod Appropriations and Allocations Ordinance 2018

|                         |     |
|-------------------------|-----|
| Explanatory Report..... | 335 |
| Bill.....               | 345 |

#### Voluntary Relinquishment of Incumbency / Licensing of Incumbents interim report (33/17)

|             |     |
|-------------|-----|
| Report..... | 347 |
| Policy..... | 349 |

### Bills for Ordinances and Proposed Policies (Supplementary release)

#### General Synod – Safe Ministry to Children Canon 2017 Adopting Ordinance 2017 Amendment Ordinance 2018

|   |     |
|---|-----|
| General Synod – Safe Ministry to Children Canon 2017 Adopting Ordinance 2017 (20/17)..... | 350 |
| Bill.....   | 357 |

#### Parochial Cost Recoveries and Church Land Acquisition Levy Ordinance 2018

|                                  |     |
|----------------------------------|-----|
| Revised Explanatory Report ..... | 358 |
| Revised Bill.....                | 370 |

#### Property Receipts Levy – form of calculation and mechanism for debate at Synod

|             |     |
|-------------|-----|
| Report..... | 373 |
|-------------|-----|

#### Property Receipts Levy Ordinance 2018 (NET)

|  |     |
|--|-----|
| Explanatory Report.....  | 401 |
| Bill (marked to show form proposed by Standing Committee)..... | 409 |

#### Property Receipts Levy Ordinance 2018 (GROSS)

|                         |     |
|-------------------------|-----|
| Explanatory Report..... | 411 |
| Bill.....               | 419 |

#### Statement of Anglican doctrine of marriage / Use of Church Property Ordinance and Policy

|   |     |
|---|-----|
| Report.....   | 421 |
| Property Use Policy.....  | 424 |
| Bill for the Sydney Anglican Use of Church Property Ordinance 2018..... | 427 |

#### Sydney Anglican Policy on Responding to Domestic Abuse

|  |     |
|--|-----|
| Implementation of the Domestic Abuse Response (16/17)..... | 429 |
| Policy and Guidelines Introduction.....                    | 438 |
| Policy .....   | 440 |
| Good Practice Guidelines .....                             | 448 |
| Appendices.....  | 458 |

## General Synod – Constitution (Appellate Tribunal) Amendment Canon 2017 Assenting Ordinance 2018

### Explanatory Statement

#### Purpose of the bill

1. The purpose of the bill for the *General Synod – Constitution (Appellate Tribunal) Amendment Canon 2017 Assenting Ordinance 2018* (the Bill) is to amend the Constitution set out in the schedule to the *Anglican Church of Australia Constitution Act 1961*.
2. The amendment will allow General Synod to legislate in regards to part-heard matters. Members of the Appellate Tribunal whose office is to be vacated before the end of an appeal, question or matter can be allowed by legislation to continue to participate in and conclude a matter even if their office is vacated for all other purposes. It removes the power that members had to appoint replacements for members unable to sit and instead allows the appointment of reserve members of the Tribunal who can take the place of a member who is unable to sit.

#### Recommendations

3. That Synod receive this report.
4. That Synod pass the Bill as an ordinance of the Synod.

#### Evidence Given

5. 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.
6. It is now considered undesirable that members of the tribunal themselves hold the power to replace other members unable to sit.
7. The Canon amends the Constitution and will not come into effect unless and until at least three-quarters of the diocesan synods, including all the metropolitan sees, have assented to the canon by ordinance and all such assents are in force at the same time.

For and on behalf of the Standing Committee

DANIEL GLYNN  
*Diocesan Secretary*

31 August 2018

**Appendix***Constitution (Appellate Tribunal) Amendment Canon 2017**Explanatory Memorandum**General Background*

1. This Bill complements the proposed changes to the Appellate Tribunal Canon in a cognate Bill.
2. It amends the Constitution to allow explicitly for General Synod to do by canon what it is proposed it do in that other canon; that is, it provides clear Constitutional authority for it to make the proposed canon.
3. In addition, the Constitution at present provides, "No Party to an appeal shall be a member of the tribunal for the purpose of the appeal and his place shall be filled for the purpose of the appeal by the other members co-opting a person qualified for the office." It is proposed to remove all the words after "purpose of the appeal", for two reasons: (1) the same subject matter will now be covered by the reserve list proposal, and (2) in any case it is now considered undesirable that the members of the tribunal should themselves select people to replace members unable to sit.
4. By s 67(1)(c) of the Constitution, this bill shall be a canon duly made if passed by a vote of a majority of the members of each house, but the canon does not come into effect unless and until at least three quarters of the diocesan synods of this Church, including all of the metropolitan sees, have assented to it by ordinance and all such assents be in force at the same time

*Notes on Clauses*

- Clause 1 Provides the title of the canon.
- Clause 2 Sets out the additional matters in respect of which the General Synod may legislate in relation to the Appellate Tribunal. These are:
- (a) members of the Appellate Tribunal completing part heard matters even once they have gone out of office;
  - (b) the appointment of reserves;
  - (c) reserves completing part heard matters even though they have ceased to be reserves.
- The amendment also makes it clear that members of the reserve list are not members of the tribunal for the purposes of the Constitution.
- Clause 3 Amends s 57(2) of the Constitution so that, while it will continue to be the case that a party to an appeal cannot remain as a member of the tribunal for the purpose of that appeal, there is no provision for the place of such a member to be filled by the other members of the tribunal co-opting someone.
- Clause 4 Repeals Canon 3 of 2010, which covered some of the same matters and which has not been adopted by all Metropolitan dioceses and therefore has not come into effect.

## General Synod – Constitution (Appellate Tribunal) Amendment Canon 2017 Assenting Ordinance 2018

No , 2018

### Long Title

An Ordinance to assent to Canon No 2, 2017 of the General Synod of the Anglican Church of Australia.

The Synod of the Diocese of Sydney ordains as follows.

#### 1. Name

This Ordinance is the *General Synod – Constitution (Appellate Tribunal) Amendment Canon 2017 Assenting Ordinance 2018*.

#### 5 2. Assent to Canon No 2, 2017

The Synod assents to Canon No 2, 2017 of the General Synod of the Anglican Church of Australia, the text of which is set out in the Schedule.

### Schedule

The General Synod prescribes as follows:

#### Title

1. This Canon is the Constitution (Appellate Tribunal) Amendment Canon 2017.

#### Continuing to hear part-heard matters

2. After s 57(1) of the Constitution, insert:

"(1A) Despite s 57(1), the General Synod may by canon provide for -

- (a) a member of the tribunal whose office is to be vacated, but who is participating in the disposition of an appeal, question or matter made or referred to the tribunal where that appeal, questions or matter will not be disposed of before the date on which the member's office is to be vacated, continuing as a member of the tribunal for the purposes only of participating in and concluding that appeal, question or matter even though the office of that member will for all other purposes be vacated on that date;
  - (b) the appointment of a qualified person to take the place of a member who is unable to participate in the disposition of an appeal, question or matter (whether because that member's office is vacant, or the member is disqualified or for some other reason) for the purposes only of participating in the disposition of that appeal, question or matter; and
  - (c) a person referred to in paragraph (b) who is participating in the disposition of an appeal, question or matter made or referred to the tribunal continuing to participate in the disposition of that appeal, question or matter until it is concluded.
- (1B) A person participating in the disposition of an appeal, question or matter by virtue of a canon of the General Synod made under sub-section (1A) is not a member of the tribunal for the purposes of the first sentence in sub-section (1)."

#### Removal of right of co-option

3. In section 57(2) of the Constitution the words "and his place shall be filled for the purpose of the appeal by the other members co-opting a person qualified for the office" are repealed.

#### Repeal of Canon No 3 of 2010

4. Canon No. 3 of 2010 (Constitution Amendment (Appellate Tribunal Part Heard Matters) Canon 2010) is repealed.

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 2018.

Secretary

I Assent to this Ordinance.

Archbishop of Sydney

/ /2018

## **General Synod – Canon Concerning Special Tribunal (Limitation Period) Canon 2017 Adopting Ordinance 2018**

### **Explanatory Report**

#### **Purpose of the Bill**

1. The purpose of the bill for the *General Synod – Canon Concerning Special Tribunal (Limitation Period) Canon 2017 Adopting Ordinance 2018* (the Bill) is to amend the *Special Tribunal Canon 2007* (the Canon) to remove unnecessary complexity within the Canon.

#### **Recommendations**

2. That Synod receive this report.
3. That Synod pass the Bill as an ordinance of the Synod.

#### **Evidence Given**

4. The evidence for this Bill is set out in the explanatory memorandum that was provided to the General Synod. The Explanatory Memorandum is included as an Appendix to this report.

5. As this Bill concerns the discipline of the church, it would have been considered by the General Synod as a special bill pursuant to section 18 of the 1961 Constitution, except that at least three-quarters of the members of each House of General Synod otherwise determined. It has therefore taken effect as a canon of the General Synod. The Canon is deemed by section 30(a) of the Constitution to affect the order and good government of the Church and therefore does not come into force in a diocese unless and until that diocese by ordinance adopts it.

For and on behalf of the Standing Committee

DANIEL GLYNN  
*Diocesan Secretary*

31 August 2018

**Appendix***Special Tribunal (Limitation Period) Canon 2017**Explanatory Memorandum**General Background*

1. Under section 13(1) of the Special Tribunal Canon 2007 the Episcopal Standards Commission (ESC) is permitted to take action only in respect of a complaint alleging an offence mentioned in the First Schedule where the complaint relates to conduct or an omission alleged to have occurred not more than 12 months prior to the date on which the complaint is received by the ESC.
2. The structure of the First Schedule is awkward. It sets out offences in paragraphs 1, 2 and 3 that are subject to the limitation period of 12 months. They are offences of the type that are commonly listed in the canons dealing with discipline of bishops or clergy: any breach of faith, ritual or ceremonial; drunkenness; wilful failure to pay just debts.
3. Paragraph 4 of the First Schedule sets out as a category of offence that is subject to the limitation period of 12 months as "Wilful Violation of the Constitution or of the Canons made thereunder or of the Ordinances of Provincial Synod or Diocesan Synod", but then excludes from the operation of that limitation period of 12 months the offences that are listed in subparagraphs (a) and (b) of paragraph 4:
  - "(a) wilful commission of an offence mentioned in item 1, 4 or 6 of section 2 of the Offences Canon 1962; and
  - (b) any other breach of discipline not mentioned in items 1, 2 and 3 of the Schedule."
4. The ESC proposed to Standing Committee that item 5 of section 2 of the Offences Canon 1962 should also be exempt from the limitation period of 12 months. Rather than carve out more exceptions to paragraph 4 of the First Schedule which would leave paragraph 4 with little work to do, it is proposed to delete paragraph 4 of the First Schedule to the Special Tribunal Canon 2007.
5. This will have the effect that the only offences that will be the subject of the limitation period of 12 months will be those that are set out in paragraphs 1, 2 and 3 of the First Schedule.
6. On the basis this bill deals with or concerns the discipline of the church, the procedure of a special bill must be followed, unless Synod by votes of at least three-fourths of the members present in each house decides that it need not proceed as a special bill. Pursuant to section 30(a) of the Constitution any canon affecting the discipline of the church is deemed to affect the order and good government of the church within a diocese, and will not come into force in any diocese unless and until the diocese by ordinance adopts the canon.

*Notes on Clauses*

- |          |   |
|----------|---|
| Clause 1 | Contains the title of the canon.  |
| Clause 2 | Provides that the principal canon is the Special Tribunal Canon 2007.   |
| Clause 3 | Deletes paragraph 4 of the First Schedule to the principal canon which has the effect of making the offences listed in paragraphs 1, 2 and 3 of the First Schedule the only offences that are subject to the limitation period set out in section 13(1) of the principal canon. |

## **General Synod – Canon Concerning Special Tribunal (Limitation Period) Canon 2017 Adopting Ordinance 2018**

No \_\_\_\_\_, 2018

### **Long Title**

An Ordinance to adopt Canon No 12, 2017 of the General Synod of the Anglican Church of Australia.

The Synod of the Diocese of Sydney ordains as follows.

#### **1. Name**

This Ordinance is the *General Synod – Canon Concerning Special Tribunal (Limitation Period) Canon 2017 Adopting Ordinance 2018*.

#### **5 2. Adoption of Canon No 12, 2017**

The Synod adopts Canon No 12, 2017 of the General Synod of the Anglican Church of Australia, the text of which is set out in the Schedule.

#### **3. Order and good government**

10 The provisions of Canon No 12 2017 affect the discipline of the church and are deemed by section 30(a) of the Constitution to affect the order and good government of the church within a diocese. The Canon does not come into force in a diocese unless and until the diocese by ordinance adopts the canon.

### **Schedule**

The General Synod prescribes as follows:

#### **Title**

1. This canon is the Special Tribunal Amendment Canon 2017.

#### **Interpretation**

2. In this canon, the principal canon is the Special Tribunal Canon 2007.

#### **Amendment of First Schedule**

3. Delete paragraph 4 of the First Schedule to the principal canon.

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 \_\_\_\_\_ 2018.

Secretary

I Assent to this Ordinance.

Archbishop of Sydney

/ /2018

## Ministry Standards Ordinance 2017 Amendment Ordinance 2018

### Explanatory Report

#### Key Points

The Bill will amend the *Ministry Standards Ordinance 2017* to –

- replace the term “reportable conduct” with “serious child-related conduct”;
- amend the definition of “misconduct” in clause 6 by –
  - including further material from *Faithfulness in Service* in the definitions of “emotional abuse” and “neglect” to give examples of the conduct concerned;
  - including failing to comply with mandatory reporting obligations under the law with respect to child abuse within the definition of “process failure”;
  - inserting a new definition of “safe ministry training failure” to deal with a failure to satisfactorily complete safe ministry training without a reasonable excuse;
  - inserting the victimisation of a complainant or witness in the list of examples,
- insert a new part to provide an expedited process for issuing prohibition orders in relation to church workers who have been convicted of serious criminal offences;
- give Adjudicators a discretion as to whether to provide their proposed recommendations to the Archbishop, relevant Church authority and the respondent for a response instead of this process being mandatory; and
- allow the Archbishop to also release information in relation to complaints when he is not the relevant Church authority and to require prior consultation with the Director of Professional Standards in relation to any proposal release of information.

#### Purpose of the bill

1. The purpose of the bill is to amend the *Ministry Standards Ordinance 2017*.

#### Recommendations

2. Synod receive this report.
3. Synod pass the bill as an ordinance of the Synod.
4. Synod request the Standing Committee to appoint a committee to further consider and make recommendation in relation to the matters set out in paragraphs 48-53 of the report.

#### Background

5. At its session in 2017, the Synod passed a bill for the *Ministry Standards Ordinance 2017* (the “MSO”) to replace the *Discipline Ordinance 2006*. It commenced on 1 November 2017.
6. The MSO –
  - (a) provides an administrative process for the resolution of complaints concerning the fitness of church workers to hold an office or position, to remain in Holy Orders, to exercise ministry or perform any duties or functions, whether or not subject to any conditions or restrictions, and
  - (b) has established a Professional Standards Board to be the determining body under the complaints process instead of the Diocesan Tribunal or a Disciplinary Tribunal.
7. In conjunction with passing the MSO in 2017, the Synod requested the Standing Committee to undertake a review of the operation of the MSO prior to the 2018 session of the Synod. The explanatory report for the MSO noted that there would “inevitably be some matters identified in the next 12 months as the Ministry Standards Bill is put into operation that will require amendments to be made to improve the complaints process”.
8. At its meeting on 23 July 2018, the Standing Committee appointed a Committee (the Committee) to review the Ordinance. The Committee was composed of Mr Michael Easton (Chair), Mr Garth Blake AM SC AO, Mr Lachlan Bryant, the Rev Mark Charleston, Mr Doug Marr, the Rev Tom Hargraves, the Rev Craig Schafer, and the Rev Mamie Long. The Rev Jennie Everist also participated in a meeting of the Committee at the Committee’s invitation, but was not appointed as a member of the Committee.

9. The group that prepared the MSO for Synod in 2017 commenced reviewing the MSO earlier in the year in preparation for the review. The Standing Committee's appointment of the Committee on 23 June 2018 formally convened the group and added some additional members.

### **The Professional Standards Unit's experience with the MSO**

10. The Director of Professional Standards reported his view to the Committee that the MSO has worked reasonably well since its commencement. However he identified some difficulties with respect to bullying complaints, particularly against senior clergymen. Bullying complaints were not within the ambit of the *Discipline Ordinance 2006*.

11. The Director advised that the procedure in the Ordinance has been too protracted for matters that have required swift intervention and resolution. This has been particularly problematic when the respondent was the Rector and the complainant(s) were on staff. A properly functioning staff team and the continuation of parish ministry can become seriously compromised in such situations and the impact on the parish, at least in the short term, can be significant.

### **Specific matters for consideration that have been referred to the Committee**

#### *Persistent failure to attend Faithfulness in Service and Safe Ministry Training*

12. Synod Resolution 32/17 provides -

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

...

(f) requests the Standing Committee to bring a bill to the next Synod that would constitute as misconduct "unreasonable and persistent failure to attend the triennial Faithfulness in Service training" and "unreasonable and persistent failure to complete the triennial Safe Ministry training."

13. Committee response: The Committee agrees that this amendment is required. The Ordinance will amend clause 6(2)(g) of the MSO to insert a new example of misconduct for a "safe ministry training failure". This will be defined as -

'a failure without a reasonable excuse to satisfactorily complete mandatory training approved by the Safe Ministry Board for the purposes of Chapter 7 of Schedule 1 and Schedule 2 of the *Parish Administration Ordinance 2008*.'

14. Rule 7.1 of Schedules 1 and 2 of the *Parish Administration Ordinance 2008* defines Safe Ministry Training to be "training approved by the Safe Ministry Board". This training must be undertaken every 3 years by ministers and assistant ministers, and by any person who is in a "children's ministry position", which is defined as "a paid or unpaid position to which a person is appointed by or on behalf of the minister or the wardens that primarily involves contact with children".

#### *Serious pastoral care failures in relation to victims of domestic violence*

15. At its meeting on 13 November 2017, the Standing Committee resolved to note a request from the Domestic Violence Response Taskforce that -

'...the committee further reviewing the *Ministry Standards Ordinance 2017* consider the recommendation in paragraphs 59 and 60 of the Report [of the Taskforce].'

16. Paragraphs 59 and 60 of the report of the Taskforce are as follows -

'59. The Task Force recommends those reviewing the Church Discipline Ordinance to consider measures to ensure that a clergy person or church worker can be appropriately required to receive guidance and specialised help and/or disciplined in cases of domestic abuse, which do not constitute sexual abuse or serious criminal behaviour already covered by the ordinance.

60. The Task Force recommends those reviewing the Church Discipline Ordinance consider measures to ensure that a clergy person or church worker can be required to receive guidance and specialised help in cases of serious failure to provide appropriate pastoral care to a victim of domestic violence. By "serious failure", we refer to provision of pastoral care in a manner that puts the safety of a victim or their family at risk and demonstrates a wilful disregard of the Synod's policy and guidelines in this area.'

17. The explanatory report to the 2017 session of Synod for the MSO also stated -

28. Finally, the Committee is aware of the work that has been undertaken by the Domestic Violence Response Taskforce at the request of the Synod and is also aware of Synod resolution 24/16, by which Synod requested the Committee:

“...to consider changes to the necessary ordinances which would allow victims of domestic abuse, who have brought the abuse to the attention of church-workers who have their pastoral oversight and who feel that they have received negligent, callous or otherwise improper advice or treatment by those with pastoral oversight, to have complaints referred to the Professional Standards Unit”.

29. The Committee considers that if the Guidelines prepared by the Taskforce are adopted by the Synod, a period of time should be allowed for church workers to become familiar with these Guidelines before inserting such a ground of misconduct. The Committee has considered what may be appropriate in this regard and suggests a ground of misconduct in or to the effect of the following be inserted in the Ordinance by Synod in 2018 –

**“inappropriate pastoral care to a victim of domestic abuse**, which means providing pastoral care in a manner that puts the safety of a victim or their family at risk and demonstrates wilful or reckless disregard with the Synod’s *Responding Well to Domestic Abuse: Policy and Good Practice Guidelines*”.

18. Committee response: Having considered this proposal in greater depth, the Committee does not support the inclusion of inappropriate pastoral care to a victim of domestic violence as a specific example of misconduct in the MSO. There are four reasons.

19. Firstly, the Committee does not consider that the Synod’s *Responding Well to Domestic Abuse: Policy and Good Practice Guidelines* are sufficiently precise to be enforceable in the same way that a code might be enforceable. The responsibilities under the guidelines could be avoided by a church worker refusing to read or consider them. Since they are guidelines and not precise enough to be standards or rules, it is problematic to ensure compliance by reference to the guidelines per se.

20. Secondly, the Committee is hesitant about creating a ground of misconduct which may go to the competence of a person in providing pastoral care. These matters are better addressed through training and support, especially given that the Guidelines are new. The Committee understands that Anglicare is providing training to clergy in this area and that Anglicare has engaged a Domestic Violence adviser who can be contracted by clergy. The Committee supports these initiatives.

21. Thirdly, the Committee considered that an unintended outcome could be that clergy are discouraged from providing pastoral care to victims of domestic violence at all and that victims of domestic violence are simply referred to Anglicare.

22. Finally, pastoral care failures can already be dealt with under the Ordinance and it is not necessary to insert a specific example of misconduct to ensure that egregious matters can be addressed through the complaints process. The list of misconduct in clause 6 of the MSO is inclusive, a person can make a complaint about any conduct by a church worker which, if established, would call into question their fitness to hold office or undertake ministry.

*Assistance for a spouse where a member of clergy is accused of domestic violence*

23. The Standing Committee requested the Committee to make recommendations on whether the MSO can provide a means for the allocation of a portion of a stipend and living arrangements for a spouse where a member of clergy is accused of domestic violence.

24. If a member of clergy is accused of domestic violence and there is a separation, often the spouse is left in a vulnerable position in terms of their housing and finances. It is the member of clergy who is entitled to live in the house and receive a stipend as part of their ecclesiastical office.

25. The Committee considers that while the concern is well-placed, it would be unwise to provide for assistance for clergy spouses within the framework of the MSO. To do so would create a situation where a spouse needs to make a complaint in order to obtain assistance. The complaints process may not be helpful for the family at the time. The Committee considers that the assistance should be considered through other means.

*Reimbursement of stipend and benefits paid during a period of suspension (clause 20(b)(iii), MSO)*

26. At its meeting on 26 March 2018, the Standing Committee resolved to –

‘...refer to the Committee reviewing the Ministry Standards Ordinance 2017, the possibility of amending the Ordinance to –

- (a) require the parish to which the person against whom the complaint is made is licensed or employed, to continue to pay whatever stipend, salary, allowances and other benefits that he or she would otherwise have received, and
- (b) limit the amount to be “reimbursed from funds under the control of the Synod” to the actual additional costs (for a locum or other arrangement) incurred by the parish to which the church worker was licensed or employed.’

27. Committee response: The Committee supports this proposal. At present if a person is made subject to a suspension order –

‘the person against whom the complaint is made is entitled to whatever stipend, salary, allowances and other benefits that he or she would otherwise have received and which are to be met or reimbursed from funds under the control of the Synod” (clause 20(b)(iii)).’

28. There may be circumstances where the parish does not engage a locum or additional staff to cover the duties of the suspended person. In this scenario the parish would receive a financial benefit from the receipt of funds from the Synod since there would be no corresponding additional expense incurred by the parish.

29. By application of the same principle, the Committee considers that monies received by the suspended person for ordinary stipend, salary, allowances and other benefits from the parish should exclude payments that are provided on account of expenses incurred in undertaking ministry activities that they are not incurring while on suspension.

30. The Ordinance will replace the existing clause 20(b)(iii) with the following paragraphs -

- ‘(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 respondent during the period of suspension;’

#### **Other amendments proposed by the Committee**

*“Reportable Conduct” now “serious child-related conduct”*

31. The MSO uses a definition of “Reportable Conduct”, which 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.’

32. The Committee considers that the words “reportable conduct” give the impression that all the conduct in this category is reportable. In fact only a subset of the conduct is reportable under the *Child Protection (Working with Children) Act 2012*.

33. The Ordinance will replace the words “Reportable Conduct” with “Serious Child-related Conduct”, which better reflects the meaning of the definition. The definition itself is unchanged.

*Expanding the definition of process failure (clause 6(2)(f))*

34. The Ordinance will expand the definition of process failure in clause 6(2)(f) to include a failure to comply with a law that requires knowledge of child abuse to be reported to the police or another authority.

The new paragraph will use the same wording as the *Offences Ordinance 1962* in respect to mandatory reporting. The MSO includes the offences in the *Offences Ordinance 1962* within the definition of “misconduct” (clause 3(2)(a)). However these only apply to clergy. The effect of the amendment will be to expand the requirement to lay people who have reporting obligations.

*Refining the definitions of “emotional abuse” and “neglect”*

35. The Ordinance proposes to amend the definition for emotional abuse (clause 6(2)(b)(iii)) and the definition for neglect (clause 6(2)(b)(v)) to more specifically reflect the wording of the *Faithfulness in Service* code. The changes pick up the examples listed in the definitions in *Faithfulness in Service* and give further guidance on the types of conduct that are relevant.

36. The Committee also considers that the substantive part of the definition for “emotional abuse” should be amended to include words in the definition in the *National Register Canon 2007* rather than *Faithfulness in Service*. Presently “emotional abuse” is defined in the MSO to mean “acts or omissions that have caused, or could cause emotional harm or lead to serious behavioural or cognitive disorders”. This means that acts or omissions that only cause emotional harm would constitute “emotional abuse”. The *National Register Canon 2007* uses words “significant harm to the wellbeing or development of another person”. This is a clearer and more appropriate test. The Ordinance will amend clause 6(2)(b)(iii) accordingly.

*Victimisation of complaints or witnesses (clause 6(2)(i))*

37. The Ordinance will insert a new example of misconduct in clause 6(2)(i) to address the victimisation of complainants and witnesses. The proposed ground is: “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”.

*Prohibition orders for church workers convicted of serious criminal offences*

38. The Committee proposes the introduction of a new “Part 3E – Complaints Involving Serious Criminal Convictions” (and renumbering the existing Part 3E and remaining Parts). The purpose is to create an expedited and efficient process for issuing prohibition orders in respect to church workers who have been convicted of a “disqualifying offence”, which is defined as an offence listed in Schedule 2 of the *Child Protection (Working with Children) Act 2012*.

39. These offences 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.

40. Presently, a prohibition order can only be issued in respect of a person with such a conviction by the appointment of an Adjudicator (in the case of an unpaid lay person) or the PSC making recommendations with the person’s consent, or a referral being made to the Professional Standards Board (if the consent is not given). These processes can be slow to administer and there is no real question to be tried by the decision-maker since it is self-evident that such a person is not fit for office or ministry.

41. Part 3E will enable the Director of Professional Standards to refer a complaint directly to the PSC 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 must first put the respondent on notice, invite a response and provide any response from the respondent to 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 the respondent.

42. The process in Part 3E will supplement the existing complaints process in respect to a person with a disqualifying conviction. The Ordinance will amend clause 16(2) to provide an exclusion for a complaint that has only been dealt with under Part 3E. This means that the Director can deal with the complaint in the usual way under the MSO notwithstanding that the person is subject to a prohibition order that has been issued pursuant to a recommendation made under Part 3E. This might be relevant in the case of clergy, where there is a need to make further recommendations for deposition from holy orders.

*Powers of the Adjudicator*

43. Presently the MSO specifies that the Adjudicator has the same powers as the Board (clause 30(3)). The Ordinance will amend the MSO to outline these powers rather than incorporating them by a cross-reference.

44. Presently the MSO requires the Adjudicator to notify the Archbishop, relevant Church authority and the respondent of any proposed recommendations and provide a reasonable opportunity to comment

before finalising their decision (clause 30(2)). The Ordinance will make this discretionary as the opportunity to comment is not appropriate in all circumstances.

#### *Announcements and sharing information*

45. Clause 103 of the MSO permits a relevant Church authority to “release to any person such material as the Church authority may determine with respect to any information, complaint or finding”. The Committee considers that some safeguards are needed to ensure that appropriate disclosures are made.

46. The first safeguard is to require consultation with the Director. This is to ensure that the Director has the opportunity to provide feedback on any proposed communications or announcements. It is common for parishes to seek input from the Director or the Diocesan Legal Counsel, but presently there is no requirement that they do so.

47. The second safeguard is to give the Archbishop an entitlement to release information if he is not otherwise the relevant Church authority. The Archbishop is not a Church authority under the MSO in relation to unpaid lay church workers. On occasion there has been a need to release information to adequately explain the outcome of a complaint but the relevant Church authority has been unable or unwilling to make the necessary disclosures.

#### **Items not addressed in this review**

##### *Gap analysis of diocesan safe ministry measures and the final recommendations of the Royal Commission*

48. The Professional Standards Unit engaged external lawyers to undertake a review of diocesan safe ministry measures, with a view to determining where there were gaps between these measures and the final recommendations of the Royal Commission. The review did not reveal any substantial gaps, but some further work is required. The Committee could not adequately deal with the recommendations in the time available, and a number of the recommendations go beyond the MSO and are outside of its terms of reference.

##### *Complaints of misconduct within a parish staff team*

49. In view of the feedback from the Director (see paragraphs 10 and 11), the Committee discussed the need for a mechanism to expedite complaints within a parish staff team (particularly bullying). The processes in the MSO are not currently suited to dealing with situations where the complainant(s) and the respondent are on the staff of the same church. The committee need more time to prepare an expedited process that is quick and efficient without compromising procedural fairness or the quality of the decision-making process. The Committee decided this matter was too complex to be dealt with comprehensively before Synod in 2018. The matter should be considered as part of a more specific review of the MSO.

##### *Bullying and harassment as grounds of misconduct*

50. A minority of members of the Committee argued that notwithstanding the terms of *Faithfulness in Service*, that—

- (a) the definition of “bullying” in clause 6(2) should be amended by deleting “dismissing or minimising someone’s legitimate concerns or needs” and “inappropriately ignoring, or excluding someone from information or activities” from the examples, and
- (b) the definition of “harassment” should be omitted from clause 6(2).

51. The concern expressed by the minority was that such broad language and subjective categories could potentially encourage vexatious and/or trivial complaints, consuming limited PSU resources and potentially causing innocent respondents to experience unnecessary emotional distress, reputational damage and /or unhelpful distractions from ministry.

52. The majority do not agree with the proposed amendments. Clause 16 already contains a mechanism for dismissing vexatious and/or trivial complaints early in the process.

53. The concerns raised could be considered in the context of a further review of the appropriateness of the process in the MSO for dealing with complaints about bullying (or other misconduct) within a parish staff team.

For and on behalf of the Standing Committee

DANIEL GLYNN  
*Diocesan Secretary*

31 August 2018

# Ministry Standards Ordinance 2017 Amendment Ordinance 2018

No , 2018

## Long Title

An Ordinance to amend the Ministry Standard Ordinance 2017.

The Synod of the Diocese of Sydney Ordains as follows.

## 1. Name

This Ordinance is the Ministry Standard Ordinance 2017 Amendment Ordinance 2018.

## 2. Amendment

5 The Ministry Standard Ordinance 2017 is amended as follows –

- (a) by deleting the words “reportable conduct” wherever they appear and replacing them with the words “serious child-related conduct”;
- (b) by adding the matter “For example, where the person is no longer in ministry.” after the matter “Referrals to the Diocesan Tribunal will typically occur when a complaint concerns discipline and not fitness.” in the Diagrammatic Summary of the Complaints Process;
- (c) by amending clause 4 as follows –
  - (i) insert a new definition in clause 4(1) as follows –
 

**“disqualifying offence”** means a criminal offence listed in Schedule 2 of the *Child Protection (Working with Children) Act 2012*;
  - (ii) by deleting the definition of “**reportable conduct**” in its entirety;
  - (iii) insert a new definition in clause 4(1) as follows –
 

**“serious child-related conduct”** has the meaning given in clause 7;
- (d) by amending clause 6(2) as follows –
  - (i) delete the words “emotional harm to lead to serious behavioural or cognitive disorders” in the definition of emotional abuse in clause 6(2)(b)(iii) and insert instead –
 

“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;”
  - (ii) insert the following at the end of the definition of neglect in clause 6(2)(b)(v) before the semi-colon –
 

“, 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;”
  - (iii) insert a new paragraph (i) in the definition of “process failure” in clause 6(2)(f) as follows (and consequentially renumber the remaining paragraphs) –
 

“(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;”
  - (iv) insert a new clause 6(2)(g) as follows (and consequentially relettering the remaining paragraphs) –
 

“(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;”

- (v) insert a new clause 6(2)(i) as follows and (and consequentially relettering the remaining paragraphs) –
  - “(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;”
- (e) by deleting footnote 2 in its entirety (and consequentially renumbering the remaining footnotes);
- (f) by amending clause 16(1) as follows –
  - (i) delete the words “Apart from complaints about reportable conduct, the” in clause 16(1) and insert instead the word “The”;
  - (ii) delete the words “including but not limited to alternative dispute resolution, whether through the process set out in the Diocesan policy for dealing with allegations of unacceptable behaviour or otherwise, and there is a reasonable likelihood that it will be dealt with by those other means” in clause 16(1)(d) and insert instead “unless the conduct is serious child-related conduct”;
- (g) by amending clause 16(2) by inserting a new paragraph (h) as follows (and relettering the existing paragraph (h) as paragraph (i)) –
  - “(h) the complaint has only been dealt with under Part 3E, or”,
- (h) by amending clause 20(b) as follows –
  - (i) delete the words “a period of suspension” in the first line of clause 20(b) and insert instead “any period of suspension by the Church Authority”;
  - (ii) substitute clause 20(b)(iii) with the following –
    - “(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”; and
  - (iii) insert a new clause 20(b)(iv) as follows –
    - “(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;”
- (i) by inserting the following after clause 21 (and consequentially renumber the following Parts in Chapter 3 of the Ordinance and relevant cross references throughout the Ordinance) –

#### **“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."

- (j) by substituting clause 30 with the following –

#### **"30. Powers and Recommendations of 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."

- (k) by inserting the word "and" at the end of clause 35(2)(m);

- (l) in clause 49 substitute the rider in the middle of the clause with the following –

"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:"

- (m) by inserting the word "and" at the end of clause 49(m);
- (n) by inserting the word "or" at the end of clause 51(1)(e);
- (o) by substituting the words "natural justice" in clause 59(a) with the words "procedural fairness";
- (p) by deleting the words "The relevant Church authority may" in clause 106 and inserting instead "The Archbishop or the relevant Church authority may, following consultation with the Director,";
- (q) by deleting the word "the" after the word "allegation" in clause 107(2).

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 2018.

Secretary

I Assent to this Ordinance.

Archbishop of Sydney

/ /2018

## Parochial Cost Recoveries and Church Land Acquisitions Levy Ordinance 2018

### Explanatory Report

#### Key Points

- Parochial network costs are expected to rise sharply in 2019 due principally to –
  - the large increase in the expected cost of the ACPT's parish property and liability insurance program,
  - the additional cost of the expanded role of the Professional Standards Unit,
  - the funding needed for the new Ministry Spouse Support Fund,
  - the introduction of the ACPT's new management fee structure payable by all parishes through PCR, and
  - from 2020, the cost of funding the Diocesan contribution to the proposed Voluntary Relinquishment of Incumbency program.
- These increased parochial network costs will require an increase in the variable PCR charge from approximately 5.0% in 2018 to 6.4% in 2019 and then 7.0% and 7.4% in the following years.
- Fixed Ministry Costs (for clergy licensed to the parish) are expected to increase only slightly, mainly due to the expected annual increases in stipends.
- The Church Land Acquisition Levy continues at 2% each year.

#### 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. The report should be read in conjunction with the broader explanations provided in the *Statement of Funding Principles and Priorities 2016 – 2018* (the "Statement").

#### Recommendation

2. The Synod pass the bill as an ordinance of the Synod.

#### Background

3. Under the *Synod Estimates Ordinance 1998* the Standing Committee is required to prepare for the second ordinary session of the 51<sup>st</sup> Synod a proposed ordinance reflecting the Statement which contains Synod funding estimates for 2019-2021.

4. The *Parochial Cost Recoveries and Church Land Acquisitions Levy Ordinance 2018* (the "Ordinance") has been prepared to give effect to the Statement with respect to funds recovered from and levied on parishes.

5. The details of the cost recoveries charge in respect of ministry costs and parochial network costs and the levy to acquire land for future church sites under the *Parochial Cost Recoveries and Church Land Acquisitions Levy Ordinance 2018* are shown in Attachment 1 to this report. The estimate of the amount of the variable parochial cost recoveries charge and the church land acquisitions levy to be paid by each parochial unit are shown in Attachment 2 to this report.

#### Parochial network costs

6. The aggregate of the estimated amount of parochial network costs to be recovered from parishes in the form of the variable parochial cost recovery charge for 2019 is \$7,141,000. This is a 29% increase over the total for 2018. The estimates of the amounts to be recovered for 2020 and 2021 are \$7,991,000 and \$8,646,000 respectively. There are 5 main drivers for this very significant increase in parochial network costs.

#### Parish insurance program

7. At its meeting on 20 April 2018 the Board of the Property Trust approved the following forecast of costs for the parish insurance program –

2019 = \$4,800,000 (an increase of 17.1% or approximately 0.62% of net operating receipts)

2020 = \$5,400,000 (an increase of 12.5%)

2021 = \$6,000,000 (an increase of 11.1%)

8. [The Property Trust has been invited to provide an explanation of the reasons for the expected increases in the cost of each of the major components of the program. Insurance premiums represent 40% of the total program costs with the aggregate deductible contributing 14%, broker and SDS fees 16%, and the contribution to the fund for uninsured risks a further 30% of the total program cost].

#### *Professional Standards Unit (PSU)*

9. The parish related work of the PSU has increased significantly from 1 November 2017 as the PSU has been given responsibility for handling complaints about various forms of misconduct, including bullying and domestic abuse, as a result of the commencement of the *Ministry Standards Ordinance 2017* and the adoption of the Responding to Domestic Abuse: Provisional Policy and Good Practice Guidelines. As a result the PSU's actual parish related costs for 2018 and forecast costs for 2019-2021 are substantially higher than the amount being recovered from parishes through the variable PCR charge for 2018. The amount to be recovered each year from parishes has therefore been increased by \$150,000, plus inflation.

10. In a report prepared April 2018 the PSU identified the principal contributors to its increased work load as being –

- (a) An urgent review of the Diocese's Safe Ministry position in light of the final recommendations made by the Royal Commission into Institutional Responses to Child Sexual Abuse (estimated to cost \$25,000).
- (b) Its new responsibility for dealing with complaints about "misconduct", which includes bullying and a variety of other matters such as domestic abuse, arising from the commencement of the *Ministry Standards Ordinance 2017* and the adoption of a provisional policy and guidelines for responding to domestic abuse. The investigation of these matters will involve the need for contact persons, counselling, mediation, investigations, pastoral support and PSU staff time.

11. The PSU has identified that this increased workload will require –

|  |           |
|--|-----------|
| Assistant Director and support staff – increase staff time               | \$60,000  |
| Counselling – increase budget from \$50,000 to \$60,000                  | \$10,000  |
| Investigations – increase budget from \$6,000 to \$30,000                | \$24,000  |
| Contact Persons – increase budget from \$34,000 to \$50,000              | \$16,000  |
| ADR/mediation – new recurring item not previously budgeted               | \$20,000  |
| DV support (incl. training) – new recurring item not previously budgeted | \$20,000  |
| Total  | \$150,000 |

12. In addition, a new line has been added to recognise the reality that the PSU is called upon to provide the initial funding for a number of non-standard expenses such as the costs of tribunals investigating allegations of child sexual abuse and payments to parishes to cover the cost of clergy stood down as a result of a complaint brought under the *Ministry Standards Ordinance 2017*. These non-standard expenses of the PSU then also need to be recovered from parishes.

#### *Ministry Spouse Support Fund*

13. This is a new initiative recommended by the Episcopal team and endorsed by Standing Committee in response to Synod resolutions 16/17 and 32/17. The Fund is to be used to provide assistance for spouse and families of clergy and lay stipendiary workers where separation has occurred due to the misconduct of the clergy or lay stipendiary worker.

#### *Property Trust management fee*

14. As part of a move to a more equitable basis for the management fees charged by the Property Trust for its services, Standing Committee agreed to add a new item into the parochial network costs to enable the Property Trust to recover some of its costs from all parishes. This new fee of \$521,000, equal to approximately 0.46% of each parish's net operating receipts, is designed to cover the cost of the Property Trust's service to parishes in property title administration, administration of government grants, compliance with heritage requirements, fire safety compliance, leasing and licencing, development applications, and political advocacy in relation to zoning and information for parish officers. (Offsetting this new cost the Property Trust's fee for managing client funds has been reduced from 1.1% pa to 0.5% pa of the balance of invested funds.)

#### *Voluntary Relinquishment of Incumbency fund*

15. It is estimated that the amount needed to fund the Diocesan contribution to the proposed Voluntary Relinquishment of incumbency scheme will be approximately \$200,000 per year. The scheme envisages that where the rector, the Archbishop and the parish council agree to the rector voluntarily relinquishing his licence in circumstances where no suitable opportunity for his re-deployment in other ministry has been

identified, a 'relinquishment payment' funded 50% by the parish and 50% by the Diocese may be appropriate. The Diocesan contribution is to be funded in the first instance from the Archbishop's Discretionary Trust, on the understanding that the Archbishop's Discretionary Trust may later be reimbursed from a new component of the parochial network costs.

#### *Other components*

16. The expected cost of the parish risk management program, which has recently been refreshed with the addition of a number of short videos, has been based on 2018 actual plus CPI of 2.4% in 2019 and 2.5% pa each year thereafter.

17. The safe ministry training program is now managed and delivered directly by the PSU. Significant one-off additional funding was provided in 2017 to enable the PSU to develop and roll out online training resources. At the time it was anticipated that the availability of online training would reduce the ongoing cost of the PSU delivering their core programs. While the online material has been well received and has reduced the need for some of the traditional face-to-face training, at the same time the PSU has been called upon to develop new training resources, particularly in relation to domestic abuse and violence. The result has been that the increased scope of the training required has absorbed the resources that had been freed up as a result of the use of the online material and the overall annual cost of the program is now expected to remain similar to 2018, with a modest increase each year to cover inflation.

18. A provision for relief and remission of cost recovery charges based on the Finance Committee's previous recommendation has been retained at \$10,000 pa.

19. Approximately 50% of the cost of the Diocesan archives is considered an essential component of the parish network and the amount of the allocation for this purpose in 2019, and the estimates of the amounts for 2020 and 2021, have been increased to allow for inflation.

20. The amount of the Secretariat's charge for administration and accounting services provided for the PCR Fund 951, approved by the Finance Committee, is based on 2018 actual plus CPI of 2.4% in 2019 and 2.5% pa each year thereafter.

#### **Ministry costs**

21. The ministry costs to be recovered through the 'fixed' portion of the parochial cost recoveries charge consist of the contributions required on behalf of each of ordained ministry staff member licensed to the parochial unit.

22. Superannuation – Standing Committee's recommended minimum stipends for rectors and assistant ministers in 2019 represents a 1.6% increase over the equivalent rate for 2018. The superannuation contribution rate of 17% remains unchanged, so the annual superannuation charge for 2019 is therefore expected to increase by 1.6% to \$11,354 for a rector. A 3% pa increase in stipends has been assumed for 2020 and 2021, giving a corresponding increase in the superannuation charge in each of those years.

23. Long service leave – The Anglican Church of Australia Long Service Leave Fund is not expected to advise the member contribution rate for 2019 until sometime in the 4<sup>th</sup> quarter of 2018. It is expected the rate determined will reflect the increase in the national stipend (which we have assumed will be approximately 3% pa). Accordingly, after maintaining the existing level of LSL administration fee, an overall increase of 3% has been assumed for each of the 3 years.

24. Stipend continuance insurance – Our broker's advice is that we should expect continuing premium rate increases for this insurance, although the annual increase should be less than experienced recently. Accordingly, while the amount of the premium rate increase to take effect from 2019 cannot be accurately predicted at this stage, Standing Committee considers it prudent to provide for a 5% increase in 2019 and then a further 3% increase in 2020, on top of the expected stipend increases.

25. Clergy Assistance Program – For 2018 the cost of this program was reduced slightly to \$120 per clergy person licensed to a parish, based on initial experience. The program itself has been well received and is apparently continuing to meet a real need. Coverage has also been extended to enable the spouse of parish clergy to access the program independent of the clergy person. The net result has been an increase in the average number of counselling sessions conducted per month, and hence the cost of the program, but at this stage it is expected a continuation of the present charge of \$120 per clergy person should be sufficient to cover these costs in 2019 and the following two years.

26. Sickness and Accident Fund – This is a self-insured risk and the recent experience of claims paid indicates that the 2019-2021 charge for all ministers can be maintained at the same rate as 2018.

27. The amount of both the variable PCR percentage and the ministry costs to be recovered through the 'fixed' portion of the parochial cost recoveries charge for 2019, and the estimates for 2020 and 2021, may need to be varied if the actual amount of any of the components of the parochial network costs or ministry

costs for any of these years differs materially from the estimates identified above when this report was compiled for Synod.

28. Details of the estimated amount of each of the parochial network costs and the ministry costs are shown in Attachment 2.

29. The levy of 2% of each parish's net operating receipts continues with all of the funds raised allocated to the Mission Property Fund to acquire land for future church sites in the expanding greenfield areas of the Diocese, which remains a major long term Mission initiative. The proceeds of the levy are expected to be approximately \$2,254,000 in 2019 rising to \$2,299,000 and then \$2,345,000 in the later years, which is probably sufficient to purchase one new church site every two years. This is a significant contribution to this initiative and will go a long way toward enabling a permanent ministry presence to be established in new housing areas. The Mission Property Committee's most recent acquisition of land funded by the levy was at 162 Badgerys Creek Road Bringelly in July 2017. Since then the NSW Government has announced the release of land for 30,000 homes in the nearby South West Creek.

For and on behalf of the Standing Committee.

DANIEL GLYNN  
*Diocesan Secretary*

27 August 2018

SUPERSEDED

## Parochial Cost Recovery Charges &amp; Church Land Acquisitions Levy for 2019 – 2021

|  | Actual for 2018  | Proposal for     |                  |                  |
|--|------------------|------------------|------------------|------------------|
|  |                  | 2019             | 2020             | 2021             |
| <b>Parochial Network Costs</b>   |                  |                  |                  |                  |
| Parish property and liability insurance program                              | 4,100,000        | 4,800,000        | 5,400,000        | 6,000,000        |
| Parish risk management program   | 230,000          | 236,000          | 241,000          | 247,000          |
| Professional Standards Unit -  |                  |                  |                  |                  |
| Parish related costs   | 781,000          | 950,000          | 973,000          | 998,000          |
| Reimbursing Synod Risk Reserve for non-standard expenses                     | -                | 50,000           | 50,000           | 50,000           |
| Safe ministry training program   | 145,000          | 148,000          | 152,000          | 156,000          |
| Ministry Spouse Support Fund   | -                | 150,000          | 150,000          | 150,000          |
| Provision for relief and remission of PCR charges                            | 10,000           | 10,000           | 10,000           | 10,000           |
| Parish contribution to the cost of Diocesan archives                         | 68,000           | 70,000           | 71,000           | 73,000           |
| SDS fee for managing the PCR Fund 951  | 201,000          | 206,000          | 211,000          | 216,000          |
| ACPT management fee payable by all parishes with property                    | -                | 521,000          | 533,000          | 546,000          |
| Voluntary relinquishment of incumbency fund                                  | -                | -                | 200,000          | 200,000          |
|  | <b>5,535,000</b> | <b>7,141,000</b> | <b>7,991,000</b> | <b>8,646,000</b> |
| <i>\$ increase on previous year</i>  |                  | 29%              | 12%              | 8%               |
| Total Net Operating Receipts 2016  | 110,074,059      |                  |                  |                  |
| Total Net Operating Receipts 2017-2019 - estimate 30 August 2018             |                  | 112,692,346      | 114,946,193      | 117,245,117      |
| <b>Variable PCR charge percentage</b> (parochial units with property)        | <b>5.05%</b>     | <b>6.37%</b>     | <b>6.98%</b>     | <b>7.40%</b>     |
| <b>Variable PCR charge percentage</b> (parochial units without property)     | <b>3.03%</b>     | <b>3.56%</b>     | <b>3.91%</b>     | <b>4.14%</b>     |
| <b>Ministry costs (per F/T minister)</b>                                     |                  |                  |                  |                  |
| <b>Ministers, Assistant Ministers (7+ years, Senior Assistant Ministers)</b> |                  |                  |                  |                  |
| Superannuation contribution  | 11,171           | 11,354           | 11,695           | 12,045           |
| Long service leave contribution  | 1,654            | 1,704            | 1,755            | 1,808            |
| Clergy Care -  |                  |                  |                  |                  |
| Stipend Continuance Insurance  | 2,161            | 2,269            | 2,407            | 2,480            |
| Clergy Assistance Program  | 120              | 120              | 120              | 120              |
| Clergy Contact Person Program  | 62               | -                | -                | -                |
| Sickness & accident fund   | 125              | 125              | 125              | 125              |
| <b>Cost per minister</b>   | <b>15,294</b>    | <b>15,573</b>    | <b>16,103</b>    | <b>16,578</b>    |
| <b>Assistant Ministers</b>   |                  |                  |                  |                  |
| Superannuation contribution  | 10,054           | 10,218           | 10,525           | 10,840           |
| Long service leave contribution  | 1,654            | 1,704            | 1,755            | 1,808            |
| Clergy Care -  |                  |                  |                  |                  |
| Stipend Continuance Insurance  | 2,161            | 2,269            | 2,407            | 2,480            |
| Clergy Assistance Program  | 120              | 120              | 120              | 120              |
| Clergy Contact Person Program  | 62               | -                | -                | -                |
| Sickness & accident fund   | 125              | 125              | 125              | 125              |
| <b>Cost per minister</b>   | <b>14,177</b>    | <b>14,437</b>    | <b>14,933</b>    | <b>15,373</b>    |
| <b>Church Land Acquisitions Levy</b>   |                  |                  |                  |                  |
| <b>Contribution to the acquisition of land for future church sites</b>       | 2,201,000        | 2,254,000        | 2,299,000        | 2,345,000        |
| <b>Parish levy percentage</b>  | <b>2.00%</b>     | <b>2.00%</b>     | <b>2.00%</b>     | <b>2.00%</b>     |

## Attachment 2

## Variable PCR Charge and Church Land Acquisitions Levy for 2019

|   | \$          | Parishes with property | Parishes without property |
|---|-------------|------------------------|---------------------------|
| Parochial Network Costs to be recovered in 2019                 | 7,140,983   | 6.365037%              | 3.564421%                 |
| Contribution to the acquisition of land for future church sites | 2,253,847   | 2.00%                  | 2.00%                     |
| Total Net Operating Receipts for 2017 (estimate 30 August 2018) | 112,692,346 |                        |                           |

|    | Parish,<br>Prov.P,<br>R.Church,<br>Prov.R.C. | Region | Parochial Unit                             | 2017 Net<br>Operating<br>Receipts | 2019<br>Variable<br>PCR<br>charge for<br>parishes<br>with<br>property | 2019<br>Variable<br>PCR<br>charge for<br>parishes<br>without<br>property | 2019<br>Church<br>Land<br>Acquisition<br>Levy |
|----|--|--------|--|-----------------------------------|---|--|---|
| 1  | PP   | S      | Abbotsford                                 | 182,301                           | 11,604  |  | 3,646   |
| 2  | P  | W      | Albion Park                                | 272,024                           | 17,314  |  | 5,440   |
| 3  | P  | S      | Annandale                                  | 567,480                           | 36,120  |  | 11,350  |
| 4  | P  | N      | Artarmon                                   | 288,095                           | 18,337  |  | 5,762   |
| 5  | P  | S      | Ashbury                                    | 254,884                           | 16,223  |  | 5,098   |
| 6  | P  | S      | Ashfield Five Dock and Haberfield          | 927,555                           | 59,039  |  | 18,551  |
| 7  | P  | N      | Asquith / Mt Colah / Mt Kuring-gai         | 390,453                           | 24,852  |  | 7,809   |
| 8  | P  | WS     | Auburn - St Philip                         | 324,598                           | 20,661  |  | 6,492   |
| 9  | PP   | WS     | Auburn - St Thomas                         | 166,219                           | 10,580  |  | 3,324   |
| 10 | P  | W      | Austinmer                                  | 406,618                           | 25,881  |  | 8,132   |
| 11 | P  | N      | Balgowlah                                  | 356,402                           | 22,685  |  | 7,128   |
| 12 | P  | S      | Balmain                                    | 130,178                           | 8,286   |  | 2,604   |
| 13 | P  | G      | Bankstown                                  | 152,957                           | 9,736   |  | 3,059   |
| 14 | P  | N      | Barrenjoey                                 | 397,039                           | 25,272  |  | 7,941   |
| 15 | P  | WS     | Baulkham Hills                             | 291,250                           | 18,538  |  | 5,825   |
| 16 | PP   | G      | Bayside (formerly Arncliffe)               | 299,183                           | 19,043  |  | 5,984   |
| 17 | P  | N      | Beecroft                                   | 432,955                           | 27,558  |  | 8,659   |
| 18 | P  | S      | Bellevue Hill                              | 212,501                           | 13,526  |  | 4,250   |
| 19 | P  | G      | Belmore with McCallums Hill & Clemton Park | 154,364                           | 9,825   |  | 3,087   |
| 20 | P  | N      | Belrose                                    | 369,559                           | 23,523  |  | 7,391   |
| 21 | PP   | WS     | Berala                                     | 182,830                           | 11,637  |  | 3,657   |
| 22 | P  | N      | Berowra                                    | 369,544                           | 23,522  |  | 7,391   |
| 23 | P  | W      | Berry                                      | 131,112                           | 8,345   |  | 2,622   |
| 24 | P  | G      | Beverly Hills with Kingsgrove              | 508,657                           | 32,376  |  | 10,173  |
| 25 | P  | WS     | Blackheath                                 | 177,593                           | 11,304  |  | 3,552   |
| 26 | P  | WS     | Blacktown                                  | 504,086                           | 32,085  |  | 10,082  |
| 27 | P  | G      | Blakehurst                                 | 188,363                           | 11,989  |  | 3,767   |
| 28 | P  | W      | Bomaderry                                  | 203,602                           | 12,959  |  | 4,072   |
| 29 | P  | S      | Bondi and Waverley                         | 499,617                           | 31,801  |  | 9,992   |
| 30 | P  | W      | Bowral                                     | 594,530                           | 37,842  |  | 11,891  |
| 31 | P  | G      | Brighton / Rockdale                        | 193,319                           | 12,305  |  | 3,866   |

|    | Parish,<br>Prov.P,<br>R.Church,<br>Prov.R.C. | Region | Parochial Unit                       | 2017 Net<br>Operating<br>Receipts | 2019<br>Variable<br>PCR<br>charge for<br>parishes<br>with<br>property | 2019<br>Variable<br>PCR<br>charge for<br>parishes<br>without<br>property | 2019<br>Church<br>Land<br>Acquisition<br>Levy |
|----|--|--------|--------------------------------------|-----------------------------------|---|--|---|
| 32 | P  | S      | Broadway                             | 1,209,210                         | 76,967  |  | 24,184  |
| 33 | P  | W      | Bulli                                | 408,779                           | 26,019  |  | 8,176   |
| 34 | P  | S      | Burwood                              | 364,049                           | 23,172  |  | 7,281   |
| 35 | PP   | G      | Cabramatta                           | 422,914                           | 26,919  |  | 8,458   |
| 36 | P  | WS     | Cambridge Park                       | 152,599                           | 9,713   |  | 3,052   |
| 37 | P  | W      | Camden                               | 677,868                           | 43,147  |  | 13,557  |
| 38 | P  | W      | Campbelltown                         | 738,617                           | 47,013  |  | 14,772  |
| 39 | P  | G      | Campsie                              | 228,511                           | 14,545  |  | 4,570   |
| 40 | P  | G      | Canterbury with Hurlstone Park       | 179,855                           | 11,448  |  | 3,597   |
| 41 | P  | W      | Caringbah                            | 664,773                           | 42,313  |  | 13,295  |
| 42 | P  | WS     | Carlingford and North Rocks          | 1,576,853                         | 100,367   |  | 31,537  |
| 43 | P  | WS     | Castle Hill                          | 2,254,787                         | 143,518   |  | 45,096  |
| 44 | P  | S      | Centennial Park                      | 656,318                           | 41,775  |  | 13,126  |
| 45 | P  | N      | Chatswood                            | 542,430                           | 34,526  |  | 10,849  |
| 46 | RC (np)                                      | WS     | Cherrybrook #                        | 296,894                           |   | 10,583   | 5,938   |
| 47 | PP   | G      | Chester Hill with Sefton             | 229,200                           | 14,589  |  | 4,584   |
| 48 | P  | N      | Christ Church Northern Beaches       | 229,003                           | 14,576  |  | 4,580   |
| 49 | PRC (np)                                     | G      | Church at the Peak Peakhurst South # |                                   |   | 0  | 0   |
| 50 | P  | S      | Church Hill                          | 1,264,945                         | 80,514  |  | 25,299  |
| 51 | P  | S      | Clovelly                             | 362,448                           | 23,070  |  | 7,249   |
| 52 | PP   | W      | Cobbitty                             | 265,698                           | 16,912  |  | 5,314   |
| 53 | P  | S      | Concord & Burwood                    | 128,792                           | 8,198   |  | 2,576   |
| 54 | PP   | S      | Concord North                        | 246,154                           | 15,668  |  | 4,923   |
| 55 | P  | S      | Concord West                         | 135,097                           | 8,599   |  | 2,702   |
| 56 | P  | S      | Coogee                               | 191,332                           | 12,178  |  | 3,827   |
| 57 | P  | S      | Cooks River                          | 157,508                           | 10,025  |  | 3,150   |
| 58 | P  | W      | Corrimal                             | 215,211                           | 13,698  |  | 4,304   |
| 59 | RC (np)                                      | WS     | Cranebrook with Castlereagh #        | 376,716                           |   | 13,428   | 7,534   |
| 60 | P  | N      | Cremorne                             | 297,255                           | 18,920  |  | 5,945   |
| 61 | P  | W      | Cronulla                             | 257,155                           | 16,368  |  | 5,143   |
| 62 | P  | S      | Croydon                              | 783,514                           | 49,871  |  | 15,670  |
| 63 | PP   | W      | Culburra Beach                       | 109,083                           | 6,943   |  | 2,182   |
| 64 | P  | W      | Dapto                                | 881,934                           | 56,135  |  | 17,639  |
| 65 | P  | S      | Darling Point                        | 838,774                           | 53,388  |  | 16,775  |
| 66 | P  | S      | Darling Street                       | 644,412                           | 41,017  |  | 12,888  |
| 67 | P  | S      | Darlinghurst                         | 637,953                           | 40,606  |  | 12,759  |
| 68 | P  | N      | Dee Why                              | 268,949                           | 17,119  |  | 5,379   |
| 69 | PP   | W      | Denham Court                         | 108,522                           | 6,907   |  | 2,170   |
| 70 | PP   | WS     | Doonside                             | 80,119                            | 5,100   |  | 1,602   |
| 71 | P  | S      | Drummoyne                            | 173,684                           | 11,055  |  | 3,474   |
| 72 | PP   | G      | Dulwich Hill                         | 144,925                           | 9,225   |  | 2,899   |
| 73 | P  | WS     | Dundas / Telopea                     | 334,189                           | 21,271  |  | 6,684   |

|     | Parish,<br>Prov.P,<br>R.Church,<br>Prov.R.C. | Region | Parochial Unit                    | 2017 Net<br>Operating<br>Receipts | 2019<br>Variable<br>PCR<br>charge for<br>parishes<br>with<br>property | 2019<br>Variable<br>PCR<br>charge for<br>parishes<br>without<br>property | 2019<br>Church<br>Land<br>Acquisition<br>Levy |
|-----|--|--------|-----------------------------------|-----------------------------------|---|--|---|
| 74  | P  | WS     | Dural District                    | 502,061                           | 31,956  |  | 10,041  |
| 75  | P  | W      | Eagle Vale                        | 254,014                           | 16,168  |  | 5,080   |
| 76  | P  | G      | Earlwood                          | 326,875                           | 20,806  |  | 6,538   |
| 77  | P  | N      | East Lindfield                    | 281,800                           | 17,937  |  | 5,636   |
| 78  | P  | S      | Eastgardens                       | 508,294                           | 32,353  |  | 10,166  |
| 79  | P  | N      | Eastwood                          | 705,997                           | 44,937  |  | 14,120  |
| 80  | P  | WS     | Emu Plains                        | 355,018                           | 22,597  |  | 7,100   |
| 81  | P  | S      | Enfield and Strathfield           | 726,651                           | 46,252  |  | 14,533  |
| 82  | P  | W      | Engadine                          | 646,629                           | 41,158  |  | 12,933  |
| 83  | P  | S      | Enmore / Stanmore                 | 209,321                           | 13,323  |  | 4,186   |
| 84  | P  | N      | Epping                            | 325,282                           | 20,704  |  | 6,506   |
| 85  | PP   | N      | Ermington                         | 102,051                           | 6,496   |  | 2,041   |
| 86  | PP   | G      | Fairfield with Bossley Park       | 413,105                           | 26,294  |  | 8,262   |
| 87  | P  | W      | Fairy Meadow                      | 264,903                           | 16,861  |  | 5,298   |
| 88  | P  | W      | Figtree                           | 1,354,864                         | 86,238  |  | 27,097  |
| 89  | P  | N      | Forestville                       | 448,599                           | 28,553  |  | 8,972   |
| 90  | P  | N      | Frenchs Forest                    | 385,480                           | 24,536  |  | 7,710   |
| 91  | P  | N      | Freshwater                        | 305,376                           | 19,437  |  | 6,108   |
| 92  | P  | G      | Georges Hall                      | 136,896                           | 8,713   |  | 2,738   |
| 93  | P  | W      | Gerrigong                         | 332,097                           | 21,138  |  | 6,642   |
| 94  | P  | N      | Gladesville                       | 1,059,500                         | 67,438  |  | 21,190  |
| 95  | P  | S      | Glebe                             | 338,463                           | 21,543  |  | 6,769   |
| 96  | P  | WS     | Glenhaven                         | 468,225                           | 29,803  |  | 9,365   |
| 97  | P (np)                                       | WS     | Glenmore Park #                   | 836,758                           | 53,260  |  | 16,735  |
| 98  | P  | N      | Gordon                            | 519,859                           | 33,089  |  | 10,397  |
| 99  | P  | WS     | Granville                         | 134,722                           | 8,575   |  | 2,694   |
| 100 | PP   | G      | Greenacre                         | 131,944                           | 8,398   |  | 2,639   |
| 101 | P  | N      | Greenwich                         | 132,510                           | 8,434   |  | 2,650   |
| 102 | P  | WS     | Greystanes - Merrylands West      | 107,731                           | 6,857   |  | 2,155   |
| 103 | PP   | WS     | Guildford with Villawood          | 276,745                           | 17,615  |  | 5,535   |
| 104 | P  | W      | Gymea                             | 400,422                           | 25,487  |  | 8,008   |
| 105 | RC (np)                                      | W      | Harbour Church #                  | 207,743                           |   | 7,405  | 4,155   |
| 106 | P  | W      | Helensburgh and Stanwell Park     | 359,633                           | 22,891  |  | 7,193   |
| 107 | P  | N      | Hornsby                           | 135,282                           | 8,611   |  | 2,706   |
| 108 | PRC (np)                                     | N      | Hornsby Anglican Chinese Church # | 177,301                           |   | 6,320  | 3,546   |
| 109 | P  | N      | Hornsby Heights                   | 118,603                           | 7,549   |  | 2,372   |
| 110 | P  | G      | Hoxton Park                       | 310,814                           | 19,783  |  | 6,216   |
| 111 | P  | N      | Hunters Hill                      | 265,796                           | 16,918  |  | 5,316   |
| 112 | P  | G      | Hurstville                        | 688,209                           | 43,805  |  | 13,764  |
| 113 | P  | G      | Hurstville Grove                  | 476,327                           | 30,318  |  | 9,527   |
| 114 | P  | W      | Huskisson                         | 155,498                           | 9,898   |  | 3,110   |
| 115 | P  | W      | Ingleburn                         | 360,027                           | 22,916  |  | 7,201   |

|     | Parish,<br>Prov.P,<br>R.Church,<br>Prov.R.C. | Region | Parochial Unit               | 2017 Net<br>Operating<br>Receipts | 2019<br>Variable<br>PCR<br>charge for<br>parishes<br>with<br>property | 2019<br>Variable<br>PCR<br>charge for<br>parishes<br>without<br>property | 2019<br>Church<br>Land<br>Acquisition<br>Levy |
|-----|--|--------|------------------------------|-----------------------------------|---|--|---|
| 116 | PP   | W      | Jamberoo                     | 84,910                            | 5,405   |  | 1,698   |
| 117 | P  | W      | Jannali                      | 768,576                           | 48,920  |  | 15,372  |
| 118 | P  | W      | Kangaroo Valley              | 107,217                           | 6,824   |  | 2,144   |
| 119 | P  | WS     | Katoomba                     | 288,214                           | 18,345  |  | 5,764   |
| 120 | P  | W      | Keiraville                   | 190,823                           | 12,146  |  | 3,816   |
| 121 | P  | WS     | Kellyville                   | 668,670                           | 42,561  |  | 13,373  |
| 122 | P  | S      | Kensington Eastlakes         | 214,137                           | 13,630  |  | 4,283   |
| 123 | P  | W      | Kiama                        | 537,961                           | 34,241  |  | 10,759  |
| 124 | P  | N      | Killara                      | 495,074                           | 31,512  |  | 9,901   |
| 125 | P  | S      | Kingsford                    | 192,634                           | 12,261  |  | 3,853   |
| 126 | P  | WS     | Kingswood                    | 764,051                           | 48,632  |  | 15,281  |
| 127 | P  | N      | Kirribilli                   | 1,308,558                         | 83,290  |  | 26,171  |
| 128 | P  | WS     | Kurrajong                    | 256,668                           | 16,337  |  | 5,133   |
| 129 | PP   | G      | Lakemba                      | 65,753                            | 4,185   |  | 1,315   |
| 130 | P  | WS     | Lalor Park and Kings Langley | 214,554                           | 13,656  |  | 4,291   |
| 131 | P  | N      | Lane Cove and Mowbray        | 585,873                           | 37,291  |  | 11,717  |
| 132 | P  | N      | Lavender Bay                 | 275,681                           | 17,547  |  | 5,514   |
| 133 | P  | WS     | Lawson                       | 108,011                           | 6,875   |  | 2,160   |
| 134 | P  | S      | Leichhardt                   | 406,986                           | 25,905  |  | 8,140   |
| 135 | P  | WS     | Leura                        | 136,678                           | 8,700   |  | 2,734   |
| 136 | P  | WS     | Lidcombe                     | 284,087                           | 18,082  |  | 5,682   |
| 137 | P  | N      | Lindfield                    | 557,727                           | 35,500  |  | 11,155  |
| 138 | P  | WS     | Lithgow                      | 252,143                           | 16,049  |  | 5,043   |
| 139 | P  | G      | Liverpool                    | 392,774                           | 25,000  |  | 7,855   |
| 140 | P  | G      | Liverpool South              | 130,044                           | 8,277   |  | 2,601   |
| 141 | P  | N      | Longueville                  | 207,777                           | 13,225  |  | 4,156   |
| 142 | PP   | S      | Lord Howe Island             | 16,549                            | 1,053   |  | 331   |
| 143 | P  | WS     | Lower Mountains              | 587,110                           | 37,370  |  | 11,742  |
| 144 | P  | G      | Lugarno                      | 122,127                           | 7,773   |  | 2,443   |
| 145 | P  | N      | Macquarie                    | 519,818                           | 33,087  |  | 10,396  |
| 146 | P  | S      | Malabar                      | 330,141                           | 21,014  |  | 6,603   |
| 147 | P  | N      | Manly                        | 1,512,101                         | 96,246  |  | 30,242  |
| 148 | P  | S      | Maroubra                     | 359,674                           | 22,893  |  | 7,193   |
| 149 | P  | G      | Marrickville                 | 423,683                           | 26,968  |  | 8,474   |
| 150 | P  | W      | Menai                        | 876,718                           | 55,803  |  | 17,534  |
| 151 | P  | W      | Menangle                     | 142,603                           | 9,077   |  | 2,852   |
| 152 | P  | WS     | Merrylands                   | 254,791                           | 16,218  |  | 5,096   |
| 153 | P  | WS     | Minchinbury                  | 308,928                           | 19,663  |  | 6,179   |
| 154 | P  | W      | Minto                        | 301,293                           | 19,177  |  | 6,026   |
| 155 | P  | W      | Miranda                      | 964,905                           | 61,417  |  | 19,298  |
| 156 | P  | W      | Mittagong                    | 499,635                           | 31,802  |  | 9,993   |
| 157 | P  | N      | Mona Vale                    | 373,604                           | 23,780  |  | 7,472   |

|     | Parish,<br>Prov.P,<br>R.Church,<br>Prov.R.C. | Region | Parochial Unit                    | 2017 Net<br>Operating<br>Receipts | 2019<br>Variable<br>PCR<br>charge for<br>parishes<br>with<br>property | 2019<br>Variable<br>PCR<br>charge for<br>parishes<br>without<br>property | 2019<br>Church<br>Land<br>Acquisition<br>Levy |
|-----|--|--------|-----------------------------------|-----------------------------------|---|--|---|
| 158 | P  | G      | Moorebank                         | 437,075                           | 27,820  |  | 8,742   |
| 159 | P  | N      | Mosman - St Clement's             | 791,942                           | 50,407  |  | 15,839  |
| 160 | P  | N      | Mosman - St Luke's                | 343,848                           | 21,886  |  | 6,877   |
| 161 | P  | W      | Moss Vale                         | 185,275                           | 11,793  |  | 3,706   |
| 162 | P  | WS     | Mt Druitt                         | 137,688                           | 8,764   |  | 2,754   |
| 163 | P  | WS     | Mulgoa                            | 191,466                           | 12,187  |  | 3,829   |
| 164 | P  | W      | Narellan                          | 292,050                           | 18,589  |  | 5,841   |
| 165 | P  | N      | Nareburn / Cammeray               | 977,442                           | 62,215  |  | 19,549  |
| 166 | P  | N      | Narrabeen                         | 829,965                           | 52,828  |  | 16,599  |
| 167 | P  | N      | Neutral Bay                       | 437,201                           | 27,828  |  | 8,744   |
| 168 | P  | N      | Newport                           | 160,817                           | 10,236  |  | 3,216   |
| 169 | P  | S      | Newtown with Erskineville         | 698,021                           | 44,429  |  | 13,960  |
| 170 | P  | S      | Norfolk Island                    |                                   | 0   |  | 0   |
| 171 | P  | N      | Normanhurst                       | 640,891                           | 40,793  |  | 12,818  |
| 172 | P  | N      | North Epping                      | 518,019                           | 32,972  |  | 10,360  |
| 173 | P  | N      | North Ryde                        | 147,840                           | 9,410   |  | 2,957   |
| 174 | P  | N      | North Sydney                      | 1,782,771                         | 113,474   |  | 35,655  |
| 175 | P  | N      | Northbridge                       | 464,463                           | 29,563  |  | 9,289   |
| 176 | P  | WS     | Northmead and Winston Hills       | 725,212                           | 46,160  |  | 14,504  |
| 177 | P  | WS     | Norwest                           | 1,074,011                         | 68,361  |  | 21,480  |
| 178 | P  | W      | Nowra                             | 411,778                           | 26,210  |  | 8,236   |
| 179 | P  | W      | Oak Flats                         | 247,860                           | 15,776  |  | 4,957   |
| 180 | P  | WS     | Oakhurst                          | 308,372                           | 19,628  |  | 6,167   |
| 181 | P  | G      | Oatley                            | 202,318                           | 12,878  |  | 4,046   |
| 182 | P  | G      | Oatley West                       | 186,246                           | 11,855  |  | 3,725   |
| 183 | PP   | W      | Oran Park                         | 269,072                           | 17,127  |  | 5,381   |
| 184 | P  | S      | Paddington                        | 189,319                           | 12,050  |  | 3,786   |
| 185 | P  | G      | Padstow                           | 107,836                           | 6,864   |  | 2,157   |
| 186 | P  | G      | Panania                           | 405,742                           | 25,826  |  | 8,115   |
| 187 | P  | WS     | Parramatta                        | 1,853,945                         | 118,004   |  | 37,079  |
| 188 | P  | WS     | Parramatta North with Harris Park | 265,070                           | 16,872  |  | 5,301   |
| 189 | P  | G      | Peakhurst / Mortdale              | 317,042                           | 20,180  |  | 6,341   |
| 190 | P  | WS     | Penrith                           | 306,705                           | 19,522  |  | 6,134   |
| 191 | P  | G      | Penshurst                         | 246,582                           | 15,695  |  | 4,932   |
| 192 | P  | S      | Petersham                         | 299,548                           | 19,066  |  | 5,991   |
| 193 | PRC (np)                                     | N      | Philadelphia Anglican Church #    | 131,194                           |   | 4,676  | 2,624   |
| 194 | P  | W      | Picton                            | 131,605                           | 8,377   |  | 2,632   |
| 195 | PP   | WS     | Pitt Town                         | 659,202                           | 41,958  |  | 13,184  |
| 196 | PP   | W      | Port Kembla                       | 146,867                           | 9,348   |  | 2,937   |
| 197 | P  | N      | Pymble                            | 798,799                           | 50,844  |  | 15,976  |
| 198 | P  | WS     | Quakers Hill                      | 866,275                           | 55,139  |  | 17,326  |
| 199 | P  | S      | Randwick                          | 866,811                           | 55,173  |  | 17,336  |

|     | Parish,<br>Prov.P,<br>R.Church,<br>Prov.R.C. | Region | Parochial Unit                     | 2017 Net<br>Operating<br>Receipts | 2019<br>Variable<br>PCR<br>charge for<br>parishes<br>with<br>property | 2019<br>Variable<br>PCR<br>charge for<br>parishes<br>without<br>property | 2019<br>Church<br>Land<br>Acquisition<br>Levy |
|-----|--|--------|------------------------------------|-----------------------------------|---|--|---|
| 200 | PP   | G      | Regents Park                       | 47,682                            | 3,035   |  | 954   |
| 201 | PP   | G      | Revesby                            | 87,175                            | 5,549   |  | 1,744   |
| 202 | P  | WS     | Richmond                           | 210,062                           | 13,371  |  | 4,201   |
| 203 | PP   | WS     | Riverstone                         | 101,173                           | 6,440   |  | 2,023   |
| 204 | P  | G      | Riverwood - Punchbowl              | 292,311                           | 18,606  |  | 5,846   |
| 205 | P  | W      | Robertson                          | 170,972                           | 10,882  |  | 3,419   |
| 206 | P  | WS     | Rooty Hill                         | 1,474,422                         | 93,848  |  | 29,488  |
| 207 | PP   | W      | Rosemeadow                         | 208,501                           | 13,271  |  | 4,170   |
| 208 | P  | N      | Roseville                          | 1,065,106                         | 67,794  |  | 21,302  |
| 209 | P  | N      | Roseville East                     | 332,374                           | 21,156  |  | 6,647   |
| 210 | PP   | WS     | Rouse Hill                         | 360,488                           | 22,945  |  | 7,210   |
| 211 | P  | N      | Ryde                               | 721,987                           | 45,955  |  | 14,440  |
| 212 | PP   | G      | Sadleir                            | 235,341                           | 14,980  |  | 4,707   |
| 213 | P  | G      | Sans Souci                         | 165,768                           | 10,551  |  | 3,315   |
| 214 | P  | N      | Seaforth                           | 274,985                           | 17,503  |  | 5,500   |
| 215 | P  | WS     | Seven Hills                        | 279,568                           | 17,795  |  | 5,591   |
| 216 | P  | W      | Shellharbour                       | 172,281                           | 10,966  |  | 3,446   |
| 217 | P  | W      | Shellharbour City Centre           | 333,665                           | 21,238  |  | 6,673   |
| 218 | P  | W      | Shoalhaven Heads                   | 150,690                           | 9,591   |  | 3,014   |
| 219 | P  | G      | Smithfield Road                    | 307,904                           | 19,598  |  | 6,158   |
| 220 | RC (np)                                      | W      | Soul Revival Church #              | 472,319                           |   | 16,835   | 9,446   |
| 221 | P  | G      | South Carlton                      | 341,895                           | 21,762  |  | 6,838   |
| 222 | P  | S      | South Coogee                       | 117,229                           | 7,462   |  | 2,345   |
| 223 | P  | W      | South Creek                        | 405,970                           | 25,840  |  | 8,119   |
| 224 | P  | G      | South Hurstville                   | 284,070                           | 18,081  |  | 5,681   |
| 225 | P  | S      | South Sydney                       | 292,256                           | 18,602  |  | 5,845   |
| 226 | P  | WS     | Springwood                         | 812,642                           | 51,725  |  | 16,253  |
| 227 | PP   | WS     | St Clair                           | 145,031                           | 9,231   |  | 2,901   |
| 228 | P  | G      | St George                          | 161,910                           | 10,306  |  | 3,238   |
| 229 | P  | G      | St George North                    | 850,731                           | 54,149  |  | 17,015  |
| 230 | P  | N      | St Ives                            | 2,109,952                         | 134,299   |  | 42,199  |
| 231 | P  | WS     | St Marys                           | 206,609                           | 13,151  |  | 4,132   |
| 232 | RC (np)                                      | WS     | Stanhope #                         |                                   |   | 0  | 0   |
| 233 | P  | S      | Strathfield and Homebush           | 255,552                           | 16,266  |  | 5,111   |
| 234 | P  | S      | Summer Hill                        | 317,032                           | 20,179  |  | 6,341   |
| 235 | PP   | S      | Surry Hills                        | 870,388                           | 55,401  |  | 17,408  |
| 236 | PP   | W      | Sussex Inlet                       | 122,045                           | 7,768   |  | 2,441   |
| 237 | P  | W      | Sutherland                         | 380,775                           | 24,236  |  | 7,616   |
| 238 | P  | W      | Sutton Forest                      | 266,434                           | 16,959  |  | 5,329   |
| 239 | P  | S      | Sydney - Cathedral of St Andrew    | 0                                 | 0   |  | 0   |
| 240 | P  | S      | Sydney - Christ Church St Laurence | 855,491                           | 54,452  |  | 17,110  |
| 241 | P  | S      | Sydney - St James, King Street     | 1,676,769                         | 106,727   |  | 33,535  |

|     | Parish,<br>Prov.P,<br>R.Church,<br>Prov.R.C. | Region | Parochial Unit             | 2017 Net<br>Operating<br>Receipts | 2019<br>Variable<br>PCR<br>charge for<br>parishes<br>with<br>property | 2019<br>Variable<br>PCR<br>charge for<br>parishes<br>without<br>property | 2019<br>Church<br>Land<br>Acquisition<br>Levy |
|-----|--|--------|----------------------------|-----------------------------------|---|--|---|
| 242 | P  | W      | Sylvania                   | 284,750                           | 18,124  |  | 5,695   |
| 243 | P  | W      | The Oaks                   | 152,800                           | 9,726   |  | 3,056   |
| 244 | P  | N      | Thornleigh - Pennant Hills | 541,851                           | 34,489  |  | 10,837  |
| 245 | P  | WS     | Toongabbie                 | 479,024                           | 30,490  |  | 9,580   |
| 246 | P  | N      | Turramurra                 | 1,162,929                         | 74,021  |  | 23,259  |
| 247 | P  | N      | Turramurra South           | 415,493                           | 26,446  |  | 8,310   |
| 248 | P  | W      | Ulladulla                  | 275,144                           | 17,513  |  | 5,503   |
| 249 | RC (np)                                      | S      | Unichurch (Uni. NSW) #     | 610,956                           |   | 21,777   | 12,219  |
| 250 | P  | S      | Vaucluse and Rose Bay      | 348,712                           | 22,196  |  | 6,974   |
| 251 | P  | N      | Wahroonga - St Andrew's    | 371,505                           | 23,646  |  | 7,430   |
| 252 | P  | N      | Wahroonga - St Paul's      | 228,463                           | 14,542  |  | 4,569   |
| 253 | P  | N      | Waitara                    | 273,273                           | 17,394  |  | 5,465   |
| 254 | P  | S      | Watsons Bay                | 291,910                           | 18,580  |  | 5,838   |
| 255 | P  | WS     | Wentworth Falls            | 261,065                           | 16,617  |  | 5,221   |
| 256 | P  | WS     | Wentworthville             | 124,908                           | 7,950   |  | 2,498   |
| 257 | P  | N      | West Lindfield             | 230,851                           | 14,694  |  | 4,617   |
| 258 | P  | WS     | West Pennant Hills         | 927,788                           | 59,054  |  | 18,556  |
| 259 | P  | N      | West Pymble                | 785,574                           | 50,002  |  | 15,711  |
| 260 | P  | N      | West Ryde                  | 534,612                           | 34,028  |  | 10,692  |
| 261 | P  | W      | West Wollongong            | 477,765                           | 30,410  |  | 9,555   |
| 262 | P  | WS     | Westmead                   | 384,789                           | 24,492  |  | 7,696   |
| 263 | P  | WS     | Wilberforce                | 299,619                           | 19,071  |  | 5,992   |
| 264 | P  | N      | Willoughby                 | 424,848                           | 27,042  |  | 8,497   |
| 265 | P  | N      | Willoughby Park            | 277,684                           | 17,675  |  | 5,554   |
| 266 | P  | WS     | Windsor                    | 147,161                           | 9,367   |  | 2,943   |
| 267 | P  | W      | Wollondilly                | 246,054                           | 15,661  |  | 4,921   |
| 268 | P  | W      | Wollongong                 | 998,913                           | 63,581  |  | 19,978  |
| 269 | P  | S      | Woollahra                  | 178,158                           | 11,340  |  | 3,563   |
| 270 | P  | G      | Yagoona                    | 259,001                           | 16,486  |  | 5,180   |
|     |  |        |                            | 112,692,346                       | 7,059,959   | 81,024   | 2,253,847                                     |

### Notes

The net operating receipts, and hence the variable PCR charge and the Church Land Acquisition Levy, for the 9 parishes that have not yet submitted 2017 audited financial statements have been estimated based on the 2016 net operating receipts for those parishes + 20% (shown in italics above), in accordance with a resolution of Standing Committee made 23 July 2018. However, in order to avoid overstating the likely total net operating receipts, and hence underestimate the PCR charge and church land levy for all other parishes, the totals have been adjusted to reflect no increase over 2016 figures for these 9 parishes.

The 10 parochial units without property (shown marked with #) are charged a lower rate of variable PCR reflecting the absence of any property insurance cost (part of the parish property and liability insurance program) and no ACPT management fee, except that Glenmore Park has volunteered to pay the variable charge percentage applicable to parishes with property.

## Parochial Cost Recoveries and Church Land Acquisitions Levy Ordinance 2018

No. \_\_\_\_\_, 2018

### Long Title

An ordinance to determine the costs for parochial units and for a levy for the acquisition of land for church sites payable by parochial units in 2019, 2020 and 2021, 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 5(3) of the Framework Ordinance, the Standing Committee is to prepare for the second ordinary session of the 51<sup>st</sup> Synod a proposed ordinance for adoption by the Synod which specifies the cost recoveries charge to be paid by each parochial unit in 2019, 2020 and 2021, 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.

C. The statement of funding principles and priorities approved by the first ordinary session of the 51<sup>st</sup> Synod and the first ordinary session of each Synod thereafter under clause 3(3) of the *Synod Estimates Ordinance 1998* contemplates the payment of a levy by parochial units in 2019, 2020 and 2021 for the acquisition of land for church sites.

The Synod of the Diocese of Sydney Ordains as follows.

### 1. Name of Ordinance

This Ordinance is the *Parochial Cost Recoveries and Church Land Acquisitions Levy Ordinance 2018*.

### 2. Definitions

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 –

(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

(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) a contribution towards the costs of the Diocesan Archives, and

(h) a \$10,000 provision for the relief or remission of parochial cost recoveries charges, and

(i) the cost of the Sydney Diocesan Secretariat’s fee for managing the Parochial Cost Recoveries Fund 951, and

(j) the cost of the Property Trust’s management fee for property related services to parishes, and

(k) the cost of the Diocesan contribution to the Voluntary Relinquishment of Incumbency Fund.

“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 *Mission Property Ordinance 2002*.

“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 in accordance with the priorities determined under clause 5C of the *Mission Property Ordinance 2002*.

“Mission Property Fund” means the fund constituted under the *Mission Property Ordinance 2002*.

### 5 **Cost recoveries charge**

(1) In 2019, 2020 and 2021 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.

(3) The Standing Committee is to report to the third ordinary session of the 51<sup>st</sup> Synod about –

(a) the ministry costs and parochial network costs payable in 2020 and an estimate of the amounts payable, and

(b) the cost recoveries charge estimated to be payable by each parochial unit in 2020 and details of how that charge is calculated.

(4) The Standing Committee is to report to the first ordinary session of the 52<sup>nd</sup> Synod about –

(a) the ministry costs and parochial network costs payable in 2021 and an estimate of the amounts payable, and

(b) the cost recoveries charge estimated to be payable by each parochial unit in 2021 and details of how that charge is calculated.

### 3. **Church land levy**

(1) In 2019, 2020 and 2021 each parochial unit is to pay a levy calculated as 2.0% of the Net Operating Receipts of the relevant parochial unit for 2017, 2018 and 2019 respectively, determined under Part 3 of the Framework Ordinance.

(2) The levy is payable by 10 equal instalments in each year, the first due and payable on 1 March and subsequent instalments due and payable on the first day of each succeeding month.

(3) The levy paid by a parochial unit under subclause (1) is to be paid as an addition to the Mission Property Fund and applied towards church land acquisition projects.

### **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 2019, 2020 and 2021, 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 2019, 2020 and 2021 means the determined percentage of the Net Operating Receipts of the parochial unit for 2017, 2018 and 2019 respectively under the Framework Ordinance.

“determined percentage” means the ratio, expressed as a percentage, determined by the Standing Committee in accordance with the following formula –

$$\frac{PC}{TR}$$

where –

PC is the total estimated amount of all parochial network costs payable in 2019, 2020 and 2021, and

TR is the total of the Net Operating Receipts of all parochial units, except for St Andrew's Cathedral, for 2017, 2018 and 2019 respectively,

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 Committees

I Certify that this Ordinance was passed by the Synod of the Diocese of Sydney on 2018.

Secretary of Synod

I Assent to this Ordinance.

Archbishop of Sydney

/ /2018

# Synod Appropriations and Allocations Ordinance 2018

## Explanatory Report

### Key Points

- The total funds available to Synod will increase by 11% in 2019, mainly as a result of the higher aggregate distributions available following the removal of the Synod's 50% interest in St Andrew's House from the Diocesan Endowment and its establishment as a separate investment. Thereafter the total funds available are expected to grow by a more modest 6% and 2% respectively in the following 2 years.
- Increased allocations of Synod funds have been provided to support the work of Ministry Training and Development, Anglican Education Commission, and Work Outside the Diocese. The amounts allocated for most other Synod funding recipients over the triennium have been increased slightly each year to allow for inflation.
- A special allocation of \$250,000 pa has been made to provide funding for the Diocese of Bathurst, subject to the synods of both dioceses agreeing by ordinance to certain conditions.

### Purpose

1. The purpose of this report is to provide explanatory comments on the specific proposed sources and uses of Synod funds. The report should be read in conjunction with the broader explanations provided in the *Statement of Funding Principles and Priorities 2019-2021* (the Statement).

### Recommendation

2. Synod pass the bill as an ordinance of the Synod.

### Background

3. Under the *Synod Estimates Ordinance 1998* the Standing Committee is required to prepare for the second ordinary session of the 51<sup>st</sup> Synod a proposed ordinance reflecting the Statement which contains Synod funding estimates for 2019-2021.
4. The bill for the *Synod Appropriations and Allocations Ordinance 2018* has been prepared to give effect to the Statement.
5. The details of specific appropriations of individual Synod and parish trust funds and the amounts allocated to particular purposes and organisations under the *Synod Appropriations and Allocations Ordinance 2018* are shown in Attachment 1 to this report.

### Source of funds

6. In July 2017 Standing Committee passed the *St Andrew's House (Variation of Trusts) Ordinance 2017*. The effect of this ordinance was to vary the trusts under which the Synod's undivided half share of the property known as St Andrew's House was held so that instead of being held by Diocesan Endowment Fund (which was managed by the Glebe Administration Board) it was held for the general purposes of the Anglican Church of Australia in the Diocese of Sydney. The Diocese's 50% interest in St Andrew's House is now held by a new entity, the Synod – St Andrew's House Fund 134. As anticipated when this restructure was proposed, one of the advantages of this new arrangement is that the sum of the two separate amounts now distributed from the Diocesan Endowment Fund and the Synod – St Andrew's House Fund exceed the amount that would have been available for distribution from the Diocesan Endowment Fund had the Diocese's half share of St Andrew's House remained as part of the property of the Diocesan Endowment Fund.
7. The Glebe Administration Board (the GAB) has advised the Standing Committee that the amount which may prudently be distributed from the Diocesan Endowment Fund for spending by the Synod in 2019 is \$2,804,000. The GAB has also indicated that thereafter it proposes distributions will increase by CPI, estimated at 2.6% and then 2.7 % pa, giving \$2,880,000 in 2020 and \$2,955,000 in 2021, subject to any significant adverse market movements.
8. The Finance Committee has advised the Standing Committee that the amount of the distribution from Synod – St Andrew's House Fund 134 available for appropriation by Synod in 2019 is expected to be \$2,460,000. The estimated distributions available for appropriation by Synod in the later years will be \$2,580,500 in 2020 and \$2,718,000 in 2021.

9. Standing Committee wishes to express its continuing gratitude to each of the parishes that share a portion of their property income (from leases or invested funds) with the Synod. The actual amount of Synod's share of the distribution received under each of these 10 parish trust ordinances is detailed in the Schedule in Attachment 1. In 2019 Synod's share of this lease and investment income will be \$921,000.

10. There is no reliable estimate available for the amount of income available to Synod from parish trust ordinances in 2020 and 2021, although with one exception there is no scheduled change to the proportion of lease and investment income payable to Synod over these years. The exception is Church Hill where under the terms of that parish's trust ordinance the proportion of the lease income distributed to Synod for appropriation in 2020 and 2021 will increase from the current 15% to 40%. Accordingly, the best estimate available at present is that, apart from Church Hill where the annual income available to Synod is expected to increase from \$97,000 to \$259,000 if the gross lease income remains constant, all other sources of parish trust income for Synod are expected to remain unchanged from the levels estimated in 2019. Of course, at least one of these parish trust ordinances is due for review in the next couple of years and any review may result in Standing Committee agreeing to a change in the proportion of income distributed to Synod. The parish of Manly provides a recent example; in that case the review resulted in Standing Committee agreeing to a complete suspension of distributions for a number of years in order for the parish to fund a major renovation of their property. There will, however, be one new source of income available for distribution in 2020 with \$63,000 available as a result of a one-off distribution arising from transaction fees payable by the previous head lessee of No. 1 York Street (parish of Church Hill) on assignment of the lease to Blackstone.

11. In accordance with the established formula, in each year one percent of the total income available to Synod is appropriated and added to the capital of the Sydney Anglican Indigenous Peoples Ministry Fund, with the amount shown as a direct deduction from the Sources of funds.

12. The aggregate of all sources of funds available to Synod in 2019 will be \$6,178,000, which represents an increase of \$611,000 or 11.0% compared with 2018. A much smaller increase is expected in each of the following two years.

#### **Use of funds**

13. Many of the individual lines in the proposed Use of funds section for 2019-2021 have been increased by the expected rate of inflation (approximately 2.4% in 2019 and 2.5% in each of 2020 and 2021). This is particularly the case for line items where the whole or the majority of the funds allocated are intended to cover the cost of services provided by third parties, or staff employed by SDS or other organisations.

#### *Long term requirements*

14. The role undertaken by the Archbishop's Public Relations (Media Officer) is considered an essential element of the Diocesan ministry network. Therefore, while such a person is employed by the Anglican Media Council, an allocation from Synod Funds will be paid to the Council to be applied for this specific purpose. The amount of this allocation for 2019 has been increased to allow for inflation to \$154,000, and the estimate of the amounts for 2020 and 2021, have been similarly increased as the role is considered essential.

#### *Immediate requirements*

15. For the 2019-2021 triennium our estimated membership and affiliation costs in the wider Anglican Church are again to be funded through an allocation of Synod funds. In 2018 these costs covered the statutory assessment raised by the General Synod, the accommodation and travel costs of Sydney representatives attending the General Synod, the costs of the Provincial Synod, the affiliation fee with Freedom For Faith and our membership of the NSW Council of Churches. The estimate of the General Synod statutory assessment is based on the amount of their invoice for 2018 plus CPI of 2.4% in 2019 and 2.5% pa each year thereafter. The expected cost of supporting the Sydney representatives at General Synod has been doubled from \$20,000 to \$40,000 pa following an analysis of the actual costs incurred over the last 3 year cycle of the General Synod and a forecast of the costs expected for the 3 years of the next General Synod. The two main components of these costs are the accommodation for Sydney representatives attending the actual session of General Synod each 3 years and the cost incurred by SDS in supporting the work of the General Synod Relations Committee between sessions of the General Synod. The proposed amount of the annual allocation for each of the other elements of our membership and affiliation costs in the wider Anglican Church remain unchanged from the actual 2018 allocation.

16. The estimate of the amount of annual Synod funding required to support the Diocese's participation in the National Church Life Survey which is used in helping us measure progress in Mission 2020 is expected to remain unchanged for 2019-2021.

17. The direct costs of each ordinary session of Synod, which consist mainly of the external venue hire, audio visual support and security and the internal photocopying costs incurred by the Secretariat, are again

funded through an allocation of Synod funds with the amount based on the actual cost for 2018. The allocation for 2019 and the estimated cost for 2020 and 2021 assumes a continuation of the traditional venue (Wesley Theatre), format (afternoon and evening sessions) and duration (5 days) of the Synod.

18. The cost of Standing Committee (and subcommittee) members' car parking in St Andrew's House is considered an appropriate use of Synod funds. The amount of this allocation in 2019, and the estimates for 2020 and 2021, remain unchanged from the 2018 allocation.

19. An allocation of \$80,000 has been provided in 2020 to cover the expected cost of the Archbishop's election Synod.

20. The allocation of Synod funds in 2019, and the estimates for 2020 and 2021, to cover the costs incurred by the Secretariat in providing the agreed services to the Synod, Standing Committee and parishes under its ordinance are based on the 2018 allocation plus CPI of 2.4% in 2019 and 2.5% pa each year thereafter.

21. It is estimated that \$300,000 of Synod funds will be required each year to replenish the Synod Fund Risk Reserve (Fund 131) (unchanged from 2018). Standing Committee has agreed as a matter of policy that whenever the balance in Synod Fund 131 at 30 June is below a particular amount either the Synod or the Standing Committee should pass an ordinance by 31 December that year to increase the amount in that fund to a certain level by 31 December the following year. Although the balance in this Fund at 30 June 2018 was slightly above the target level, this ordinance provides \$300,000 to replenish Synod Fund 131 in 2019 in the expectation that there are likely to be a number of calls on these funds over the remainder of this year, and it is expected that a similar level of replenishment will be required for both 2020 and 2021.

22. This ordinance provides for a continuation of the allocation of \$250,000, indexed for inflation, in each of the 3 years of this triennium as a Diocesan contribution to the recurrent funding needs of the Cathedral, primarily in the form of the Dean's remuneration and housing cost and as a contribution to recurrent maintenance. Consideration was given to providing a further allocation of Synod funds specifically to support the long-term maintenance needs of the Cathedral, however with the limited funds available to Synod such an additional allocation was considered impractical.

23. Standing Committee considers that it is appropriate to continue an annual allocation of \$27,000, indexed for inflation, to the EOS Expenditure Fund to cover the increased cost of collecting and maintaining records on the new Diocesan database, including records in relation to licenced clergy and parish officers.

#### *Long term mission commitments*

24. After all the "Immediate requirements" itemised above have been met, the amount available in 2019 for "Long term mission commitments" and "Current mission activities" is more than \$500,000 higher than in 2018 because of the increased distributions now flowing from the Diocesan Endowment and the Synod's share of the St Andrew's House Trust. This has enabled the continuation of funding for existing recipients, plus the allocation of some additional funds to support several new mission initiatives.

25. The amount allocated to support the work of Ministry, Training and Development has been increased by \$50,000 plus inflation compared to 2018. This ministry has reduced staff to a minimum, used all available reserves, and introduced fees for training and the extra \$50,000 pa is needed just to cover the budgeted costs of the Department which has primary responsibility for recruiting, guiding and selecting for ministry in the Diocese, as well as providing continuing education for ministers.

26. The allocation of \$40,000, plus inflation, to the Ordination Training Fund has been continued for 2019-2021. This amount covers the estimated cost of undertaking psychological testing of all new ordinands, and arranging and delivering the new ordinands' conference.

27. The amount allocated to support the work of Moore Theological College has been maintained at the same level as 2018, adjusted for inflation. The College will continue to receive the majority of the funds allocated under long term mission commitments, reflecting the strategic long term importance of the College to the Mission of the Diocese.

28. Similarly, the amount allocated to support the work of Youthworks College has been maintained at the same level as 2018, adjusted for inflation. Youthworks College continues to be recognised for its important role in providing future leadership for our churches and for the Mission.

#### *Current mission activities*

29. The amount of Synod funds allocated to support the work of the Anglican Education Commission in 2019, and the estimate for of the amounts for 2020 and 2021, have been increased to \$120,000, plus an adjustment for inflation as a measure of the Synod's significant interest in Christian education and the work of the Commission. The Anglican Education Commission continues to draw much of the income it needs directly from the Anglican Schools it supports.

30. The amount of the Synod allocation for the Anglican Media Council to provide internal communication and evangelism, including through their website and Southern Cross, in 2019, and the estimate of the amounts for 2020 and 2021, remains essentially unchanged from the 2018 allocation but with the addition of an adjustment for inflation. This level of funding is considered the minimum viable for the Council to maintain this work.

31. The Synod funding allocated in 2019, and the estimate of the amounts to be allocated for 2020 and 2021, for the research function provided by Anglicare have been maintained with an adjustment for inflation. The specific research provided, including that derived from the NCLS data, has proven integral to much of the planning for Mission 2020.

32. The amount allocated to support the work of Evangelism and New Churches (ENC) over 2019-2021 has been maintained at the 2018 level, plus an adjustment for inflation. ENC provides resources which support local evangelism and directly assist the planting of new Sydney Anglican congregations as well as having responsibility for developing a Diocesan-wide approach to ethnic, cross cultural and multicultural gospel ministry in the regions and parishes.

33. The amount of the allocation of Synod funds to support the work of the Tertiary Education Ministry Oversight Committee (TEMOC) in 2019, and the estimate of the amounts for 2020 and 2021, have been maintained at \$100,000, plus an adjustment for inflation. The Standing Committee recognises the strategic importance of maintaining a clear Anglican presence amongst evangelical Christians ministering in the tertiary education sector, which is underpinned by the Archbishop's role in licensing a number of the university chaplains.

34. The Standing Committee is pleased to be able to recommend the amount of the allocation of Synod funds to support gospel work outside the Diocese be increased from 4% to 5% of the total available funds in 2019, and then maintained at that level in the estimates for 2020 and 2021. Over recent years the Standing Committee has been mindful that Synod resolution 40/09 "encourages it to consider how in future the Diocese may return to 5% of income that would be made available for Gospel work beyond the Diocese", however until now the very limited funds available to Synod had made such an increased allocation impractical.

35. In addition to the above allocation of 5% of the total available funds, a separate amount of \$250,000 has been allocated to fund the Diocese of Bathurst. The synod of the Diocese of Bathurst will be asked to approve an amendment to the ordinance governing the election of the Bishop of Bathurst to require that the person who holds office from time to time as the Bishop of Bathurst must do so with the written support of the Archbishop of Sydney acting in his capacity as Metropolitan. If this amendment is passed the Sydney Diocese will be asked to provide financial support of \$250,000 pa for 6 years to fund the episcopal and registry functions of the Diocese of Bathurst. Accordingly, an amount of \$250,000 has been allocated for 2019, and a similar amount has been estimated for 2020 and 2021.

36. The amount of the Synod allocation for Youthworks – Ministry Support Team in 2019, and the estimate of the amounts for 2020 and 2021, remain unchanged from the 2018 allocation, adjusted for inflation. The Ministry Support Team in Youthworks provides training, advice and support for children's and youth ministry and Special Religious Education.

37. The current annual allocation of \$200,000, plus an adjustment for inflation, has been provided for 2019 with similar estimates for 2020 and 2021 to fund the continuation of the SRE Office within Youthworks. This initiative, which began in 2014, was partly in response to resolution 14/12 which called for the Standing Committee to address the need for sufficient funds to sustain high quality Special Religious Education (SRE) within all Government primary schools within the Diocese and to partially fund the upgrade of Primary SRE. Youthworks plans to continue the development of approved curriculum resources and the training and accreditation of the (largely volunteer) teachers.

38. The amount of the allocation in 2019, and the estimates of the amounts for 2020 and 2021, to support the ministry on Lord Howe Island have been continued at the same level as in 2018, plus an adjustment for inflation.

39. The amount of the allocation for the Diocesan Researcher in 2019, and the estimates of the amounts for 2020 and 2021, have been continued at the same level as in 2018, plus an adjustment for inflation. The Diocesan Researcher is employed by SDS to support the work of Diocesan committees, including the Social Issues Committee and the Doctrine Commission.

40. An amount of \$92,000 (slightly less than the amount provided in 2018) has been allocated to Contingencies to give the Standing Committee some flexibility and capacity to respond to changed circumstances in 2019. It would be prudent to allocate at least \$100,000 for this purpose in 2020 and 2021, however, at this stage the estimated amounts available are significantly higher at \$230,000 and \$322,000

respectively. In 2019 and 2020 there is therefore the potential to re-allocate a portion of these funds for some more specific purpose when passing ordinances to give effect to the Synod's intention as expressed in these estimates.

41. If, in the opinion of Standing Committee, after this ordinance has been passed and assented an amount or part of an amount allocated is not required or cannot be applied for the specified purpose, the Standing Committee may by resolution reallocate that amount or part for another purpose.

42. As indicated in the annexure to the Statement, where it was considered appropriate, organisations that seek Synod funds were asked to provide –

- (a) a detailed proposal identifying the purpose for which the funds are sought, attempts that have or can be made to raise funds from other sources, the likely timing of any expenditure, the outcomes expected, and the reporting and other accountability measures by which those outcomes will be assessed, and
- (b) a statement of any reserves held by the organisation specifically for the purpose for which funds are being sought, or that could be made available for that purpose,

and this information was taken into account when determining the amount of the allocation of Synod funds for 2019-2021.

For and on behalf of the Standing Committee.

DANIEL GLYNN  
*Diocesan Secretary*

31 August 2018

## Attachment 1

## Synod Funding for 2019-2021

|  | Actual for 2018                  |                                  |                                   | Proposal for 2019                |                                  |                                   | Estimate for 2020                |                                  |                                   | Estimate for 2021                |                                  |                                   |
|--|----------------------------------|----------------------------------|-----------------------------------|----------------------------------|----------------------------------|-----------------------------------|----------------------------------|----------------------------------|-----------------------------------|----------------------------------|----------------------------------|-----------------------------------|
|  | Synod<br>Appro. &<br>Alloc. Ord. | Parish<br>Cost<br>Recov.<br>Ord. | Church<br>Land<br>Acquis.<br>Levy | Synod<br>Appro. &<br>Alloc. Ord. | Parish<br>Cost<br>Recov.<br>Ord. | Church<br>Land<br>Acquis.<br>Levy | Synod<br>Appro. &<br>Alloc. Ord. | Parish<br>Cost<br>Recov.<br>Ord. | Church<br>Land<br>Acquis.<br>Levy | Synod<br>Appro. &<br>Alloc. Ord. | Parish<br>Cost<br>Recov.<br>Ord. | Church<br>Land<br>Acquis.<br>Levy |
| <b>SOURCE OF FUNDS</b>   |                                  |                                  |                                   |                                  |                                  |                                   |                                  |                                  |                                   |                                  |                                  |                                   |
| GAB distribution from Diocesan Endowment                                 | 4,690                            |                                  |                                   | 2,804                            |                                  |                                   | 2,880                            |                                  |                                   | 2,955                            |                                  |                                   |
| Synod - SAH Fund 134 distribution from Synod's 50% share of SAHT         | n/a                              |                                  |                                   | 2,460                            |                                  |                                   | 2,581                            |                                  |                                   | 2,718                            |                                  |                                   |
| Parish trusts  |                                  |                                  |                                   |                                  |                                  |                                   |                                  |                                  |                                   |                                  |                                  |                                   |
| Bondi (lease income from preschool at 34 Ocean St)                       | -                                |                                  |                                   | 9                                |                                  |                                   | 9                                |                                  |                                   | 9                                |                                  |                                   |
| Church Hill (lease income from No. 1 York St office block)               | 95                               |                                  |                                   | 97                               |                                  |                                   | 259                              |                                  |                                   | 259                              |                                  |                                   |
| Church Hill (investment income)  | 4                                |                                  |                                   | 4                                |                                  |                                   | 4                                |                                  |                                   | 4                                |                                  |                                   |
| King St - St James (lease income from Phillip Street office block)       | 169                              |                                  |                                   | 217                              |                                  |                                   | 217                              |                                  |                                   | 217                              |                                  |                                   |
| Manly (lease income from shops on the Corso)                             | -                                |                                  |                                   | -                                |                                  |                                   | -                                |                                  |                                   | -                                |                                  |                                   |
| Narellan (investment income from sale proceeds)                          | 19                               |                                  |                                   | 18                               |                                  |                                   | 18                               |                                  |                                   | 18                               |                                  |                                   |
| Paddington (lease income from 241 Glenmore Rd)                           | -                                |                                  |                                   | 8                                |                                  |                                   | 8                                |                                  |                                   | 8                                |                                  |                                   |
| Ryde (lease income from Kirkby Gardens residential unit block)           | 500                              |                                  |                                   | 519                              |                                  |                                   | 519                              |                                  |                                   | 519                              |                                  |                                   |
| South Sydney (investment income from sale proceeds)                      | 6                                |                                  |                                   | 4                                |                                  |                                   | 4                                |                                  |                                   | 4                                |                                  |                                   |
| Surry Hills (investment income from sale proceeds)                       | 2                                |                                  |                                   | 2                                |                                  |                                   | 2                                |                                  |                                   | 2                                |                                  |                                   |
| Wollongong (lease income from hotel/university accommodation)            | 32                               |                                  |                                   | 39                               |                                  |                                   | 39                               |                                  |                                   | 39                               |                                  |                                   |
| ACPT Synod Fund (C/F 400 interest less ACPT fees)                        | 9                                |                                  |                                   | 4                                |                                  |                                   | 4                                |                                  |                                   | 4                                |                                  |                                   |
| Balance in Synod Fund 129 available for appropriation                    | -                                |                                  |                                   | -                                |                                  |                                   | -                                |                                  |                                   | -                                |                                  |                                   |
| One-off distribution from Hunters Hill sale ordinance                    | 379                              |                                  |                                   | -                                |                                  |                                   | -                                |                                  |                                   | -                                |                                  |                                   |
| One-off distribution from Church Hill - fees on assignment of head lease | -                                |                                  |                                   | -                                |                                  |                                   | 63                               |                                  |                                   | -                                |                                  |                                   |
| subtotal   | 1,215                            |                                  |                                   | 921                              |                                  |                                   | 1,146                            |                                  |                                   | 1,083                            |                                  |                                   |

Continued...

less 1% added to capital of SAIPMF  
add partial write-back of provision to compensate loss of income from Manly

less allocation of one-off Hunters Hill distribution to NCNC

Parish Cost Recovery (variable charge)

Church Land Acquisitions Levy

| Actual for 2018            |                         |                          | Proposal for 2019          |                         |                          | Estimate for 2020          |                         |                          | Estimate for 2021          |                         |                          |
|----------------------------|-------------------------|--------------------------|----------------------------|-------------------------|--------------------------|----------------------------|-------------------------|--------------------------|----------------------------|-------------------------|--------------------------|
| Synod Appro. & Alloc. Ord. | Parish Cost Recov. Ord. | Church Land Acquis. Levy | Synod Appro. & Alloc. Ord. | Parish Cost Recov. Ord. | Church Land Acquis. Levy | Synod Appro. & Alloc. Ord. | Parish Cost Recov. Ord. | Church Land Acquis. Levy | Synod Appro. & Alloc. Ord. | Parish Cost Recov. Ord. | Church Land Acquis. Levy |
| (59)                       |                         |                          | (62)                       |                         |                          | (66)                       |                         |                          | (68)                       |                         |                          |
| 100                        |                         |                          | 55                         |                         |                          | -                          |                         |                          | -                          |                         |                          |
| (379)                      |                         |                          | -                          |                         |                          | -                          |                         |                          | -                          |                         |                          |
|                            | 5,535                   |                          |                            | 7,141                   |                          |                            | 7,991                   |                          |                            | 8,646                   |                          |
|                            |                         | 2,201                    |                            |                         | 2,254                    |                            |                         | 2,299                    |                            |                         | 2,345                    |
| 5,567                      | 5,535                   | 2,201                    | 6,178                      | 7,141                   | 2,254                    | 6,540                      | 7,991                   | 2,299                    | 6,688                      | 8,646                   | 2,345                    |

**% increase on previous year**

11% 29% 2% 6% 12% 2% 2% 8% 2%

**\$ increase on previous year**

611 1,606 362 851 148 655

|  |                   |                   |                   |                   |
|--|-------------------|-------------------|-------------------|-------------------|
| <i>Parish Net Operating Receipts</i>                   | 110.074 (million) | 112.692 (million) | 114.946 (million) | 117.245 (million) |
| <i>Variable PCR charge (parishes with property)</i>    | 5.05%             | 6.37%             | 6.98%             | 7.40%             |
| <i>Variable PCR charge (parishes without property)</i> | 3.03%             | 3.56%             | 3.91%             | 4.14%             |
| <i>Church land acquisition levy (all parishes)</i>     | 2.00%             | 2.00%             | 2.00%             | 2.00%             |

**USE OF FUNDS****Long Term Requirements**

Archbishop's PR (Media Officer)

Parish contribution to Archives

**Immediate Requirements**

Membership/affiliation -

General Synod

Provincial Synod

Sydney Reps at General Synod

Freedom4Faith - affiliation fee

NSW Council of Churches

NCLS

Sydney Synod -

Venue Hire &amp; Printing

Committee members car parking

Archbishop's election Synod - venue hire and printing

Secretariat - Synod, Standing Committee &amp; parishes

Parish Insurance Program

Parish Risk Management Program

Professional Standards Unit -

Parish related costs

Reimbursing the Synod Risk Reserve for non-standard PSU expenses

| Actual for 2018                  |                                  |                                   | Proposal for 2019                |                                  |                                   | Estimate for 2020                |                                  |                                   | Estimate for 2021                |                                  |                                   |
|----------------------------------|----------------------------------|-----------------------------------|----------------------------------|----------------------------------|-----------------------------------|----------------------------------|----------------------------------|-----------------------------------|----------------------------------|----------------------------------|-----------------------------------|
| Synod<br>Appro. &<br>Alloc. Ord. | Parish<br>Cost<br>Recov.<br>Ord. | Church<br>Land<br>Acquis.<br>Levy | Synod<br>Appro. &<br>Alloc. Ord. | Parish<br>Cost<br>Recov.<br>Ord. | Church<br>Land<br>Acquis.<br>Levy | Synod<br>Appro. &<br>Alloc. Ord. | Parish<br>Cost<br>Recov.<br>Ord. | Church<br>Land<br>Acquis.<br>Levy | Synod<br>Appro. &<br>Alloc. Ord. | Parish<br>Cost<br>Recov.<br>Ord. | Church<br>Land<br>Acquis.<br>Levy |
| 150                              |                                  |                                   | 154                              |                                  |                                   | 157                              |                                  |                                   | 161                              |                                  |                                   |
|                                  | 68                               |                                   |                                  | 70                               |                                   |                                  | 71                               |                                   |                                  | 73                               |                                   |
| 358                              |                                  |                                   | 402                              |                                  |                                   | 412                              |                                  |                                   | 423                              |                                  |                                   |
| 12                               |                                  |                                   | 12                               |                                  |                                   | 12                               |                                  |                                   | 12                               |                                  |                                   |
| 20                               |                                  |                                   | 40                               |                                  |                                   | 40                               |                                  |                                   | 40                               |                                  |                                   |
| 20                               |                                  |                                   | 20                               |                                  |                                   | 20                               |                                  |                                   | 20                               |                                  |                                   |
| 15                               |                                  |                                   | 18                               |                                  |                                   | 18                               |                                  |                                   | 18                               |                                  |                                   |
| 15                               |                                  |                                   | 15                               |                                  |                                   | 15                               |                                  |                                   | 15                               |                                  |                                   |
| 80                               |                                  |                                   | 80                               |                                  |                                   | 80                               |                                  |                                   | 80                               |                                  |                                   |
| 23                               |                                  |                                   | 23                               |                                  |                                   | 23                               |                                  |                                   | 23                               |                                  |                                   |
| -                                |                                  |                                   | -                                |                                  |                                   | 80                               |                                  |                                   | -                                |                                  |                                   |
| 949                              |                                  |                                   | 972                              |                                  |                                   | 996                              |                                  |                                   | 1,021                            |                                  |                                   |
|                                  | 4,100                            |                                   |                                  | 4,800                            |                                   |                                  | 5,400                            |                                   |                                  | 6,000                            |                                   |
|                                  | 230                              |                                   |                                  | 236                              |                                   |                                  | 241                              |                                   |                                  | 247                              |                                   |
|                                  | 781                              |                                   |                                  | 950                              |                                   |                                  | 973                              |                                   |                                  | 998                              |                                   |
|                                  | -                                |                                   |                                  | 50                               |                                   |                                  | 50                               |                                   |                                  | 50                               |                                   |

Continued...

Continued...

|  | Actual for 2018                  |                                  |                                   | Proposal for 2019                |                                  |                                   | Estimate for 2020                |                                  |                                   | Estimate for 2021                |                                  |                                   |
|--|----------------------------------|----------------------------------|-----------------------------------|----------------------------------|----------------------------------|-----------------------------------|----------------------------------|----------------------------------|-----------------------------------|----------------------------------|----------------------------------|-----------------------------------|
|  | Synod<br>Appro. &<br>Alloc. Ord. | Parish<br>Cost<br>Recov.<br>Ord. | Church<br>Land<br>Acquis.<br>Levy | Synod<br>Appro. &<br>Alloc. Ord. | Parish<br>Cost<br>Recov.<br>Ord. | Church<br>Land<br>Acquis.<br>Levy | Synod<br>Appro. &<br>Alloc. Ord. | Parish<br>Cost<br>Recov.<br>Ord. | Church<br>Land<br>Acquis.<br>Levy | Synod<br>Appro. &<br>Alloc. Ord. | Parish<br>Cost<br>Recov.<br>Ord. | Church<br>Land<br>Acquis.<br>Levy |
| Safe Ministry Training Program                                   |                                  | 145                              |                                   |                                  | 148                              |                                   |                                  | 152                              |                                   |                                  | 156                              |                                   |
| Ministry Spouse Support Fund                                     |                                  | -                                |                                   |                                  | 150                              |                                   |                                  | 150                              |                                   |                                  | 150                              |                                   |
| Provision for PCR remission                                      |                                  | 10                               |                                   |                                  | 10                               |                                   |                                  | 10                               |                                   |                                  | 10                               |                                   |
| Secretariat fee for managing PCR Fund                            |                                  | 201                              |                                   |                                  | 206                              |                                   |                                  | 211                              |                                   |                                  | 216                              |                                   |
| ACPT management fee payable by all parishes with property        |                                  | -                                |                                   |                                  | 521                              |                                   |                                  | 533                              |                                   |                                  | 546                              |                                   |
| Voluntary Relinquishment of Incumbency Fund                      |                                  | -                                |                                   |                                  | -                                |                                   |                                  | 200                              |                                   |                                  | 200                              |                                   |
| Synod Risk Reserve (Fund 131) replenishment                      | 300                              |                                  |                                   | 300                              |                                  |                                   | 300                              |                                  |                                   | 300                              |                                  |                                   |
| Cathedral - Diocesan contribution to recurrent funding needs     | 250                              |                                  |                                   | 256                              |                                  |                                   | 262                              |                                  |                                   | 269                              |                                  |                                   |
| EOS Expenditure Fund - increased costs for new Diocesan database | 26                               |                                  |                                   | 27                               |                                  |                                   | 27                               |                                  |                                   | 28                               |                                  |                                   |
| <b>Long Term Mission Commitments</b>                             |                                  |                                  |                                   |                                  |                                  |                                   |                                  |                                  |                                   |                                  |                                  |                                   |
| Ministry Training & Development                                  | 320                              |                                  |                                   | 378                              |                                  |                                   | 387                              |                                  |                                   | 397                              |                                  |                                   |
| OTF - new ordinands' tests & conference                          | 40                               |                                  |                                   | 41                               |                                  |                                   | 42                               |                                  |                                   | 43                               |                                  |                                   |
| Mission Property Committee - new church land                     |                                  |                                  | 2,201                             |                                  |                                  | 2,254                             |                                  |                                  | 2,299                             |                                  |                                  | 2,345                             |
| Moore Theological College  | 1,360                            |                                  |                                   | 1,393                            |                                  |                                   | 1,427                            |                                  |                                   | 1,463                            |                                  |                                   |
| Youthworks College   | 70                               |                                  |                                   | 72                               |                                  |                                   | 73                               |                                  |                                   | 75                               |                                  |                                   |
| <b>Current Mission Activities</b>                                |                                  |                                  |                                   |                                  |                                  |                                   |                                  |                                  |                                   |                                  |                                  |                                   |
| Anglican Education Commission                                    | 60                               |                                  |                                   | 121                              |                                  |                                   | 124                              |                                  |                                   | 128                              |                                  |                                   |
| Anglican Media Council   | 185                              |                                  |                                   | 189                              |                                  |                                   | 194                              |                                  |                                   | 199                              |                                  |                                   |
| Anglicare - research   | 100                              |                                  |                                   | 102                              |                                  |                                   | 105                              |                                  |                                   | 108                              |                                  |                                   |
| Evangelism & New Churches  | 255                              |                                  |                                   | 261                              |                                  |                                   | 268                              |                                  |                                   | 274                              |                                  |                                   |

Continued...

Continued...

|   | Actual for 2018                  |                                  |                                   | Proposal for 2019                |                                  |                                   | Estimate for 2020                |                                  |                                   | Estimate for 2021                |                                  |                                   |
|---|----------------------------------|----------------------------------|-----------------------------------|----------------------------------|----------------------------------|-----------------------------------|----------------------------------|----------------------------------|-----------------------------------|----------------------------------|----------------------------------|-----------------------------------|
|   | Synod<br>Appro. &<br>Alloc. Ord. | Parish<br>Cost<br>Recov.<br>Ord. | Church<br>Land<br>Acquis.<br>Levy | Synod<br>Appro. &<br>Alloc. Ord. | Parish<br>Cost<br>Recov.<br>Ord. | Church<br>Land<br>Acquis.<br>Levy | Synod<br>Appro. &<br>Alloc. Ord. | Parish<br>Cost<br>Recov.<br>Ord. | Church<br>Land<br>Acquis.<br>Levy | Synod<br>Appro. &<br>Alloc. Ord. | Parish<br>Cost<br>Recov.<br>Ord. | Church<br>Land<br>Acquis.<br>Levy |
| TEMOC - Anglican chaplaincy in tertiary education | 100                              |                                  |                                   | 102                              |                                  |                                   | 105                              |                                  |                                   | 108                              |                                  |                                   |
| Work Outside the Diocese Committee -              |                                  |                                  |                                   |                                  |                                  |                                   |                                  |                                  |                                   |                                  |                                  |                                   |
| Supporting gospel ministry outside the Diocese    | 223                              |                                  |                                   | 309                              |                                  |                                   | 327                              |                                  |                                   | 334                              |                                  |                                   |
| Funding the Diocese of Bathurst                   | -                                |                                  |                                   | 250                              |                                  |                                   | 250                              |                                  |                                   | 250                              |                                  |                                   |
| Youthworks - Ministry Support Team                | 272                              |                                  |                                   | 279                              |                                  |                                   | 285                              |                                  |                                   | 293                              |                                  |                                   |
| SRE Office - SRE Primary Upgrade                  | 200                              |                                  |                                   | 205                              |                                  |                                   | 210                              |                                  |                                   | 215                              |                                  |                                   |
| Lord Howe Island                                  | 20                               |                                  |                                   | 20                               |                                  |                                   | 21                               |                                  |                                   | 22                               |                                  |                                   |
| Diocesan Researcher                               | 44                               |                                  |                                   | 45                               |                                  |                                   | 46                               |                                  |                                   | 47                               |                                  |                                   |
| Contingencies                                     | 100                              |                                  |                                   | 92                               |                                  |                                   | 230                              |                                  |                                   | 322                              |                                  |                                   |
|   | 5,567                            | 5,535                            | 2,201                             | 6,178                            | 7,141                            | 2,254                             | 6,540                            | 7,991                            | 2,291                             | 6,688                            | 8,646                            | 2,345                             |
| <b>% increase on previous year</b>                |                                  |                                  |                                   | 11%                              | 29%                              | 2%                                | 6%                               | 12%                              | 2%                                | 2%                               | 8%                               | 2%                                |
| <b>\$ increase on previous year</b>               |                                  |                                  |                                   | 611                              | 1,606                            |                                   | 362                              | 851                              |                                   | 148                              | 655                              |                                   |

# Synod Appropriations and Allocations Ordinance 2018

No. 10, 2018

## Long Title

An Ordinance to authorise appropriations and allocations for 2019 and to indicate the Synod's intentions for allocations for 2020 and 2021.

## Preamble

By the *Synod Estimates Ordinance 1998*, the Standing Committee is to prepare for the second ordinary session of the 51<sup>st</sup> Synod a proposed ordinance which contains estimates for each of the following 3 financial years of –

- (a) 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,
- (b) 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
- (c) the amount available for distribution from endowments or other trusts for meeting the amounts referred to in paragraphs (a) and (b) which, in the opinion of the Standing Committee, may prudently be applied towards meeting the amounts referred to in paragraphs (a) and (b) in the relevant financial year,

with such estimates to reflect the statement of funding principles and priorities approved by the first ordinary session of the 51<sup>st</sup> Synod.

The Synod of the Diocese of Sydney Ordains as follows.

## 1. Name

This Ordinance is the *Synod Appropriations and Allocations Ordinance 2018*.

## 2. Interpretation

In this Ordinance –

- 5 "Allocations Report" means the part of Attachment 1 to Standing Committee's report to the Synod about this Ordinance headed "USE OF FUNDS".
- "Income Report" means the part of Attachment 1 to Standing Committee's report to the Synod about this Ordinance headed "SOURCE OF FUNDS".

## 3. Declarations

- 10 By reason of circumstances arising after the creation of the trusts on which the amounts referred to in the column headed "Proposed for 2019 – Synod Appro. & Alloc. Ord." in the Income Report are held it is inexpedient to carry out or observe those trusts or to deal with or apply those amounts solely for the same or like purposes as those trusts.

## 4. Variation of trusts

- 15 The trusts on which the amounts referred to in clause 3 above are held are varied to the extent necessary to permit the allocations under clause 5.

## 5. Appropriations and Allocations for 2019

- 20 (1) The Synod directs that the amounts referred to in the column headed "Proposed for 2019 – Synod Appro. & Alloc. Ord." in the Income Report be allocated in the manner specified in the corresponding column in the Allocations Report.
- (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.

## 6. Indication of intention for Appropriations and Allocations for 2020 and 2021

- 25 (1) The Synod intends that the amounts referred to in the columns headed "Estimate for 2020 – Synod Appro. & Alloc. Ord." and "Estimate for 2021 – Synod Appro. & Alloc. Ord." in the Income Report be allocated in the manner specified in the corresponding columns in the Allocations Report.
- (2) The Synod directs that the Standing Committee pass all such ordinances as may be necessary, from time to time, to give effect to the Synod's intention.

**7. Allocations to Diocese of Bathurst**

Any amount allocated or intended to be allocated to the Diocese of Bathurst in 2019, 2020 or 2021 referred to in the Allocations Report is to be applied for the purposes of funding the costs of the Bishop of Bathurst and his Registrar, provided that the Standing Committee is not authorised to apply such an amount unless  
5 the person who holds office from time to time as the Bishop of Bathurst does so with the written support of the Archbishop of Sydney acting in his capacity as Metropolitan.

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 2018.

Secretary of Synod

I Assent to this Ordinance.

Archbishop of Sydney

/ /2018

## Voluntary Relinquishment of Incumbency

### 33/17 Licensing of Incumbents interim report

(A report of the Standing Committee.)

#### Key Points

- A clear policy should be agreed and communicated to encourage and facilitate the voluntary relinquishment of incumbency.
- The recommended policy establishes the general expectation that, where appropriate, a negotiated voluntary relinquishment of incumbency would result in the individual receiving payment and benefits approximating the equivalent of 6 months of an incumbent's normal remuneration and benefits.
- The 'relinquishment payment' would be funded half by the parish and half by the Diocese.

#### Purpose

1. The purpose of this report is to recommend to the Synod how it implement a mechanism to facilitate the voluntary relinquishment of incumbency.

#### Recommendation

2. The Synod receives this report and –
  - (a) recommends that the policy in the Schedule to the report be passed as a policy of the Synod,
  - (b) requests that if the policy is passed as a policy of Synod, the following motion be moved “by request of the Standing Committee” –
 

‘Synod, noting the Voluntary Relinquishment of Incumbency report –

    - (a) requests the Standing Committee to –
      - (i) notify all parishes of the policy, highlighting the financial expectations upon parishes in such circumstances,
      - (ii) notify all Anglican Schools of the policy, indicating –
        - (A) appreciation for the generosity of schools which have willingly continued school fee discounts to the children of clergy whose fathers relinquished their orders, and
        - (B) that if there is a school family utilising this policy, the Regional Bishop or his delegate will be in contact to request that the school continue the provision of any existing discounts for the “agreed period”,
      - (iii) vary the terms of the Clergy Assistance Program to continue to provide access for the ‘agreed period’, and
      - (iv) review the policy after 3 years or the 10<sup>th</sup> “relinquishment payment”, whichever comes sooner, and
    - (b) requests the Archbishop to authorise that the Diocesan share of funding be provided initially from the Archbishop's Discretionary Trust, which may be reimbursed through a new element of the fixed ministry cost recovered through the PCR charge.’

#### Background

3. By resolution 33/17 Synod noted the Second Interim Report of the Licensing of Incumbents Review Committee and, by paragraph (d) of that resolution, “endorsed the concept of Voluntary Relinquishment of Incumbency as a mechanism to assist Rectors who are choosing, or being encouraged to leave a parish, and requested Standing Committee to determine how it is to be implemented and report to Synod in 2018”.
4. At its meeting on 12 February 2018 Standing Committee appointed a committee comprising Dr Robert Tong AM, Mr Michael Easton, Mrs Emma Newling, the Rev Andrew Bruce and Mr Mark Robinson, subject to their consent, to address the request of paragraph (d) of resolution 33/17 and report back to Standing Committee by 30 June 2018.

**Discussion**

5. The committee met on 31 May 2018 (with apologies from Messrs Tong & Easton) and then approved the final form of their report by email. Dr Tong was subsequently elected Chair.
6. The committee noted that the Second Interim Report of the Licensing of Incumbents Review Committee ("the Report") proposed two pathways following voluntary relinquishment of incumbency –
- (a) Ministry re-deployment (eg. assistant minister, school or Anglicare chaplain, theological educator, missionary service, para-church ministries) which is considered preferable if at all possible.
  - (b) Negotiated relinquishment as the second choice, assisted by a relinquishment package to make transitioning out of ministry a financially realistic possibility.
7. The Report proposed the following as possible components of a relinquishment package –
- (a) annual and long service leave entitlements,
  - (b) a 'relinquishment' payment to assist in re-training and redeployment,
  - (c) permission to remain in a parish residence for an agreed period (eg. up to 6 months),
  - (d) extension of discount at Anglican Schools for an agreed period,
  - (e) continued access to the Clergy Assistance Program, and
  - (f) provision of an outplacement service.
8. The Report also proposed the 'relinquishment' payment be calculated as a number of months (depending on individual circumstances but on average, say, 6 months) of each of the following –
- (a) Stipend (based on recommended minimum, currently \$65k pa)
  - (b) Allowances or benefits (as a minimum, travel benefit of say \$12k pa)
- plus payment for an out-placement service (say \$8k).
9. The Report then –
- (a) noted that assuming an average 'relinquishment' payment of something in the order of \$50k and an anticipated 5-8 such payments per year (based on advice from the regional bishops) the total cost would be \$250k - \$400k pa, and
  - (b) proposed the 'relinquishment' payments be funded 50% by the parish and 50% by the Diocese (either from the Archbishop's Discretionary Trust, or from a new component in the ministry costs recovered through the PCR charge). [Note – the majority of the funds which were merged in 2012 to form the Archbishop's Discretionary Trust came from the Clergy Mobility Fund. Over many years the Clergy Mobility Fund had itself been funded through a combination of the income available to Synod from trusts, including the Diocesan Endowment, and from direct parish assessments.]
10. The committee considered the allowances or benefits to be included in the 'relinquishment' payment should normally be limited to the fixed component of the recommended travel benefit.

**Proposal**

11. The committee recommends that Standing Committee recommend to Synod that it adopt the policy in the Schedule to this report.
12. If Synod adopts the policy, it should then make it publically available in a suitable form on the SDS website, and ask Standing Committee to –
- (a) notify all parishes of the financial expectations on parishes,
  - (b) notify all Anglican Schools of the policy and, acknowledging the past generosity of schools in such circumstances, to request their agreement to extend discounts when requested by the Regional Bishop,
  - (c) vary the terms of the Clergy Assistance Program to continue to provide access,
  - (d) review the operation, effectiveness and future funding of the policy after 3 years or the 10<sup>th</sup> "relinquishment payment", whichever comes sooner.
13. If Synod adopts the policy it should then also request the Archbishop to authorise the Diocesan share of the funding to be provided initially from the Archbishop's Discretionary Trust, with provision for reimbursement through the PCR.

For and on behalf of the Standing Committee.

DR ROBERT TONG AM  
*Chair, Voluntary Relinquishment of Incumbency Committee*

16 July 2018

## Proposed Policy on Voluntary Relinquishment of Incumbency

1. Where appropriate, rectors should be encouraged to relinquish voluntarily their licence if he (either acting on his own initiative or in response to encouragement from others), the Archbishop and the parish council agree this would be the best interests of all concerned.
2. Where the rector, the Archbishop and the parish council agree on such action, the preferred outcome should be to identify a suitable opportunity for the rector to be re-deployed in other ministry.
3. However, where ministry re-deployment is not considered appropriate the rector, the Archbishop and the parish council should negotiate a voluntary relinquishment of incumbency and/or Holy orders that incorporates a 'relinquishment payment' calculated with regard to the 'agreed period' as defined below.
4. Where the rector, the Archbishop and the parish council negotiate such a voluntary relinquishment of incumbency –
  - (a) The parish should –
    - (i) arrange for the individual to take substantially all of his accrued long service leave entitlement (and therefore receive the corresponding sabbatical allowance) prior to relinquishing his licence,
    - (ii) pay the accrued annual leave entitlement,
    - (iii) permit the individual to remain in the parish residence (either rent free or at a rental set to just recover outgoings) or continue to pay any existing housing benefit, for the 'agreed period', and
    - (iv) contribute 50% of the 'relinquishment payment' by continuing to pay that portion of the individual's former stipend and allowances which equates to the parish's contribution towards the 'relinquishment payment' over the 'agreed period'.
  - (b) The Archbishop will –
    - (i) request, where appropriate, the Anglican School where the individual's children are enrolled to continue to provide the existing discount for the children for the 'agreed period' after they relinquish their licence,
    - (ii) ensure continued access to the Clergy Assistance Program to the individual and his wife for the 'agreed period' after he relinquishes his licence, and
    - (iii) agree to pay 50% of the 'relinquishment payment', funded in the first instance from the Archbishop's Discretionary Trust, but on the understanding that the Archbishop's Discretionary Trust may later be reimbursed from a new element of the fixed ministry cost recovered through the PCR charge.
5. Definitions –
  - (a) The 'agreed period' is generally expected to be about 6 months, but may be varied to suit individual circumstances.
  - (b) The 'relinquishment payment' is calculated as the sum of –
    - (i) the recommended minimum stipend for the 'agreed period',
    - (ii) the fixed component of the recommended travel benefit for the 'agreed period',
    - (iii) \$8,000 (for outplacement services), plus
    - (iv) an amount to assist with medical expenses incurred as a result of the ill health of the individual or a member of his immediate family where that ill health has led to the relinquishment of his incumbency.

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

(A report from the Standing Committee.)

### Key Points

- A Committee appointed by the Standing Committee has engaged with the General Synod Standing Committee and the Safe Ministry Commission of the General Synod in respect to concerns about the Safe Ministry Standards in the Canon, which include:
  - the wording of the Safe Ministry Check and the lack of an alternative form for volunteers under 18 years of age,
  - the requirement for volunteers under 18 years of age to obtain a National Police History Check due to their ineligibility for a Working with Children Check, and
  - the inefficiency of the process for running checks against the National Register.
- The Safe Ministry Commission has accepted there is a need for an alternative form of Safe Ministry Check for persons under 18 years of age. However there remains disagreement on a number of matters. The General Synod Standing Committee is yet to approve any changes to the Safe Ministry Standards.
- The Standing Committee has passed the *Safe Ministry to Children Ordinance 2018* to give effect to the Canon in the form of a diocesan ordinance, minus those provisions that are not considered to be suitable or workable in the Diocese of Sydney.
- It is proposed that the *General Synod – Safe Ministry to Children Canon 2017 Adopting Ordinance 2017* be amended to make the commencement provision in clause 3 indefinite.

### Purpose

1. The purpose of this report is to update the Synod with respect to the work of the committee appointed by the Standing Committee to address the request of Resolution 20/17.

### Recommendations

2. It is recommended that –
  - (a) Synod receive this report.
  - (b) Synod pass the Bill for the General Synod – Safe Ministry to Children Canon 2017 Adopting Ordinance 2017 Amendment Ordinance 2018.

### Background

#### *The General Synod Canon*

3. The General Synod of the Anglican Church of Australia passed the *Safe Ministry to Children Canon 2017* (the Canon) at its 2017 session.
4. The Canon prescribes a code of conduct and minimum standards for safe ministry to children (the Safe Ministry Standards). The legislation was designed to promote a nationally consistent approach to minimum standards.
5. The Canon includes a declaration that it affects the order and good government of the Church within a diocese and does not come into force and effect in a diocese unless and until the diocese by ordinance adopts the Canon.

#### *Proceedings at the Synod of the Diocese of Sydney in 2017*

6. The *General Synod – Safe Ministry to Children Canon 2017 Adopting Ordinance 2017* (the Adopting Ordinance) was passed by the Synod of our Diocese on 10 October 2017, and received assent.
7. The Adopting Ordinance included a clause to defer its commencement to a date determined by the Standing Committee of the Diocese of Sydney (the Standing Committee) or on a date to be determined at the next ordinary session of the Synod, if the Standing Committee has not resolved to commence the Ordinance by that date.
8. The commencement was delayed to ensure that the Canon can be implemented effectively in our Diocese.
9. The Synod report outlined concerns about requiring volunteer church workers who are themselves children (i.e. under 18 years of age) to obtain a National Police History Check and complete a 'Safe Ministry

Check’ that includes age inappropriate questions about sexual conduct and other matters. The report also noted concerns about requiring volunteer church workers to be assessed against the National Register given the current cumbersome nature of the National Register checking process and the large number of assessments that would need to be undertaken (in the order of 15,000 for the Diocese of Sydney alone).

10. The Synod passed resolution 20/17 following passage of the Adopting Ordinance –

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

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

(Synod Resolution 20/17).

#### *Appointment of Committee*

11. At its meeting on 13 November 2017, the Standing Committee appointed a committee to address the requests in the resolution.

12. The Committee comprised the Chair of the General Synod Relations Committee (Dr Robert Tong) as Chair, the Director of Professional Standards (Mr Lachlan Bryant), the Registrar (Mr Doug Marr), the Rev Dr Andrew Ford, Canon Phil Colgan, and the Rev Hayden Smith (the Committee). The Standing Committee requested that the Committee consult with the Chancellor and Deputy Chancellor in relation to its work.

13. The Committee promptly engaged with the General Synod Standing Committee (the GSSC) and the Safe Ministry Commission of the General Synod (the Commission) in an effort to give effect to Synod Resolution 20/17. The Committee put forward various amendments to the Second Schedule of the Canon to make the standards suitable and workable in the Diocese of Sydney.

14. The Appendix provides a detailed explanation of the work undertaken by the Committee and the present status of each of the matters of concern.

#### *Safe Ministry to Children Ordinance 2018*

15. It is evident from the material in the Appendix that progress in negotiating amendments to the Safe Ministry Standards to render them suitable and workable within the Diocese of Sydney has been slow and difficult. The Commission has accepted there is a need for an alternative form of Safe Ministry Check for volunteer church workers under 18 years of age and has accepted many of the amendments put forward by the Committee. However, beyond this, little agreement has been reached on making further amendments to the Safe Ministry Standards.

16. In view of this, the Standing Committee has passed the *Safe Ministry to Children Ordinance 2018* (the Ordinance) to mirror the provisions of the Canon in the form of an Ordinance, but modified to the extent necessary for the provisions of the Canon to be suitable and workable for implementation in the Diocese of Sydney.

17. The Committee’s approach in preparing the Ordinance was to only make changes to the Canon to the extent necessary to make it workable in the Diocese of Sydney. It has taken this approach in order to maximise the similarity between the Canon and the Ordinance.

18. Given the complexity of the Canon (and the Ordinance), it is intended that short guidelines and/or a checklist be developed to explain the obligations in simple terms.

#### *Differences between the Canon and the Ordinance*

19. In summary, the Ordinance differs from the Canon in the following respects –

National Police Checks

20. Under the Canon a volunteer who proposes to undertake ministry to children must obtain a National Police History Check if they are not required to obtain a Working With Children Check (WWCC) by law. In NSW this means that a person under 18 years of age must obtain a National Police History Check. A National Police History Check costs \$42.00.

21. By contrast, the Ordinance will require a National Police History Check only if the volunteer –

- (a) is aged 18 years or more,
- (b) is not required or is not able to obtain a WWCC, and
- (c) is eligible to apply for a National Police History Check.

22. This will not prevent a parish or organisation from requiring a National Police History Check where the circumstances require a higher level of due diligence before appointing a person to a role involving ministry to children, but it will not be mandatory for a person under 18 years of age.

23. Another difference is that a person will not be required to obtain a National Police History Check if they are not required to obtain a WWCC by law, but are nonetheless able to obtain a WWCC, and they do so. There will be circumstances where a WWCC is not required by law (e.g., where an exemption applies under the *Child Protection (Working with Children) Act 2012*), but the person can still validly obtain a WWCC. There is no reason to require a National Police History Check in this circumstance.

24. It is expected that there will be very few (if any) circumstances where a person who is aged 18 years or more is unable to apply for a WWCC.

Safe Ministry Check

25. The Safe Ministry Check is a form of questionnaire and declaration that is to be completed before a person is ordained, issued with a licence/authority or undertakes ministry to children. It also includes a requirement for a character reference from 2 referees. The material is assessed in determining the person's suitability for ordination, licensing/authorisation or appointment to undertake ministry to children (as the case may be).

26. The Ordinance differs from the Canon in that –

- (a) the Safe Ministry Check will be the form prescribed by the Standing Committee of the Diocese of Sydney, and not the form tabled at the 17<sup>th</sup> ordinary session of the General Synod in 2017 including as subsequently amended by the GSSC, and
- (b) in the case of a volunteer church worker, the Safe Ministry Check will only be required if the person is aged 13 years or more.

27. It is understood there are approximately 50 young leaders involved in ministry to children in the Diocese who are aged below 13 years of age.

28. The Committee was particularly concerned about a requirement for these young leaders to complete a questionnaire that asked personal questions about sexual matters that were not age appropriate. The Committee was not convinced that there was sufficient utility in requiring the Safe Ministry Check for this age group, and considered that under 13 year old should be exempt. This means that it will be generally be high schoolers and above that need to complete the Check.

29. The Standing Committee is yet to prescribe the form of the Safe Ministry Check. The form of Check is likely to at least include the current form of Lifestyle Questionnaire in use in the Diocese. An alternative form for volunteers under 18 years of age will also be required. The GSSC may approve a form for the purposes of the Canon, which may also be suitable for use for the purposes of the Ordinance.

National Register

30. The Ordinance does not amend the requirement for National Register Assessments. However it does delay its commencement in relation to volunteer church workers until a date determined by the Standing Committee.

31. There is insufficient assurance at present that the General Synod Office can efficiently process checks on the National Register. It is expected that approximately 15,000 National Register checks would be required in relation to volunteers in the Diocese of Sydney alone.

32. It is unlikely that this part of the Ordinance will be commenced until there is satisfaction that National Register Checks can be performed in a straightforward and timely manner.

Amending or prescribing Codes of Conduct or Safe Ministry Standards

33. Under the Canon, the General Synod and the GSSC (by a two-thirds majority) have power to amend the Code of Conduct or Standards or to prescribe further Codes of Conduct or Standards. These changes then have automatic force in a diocese that has adopted the Canon.

34. The Ordinance does not include this provision. An amendment or further Codes or Standards will only apply in the Diocese of Sydney if they are approved by the Synod or the Standing Committee of the Diocese of Sydney following consultation with the Safe Ministry Board of our Diocese. This could include adopting them in a modified form to ensure they are suitable and workable in our Diocese.

35. The Synod and Standing Committee will also be able to make amendments or prescribe further Codes of Conduct or Standards at its own initiative.

Auditing

36. The auditing provisions in Part 4 of the Ordinance are substantially the same as the equivalent provisions in the Canon, except that –

- (a) the Standing Committee determines the scope of the audit instead of the General Synod Standing Committee,
- (b) the Diocesan Registrar appoints an independent person to undertake the audit instead of the General Secretary,
- (c) the report is provided to the Standing Committee and the Safe Ministry Board instead of the General Synod Standing Committee, and
- (d) the report is to be published on the Safe Ministry website instead of the General Synod website.

Consequential Changes

37. The Ordinance also includes various consequential changes, including –

- (a) Replacing generic references to dioceses and bodies of dioceses with particular references to the Diocese of Sydney and the relevant bodies of the Diocese. For example, it will be the Standing Committee of our Diocese that determines if a Church Body has equivalent standards for observance to those in the Ordinance instead of the GSSC.
- (b) Removing references that are specific to particular dioceses (for example, the definition of “risk assessment” in clause 1 of the Second Schedule which is particular to South Australia).
- (c) Removing female pronouns referring to the office of the Archbishop.
- (d) Referring to lay persons as holders of authorisations rather than licences.

Amending the Adopting Ordinance

38. Clause 3 of the Adopting Ordinance provides that the Adopting Ordinance is to commence on a date determined by the Standing Committee or on a date to be determined at the next ordinary session of the Synod, if the Standing Committee has not resolved to commence the Ordinance by that date.

39. Given that the amendments necessary to make the Safe Ministry Standards suitable and workable in the Diocese of Sydney are yet to be resolved with the GSSC, and in view of the passing of the *Safe Ministry to Children Ordinance 2018*, it is no longer proposed that a date be set for the commencement of the Adopting Ordinance. It is recommended that the Adopting Ordinance be amended so that clause 3 simply provides that it commences on a date determined by the Synod or the Standing Committee, without giving a timeframe for commencement.

40. Clause 4 of the *Safe Ministry to Children Ordinance 2018* provides that it will cease to have effect in the event that the Adopting Ordinance is commenced.

For and on behalf of the Standing Committee.

DR ROBERT TONG AM

*Chair, Safe Ministry to Children Canon Subcommittee*

28 September 2018

### Work undertaken by the Committee for the purposes of Synod Resolution 20/17

1. The Committee first met on 21 November 2017 and resolved to write to the GSSC setting out its concerns regarding the Canon, following consultation with the Chancellor and Deputy Chancellor.
2. A letter was sent to the General Secretary of the General Synod on 24 November 2017.
3. It is not clear whether the letter was provided to the GSSC when it met on 8-9 December 2017. However the General Secretary did forward it to the Safe Ministry Commission of the General Synod (the Commission) for its consideration.

### The requirement for National Police History Checks for volunteers under 18 years of age

4. The Chair of the Commission replied to the General Secretary on 21 February 2018 stating that the Commission did not support the Committee's recommendation that the Screening Standard be amended to omit the requirement for a National Police History Check for volunteer church workers who are under 18 years of age and ineligible for a Working with Children Check (WWCC) in their State or Territory.
5. In its reply, the Commission indicated that it interprets clause 6(1) of the Schedule to the Canon as enabling a person in NSW to undertake volunteer ministry to children without a National Police History Check (or WWCC) if they are under 14 years of age.<sup>1</sup>
6. The Committee had some reservations about whether this is correct, but accepted the Commission's interpretation of the Canon. On this view, the concern about the need for National Police History Checks in NSW can be narrowed to the age range 14-18 years.
7. Notwithstanding this, the Committee remained deeply concerned about mandatory National Police History Checks for volunteers in this age bracket.
8. A National Police History Check may well be an appropriate form of screening for a person in this age group in certain circumstances, such as if the person is new to the church and has an unknown background, but it should not be a mandatory minimum standard. The Committee considered that the criminal history assessments that operate as a minimum standard should not be more extensive than what is required by State and Territory Governments.
9. The Standing Committee resolved to request the Sydney representatives on the General Synod Standing Committee (GSSC) to move and support a motion at a meeting of the GSSC that the consultation process set out in clause 8 of the Schedule be undertaken in respect to a proposed amendment to clause 6(2)(a) of the First Schedule as follows:
  - (a) inserting the matter " , the person is not able to obtain either check and the person is 18 years or over" after the word "Territory", and
  - (b) substituting the words "the person" for "a volunteer".
10. The proposal was deferred at the 11-12 May 2018 meeting of the GSSC. However the General Synod Office have initiated a consultation process in respect to the proposed amendments.
11. The Commission has indicated that it opposes the proposed amendment.

### The Safe Ministry Check

12. Another component of the Screening Standard in the Canon is a Safe Ministry Check (the Check). This is to be completed before a person is ordained, issued with a licence or undertakes ministry to children. The Check requires answers to certain questions and a declaration that the answers are true and correct. It also includes a requirement for a character reference from 2 referees. The material is then to be assessed in determining the person's suitability for ordination, licensing or ministry to children (as the case may be).

---

<sup>1</sup> A person under the age of 14 years cannot apply for a National Police History Check in NSW.

13. The Canon provides for two forms of Safe Ministry Check – one for clergy and paid church workers and one for volunteers. The Committee objected to the volunteer Safe Ministry Check on the grounds that –
  - (a) the form is too complex and the questions are not age-appropriate for a person under 18 years of age,
  - (b) there is little utility, and there is the possibility for harm, in requiring a person who is 12 years or under (i.e. primary school aged) to complete the form, and
  - (c) the Canon is too prescriptive, and should give some flexibility for dioceses to modify the form to suit their particular context and requirements, without changing the substance of the form.
14. The Commission accepted that there is a need for an alternative form of Safe Ministry Check for persons under 18 years of age. Following consultation with dioceses, they developed a new form for this age group. The Commission adopted many, but not all, of the Committee's suggested changes. Parts of the form (in particular question 7) remained age inappropriate, children aged 12 years and under were still subject to the Check and there was no flexibility for dioceses to modify the form.
15. At its meeting on 11-12 May 2018, the GSSC received a report from the Commission concerning the Safe Ministry Check. The GSSC resolved to request representatives of the Commission and our Diocese to consult, with a view to bringing an agreed form of Check for volunteers under the age of 18, or alternative proposed amendments. The GSSC requested that responses be provided to the General Secretary by 31 July 2018.
16. On 12 July 2018, members of the Committee met with members of the Commission. The form of the Safe Ministry Check was debated and discussed at the meeting. Certain changes to the form were agreed at the meeting, but agreement was not reached on other matters. A revised form of the Check for volunteers under 18 years of age was produced by the Commission.
17. The Chair of the Commission requested that the Diocese of Sydney indicate whether it agrees with the revised form for voluntary church workers under the age of 18 years, with a view to our position then being communicated to the GSSC.
18. At its meeting in July 2018, the Standing Committee agreed to the content of the revised form of the Check for a person under 18 years of age, subject to –
  - (a) the Screening Standard in clause 6(2)(c) the Canon being amended to exempt a volunteer who is 12 years or under from the Check,
  - (b) the section "What you have to do" being amended by omitting the following paragraph –

"If you are over the age of 14 years, you will also need to provide a National History Police History Check unless you are required to have a Working with Children Check or Working with Vulnerable Person Check.", and
  - (c) dioceses having flexibility to use a form of check that "includes" the Safe Ministry Check, as per the consensus at the meeting on 12 July 2018 with respect to the definition of "Safe Ministry Check" in the Canon.
19. The issue will be considered by the GSSC at its meeting in November 2018.

#### **Intervals for conducting the Safe Ministry Check**

20. In the course of discussion with the Commission, it became apparent that there were different understandings about the required intervals for conducting a Safe Ministry Check in relation to a person.
21. Representatives of the Commission expressed the view that for a member of clergy, the Safe Ministry Assessment (on the basis of a fresh Check) would need to be conducted prior to ordination, and prior to each licence being issued to the member of clergy thereafter. They noted that this could lead to short or long periods between Safe Ministry Assessments, depending on how often the person was issued with a licence. The Commission has proposed that the Canon require the Safe Ministry Assessment to be conducted at 5 yearly intervals.
22. The Canon does not in fact specify when the Safe Ministry Check is to be completed, only that the results of the Safe Ministry Check and the responses of the person's referees be considered prior to ordination, licensing or undertaking ministry to children (as the case may be) as part of a Safe Ministry Assessment.
23. The Chair of the Commission requested an indication of the Committee's position on the proposal. The Committee has communicated that it does not support the Commission's proposal. The main reason is that the Standards are already too prescriptive and that this would remove discretion from

dioceses to determine themselves how often the Check should be completed before undertaking Safe Ministry Assessments. Five yearly intervals will require 20% of all clergy and church workers to complete the Check each year. This is a substantial number of people, especially if the Commission's proposal extends to volunteers, something the Commission has not clarified.

24. The Commission has not communicated further on this matter and it is unclear whether it will pursue the amendment with the GSSC.

#### **National Register Assessments**

25. The Screening Standard in the Canon also requires an assessment against the National Register. In its letter to the General Secretary of the General Synod of 24 November 2017, the Committee raised concerns about the inefficiency of the process proposed by the General Synod Office in view of the very large number of checks that will need to be conducted.

26. In response, on 29 January 2018 the General Secretary stated –

“The GSSC also received a report on the project underway to review the access and search capability of the National Register, to facilitate the increased number of searches anticipated following the application of the new screening requirements under the Canon.

This report outlined the issues associated with changes to the search process, specifically balancing the accessibility of the National Register with the principles of privacy and security entrenched in the design of the National Register Canon and protocols.

It should be noted that dioceses which adopt the Safe Ministry Canon are not obligated to commence National Register assessments until a date determined by the General Synod Standing Committee. (s 14(2) of the Second Schedule, Safe Ministry Canon 2017 )

Only when the Standing Committee is satisfied that the National Register assessment process is workable will a date be set by which the requirement will come into force.

The General Synod Office anticipates consulting with dioceses on proposed options for revised search process for the National Register early in 2018 and it is intended to bring a recommendation to the GSSC's meeting in May 2018.

This office will be in contact with the Diocese of Sydney in regard to these initiatives.”

27. The Committee has not received any further update from the General Synod Office concerning the National Register processes.
28. The Committee remains of the view that there is insufficient assurance at present that checks against the National Register can be conducted in an efficient manner.

## General Synod – Safe Ministry to Children Canon 2017 Adopting Ordinance 2017 Amendment Ordinance 2018

No \_\_\_\_\_, 2018

### Long Title

An Ordinance to amend the *General Synod – Safe Ministry to Children Canon 2017 Adopting Ordinance 2017 Amendment Ordinance 2018*.

The Synod of the Diocese of Sydney ordains as follows.

#### 1. **Name**

This Ordinance is the *General Synod – Safe Ministry to Children Canon 2017 Adopting Ordinance 2017 Amendment Ordinance 2018*.

#### 2. **Amendment**

Clause 3 of the *General Synod – Safe Ministry to Children Canon 2017 Adopting Ordinance 2017 Amendment Ordinance 2018* is amended by –

- (a) omitting the words “on a date to be determined at the next ordinary session of this Synod, if the Standing Committee has not resolved that the Ordinance should commence by that date”,  
and
- (b) inserting instead the words “the Synod”.

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 \_\_\_\_\_ 2018.

Secretary

I Assent to this Ordinance.

Archbishop of Sydney

/ /2018

## Parochial Cost Recoveries and Church Land Acquisitions Levy Ordinance 2018

### Explanatory Report

*This explanatory report and accompanying Bill are revised forms of the report and Bill of the same name, included in the earlier release of Book 3. Changes are shown in tracked form or grey highlight as appropriate.*

#### Key Points

- Parochial network costs are expected to rise sharply in 2019 due principally to –
  - the large increase in the expected cost of the ACPT's parish property and liability insurance program,
  - the additional cost of the expanded role of the Professional Standards Unit,
  - the funding needed for the new Ministry Spouse Support Fund,
  - the introduction of the ACPT's new management fee structure payable by all parishes through PCR, and
  - from 2020, the cost of funding the Diocesan contribution to the proposed Voluntary Relinquishment of Incumbency program.
- These increased parochial network costs will require an increase in the variable PCR charge from approximately 5.0% in 2018 to 6.41% in 2019 and then ~~7.06~~6.6% and 7.40% in the following years.
- Fixed Ministry Costs (for clergy licensed to the parish) are expected to increase only slightly, mainly due to the expected annual increases in stipends.
- The Church Land Acquisition Levy continues at 2% each year.

#### 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. The report should be read in conjunction with the broader explanations provided in the *Statement of Funding Principles and Priorities 2016 – 2018* (the "Statement").

#### Recommendation

2. The Synod pass the bill as an ordinance of the Synod.

#### Background

3. Under the *Synod Estimates Ordinance 1998* the Standing Committee is required to prepare for the second ordinary session of the 51<sup>st</sup> Synod a proposed ordinance reflecting the Statement which contains Synod funding estimates for 2019-2021.

4. The *Parochial Cost Recoveries and Church Land Acquisitions Levy Ordinance 2018* (the "Ordinance") has been prepared to give effect to the Statement with respect to funds recovered from and levied on parishes.

5. The details of the cost recoveries charge in respect of ministry costs and parochial network costs and the levy to acquire land for future church sites under the *Parochial Cost Recoveries and Church Land Acquisitions Levy Ordinance 2018* are shown in Attachment 1 to this report. The estimate of the amount of the variable parochial cost recoveries charge and the church land acquisitions levy to be paid by each parochial unit are shown in Attachment 2 to this report.

#### Parochial network costs

6. The aggregate of the estimated amount of parochial network costs to be recovered from parishes in the form of the variable parochial cost recovery charge for 2019 is \$7,141,000. This is a 29% increase over the total for 2018. The estimates of the amounts to be recovered for 2020 and 2021 are \$7,991,000 and \$8,646,000 respectively. There are 5 main drivers for this very significant increase in parochial network costs.

#### Parish insurance program

7. At its meeting on ~~20 April 2018~~ 21 September 2018 the Board of the Property Trust approved the following revised forecast of costs for the parish insurance program –

2019 = ~~\$4,800,000~~\$4,562,341 (an increase of ~~17.1%~~11.3% or approximately ~~0.62%~~0.41% of net operating receipts)

2020 = ~~\$5,400,000~~\$5,003,912 (an increase of ~~12.5%~~10.0%)

2021 = ~~\$6,000,000~~\$5,538,369 (an increase of ~~11.1%~~10.7%)

8. ~~[The Property Trust has been invited to provide an explanation of the reasons for the expected increases in the cost of each of the major components of the program. Insurance premiums represent 40% of the total program costs with the aggregate deductible contributing 14%, broker and SDS fees 16%, and the contribution to the fund for uninsured risks a further 30% of the total program cost].~~ The Property Trust continues to work with its insurance broker and other advisors to maximise the insurance cover for parishes at the most efficient cost. However, there has been a significant hardening of the insurance market over the past year and the terms of the renewal negotiated from 31 August 2018 reflect significant increases in premiums for most classes of insurance –

- (a) The current estimates of the premium applicable to the Industrial Special Risks (ISR) policy covering building and contents (which represents 30% of the cost of the parish insurance program) represent increases of 11% (2019), 17% (2020) and 19% (2021).
- (b) The cost of public liability cover is expected to jump 68% in 2019 reflecting the hardening market and reduced appetite of insurers to take on risks associated with faith-based organisations. For the following two years public liability and all other classes of insurance cover (collectively representing 10% of the total program cost) are estimated to experience annual premium increases around 7% pa.
- (c) Significant increases of approximately 15% pa are expected for the next three years in the aggregate deductible applicable to the ISR and public liability policies (representing 14% of the program cost).
- (d) The cost of most other elements of the parish insurance program is expected to rise relatively less steeply, with broker and other advisor fees increasing approximately 7% pa and Secretariat fees by 10% pa (collectively these fees amount to 16% of the program cost). The contribution to uninsured risks (which is currently 30% of the total program cost) is expected to increase by 3% on 2019 and then remain steady.

#### *Professional Standards Unit (PSU)*

9. The parish related work of the PSU has increased significantly from 1 November 2017 as the PSU has been given responsibility for handling complaints about various forms of misconduct, including bullying and domestic abuse, as a result of the commencement of the *Ministry Standards Ordinance 2017* and the adoption of the Responding to Domestic Abuse: Provisional Policy and Good Practice Guidelines. As a result the PSU's actual parish related costs for 2018 and forecast costs for 2019-2021 are substantially higher than the amount being recovered from parishes through the variable PCR charge for 2018. The amount to be recovered each year from parishes has therefore been increased by \$150,000, plus inflation.

10. In a report prepared in April 2018 the PSU identified the principal contributors to its increased work load as being –

- (a) An urgent review of the Diocese's Safe Ministry position in light of the final recommendations made by the Royal Commission into Institutional Responses to Child Sexual Abuse (estimated to cost \$25,000).
- (b) Its new responsibility for dealing with complaints about "misconduct", which includes bullying and a variety of other matters such as domestic abuse, arising from the commencement of the *Ministry Standards Ordinance 2017* and the adoption of a provisional policy and guidelines for responding to domestic abuse. The investigation of these matters will involve the need for contact persons, counselling, mediation, investigations, pastoral support and PSU staff time.

11. The PSU has identified that this increased workload will require –

|  |           |
|--|-----------|
| Assistant Director and support staff – increase staff time               | \$60,000  |
| Counselling – increase budget from \$50,000 to \$60,000                  | \$10,000  |
| Investigations – increase budget from \$6,000 to \$30,000                | \$24,000  |
| Contact Persons – increase budget from \$34,000 to \$50,000              | \$16,000  |
| ADR/mediation – new recurring item not previously budgeted               | \$20,000  |
| DV support (incl. training) – new recurring item not previously budgeted | \$20,000  |
| Total  | \$150,000 |

12. In addition, a new line has been added to recognise the reality that the PSU is called upon to provide the initial funding for a number of non-standard expenses such as the costs of tribunals investigating

allegations of child sexual abuse and payments to parishes to cover the cost of clergy stood down as a result of a complaint brought under the *Ministry Standards Ordinance 2017*. These non-standard expenses of the PSU then also need to be recovered from parishes.

#### *Ministry Spouse Support Fund*

13. This is a new initiative recommended by the Episcopal team and endorsed by Standing Committee in response to Synod resolutions 16/17 and 32/17. The Fund is to be used to provide assistance for spouse and families of clergy and lay stipendiary workers where separation has occurred due to the misconduct of the clergy or lay stipendiary worker.

#### *Property Trust management fee*

14. As part of a move to a more equitable basis for the management fees charged by the Property Trust for its services, Standing Committee agreed to add a new item into the parochial network costs to enable the Property Trust to recover some of its costs from all parishes. This new fee of \$521,000, equal to approximately 0.46% of each parish's net operating receipts, is designed to cover the cost of the Property Trust's service to parishes in property title administration, administration of government grants, compliance with heritage requirements, fire safety compliance, leasing and licencing, development applications, and political advocacy in relation to zoning and information for parish officers. (Offsetting this new cost the Property Trust's fee for managing client funds has been reduced from 1.1% pa to 0.5% pa of the balance of invested funds.)

#### *Voluntary Relinquishment of Incumbency fund*

15. It is estimated that the amount needed to fund the Diocesan contribution to the proposed Voluntary Relinquishment of incumbency scheme will be approximately \$200,000 per year. The scheme envisages that where the rector, the Archbishop and the parish council agree to the rector voluntarily relinquishing his licence in circumstances where no suitable opportunity for his re-deployment in other ministry has been identified, a 'relinquishment payment' funded 50% by the parish and 50% by the Diocese may be appropriate. The Diocesan contribution is to be funded in the first instance from the Archbishop's Discretionary Trust, on the understanding that the Archbishop's Discretionary Trust may later be reimbursed from a new component of the parochial network costs.

#### *Other components*

16. The expected cost of the parish risk management program, which has recently been refreshed with the addition of a number of short videos, has been based on 2018 actual plus CPI of 2.4% in 2019 and 2.5% pa each year thereafter.

17. The safe ministry training program is now managed and delivered directly by the PSU. Significant one-off additional funding was provided in 2017 to enable the PSU to develop and roll out online training resources. At the time it was anticipated that the availability of online training would reduce the ongoing cost of the PSU delivering their core programs. While the online material has been well received and has reduced the need for some of the traditional face-to-face training, at the same time the PSU has been called upon to develop new training resources, particularly in relation to domestic abuse and violence. The result has been that the increased scope of the training required has absorbed the resources that had been freed up as a result of the use of the online material and the overall annual cost of the program is now expected to remain similar to 2018, with a modest increase each year to cover inflation.

18. A provision for relief and remission of cost recovery charges based on the Finance Committee's previous recommendation has been retained at \$10,000 pa.

19. Approximately 50% of the cost of the Diocesan archives is considered an essential component of the parish network and the amount of the allocation for this purpose in 2019, and the estimates of the amounts for 2020 and 2021, have been increased to allow for inflation.

20. The amount of the Secretariat's charge for administration and accounting services provided for the PCR Fund 951, approved by the Finance Committee, is based on 2018 actual plus CPI of 2.4% in 2019 and 2.5% pa each year thereafter.

#### **Ministry costs**

21. The ministry costs to be recovered through the 'fixed' portion of the parochial cost recoveries charge consist of the contributions required on behalf of each of ordained ministry staff member licensed to the parochial unit.

22. Superannuation – Standing Committee's recommended minimum stipends for rectors and assistant ministers in 2019 represents a 1.6% increase over the equivalent rate for 2018. The superannuation contribution rate of 17% remains unchanged, so the annual superannuation charge for 2019 is therefore

expected to increase by 1.6% to \$11,354 for a rector. A 3% pa increase in stipends has been assumed for 2020 and 2021, giving a corresponding increase in the superannuation charge in each of those years.

23. Long service leave – The Anglican Church of Australia Long Service Leave Fund is not expected to advise the member contribution rate for 2019 until sometime in the 4<sup>th</sup> quarter of 2018. It is expected the rate determined will reflect the increase in the national stipend (which we have assumed will be approximately 3% pa). Accordingly, after maintaining the existing level of LSL administration fee, an overall increase of 3% has been assumed for each of the 3 years.

24. Stipend continuance insurance – Our broker's advice is that we should expect continuing premium rate increases for this insurance, although the annual increase should be less than experienced recently. Accordingly, while the amount of the premium rate increase to take effect from 2019 cannot be accurately predicted at this stage, Standing Committee considers it prudent to provide for a 5% increase in 2019 and then a further 3% increase in 2020, on top of the expected stipend increases.

25. Clergy Assistance Program – For 2018 the cost of this program was reduced slightly to \$120 per clergy person licensed to a parish, based on initial experience. The program itself has been well received and is apparently continuing to meet a real need. Coverage has also been extended to enable the spouse of parish clergy to access the program independent of the clergy person. The net result has been an increase in the average number of counselling sessions conducted per month, and hence the cost of the program, but at this stage it is expected a continuation of the present charge of \$120 per clergy person should be sufficient to cover these costs in 2019 and the following two years.

26. Sickness and Accident Fund – This is a self-insured risk and the recent experience of claims paid indicates that the 2019-2021 charge for all ministers can be maintained at the same rate as 2018.

27. The amount of both the variable PCR percentage and the ministry costs to be recovered through the 'fixed' portion of the parochial cost recoveries charge for 2019, and the estimates for 2020 and 2021, may need to be varied if the actual amount of any of the components of the parochial network costs or ministry costs for any of these years differs materially from the estimates identified above when this report was compiled for Synod.

28. Details of the estimated amount of each of the parochial network costs and the ministry costs are shown in Attachment 2.

29. The levy of 2% of each parish's net operating receipts continues with all of the funds raised allocated to the Mission Property Fund to acquire land for future church sites in the expanding greenfield areas of the Diocese, which remains a major long term Mission initiative. The proceeds of the levy are expected to be approximately \$2,254,000 in 2019 rising to \$2,299,000 and then \$2,345,000 in the later years, which is probably sufficient to purchase one new church site every two years. This is a significant contribution to this initiative and will go a long way toward enabling a permanent ministry presence to be established in new housing areas. The Mission Property Committee's most recent acquisition of land funded by the levy was at 162 Badgerys Creek Road Bringelly in July 2017. Since then the NSW Government has announced the release of land for 30,000 homes in the nearby South West Creek.

29-30. In addition to the parochial network costs and the ministry costs defined in the Ordinance, in March 2019 only, each parochial unit is to also pay a contribution of \$100 towards the cost of the purchase of the Community Social Profiles produced by NCLS. (Standing Committee has resolved to apply an amount of up to \$35,000 from Synod Fund Contingencies in 2019 to purchase the Community Social Profile for each parochial unit, and the contribution of \$100 per parish will be used to partly offset this initial purchase price.)

For and on behalf of the Standing Committee.

BISHOP PETER HAYWARD  
*Chair, Diocesan Resources Committee*

25 September 2018

## Parochial Cost Recovery Charges &amp; Church Land Acquisitions Levy for 2019 – 2021

|  | Actual for 2018  | Proposal for                            |                  |                  |
|--|------------------|---|------------------|------------------|
|  |                  | 2019                                    | 2020             | 2021             |
| <b>Parochial Network Costs</b>   |                  |   |                  |                  |
| Parish property and liability insurance program                              | 4,100,000        | 4,562,341                               | 5,003,912        | 5,538,369        |
| Parish risk management program   | 230,000          | 236,000                                 | 241,000          | 247,000          |
| Professional Standards Unit -  |                  |   |                  |                  |
| Parish related costs   | 781,000          | 950,000                                 | 973,000          | 998,000          |
| Reimbursing Synod Risk Reserve for non-standard expenses                     | -                | 50,000                                  | 50,000           | 50,000           |
| Safe ministry training program   | 145,000          | 148,000                                 | 152,000          | 156,000          |
| Ministry Spouse Support Fund   | -                | 150,000                                 | 150,000          | 150,000          |
| Provision for relief and remission of PCR charges                            | 10,000           | 10,000                                  | 10,000           | 10,000           |
| Parish contribution to the cost of Diocesan archives                         | 68,000           | 70,000                                  | 71,000           | 73,000           |
| SDS fee for managing the PCR Fund 951  | 201,000          | 206,000                                 | 211,000          | 216,000          |
| ACPT management fee payable by all parishes with property                    | -                | 521,000                                 | 533,000          | 546,000          |
| Voluntary relinquishment of incumbency fund                                  | -                | -                                       | 200,000          | 200,000          |
|  | <b>5,535,000</b> | <b>6,903,341</b>                        | <b>7,594,912</b> | <b>8,184,369</b> |
| <i>\$ increase on previous year</i>  |                  | 25%                                     | 10%              | 8%               |
| Total Net Operating Receipts 2016  | 110,074,059      |   |                  |                  |
| Total Net Operating Receipts 2017-2019 - estimate 30 August 2018             |                  | 112,692,346                             | 114,946,193      | 117,245,117      |
| <b>Variable PCR charge percentage</b> (parochial units with property)        | <b>5.05%</b>     | <b>6.14%</b>                            | <b>6.63%</b>     | <b>7.00%</b>     |
| <b>Variable PCR charge percentage</b> (parochial units without property)     | <b>3.03%</b>     | <b>3.44%</b>                            | <b>3.71%</b>     | <b>3.92%</b>     |
| <b>Ministry costs (per F/T minister)</b>                                     |                  |   |                  |                  |
| <b>Ministers, Assistant Ministers</b> (7+ years, Senior Assistant Ministers) |                  |   |                  |                  |
| Superannuation contribution  | 11,171           | 11,354                                  | 11,695           | 12,045           |
| Long service leave contribution  | 1,654            | 1,704                                   | 1,755            | 1,808            |
| Clergy Care -  |                  |   |                  |                  |
| Stipend Continuance Insurance  | 2,161            | 2,269                                   | 2,407            | 2,480            |
| Clergy Assistance Program  | 120              | 120                                     | 120              | 120              |
| Clergy Contact Person Program  | 62               | -                                       | -                | -                |
| Sickness & accident fund   | 125              | 125                                     | 125              | 125              |
| <b>Cost per minister</b>   | <b>15,294</b>    | <b>15,573</b>                           | <b>16,103</b>    | <b>16,578</b>    |
| <b>Assistant Ministers</b>   |                  |   |                  |                  |
| Superannuation contribution  | 10,054           | 10,218                                  | 10,525           | 10,840           |
| Long service leave contribution  | 1,654            | 1,704                                   | 1,755            | 1,808            |
| Clergy Care -  |                  |   |                  |                  |
| Stipend Continuance Insurance  | 2,161            | 2,269                                   | 2,407            | 2,480            |
| Clergy Assistance Program  | 120              | 120                                     | 120              | 120              |
| Clergy Contact Person Program  | 62               | -                                       | -                | -                |
| Sickness & accident fund   | 125              | 125                                     | 125              | 125              |
| <b>Cost per minister</b>   | <b>14,177</b>    | <b>14,437</b>                           | <b>14,933</b>    | <b>15,373</b>    |
| <b>Church Land Acquisitions Levy</b>   |                  |   |                  |                  |
| <b>Contribution to the acquisition of land for future church sites</b>       | 2,201,000        | 2,254,000                               | 2,299,000        | 2,345,000        |
| <b>Parish levy percentage</b>  | <b>2.00%</b>     | <b>2.00%</b>                            | <b>2.00%</b>     | <b>2.00%</b>     |
| <b>Contribution to the cost of NCLS Community Social Profiles</b>            | -                | \$100 per parish, payable in March 2019 | -                | -                |

## Attachment 2

## Variable PCR Charge and Church Land Acquisitions Levy for 2019

|   | \$          | Parishes with property | Parishes without property |
|---|-------------|------------------------|---------------------------|
| Parochial Network Costs to be recovered in 2019                 | 6,903,341   | 6.144140%              | 3.440718%                 |
| Contribution to the acquisition of land for future church sites | 2,253,847   | 2.00%                  | 2.00%                     |
| Total Net Operating Receipts for 2017 (estimate 30 August 2018) | 112,692,346 |                        |                           |

|    | Parish,<br>Prov.P,<br>R.Church,<br>Prov.R.C. | Region | Parochial Unit                             | 2017 Net<br>Operating<br>Receipts | 2019<br>Variable<br>PCR<br>charge for<br>parishes<br>with<br>property | 2019<br>Variable<br>PCR<br>charge for<br>parishes<br>without<br>property | 2019<br>Church<br>Land<br>Acquisition<br>Levy |
|----|--|--------|--|-----------------------------------|---|--|---|
| 1  | PP   | S      | Abbotsford                                 | 182,301                           | 11,201  |  | 3,646   |
| 2  | P  | W      | Albion Park                                | 272,024                           | 16,714  |  | 5,440   |
| 3  | P  | S      | Annandale                                  | 567,480                           | 34,867  |  | 11,350  |
| 4  | P  | N      | Artarmon                                   | 288,095                           | 17,701  |  | 5,762   |
| 5  | P  | S      | Ashbury                                    | 254,884                           | 15,660  |  | 5,098   |
| 6  | P  | S      | Ashfield Five Dock and Haberfield          | 927,555                           | 56,990  |  | 18,551  |
| 7  | P  | N      | Asquith / Mt Colah / Mt Kuring-gai         | 390,453                           | 23,990  |  | 7,809   |
| 8  | P  | WS     | Auburn - St Philip                         | 324,598                           | 19,944  |  | 6,492   |
| 9  | PP   | WS     | Auburn - St Thomas                         | 166,219                           | 10,213  |  | 3,324   |
| 10 | P  | W      | Austinmer                                  | 406,618                           | 24,983  |  | 8,132   |
| 11 | P  | N      | Balgowlah                                  | 356,402                           | 21,898  |  | 7,128   |
| 12 | P  | S      | Balmain                                    | 130,178                           | 7,998   |  | 2,604   |
| 13 | P  | G      | Bankstown                                  | 152,957                           | 9,398   |  | 3,059   |
| 14 | P  | N      | Barrenjoey                                 | 397,039                           | 24,395  |  | 7,941   |
| 15 | P  | WS     | Baulkham Hills                             | 291,250                           | 17,895  |  | 5,825   |
| 16 | PP   | G      | Bayside (formerly Arncliffe)               | 299,183                           | 18,382  |  | 5,984   |
| 17 | P  | N      | Beecroft                                   | 432,955                           | 26,601  |  | 8,659   |
| 18 | P  | S      | Bellevue Hill                              | 212,501                           | 13,056  |  | 4,250   |
| 19 | P  | G      | Belmore with McCallums Hill & Clemton Park | 154,364                           | 9,484   |  | 3,087   |
| 20 | P  | N      | Belrose                                    | 369,559                           | 22,706  |  | 7,391   |
| 21 | PP   | WS     | Berala                                     | 182,830                           | 11,233  |  | 3,657   |
| 22 | P  | N      | Berowra                                    | 369,544                           | 22,705  |  | 7,391   |
| 23 | P  | W      | Berry                                      | 131,112                           | 8,056   |  | 2,622   |
| 24 | P  | G      | Beverly Hills with Kingsgrove              | 508,657                           | 31,253  |  | 10,173  |
| 25 | P  | WS     | Blackheath                                 | 177,593                           | 10,912  |  | 3,552   |
| 26 | P  | WS     | Blacktown                                  | 504,086                           | 30,972  |  | 10,082  |
| 27 | P  | G      | Blakehurst                                 | 188,363                           | 11,573  |  | 3,767   |
| 28 | P  | W      | Bomaderry                                  | 203,602                           | 12,510  |  | 4,072   |
| 29 | P  | S      | Bondi and Waverley                         | 499,617                           | 30,697  |  | 9,992   |
| 30 | P  | W      | Bowral                                     | 594,530                           | 36,529  |  | 11,891  |
| 31 | P  | G      | Brighton / Rockdale                        | 193,319                           | 11,878  |  | 3,866   |

|    | Parish,<br>Prov.P,<br>R.Church,<br>Prov.R.C. | Region | Parochial Unit                       | 2017 Net<br>Operating<br>Receipts | 2019<br>Variable<br>PCR<br>charge for<br>parishes<br>with<br>property | 2019<br>Variable<br>PCR<br>charge for<br>parishes<br>without<br>property | 2019<br>Church<br>Land<br>Acquisition<br>Levy |
|----|--|--------|--------------------------------------|-----------------------------------|---|--|---|
| 32 | P  | S      | Broadway                             | 1,209,210                         | 74,296  |  | 24,184  |
| 33 | P  | W      | Bulli                                | 408,779                           | 25,116  |  | 8,176   |
| 34 | P  | S      | Burwood                              | 364,049                           | 22,368  |  | 7,281   |
| 35 | PP   | G      | Cabramatta                           | 422,914                           | 25,984  |  | 8,458   |
| 36 | P  | WS     | Cambridge Park                       | 152,599                           | 9,376   |  | 3,052   |
| 37 | P  | W      | Camden                               | 677,868                           | 41,649  |  | 13,557  |
| 38 | P  | W      | Campbelltown                         | 738,617                           | 45,382  |  | 14,772  |
| 39 | P  | G      | Campsie                              | 228,511                           | 14,040  |  | 4,570   |
| 40 | P  | G      | Canterbury with Hurlstone Park       | 179,855                           | 11,051  |  | 3,597   |
| 41 | P  | W      | Caringbah                            | 664,773                           | 40,845  |  | 13,295  |
| 42 | P  | WS     | Carlingford and North Rocks          | 1,576,853                         | 96,884  |  | 31,537  |
| 43 | P  | WS     | Castle Hill                          | 2,254,787                         | 138,537   |  | 45,096  |
| 44 | P  | S      | Centennial Park                      | 656,318                           | 40,325  |  | 13,126  |
| 45 | P  | N      | Chatswood                            | 542,430                           | 33,328  |  | 10,849  |
| 46 | RC (np)                                      | WS     | Cherrybrook #                        | 296,894                           |   | 10,215   | 5,938   |
| 47 | PP   | G      | Chester Hill with Sefton             | 229,200                           | 14,082  |  | 4,584   |
| 48 | P  | N      | Christ Church Northern Beaches       | 229,003                           | 14,070  |  | 4,580   |
| 49 | PRC (np)                                     | G      | Church at the Peak Peakhurst South # |                                   |   | 0  | 0   |
| 50 | P  | S      | Church Hill                          | 1,264,945                         | 77,720  |  | 25,299  |
| 51 | P  | S      | Clovelly                             | 362,448                           | 22,269  |  | 7,249   |
| 52 | PP   | W      | Cobbitty                             | 265,698                           | 16,325  |  | 5,314   |
| 53 | P  | S      | Concord & Burwood                    | 128,792                           | 7,913   |  | 2,576   |
| 54 | PP   | S      | Concord North                        | 246,154                           | 15,124  |  | 4,923   |
| 55 | P  | S      | Concord West                         | 135,097                           | 8,301   |  | 2,702   |
| 56 | P  | S      | Coogee                               | 191,332                           | 11,756  |  | 3,827   |
| 57 | P  | S      | Cooks River                          | 157,508                           | 9,678   |  | 3,150   |
| 58 | P  | W      | Corrimal                             | 215,211                           | 13,223  |  | 4,304   |
| 59 | P  | WS     | Cranebrook with Castlereagh          | 376,716                           | 23,146  |  | 7,534   |
| 60 | P  | N      | Cremorne                             | 297,255                           | 18,264  |  | 5,945   |
| 61 | P  | W      | Cronulla                             | 257,155                           | 15,800  |  | 5,143   |
| 62 | P  | S      | Croydon                              | 783,514                           | 48,140  |  | 15,670  |
| 63 | PP   | W      | Culburra Beach                       | 109,083                           | 6,702   |  | 2,182   |
| 64 | P  | W      | Dapto                                | 881,934                           | 54,187  |  | 17,639  |
| 65 | P  | S      | Darling Point                        | 838,774                           | 51,535  |  | 16,775  |
| 66 | P  | S      | Darling Street                       | 644,412                           | 39,594  |  | 12,888  |
| 67 | P  | S      | Darlinghurst                         | 637,953                           | 39,197  |  | 12,759  |
| 68 | P  | N      | Dee Why                              | 268,949                           | 16,525  |  | 5,379   |
| 69 | PP   | W      | Denham Court                         | 108,522                           | 6,668   |  | 2,170   |
| 70 | PP   | WS     | Doonside                             | 80,119                            | 4,923   |  | 1,602   |
| 71 | P  | S      | Drummoyne                            | 173,684                           | 10,671  |  | 3,474   |
| 72 | PP   | G      | Dulwich Hill                         | 144,925                           | 8,904   |  | 2,899   |
| 73 | P  | WS     | Dundas / Telopea                     | 334,189                           | 20,533  |  | 6,684   |

|     | Parish,<br>Prov.P,<br>R.Church,<br>Prov.R.C. | Region | Parochial Unit                    | 2017 Net<br>Operating<br>Receipts | 2019<br>Variable<br>PCR<br>charge for<br>parishes<br>with<br>property | 2019<br>Variable<br>PCR<br>charge for<br>parishes<br>without<br>property | 2019<br>Church<br>Land<br>Acquisition<br>Levy |
|-----|--|--------|-----------------------------------|-----------------------------------|---|--|---|
| 74  | P  | WS     | Dural District                    | 502,061                           | 30,847  |  | 10,041  |
| 75  | P  | W      | Eagle Vale                        | 254,014                           | 15,607  |  | 5,080   |
| 76  | P  | G      | Earlwood                          | 326,875                           | 20,084  |  | 6,538   |
| 77  | P  | N      | East Lindfield                    | 281,800                           | 17,314  |  | 5,636   |
| 78  | P  | S      | Eastgardens                       | 508,294                           | 31,230  |  | 10,166  |
| 79  | P  | N      | Eastwood                          | 705,997                           | 43,377  |  | 14,120  |
| 80  | P  | WS     | Emu Plains                        | 355,018                           | 21,813  |  | 7,100   |
| 81  | P  | S      | Enfield and Strathfield           | 726,651                           | 44,646  |  | 14,533  |
| 82  | P  | W      | Engadine                          | 646,629                           | 39,730  |  | 12,933  |
| 83  | P  | S      | Enmore / Stanmore                 | 209,321                           | 12,861  |  | 4,186   |
| 84  | P  | N      | Epping                            | 325,282                           | 19,986  |  | 6,506   |
| 85  | PP   | N      | Ermington                         | 102,051                           | 6,270   |  | 2,041   |
| 86  | PP   | G      | Fairfield with Bossley Park       | 413,105                           | 25,382  |  | 8,262   |
| 87  | P  | W      | Fairy Meadow                      | 264,903                           | 16,276  |  | 5,298   |
| 88  | P  | W      | Figtree                           | 1,354,864                         | 83,245  |  | 27,097  |
| 89  | P  | N      | Forestville                       | 448,599                           | 27,563  |  | 8,972   |
| 90  | P  | N      | Frenchs Forest                    | 385,480                           | 23,684  |  | 7,710   |
| 91  | P  | N      | Freshwater                        | 305,376                           | 18,763  |  | 6,108   |
| 92  | P  | G      | Georges Hall                      | 136,896                           | 8,411   |  | 2,738   |
| 93  | P  | W      | Gerrigong                         | 332,097                           | 20,405  |  | 6,642   |
| 94  | P  | N      | Gladesville                       | 1,059,500                         | 65,097  |  | 21,190  |
| 95  | P  | S      | Glebe                             | 338,463                           | 20,796  |  | 6,769   |
| 96  | P  | WS     | Glenhaven                         | 468,225                           | 28,768  |  | 9,365   |
| 97  | P (np)                                       | WS     | Glenmore Park #                   | 836,758                           | 51,412  |  | 16,735  |
| 98  | P  | N      | Gordon                            | 519,859                           | 31,941  |  | 10,397  |
| 99  | P  | WS     | Granville                         | 134,722                           | 8,278   |  | 2,694   |
| 100 | PP   | G      | Greenacre                         | 131,944                           | 8,107   |  | 2,639   |
| 101 | P  | N      | Greenwich                         | 132,510                           | 8,142   |  | 2,650   |
| 102 | P  | WS     | Greystanes - Merrylands West      | 107,731                           | 6,619   |  | 2,155   |
| 103 | PP   | WS     | Guildford with Villawood          | 276,745                           | 17,004  |  | 5,535   |
| 104 | P  | W      | Gymea                             | 400,422                           | 24,602  |  | 8,008   |
| 105 | RC (np)                                      | W      | Harbour Church #                  | 207,743                           |   | 7,148  | 4,155   |
| 106 | P  | W      | Helensburgh and Stanwell Park     | 359,633                           | 22,096  |  | 7,193   |
| 107 | P  | N      | Hornsby                           | 135,282                           | 8,312   |  | 2,706   |
| 108 | PRC (np)                                     | N      | Hornsby Anglican Chinese Church # | 177,301                           |   | 6,100  | 3,546   |
| 109 | P  | N      | Hornsby Heights                   | 118,603                           | 7,287   |  | 2,372   |
| 110 | P  | G      | Hoxton Park                       | 310,814                           | 19,097  |  | 6,216   |
| 111 | P  | N      | Hunters Hill                      | 265,796                           | 16,331  |  | 5,316   |
| 112 | P  | G      | Hurstville                        | 688,209                           | 42,285  |  | 13,764  |
| 113 | P  | G      | Hurstville Grove                  | 476,327                           | 29,266  |  | 9,527   |
| 114 | P  | W      | Huskisson                         | 155,498                           | 9,554   |  | 3,110   |
| 115 | P  | W      | Ingleburn                         | 360,027                           | 22,121  |  | 7,201   |

|     | Parish,<br>Prov.P,<br>R.Church,<br>Prov.R.C. | Region | Parochial Unit               | 2017 Net<br>Operating<br>Receipts | 2019<br>Variable<br>PCR<br>charge for<br>parishes<br>with<br>property | 2019<br>Variable<br>PCR<br>charge for<br>parishes<br>without<br>property | 2019<br>Church<br>Land<br>Acquisition<br>Levy |
|-----|--|--------|------------------------------|-----------------------------------|---|--|---|
| 116 | PP   | W      | Jamberoo                     | 84,910                            | 5,217   |  | 1,698   |
| 117 | P  | W      | Jannali                      | 768,576                           | 47,222  |  | 15,372  |
| 118 | P  | W      | Kangaroo Valley              | 107,217                           | 6,588   |  | 2,144   |
| 119 | P  | WS     | Katoomba                     | 288,214                           | 17,708  |  | 5,764   |
| 120 | P  | W      | Keiraville                   | 190,823                           | 11,724  |  | 3,816   |
| 121 | P  | WS     | Kellyville                   | 668,670                           | 41,084  |  | 13,373  |
| 122 | P  | S      | Kensington Eastlakes         | 214,137                           | 13,157  |  | 4,283   |
| 123 | P  | W      | Kiama                        | 537,961                           | 33,053  |  | 10,759  |
| 124 | P  | N      | Killara                      | 495,074                           | 30,418  |  | 9,901   |
| 125 | P  | S      | Kingsford                    | 192,634                           | 11,836  |  | 3,853   |
| 126 | P  | WS     | Kingswood                    | 764,051                           | 46,944  |  | 15,281  |
| 127 | P  | N      | Kirribilli                   | 1,308,558                         | 80,400  |  | 26,171  |
| 128 | P  | WS     | Kurrajong                    | 256,668                           | 15,770  |  | 5,133   |
| 129 | PP   | G      | Lakemba                      | 65,753                            | 4,040   |  | 1,315   |
| 130 | P  | WS     | Lalor Park and Kings Langley | 214,554                           | 13,182  |  | 4,291   |
| 131 | P  | N      | Lane Cove and Mowbray        | 585,873                           | 35,997  |  | 11,717  |
| 132 | P  | N      | Lavender Bay                 | 275,681                           | 16,938  |  | 5,514   |
| 133 | P  | WS     | Lawson                       | 108,011                           | 6,636   |  | 2,160   |
| 134 | P  | S      | Leichhardt                   | 406,986                           | 25,006  |  | 8,140   |
| 135 | P  | WS     | Leura                        | 136,678                           | 8,398   |  | 2,734   |
| 136 | P  | WS     | Lidcombe                     | 284,087                           | 17,455  |  | 5,682   |
| 137 | P  | N      | Lindfield                    | 557,727                           | 34,268  |  | 11,155  |
| 138 | P  | WS     | Lithgow                      | 252,143                           | 15,492  |  | 5,043   |
| 139 | P  | G      | Liverpool                    | 392,774                           | 24,133  |  | 7,855   |
| 140 | P  | G      | Liverpool South              | 130,044                           | 7,990   |  | 2,601   |
| 141 | P  | N      | Longueville                  | 207,777                           | 12,766  |  | 4,156   |
| 142 | PP   | S      | Lord Howe Island             | 16,549                            | 1,017   |  | 331   |
| 143 | P  | WS     | Lower Mountains              | 587,110                           | 36,073  |  | 11,742  |
| 144 | P  | G      | Lugarno                      | 122,127                           | 7,504   |  | 2,443   |
| 145 | P  | N      | Macquarie                    | 519,818                           | 31,938  |  | 10,396  |
| 146 | P  | S      | Malabar                      | 330,141                           | 20,284  |  | 6,603   |
| 147 | P  | N      | Manly                        | 1,512,101                         | 92,906  |  | 30,242  |
| 148 | P  | S      | Maroubra                     | 359,674                           | 22,099  |  | 7,193   |
| 149 | P  | G      | Marrickville                 | 423,683                           | 26,032  |  | 8,474   |
| 150 | P  | W      | Menai                        | 876,718                           | 53,867  |  | 17,534  |
| 151 | P  | W      | Menangle                     | 142,603                           | 8,762   |  | 2,852   |
| 152 | P  | WS     | Merrylands                   | 254,791                           | 15,655  |  | 5,096   |
| 153 | P  | WS     | Minchinbury                  | 308,928                           | 18,981  |  | 6,179   |
| 154 | P  | W      | Minto                        | 301,293                           | 18,512  |  | 6,026   |
| 155 | P  | W      | Miranda                      | 964,905                           | 59,285  |  | 19,298  |
| 156 | P  | W      | Mittagong                    | 499,635                           | 30,698  |  | 9,993   |
| 157 | P  | N      | Mona Vale                    | 373,604                           | 22,955  |  | 7,472   |

|     | Parish,<br>Prov.P,<br>R.Church,<br>Prov.R.C. | Region | Parochial Unit                    | 2017 Net<br>Operating<br>Receipts | 2019<br>Variable<br>PCR<br>charge for<br>parishes<br>with<br>property | 2019<br>Variable<br>PCR<br>charge for<br>parishes<br>without<br>property | 2019<br>Church<br>Land<br>Acquisition<br>Levy |
|-----|--|--------|-----------------------------------|-----------------------------------|---|--|---|
| 158 | P  | G      | Moorebank                         | 437,075                           | 26,854  |  | 8,742   |
| 159 | P  | N      | Mosman - St Clement's             | 791,942                           | 48,658  |  | 15,839  |
| 160 | P  | N      | Mosman - St Luke's                | 343,848                           | 21,127  |  | 6,877   |
| 161 | P  | W      | Moss Vale                         | 185,275                           | 11,384  |  | 3,706   |
| 162 | P  | WS     | Mt Druitt                         | 137,688                           | 8,460   |  | 2,754   |
| 163 | P  | WS     | Mulgoa                            | 191,466                           | 11,764  |  | 3,829   |
| 164 | P  | W      | Narellan                          | 292,050                           | 17,944  |  | 5,841   |
| 165 | P  | N      | Naremburn / Cammeray              | 977,442                           | 60,055  |  | 19,549  |
| 166 | P  | N      | Narrabeen                         | 829,965                           | 50,994  |  | 16,599  |
| 167 | P  | N      | Neutral Bay                       | 437,201                           | 26,862  |  | 8,744   |
| 168 | P  | N      | Newport                           | 160,817                           | 9,881   |  | 3,216   |
| 169 | P  | S      | Newtown with Erskineville         | 698,021                           | 42,887  |  | 13,960  |
| 170 | P  | S      | Norfolk Island                    |                                   | 0   |  | 0   |
| 171 | P  | N      | Normanhurst                       | 640,891                           | 39,377  |  | 12,818  |
| 172 | P  | N      | North Epping                      | 518,019                           | 31,828  |  | 10,360  |
| 173 | P  | N      | North Ryde                        | 147,840                           | 9,083   |  | 2,957   |
| 174 | P  | N      | North Sydney                      | 1,782,771                         | 109,536   |  | 35,655  |
| 175 | P  | N      | Northbridge                       | 464,463                           | 28,537  |  | 9,289   |
| 176 | P  | WS     | Northmead and Winston Hills       | 725,212                           | 44,558  |  | 14,504  |
| 177 | P  | WS     | Norwest                           | 1,074,011                         | 65,989  |  | 21,480  |
| 178 | P  | W      | Nowra                             | 411,778                           | 25,300  |  | 8,236   |
| 179 | P  | W      | Oak Flats                         | 247,860                           | 15,229  |  | 4,957   |
| 180 | P  | WS     | Oakhurst                          | 308,372                           | 18,947  |  | 6,167   |
| 181 | P  | G      | Oatley                            | 202,318                           | 12,431  |  | 4,046   |
| 182 | P  | G      | Oatley West                       | 186,246                           | 11,443  |  | 3,725   |
| 183 | PP   | W      | Oran Park                         | 269,072                           | 16,532  |  | 5,381   |
| 184 | P  | S      | Paddington                        | 189,319                           | 11,632  |  | 3,786   |
| 185 | P  | G      | Padstow                           | 107,836                           | 6,626   |  | 2,157   |
| 186 | P  | G      | Panania                           | 405,742                           | 24,929  |  | 8,115   |
| 187 | P  | WS     | Parramatta                        | 1,853,945                         | 113,909   |  | 37,079  |
| 188 | P  | WS     | Parramatta North with Harris Park | 265,070                           | 16,286  |  | 5,301   |
| 189 | P  | G      | Peakhurst / Mortdale              | 317,042                           | 19,480  |  | 6,341   |
| 190 | P  | WS     | Penrith                           | 306,705                           | 18,844  |  | 6,134   |
| 191 | P  | G      | Penshurst                         | 246,582                           | 15,150  |  | 4,932   |
| 192 | P  | S      | Petersham                         | 299,548                           | 18,405  |  | 5,991   |
| 193 | PRC (np)                                     | N      | Philadelphia Anglican Church #    | 131,194                           |   | 4,514  | 2,624   |
| 194 | P  | W      | Picton                            | 131,605                           | 8,086   |  | 2,632   |
| 195 | PP   | WS     | Pitt Town                         | 659,202                           | 40,502  |  | 13,184  |
| 196 | PP   | W      | Port Kembla                       | 146,867                           | 9,024   |  | 2,937   |
| 197 | P  | N      | Pymble                            | 798,799                           | 49,079  |  | 15,976  |
| 198 | P  | WS     | Quakers Hill                      | 866,275                           | 53,225  |  | 17,326  |
| 199 | P  | S      | Randwick                          | 866,811                           | 53,258  |  | 17,336  |

|     | Parish,<br>Prov.P,<br>R.Church,<br>Prov.R.C. | Region | Parochial Unit                     | 2017 Net<br>Operating<br>Receipts | 2019<br>Variable<br>PCR<br>charge for<br>parishes<br>with<br>property | 2019<br>Variable<br>PCR<br>charge for<br>parishes<br>without<br>property | 2019<br>Church<br>Land<br>Acquisition<br>Levy |
|-----|--|--------|------------------------------------|-----------------------------------|---|--|---|
| 200 | PP   | G      | Regents Park                       | 47,682                            | 2,930   |  | 954   |
| 201 | PP   | G      | Revesby                            | 87,175                            | 5,356   |  | 1,744   |
| 202 | P  | WS     | Richmond                           | 210,062                           | 12,907  |  | 4,201   |
| 203 | PP   | WS     | Riverstone                         | 101,173                           | 6,216   |  | 2,023   |
| 204 | P  | G      | Riverwood - Punchbowl              | 292,311                           | 17,960  |  | 5,846   |
| 205 | P  | W      | Robertson                          | 170,972                           | 10,505  |  | 3,419   |
| 206 | P  | WS     | Rooty Hill                         | 1,474,422                         | 90,591  |  | 29,488  |
| 207 | PP   | W      | Rosemeadow                         | 208,501                           | 12,811  |  | 4,170   |
| 208 | P  | N      | Roseville                          | 1,065,106                         | 65,442  |  | 21,302  |
| 209 | P  | N      | Roseville East                     | 332,374                           | 20,422  |  | 6,647   |
| 210 | PP   | WS     | Rouse Hill                         | 360,488                           | 22,149  |  | 7,210   |
| 211 | P  | N      | Ryde                               | 721,987                           | 44,360  |  | 14,440  |
| 212 | PP   | G      | Sadleir                            | 235,341                           | 14,460  |  | 4,707   |
| 213 | P  | G      | Sans Souci                         | 165,768                           | 10,185  |  | 3,315   |
| 214 | P  | N      | Seaforth                           | 274,985                           | 16,895  |  | 5,500   |
| 215 | P  | WS     | Seven Hills                        | 279,568                           | 17,177  |  | 5,591   |
| 216 | P  | W      | Shellharbour                       | 172,281                           | 10,585  |  | 3,446   |
| 217 | P  | W      | Shellharbour City Centre           | 333,665                           | 20,501  |  | 6,673   |
| 218 | P  | W      | Shoalhaven Heads                   | 150,690                           | 9,259   |  | 3,014   |
| 219 | P  | G      | Smithfield Road                    | 307,904                           | 18,918  |  | 6,158   |
| 220 | RC (np)                                      | W      | Soul Revival Church #              | 472,319                           |   | 16,251   | 9,446   |
| 221 | P  | G      | South Carlton                      | 341,895                           | 21,007  |  | 6,838   |
| 222 | P  | S      | South Coogee                       | 117,229                           | 7,203   |  | 2,345   |
| 223 | P  | W      | South Creek                        | 405,970                           | 24,943  |  | 8,119   |
| 224 | P  | G      | South Hurstville                   | 284,070                           | 17,454  |  | 5,681   |
| 225 | P  | S      | South Sydney                       | 292,256                           | 17,957  |  | 5,845   |
| 226 | P  | WS     | Springwood                         | 812,642                           | 49,930  |  | 16,253  |
| 227 | PP   | WS     | St Clair                           | 145,031                           | 8,911   |  | 2,901   |
| 228 | P  | G      | St George                          | 161,910                           | 9,948   |  | 3,238   |
| 229 | P  | G      | St George North                    | 850,731                           | 52,270  |  | 17,015  |
| 230 | P  | N      | St Ives                            | 2,109,952                         | 129,638   |  | 42,199  |
| 231 | P  | WS     | St Marys                           | 206,609                           | 12,694  |  | 4,132   |
| 232 | RC (np)                                      | WS     | Stanhope #                         |                                   |   | 0  | 0   |
| 233 | P  | S      | Strathfield and Homebush           | 255,552                           | 15,701  |  | 5,111   |
| 234 | P  | S      | Summer Hill                        | 317,032                           | 19,479  |  | 6,341   |
| 235 | PP   | S      | Surry Hills                        | 870,388                           | 53,478  |  | 17,408  |
| 236 | PP   | W      | Sussex Inlet                       | 122,045                           | 7,499   |  | 2,441   |
| 237 | P  | W      | Sutherland                         | 380,775                           | 23,395  |  | 7,616   |
| 238 | P  | W      | Sutton Forest                      | 266,434                           | 16,370  |  | 5,329   |
| 239 | P  | S      | Sydney - Cathedral of St Andrew    | 0                                 | 0   |  | 0   |
| 240 | P  | S      | Sydney - Christ Church St Laurence | 855,491                           | 52,563  |  | 17,110  |
| 241 | P  | S      | Sydney - St James, King Street     | 1,676,769                         | 103,023   |  | 33,535  |

|     | Parish,<br>Prov.P,<br>R.Church,<br>Prov.R.C. | Region | Parochial Unit             | 2017 Net<br>Operating<br>Receipts | 2019<br>Variable<br>PCR<br>charge for<br>parishes<br>with<br>property | 2019<br>Variable<br>PCR<br>charge for<br>parishes<br>without<br>property | 2019<br>Church<br>Land<br>Acquisition<br>Levy |
|-----|--|--------|----------------------------|-----------------------------------|---|--|---|
| 242 | P  | W      | Sylvania                   | 284,750                           | 17,495  |  | 5,695   |
| 243 | P  | W      | The Oaks                   | 152,800                           | 9,388   |  | 3,056   |
| 244 | P  | N      | Thornleigh - Pennant Hills | 541,851                           | 33,292  |  | 10,837  |
| 245 | P  | WS     | Toongabbie                 | 479,024                           | 29,432  |  | 9,580   |
| 246 | P  | N      | Turramurra                 | 1,162,929                         | 71,452  |  | 23,259  |
| 247 | P  | N      | Turramurra South           | 415,493                           | 25,528  |  | 8,310   |
| 248 | P  | W      | Ulladulla                  | 275,144                           | 16,905  |  | 5,503   |
| 249 | RC (np)                                      | S      | Unichurch (Uni. NSW) #     | 610,956                           |   | 21,021   | 12,219  |
| 250 | P  | S      | Vaucluse and Rose Bay      | 348,712                           | 21,425  |  | 6,974   |
| 251 | P  | N      | Wahroonga - St Andrew's    | 371,505                           | 22,826  |  | 7,430   |
| 252 | P  | N      | Wahroonga - St Paul's      | 228,463                           | 14,037  |  | 4,569   |
| 253 | P  | N      | Waitara                    | 273,273                           | 16,790  |  | 5,465   |
| 254 | P  | S      | Watsons Bay                | 291,910                           | 17,935  |  | 5,838   |
| 255 | P  | WS     | Wentworth Falls            | 261,065                           | 16,040  |  | 5,221   |
| 256 | P  | WS     | Wentworthville             | 124,908                           | 7,675   |  | 2,498   |
| 257 | P  | N      | West Lindfield             | 230,851                           | 14,184  |  | 4,617   |
| 258 | P  | WS     | West Pennant Hills         | 927,788                           | 57,005  |  | 18,556  |
| 259 | P  | N      | West Pymble                | 785,574                           | 48,267  |  | 15,711  |
| 260 | P  | N      | West Ryde                  | 534,612                           | 32,847  |  | 10,692  |
| 261 | P  | W      | West Wollongong            | 477,765                           | 29,355  |  | 9,555   |
| 262 | P  | WS     | Westmead                   | 384,789                           | 23,642  |  | 7,696   |
| 263 | P  | WS     | Wilberforce                | 299,619                           | 18,409  |  | 5,992   |
| 264 | P  | N      | Willoughby                 | 424,848                           | 26,103  |  | 8,497   |
| 265 | P  | N      | Willoughby Park            | 277,684                           | 17,061  |  | 5,554   |
| 266 | P  | WS     | Windsor                    | 147,161                           | 9,042   |  | 2,943   |
| 267 | P  | W      | Wollondilly                | 246,054                           | 15,118  |  | 4,921   |
| 268 | P  | W      | Wollongong                 | 998,913                           | 61,375  |  | 19,978  |
| 269 | P  | S      | Woollahra                  | 178,158                           | 10,946  |  | 3,563   |
| 270 | P  | G      | Yagoona                    | 259,001                           | 15,913  |  | 5,180   |
|     |  |        |                            | 112,692,346                       | 6,838,091   | 65,250   | 2,253,847                                     |

### Notes

The net operating receipts, and hence the variable PCR charge and the Church Land Acquisition Levy, for the 9 parishes that have not yet submitted 2017 audited financial statements have been estimated based on the 2016 net operating receipts for those parishes + 20% (shown in italics above), in accordance with a resolution of Standing Committee made 23 July 2018. However, in order to avoid overstating the likely total net operating receipts, and hence underestimate the PCR charge and church land levy for all other parishes, the totals have been adjusted to reflect no increase over 2016 figures for these 9 parishes.

The 10-9 parochial units without property (shown marked with #) are charged a lower rate of variable PCR reflecting the absence of any property insurance cost (part of the parish property and liability insurance program) and no ACPT management fee, except that Glenmore Park has volunteered to pay the variable charge percentage applicable to parishes with property.

## Parochial Cost Recoveries and Church Land Acquisitions Levy Ordinance 2018

No. \_\_\_\_\_, 2018

### Long Title

An ordinance to determine the costs for parochial units and for a levy for the acquisition of land for church sites payable by parochial units in 2019, 2020 and 2021, 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 5(3) of the Framework Ordinance, the Standing Committee is to prepare for the second ordinary session of the 51<sup>st</sup> Synod a proposed ordinance for adoption by the Synod which specifies the cost recoveries charge to be paid by each parochial unit in 2019, 2020 and 2021, 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.

C. The statement of funding principles and priorities approved by the first ordinary session of the 51<sup>st</sup> Synod and the first ordinary session of each Synod thereafter under clause 3(3) of the *Synod Estimates Ordinance 1998* contemplates the payment of a levy by parochial units in 2019, 2020 and 2021 for the acquisition of land for church sites.

The Synod of the Diocese of Sydney Ordains as follows.

### 1. Name of Ordinance

This Ordinance is the *Parochial Cost Recoveries and Church Land Acquisitions Levy Ordinance 2018*.

### 2. Definitions

In this Ordinance –

- 5 “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
  - (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
  - 15 (e) the cost of the safe ministry training program, and
  - (f) the cost of the Ministry Spouse Support Fund, and
  - (g) a contribution towards the costs of the Diocesan Archives, and
  - (h) a \$10,000 provision for the relief or remission of parochial cost recoveries charges, and
  - (i) the cost of the Sydney Diocesan Secretariat’s fee for managing the Parochial Cost Recoveries Fund 951, and
  - 20 (j) the cost of the Property Trust’s management fee for property related services to parishes, and
  - (k) the cost of the Diocesan contribution to the Voluntary Relinquishment of Incumbency Fund.
- “parochial unit” means a parish, provisional parish, recognised church or provisional recognised church in the Diocese of Sydney.
- 25 “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 *Mission Property Ordinance 2002*.

“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 in accordance with the priorities determined under clause 5C of the *Mission Property Ordinance 2002*.

“Mission Property Fund” means the fund constituted under the *Mission Property Ordinance 2002*.

### **Cost recoveries charge**

(1) In 2019, 2020 and 2021 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.

(3) The Standing Committee is to report to the third ordinary session of the 51<sup>st</sup> Synod about –

(a) the ministry costs and parochial network costs payable in 2020 and an estimate of the amounts payable, and

(b) the cost recoveries charge estimated to be payable by each parochial unit in 2020 and details of how that charge is calculated.

(4) The Standing Committee is to report to the first ordinary session of the 52<sup>nd</sup> Synod about –

(a) the ministry costs and parochial network costs payable in 2021 and an estimate of the amounts payable, and

(b) the cost recoveries charge estimated to be payable by each parochial unit in 2021 and details of how that charge is calculated.

### **3. Church land levy**

(1) In 2019, 2020 and 2021 each parochial unit is to pay a levy calculated as 2.0% of the Net Operating Receipts of the relevant parochial unit for 2017, 2018 and 2019 respectively, determined under Part 3 of the Framework Ordinance.

(2) The levy is payable by 10 equal instalments in each year, the first due and payable on 1 March and subsequent instalments due and payable on the first day of each succeeding month.

(3) The levy paid by a parochial unit under subclause (1) is to be paid as an addition to the Mission Property Fund and applied towards church land acquisition projects.

### **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 sum of –

(i) the minister and assistant minister charge for that year, and

(ii) a contribution of \$100 towards the cost of the purchase of the Community Social Profiles produced by NCLS, payable in March 2019, 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, and

(iii) a contribution of \$100 towards the cost of the purchase of the Community Social Profiles produced by NCLS, payable in March 2019,

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 2019, 2020 and 2021, 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 2019, 2020 and 2021 means the determined percentage of the Net Operating Receipts of the parochial unit for 2017, 2018 and 2019 respectively under the Framework Ordinance.

“determined percentage” means the ratio, expressed as a percentage, determined by the Standing Committee in accordance with the following formula –

$$\frac{PC}{TR}$$

where –

PC is the total estimated amount of all parochial network costs payable in 2019, 2020 and 2021, and

TR is the total of the Net Operating Receipts of all parochial units, except for St Andrew's Cathedral, for 2017, 2018 and 2019 respectively,

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 Committees

I Certify that this Ordinance was passed by the Synod of the Diocese of Sydney on 2018.

Secretary of Synod

I Assent to this Ordinance.

Archbishop of Sydney

/ /2018

## Property Receipts Levy

### Form of calculation and mechanism for debate at Synod

(A report from the Standing Committee.)

#### Key Points

- At its session in 2017, the Synod requested the Standing Committee to implement a Property Receipts Levy (PRL) based on net property income. However, the Bill for an ordinance intended to give effect to this request was referred to the Synod by three members of the Standing Committee.
- The Diocesan Resources Committee (DRC) subsequently suggested that an alternative form of Bill for the PRL, based on gross property income, should be considered by the Synod rather than a PRL based on net property income.
- For the sake of efficiently considering the matter at Synod, it is proposed that the Synod hold a set-piece debate on whether the levy should be based on gross property income, with those speaking for and those speaking against the motion being given equal opportunity to present their case. Following the conclusion of the in principal motion, Synod would move immediately to consider the relevant Bill for an ordinance to implement the PRL.

#### Purpose

1. The purpose of this report is to provide two options for a Bill to implement a Property Receipts Levy, along with suitable explanatory reports and a proposed mechanism for debate at Synod.

#### Recommendations

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

‘Synod, noting the report “Property Receipts Levy” (the Report) and Synod’s resolution 34/17, nevertheless agrees in principle that a Property Receipts Levy based on gross property income should be implemented’.

4. That Synod consider the following procedural motion to be moved at the forthcoming session of the Synod “by request of the Standing Committee” –

“Synod, for the purpose of considering the motion regarding the Property Receipts Levy and a Bill for an ordinance to implement the Property Receipts Levy, agrees to the following arrangements –

- (a) debate on the motion to be scheduled for immediately following the dinner break on Tuesday 16 October 2018,
- (b) the mover and seconder of the motion may combine for a joint presentation for up to 10 minutes,
- (c) the Rev Craig Roberts and Bishop Michael Stead may provide a joint presentation for up to 10 minutes opposing the motion immediately after the mover and seconder have spoken,
- (d) a time for questions is to follow, where the questions may be answered by any of the mover or seconder, or Mr Roberts or Bishop Stead, as appropriate to the question,
- (e) following the conclusion of debate on the motion the mover and seconder are to be allowed up to five minutes for summation, followed which Mr Roberts and Bishop Stead are to be allowed up to five minutes for summation,
- (f) following the conclusion of consideration of the motion –
  - (i) if the motion is carried in a form that expresses Synod’s support for a levy based on gross property income, to consider forthwith the Bill for an ordinance to implement the Property Receipts Levy based on Gross property income rather than the alternative Bill, or
  - (ii) if the motion is not carried, or is carried in an amended form expressing Synod’s support for a levy based on Net property income, to consider forthwith the form

of Bill for an ordinance to implement the PRL based on Net property income, incorporating the amendments recommended by the Standing Committee, and suspends so many of the business rules that would prevent these arrangements.”

### **Background**

5. At its session in 2017 the Synod considered the proposed Property Receipts Levy, informed by the report at Attachment 1, and passed resolution 34/17 in the following terms –

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

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

### **Preparation of a Bill to implement the PRL**

#### *Delegation to the Diocesan Resources Committee*

6. At its meeting on 13 November 2017, the Standing Committee requested the Diocesan Resources Committee (DRC) to arrange for a suitable ordinance to implement the Property Receipts Levy to be brought to a future meeting.

#### *Variation of terms of the proposed levy*

7. At its meeting on 12 February 2018, the Standing Committee received a report from the DRC, regarding the preparation of a Bill to implement the levy. The following is an extract from that report –

‘...the Committee notes that two particular elements of the proposed calculation of net property income appear likely to involve a disproportionate amount of effort to calculate compared with their expected impact in reducing the amount of a parish’s net property income.

The first of these elements is the amount of the property insurance component of the Parochial Cost Recovery (PCR) charge applicable to each property. This amount is not readily available at present. In fact, it is not possible to calculate the exact amount of the property insurance component of the PCR charge applicable to each property. To get around this problem the draft Ordinance has proposed to use the formula  $A \times B \times C$  to arrive at a reasonable estimate of the property insurance cost for each leased property, where –

“A” = the parochial network costs for the parish (to be determined by the parish from account 6-1900, after excluding the Ministry On-costs which should be shown at 6-1170).

“B” = the total cost of the Diocesan parish property insurance program expressed as a percentage of parochial network costs for the whole Diocese (the Finance Committee has calculated this figure to be 34% for 2018).

“C” = the insurance replacement value of the leased property in question expressed as a percentage of the insurance replacement value of all parish property (to be calculated by the parish based on the ACPT’s building insurance valuation summaries).

The second element of the calculation the Committee is questioning is the deduction provided for bank and financial statutory charges, taxes and assessments on finance income. In practice it would seem this deduction could sensibly be limited to bank charges as there are in fact no statutory financial charges or other taxes or assessments on finance income payable in NSW. A new account (6-5120) would be required to isolate bank charges for the purposes of the calculation of net property income.

Both the property insurance component of the PCR charge and the bank charges are likely to be relatively small amounts compared with the amount of any rental income from property or investment income and so the impact of these two elements on the calculation of net property income and hence on the amount of any levy payable by the parish is likely to be minimal. In fact the Committee estimates that the amount of the levy to be saved by the deduction proposed for these two elements would be less than the cost of calculating the deduction.

The Committee therefore recommends that the property insurance component of the PCR charge and the bank charges paid be removed from the list of elements to be deducted from the gross property income of a parish for the purposes of the Property Receipts Levy Ordinance.’

8. In line with the recommendation from the DRC, the Standing Committee asked the DRC to prepare the Bill for the Property Receipts Levy in a form that did not include any deduction for –

- (a) the property insurance component of the Parochial Cost Recoveries charge applicable to each property, and
- (b) the bank and financial statutory charges, taxes and assessments on finance income paid by a parish,

and did so with the expectation of providing a report to the Synod outlining the rationale for its departure from the Synod resolution.

#### **Referral of the Bill to the Synod by three members of Standing Committee**

9. The Standing Committee was due to consider the Bill for the PRL at its meeting on 26 March 2018. Before consideration of the Bill commenced, three members of the Standing Committee requested in writing to the Archbishop, that the Bill be referred to the Synod in accordance with 5(3)(b) of the *Delegation of Powers Ordinance 1998*.

10. The principal objection of the three members to Standing Committee’s consideration of the Bill was that the insurance issue hadn’t been adequately dealt with as per Synod’s request in the resolution.

11. In order to allow the Synod to express its will with regard to the issue of a deduction for the property insurance component of the PCR charge, the Standing Committee has suggested the introduction of a deduction for insurance using a standard formula to determine the deduction. This approach is significantly more efficient than the original proposal, simply calculating the extra amount paid by each parish as a result of their property income, and making that amount a deduction. The formula is as follows. Where –

X = (property insurance component of network costs) / (network costs) [32% for 2018]

Y = PCR Charge [\$ varies per parish]

Z = (parish property income) / (total Net Operating Receipts) [% varies per parish]

The resulting Deduction = X x Y x Z.

12. This amendment to the Bill for an ordinance to implement the PRL based on net property income will be provided on the amendment sheet with Synod’s business paper for day 1 and would apply only to the Bill to implement the PRL based on net property income.

**Amendments to the referred Bill**

13. Following the referral of the Bill to Synod, the Standing Committee determined that there were several amendments which should be made to the Bill, either out of necessity due to timing or to improve the function of the levy. These amendments had in large part been intended for consideration by the Standing Committee at its meeting on 26 March 2018, but the Standing Committee was prevented from considering them by the referral of the matter to Synod. A marked form of the Bill (the referred form of the Bill amended to show the recommended changes) with explanatory report, including a discussion of the amendments, is printed separately.

**Alternative Bill to enact a levy based on gross property income**

14. At its meeting on 14 May 2018, the Standing Committee noted that the DRC intended to provide a version of the Bill for a PRL based on gross property income, rather than net property income to a future meeting. The DRC has provided a Bill with an explanatory report which are printed separately.

15. In order to support the debate on the form of levy, Attachment 2 to this report includes a brief summation of the reasons to consider a levy based on gross property income, as well as a separate summation of the reasons to consider a levy based on net property income.

**Synod's consideration of the alternative forms of Bill**

16. Standing Committee recommends that the Synod hold an in-principle debate as to whether the levy should be based on gross rather than net property income, before moving on to consider the detail of (only) one of the Bills. The proposed form of this debate is set out in the recommendations of this report.

For and on behalf of the Standing Committee.

DANIEL GLYNN  
*Diocesan Secretary*

27 September 2018

## Proposal for a Property Receipts Levy

(A report of the Standing Committee.)

### Key Points

- There is a Scriptural basis for the sharing of parish property income: where there are churches who are in circumstances of “plenty”, it is appropriate to encourage them to share this blessing with those who are in need elsewhere.
- A Property Receipts Levy is considered preferable to the existing Large Receipts Policy with regard to property income because of its inherent transparency and equity. If the proposed levy is adopted by Synod, the Standing Committee intends adopting a revised form of the Large Property Receipts Policy contemplated by Synod in 2015 (shown in Appendix 3) with regard to proceeds from the sale of parish property.
- In line with the theological foundation of the levy being found in “sharing out of surplus”, the proposed levy applies to property income **net** of property expenses related to that income-producing property. This ensures that parishes with income-producing properties that are more expensive to maintain are not unduly levied, while all parishes are able to steward their income-producing properties using the income from those properties prior to the levy being applied.
- It is desirable to ensure that any proposal to shift monies away from well-endowed parishes is accompanied by a compelling vision as to how those monies will be applied to gospel purposes.

### Purpose

1. The purpose of this report is to provide relevant information regarding a proposal to implement a Property Receipts Levy in place of the current Large Receipts Policy of the Standing Committee.

### Recommendations

2. That Synod receive this report.
3. That Synod consider the following motion to be moved “by request of Standing Committee” –  
 ‘Synod, noting the report “Proposal for a Property Receipts Levy” –
  - (a) affirms the principle that the proposed levy should apply only to parish property income,
  - (b) agrees that a property levy should be applied against net, rather than gross, property income because of the theological principle of “a sharing out of surplus”,
  - (c) agrees in principle, that –
    - (i) offertory income (including regular giving, donations, bequests etc) should be used to meet the stipend, allowances and benefits of the minister of the parish and, to the extent possible, other recurrent ministry expenditure of the parish (including maintenance of non-income producing property),
    - (ii) property income should first be used to meet property expenditure, including the maintenance of buildings and adequate provision for future capital expenditure on commercial property before it is used to support recurrent ministry expenditure, and
    - (iii) a proportion of a parish’s surplus property income (i.e., non-offertory income) should be shared with the wider Diocese,
  - (d) supports in principle a Property Receipts Levy (“PRL”) as outlined in the report and attached schedule, and
  - (e) requests the Standing Committee to pass an ordinance to implement a PRL with respect to property income from 2018.’
4. That Synod not consider any amendments which are likely to give rise to material changes to the structure of the proposed Property Receipts Levy unless modelling is available to show the effect of the proposed amendment.

**Background***Historical background*

5. This Diocese has had a policy relating to large receipts since 1960, when it established a “Special Receipts Committee” in response to the following recommendation of the Property Trust –

“That in cases where parishes are to have greatly enhanced receipts and such amounts are, in fact beyond the reasonable needs of the parish, then the surplus should be allocated for other parishes etc and/or diocesan objectives.”

6. This policy position was ultimately reflected in regulations made by the Standing Committee and became known as the Large Receipts Policy (“LRP”). The sale threshold, beyond which the policy applied, was set at \$100,000 in 1975, which was gradually increased to its current level of \$500,000 in 2004. Similarly, a threshold for lease income was set at \$20,000 pa in 1997 and has been increased over time to its current threshold of \$50,000 pa (set in 2012). At its meeting on 19 September 2016, the Standing Committee modified the LRP so that the LRP would also be triggered by a bill for an ordinance with the expectation of investment income exceeding \$50,000 pa.

7. The rationale for the LRP arises from the character of the trusts on which all property is held for every parish: church trusts are not private trusts for the benefit of individual beneficiaries or even for the group of persons who meet and exercise ministry on that property at a particular time. Rather, they are charitable trusts under which the property is devoted to designated purposes of the Diocese in perpetuity, subject to a power to vary those trusts under section 32 of the Anglican Church of Australia Trust Property Act 1917.

*Characteristics of the current Large Receipts Policy*

8. The current LRP broadly provides that where the expected sale proceeds from parish property will exceed \$500,000 or where the expected lease or investment proceeds will exceed \$50,000 pa, the normal expectation is that 15% of the proceeds will be made available for the broader ministry needs of the Diocese. The policy also provides that a higher percentage may be appropriate if the large receipt from a sale exceeds \$1,000,000.

9. As an indication of the volume of funds generated through the LRP, sale contributions under the LRP each year generates in the order of \$450,000, although this fluctuates dramatically. Lease contributions under the LRP have contributed –

- (a) an average \$1,131,000 per annum over the last six years to the Synod budget (between 20% and 25% of the income in the Synod budget), and
- (b) in the order of \$250,000 per annum directly to other ministries in the Diocese.

10. There are several reasons why the current policy has proved unsatisfactory –

- (a) The sale threshold is set at such a level that almost every property sale triggers the policy.
- (b) The 15% amount is presented as a flat contribution against the whole of the sale, lease or investment proceeds with no provision for offsets or expenses that would reasonably be excluded from the income figure before a contribution is expected.
- (c) It is now common practice for a leasing authority for church trust property to be provided within a trust ordinance, rather than a specific parish leasing ordinance. This raises issues of interpretation of the LRP as to whether these trust ordinances constitute a bill for an ordinance that triggers the LRP.
- (d) There is a similar interpretation issue when a bill for a trust ordinance will authorise multiple leases that in aggregate exceed the LRP. As one ordinance is being presented, one interpretation of the LRP is that the LRP should then apply to the aggregate of the leases.
- (e) Licence income is excluded from the policy, yet many parishes receive licence income that far exceeds the LRP threshold.

11. For various reasons, it has become common when a parish submits a bill for an ordinance for lease or sale of a property to seek a partial or full exemption from the application of the policy. This has led to a perception that the policy is applied inconsistently and therefore is unpredictable in its operation.

*LPRP approved in principle at Synod in 2014*

12. Out of a desire to address these problems, the Standing Committee promoted to the Synod in October 2014 a proposed Large Property Receipts Policy (“LPRP”). The LPRP specified that contribution amounts should only apply after the “reasonable property needs” of the parish have been met. The concept of “reasonable property needs” was not extensively defined in the LPRP however the LPRP contemplated that further clarity as to the meaning of reasonable property needs would be provided by guidelines

*Proposal for a Property Receipts Levy (received by Synod in 2017)*  
prepared by the Standing Committee. The LPRP also introduced progressive contribution bands for sale and lease income, rather than a single contribution percentage.

13. Although the Synod approved the LPRP in principle in October 2014, it requested that the Standing Committee consult with parishes and bring a revised form of the LPRP to the 2015 session of Synod taking into account feedback received during the consultation.

*Proposal for a levy requested by Synod in 2015*

14. The Standing Committee duly prepared a revised form of policy for Synod in 2015 which if adopted, would among other things, increase the large property receipts thresholds in the policy and provide that the Standing Committee would be guided by the parish in determining its reasonable property needs. However, the Standing Committee also indicated to the Synod that a Property Receipts Levy (“PRL”) may be preferable to a Large Property Receipts Policy. Accordingly, Synod resolution 22/15 was carried in the following terms –

‘Synod –

- (i) noting the Large Property Receipts Policy (“LPRP”) approved in principle at its last session in October 2014,
- (ii) noting its request that the Standing Committee consult with parishes about the LPRP with a view to bringing a revised form to this session,
- (iii) noting the revised form of the LPRP included in the Standing Committee’s report to Synod on this matter (“Report”) together with an outline of a possible Property Receipts Levy as an alternative to the LPRP,
- (iv) noting that during the consultation process some parishes indicated a preference for a form of Property Receipts Levy instead of a LPRP,

agrees that a Property Receipts Levy along the lines described in the Report may be preferable to a LPRP, and therefore requests the Standing Committee to collect the necessary financial data from parishes, and undertake the necessary modelling and further consultation to bring to the Synod no later than its session in 2020 a proposal for a Property Receipts Levy to be considered as an alternative to a LPRP.’

*Synod in 2016 requests options for the levy that results in significant additional funding*

15. At its ordinary session in 2016, the Synod passed resolution 4/16 in the following terms, giving further guidance regarding the form of levy –

‘Synod, noting the report “Funding church planting in urban areas” –

- (a) recommends that the Regional Bishops and the Department of Evangelism and New Churches (“ENC”) encourage and facilitate inter-parochial partnerships, where needed, to allow larger churches to resource the planting of churches in urban areas,
- (b) requests the Large Property Receipts Policy Committee, when presenting the proposed Property Receipts Levy, to include in its modelling an option that provides significant additional funding for ministry initiatives, and
- (c) agrees that if additional funding were provided through a Property Receipts Levy, additional funding for ENC is worthy of strong consideration in order to support church planting initiatives in urban areas.’

*Appointment of a subcommittee*

16. The Standing Committee tasked a committee (“the committee”) comprising the Rev Craig Roberts (Chair), Bishop Michael Stead and Mr Geoff Kyngdon to collect financial data from parishes and undertake some financial modelling in order to propose a Property Receipts Levy. In doing so, the committee has considered as its starting point the primary theological principles relevant to consideration of this matter, and produced a brief outline of these principles in the following section of this report.

**Theological Principles**

17. There are four theological principles that are important to our consideration of the existing Large Receipts Policy and any proposed replacement: Generosity, equality, stewardship, and equity with transparency.

*Generosity in fellowship*

18. It is sometimes argued that there should not be any compulsory levies on church income, because this goes against the New Testament principle of generosity, as expressed in 2 Cor 9:7 – “Each should give

Proposal for a Property Receipts Levy (received by Synod in 2017)

what he has decided in his heart to give, not reluctantly or under compulsion, for God loves a cheerful giver”.

19. However, the principle of generosity is also a key justification for two existing diocesan financial structures –

- (a) The existing Large Receipts Policy (“LRP”), which encourages generosity within the local congregation, because the local congregation needs to provide the financial support for its minister, rather than be reliant on non-offertory income to fund its ministries. A large receipts policy encourages a local congregation to give generously to support the work of local ministry, because “the worker is worth his keep” (Matt 10:10, cf. 1 Tim 5:17-18).
- (b) The Greenfield levy, which we as a Diocese, through legislated generosity, bound ourselves to.

20. In both cases, the Diocese committed to these forms of legislated generosity, as a natural outworking of our common identity and mission in Christ.

#### *Equality (Sharing the “plenty”)*

21. Paul’s encouragement to the church at Corinth to contribute to a collection for the sake of other churches in need was based on the principle of equality. The “plenty” experienced by one congregation was not something to be hoarded selfishly, but rather something to be recognised as a provision from God to be used for the sake of others in need.

Our desire is not that others might be relieved while you are hard pressed, but that there might be equality. At the present time your plenty will supply what they need, so that in turn their plenty will supply what you need. Then there will be equality, as it is written: “He who gathered much did not have too much, and he who gathered little did not have too little.” (2 Cor 8:13-15)

22. God has blessed us in order for us to be able to be a blessing to others. Where there are churches who are in circumstances of “plenty”, it is appropriate to encourage them to sharing this blessing with those who are in need elsewhere.

#### *Stewardship*

23. The New Testament encourages us to be good stewards who consider that “our” material riches are in fact resources entrusted to us by our heavenly master, to be used for his purposes and for which we are accountable to him (Matt 25:14-30; Luke 19:12-27, cf. Luke 16:1-13). For those entrusted or endowed with more, more is expected.

From everyone who has been given much, much will be demanded; and from the one who has been entrusted with much, much more will be asked. (Luke 12:48)

24. Where a parish has significant non-offertory income streams generated by the capital assets entrusted to it, it is appropriate that proportionately more should be expected from the parish to provide for other parishes who have not been entrusted with as much.

#### *Equity with Transparency*

25. The three principles above underpin the existing LRP. There is a fourth principle that indicates the need for a modification to the existing policy – that of equity with transparency. There is a degree of inequity in the way that the existing LRP applies to parishes. The LRP is a policy of Standing Committee that applies to property sale and leasing ordinances. It does not apply to income received from licences not subject to an ordinance. This means that Parish A, which receives (say) annual **lease** income of \$90,000 is subject to the LRP, whereas Parish B, which also receives (say) \$90,000 p.a. by way of two **licences** for \$45,000 is not subject to the LRP. This is an inequity in our system that needs to be addressed.

26. Furthermore, the subjective basis of the existing LRP does not always lead to a consistency of outcomes. The current LRP relies on an assessment of a parish’s “reasonable property needs” and what constitutes a “windfall gain”, both of which are open to subjectivity and inconsistent application. The proposed levy is a straight-forward mathematical formula that applies to parishes consistently across the board, and allows each parish to readily determine the impact of the levy on its affairs. This liberates parish leadership from wrestling with definitions and allows everyone to anticipate the precise impact of the policy well in advance.

### **Considerations of a levy vs a policy**

#### *Benefits of a levy vs. a policy*

27. One of the principal reasons for considering a levy flowed from the desire to share among more parishes the responsibility for contributing to Synod funded ministry. Currently, four parishes provide 96% of lease contributions to the Synod budget. A levy is able to be administered simply (alongside the parish

Proposal for a Property Receipts Levy (received by Synod in 2017)

cost recoveries ["PCR"]) and so allows all parishes with property income to contribute efficiently. It is not expected that the amount contributed by the current four largest contributors would vary significantly, but would be supplemented by contributions from all parishes.

28. As noted above, the practice of parishes seeking a partial or full exemption from the application of the existing policy has resulted in the perception that the policy may be applied inconsistently or may be unpredictable in its operation. The proposed levy is intended to be a simple application to all non-offertory income, and so consistent and transparent in its operation.

29. The existing policy has created uncertainty, particularly as an increasing number of leases are authorised by a single trust ordinance. The existing policy leaves open for interpretation the question of whether a trust ordinance that provides for multiple leases should trigger the LRP, and creates inequality for parishes who use the preferred vehicle of a trust ordinance, rather than separate leasing ordinances. In contrast, the proposed levy does not discriminate between lease and licence income in a parish, and provides certainty around how parishes will contribute to the wider work of the diocese.

30. The current policy has a single, prescribed contribution amount, which does not address the varying levels of property income among parishes, and has resulted in the situation where it is exceptional that a parish contributes the prescribed amount. The levy incorporates progressive contribution bands which provide opportunity to establish a contribution-free threshold and successive contribution levels that represent the will of the Synod with regard to proportional giving.

31. The process by which parishes seek exemption requires significant discussion and reporting, followed by debate at Standing Committee. Accordingly, the process of administering the policy becomes quite time consuming for all involved, and is still prone to the perception of being inequitable and opaque. By contrast, the proposed levy is administratively simple and is to be applied without variation due to circumstance, so is expected to be equitable as well as efficient.

### **Property Receipts Levy characteristics**

32. There are a number of key issues that have been raised and considered during the consultation process held over a number of years, which have contributed to the design of the proposed levy. These are briefly outlined below.

#### *A levy on property income*

33. The proposed levy is intended to apply to recurring income rather than proceeds from the sale of property. In the event that Synod adopts the proposed levy, the Standing Committee intends adopting an amended form of the Large Property Receipts Policy considered by Synod in 2015 as shown in marked form in Appendix 3.

34. There are two types of income that parishes may receive –

- (a) Through the generosity of the current parishioners, all parishes receive offertory (which for the purposes of this paper is defined widely, to include bequests and other donations, including large one-off donations).
- (b) Some parishes receive income from land and buildings, or interest and investments. This is known as "property income" and is available to those parishes as a result of the generosity of previous generations and the advantages of geography. Parishes with property income may have substantial assets and the opportunity to generate significant additional income. The proposed PRL is intended to apply only to property income, as a means of redistributing wealth throughout the diocese.

35. With respect to the PRL, a parish's "property" includes both its real property (land and building assets) and its personal property (investment assets, e.g., trust funds, term deposits). The levy will apply equally to income generated from both classes of assets. To do otherwise (for example, to exempt investment income as was suggested in feedback sessions) would discourage parishes from investing in their real property. Whether a parish has a property generating lease income, or whether the property is sold and the proceeds invested, the levy will apply regardless. Applying to both forms of property income is also demonstrably more equitable and transparent.

#### *Application to property income net of related expenses*

36. A levy could be applied either to the gross property income of a parish, or to a parish's property income net of related expenses. Applying the levy to the gross amount would have the advantages of being simpler to administer and easier to forecast the amount of funds raised by the levy. However, given that the theological foundation of the levy is found in "sharing out of surplus", the form of proposed levy recommended by the committee applies to property income **net** of property expenses related to that income-producing property.

Proposal for a Property Receipts Levy (received by Synod in 2017)

37. Applying the levy to net property income rather than gross property income also ensures that parishes with income-producing properties that are more expensive to maintain are not unduly levied. For example, consider two parishes, each with a property generating income of \$100,000 p.a. One parish may have related property expenses (including mortgage repayments) of \$80,000 p.a. which means that the net income to the parish is only \$20,000 p.a. The other parish has relatively few expenses (say \$10,000 p.a.), and receives a net income of \$90,000 p.a. If the levy were applied against gross income, both parishes would be expected to contribute the same amount, with the first parish drawing from net income of only \$20,000 while the second can draw from net income of \$90,000. However, if applied against net income, each parish contributes in proportion to their net income received. This satisfies the principles of "equality" and "equity".

38. Applying the levy to net property income rather than the gross property income allows parishes to steward their income-producing properties using the income from those properties prior to the levy being applied. It was felt appropriate that the maintenance and improvement of income-producing properties should be able to be paid for with the income prior to any levy being applied.

39. Applying the levy to net property income rather than gross also allows the proposed levy to address many of the concerns raised during consultations with parishes. Following consultation with parishes, the Committee identified that the following expenses should be considered as deductible –

- (a) principal and interest portions of mortgage repayments on income-generating properties,
- (b) lease payments for a place of public worship (for example, if a parish uses property income to finance the rent it pays for a leased church meeting place), and
- (c) mortgage repayments, lease payments or housing allowances for a residence for ministry staff where there is a corresponding residential property owned by the parish that is generating lease income (for example, where a ministry residence owned by a parish is unsuitable for its purpose and is rented out in order to fund the leasing of another residence for a minister).

The Standing Committee subsequently added the following further category of deductible expense –

- (d) property insurance component of the Parish Cost Recovery (PCR) charge.

40. It is expected that the deduction for expenses from income producing property is capped at the amount of the total income from that property - i.e., parishes are not allowed to offset "pooled expenses" against "pooled income". For example, consider a parish with a hall and a residence both generating property income. The hall attracts \$10,000 of property income with related property expenses of \$50,000; while the residence generates \$42,000 in income, with related property expenses of \$5,000.

|                       | <u>Hall</u>                  | <u>Residence</u>                |
|-----------------------|------------------------------|---------------------------------|
| Net property income = | \$10,000 - \$10,000 (Capped) | + \$42,000 - \$5,000 = \$37,000 |

41. The intention of this aspect of the policy is to ensure equity across parishes in the application of the policy.

42. By allowing reasonable expenses to be offset, parishes are not penalised for appropriate financial decisions or decisions made for the care of their staff. For example, if a parish leased out a residence that was not suitable for their ministry staff and used the income to pay a housing allowance, it would seem unreasonable for any portion of the income that is used towards the housing allowance to attract the levy. Similarly, if a parish does not have a suitable property in which to conduct its public ministry, but uses property income to fund the rental of a suitable place of public worship, it would seem unreasonable to levy any portion of that property income that is needed to fund the rental of the place of worship.

*Limiting the amount of expenses that may be offset*

43. Consideration was given to applying the levy to property income net of all property related expenses, including expenses for ministry properties. While this may seem attractive in terms of using property income to maintain property, such a mechanism will have a number of unreasonable consequences which render this option unworkable and as such has not been pursued –

- (a) All parishes need to maintain their ministry properties whether they have property income or not. Where a parish is fully utilising its properties for ministry purposes, it has no other income sources to maintain and improve its properties, and this must be fully funded by the congregation. Such a mechanism would give further advantage to parishes that have property income, allowing ministry property expenses to offset levy contributions.
- (b) Such a mechanism would favour parishes with larger property income: consider two parishes with similar property income where the first can afford to use the property income to maintain the ministry property, while the other parish needs the property income to supplement other

*Proposal for a Property Receipts Levy (received by Synod in 2017)*

ministry costs. In this example the first parish would be able to offset all of their property income and contribute \$0 to the levy; while the parish in greater need will contribute the full portion of the levy.

- (c) There is significant capacity for most parishes to spend on ministry property and totally offset any property income. In 2015, parishes in the Diocese spent in total more than ten times as much on ministry property than on income producing property. One result of this reality is that the number of parishes contributing anything through the levy would be expected to dramatically reduce, meaning that a larger burden will be placed on a smaller number of parishes.
- (d) The purpose of the levy is to share among more parishes the responsibility for contributing to Synod funded ministry. The levy must be by some measure predictable, because ministries funded by the Synod will rely on the proceeds of the levy. Introducing the possibility that parishes may offset ministry property expenses to reduce their contribution to the levy has potential to significantly change spending patterns and ultimately introduces a level of unpredictability that will make the levy unworkable.

*Modelling of application of the levy*

44. It is anticipated that Synod may be desire to test the application of the levy against gross property income, or in an expanded form of net income that allows expenditure on ministry property to be offset. Accordingly, to outline the possibilities and demonstrate the likely required contribution bands under different models, appendix 4 outlines three different models of levy application, as well as indicative contribution amounts from each parish under each model.

*Efficient administration of the levy*

45. In order for the proposed levy to be administered efficiently, existing categories of income and expenditure currently used in the Prescribed Financial Statements ("PFS") have been employed to define net property income and it is intended that the levy contributions be calculated from audited financial statements submitted by parishes each year in a similar fashion to the Parish Cost Recoveries.

46. While total property income can easily be identified from existing categories in the PFS (4-3000 and 4-5000), and "Expenses for property lease income" (6-7000) captures most expenses related to property income, the other expenses identified as deductible in paragraphs 39 are not currently captured by a unique account code in PFS. It is intended that these additional categories will be assigned unique account codes in the PFS so that parishes can report these amounts in their annual financial returns.

*Consistent application of levy, with option to remain under ordinance*

47. The theological principles of equality and equity with transparency suggest that the proposed levy should apply as uniformly as possible, and involve as simple a calculation as possible. In order to achieve this, the proposed levy avoids any reference to "reasonable property needs" and allows certain deductions to all parishes, with no place for "special case" exemptions. It is expected that this will result in greater efficiency and integrity of administration of the levy.

48. Many parishes have an ordinance that sets out the percentage contribution from existing lease income. These ordinances will continue to operate on their current terms until the expiry date of the ordinance. The PRL would not apply to lease income which is already levied in some manner under ordinances (i.e., there is no "double taxation"). Parishes will have the option to renew their ordinances on expiry, and parishes not currently subject to special arrangements will have the option to seek special arrangements via an ordinance.

49. It is anticipated that Standing Committee would consider such ordinance conditions in light of the contribution that would otherwise be made under the levy, and then to take into account any exceptional circumstances in the parish. The committee expects that this approach will allow a gradual transition to a levy-based approach that will not jeopardise ministries which are currently funded through present ordinance arrangements. At the same time, the option for special arrangements via ordinance allows flexibility for genuinely exceptional circumstances.

*Creation of a sinking fund as an allowable property expense in arriving at net property income*

50. Consideration was given to treating any funds that a parish sets aside for future expenses (in a sinking fund) related to property income, as an additional form of property expense (and consequently reducing the amount of income upon which the parish is levied). This approach would likely have the benefit of encouraging parishes to set aside funds for their future property needs, but would also add an additional level of complexity, while reducing the predictability of the level of income from the levy.

*Proposal for a Property Receipts Levy (received by Synod in 2017)*

51. Ultimately, given the desire to apply the levy with equity and transparency, it was felt that this is better achieved with a simple levy applied on the income after actual costs only are taken into consideration. This also has the additional benefit of neither advantaging nor disadvantaging any parishes over others.

52. It was also noted that the PCR does not allow for a sinking fund type offset in calculations for the PCR, and suggested that the levy is best applied on the same principles as the PCR. Consequently, if exemptions for funds added to a sinking fund are worthy of pursuit, it would be more appropriate to consider these in conjunction with the net operating receipts rather than being applied only to this proposed levy.

*The effect of a property levy in addition to the PCR and Greenfields Land levy*

53. Each parish's property income is already being assessed alongside their offertory income through the Parish Cost Recoveries and the Greenfields Land levy. The proposed contribution rates have been set mindful of this economic reality.

**Forecast proceeds of the levy**

54. Various modelling has been used to determine the likely income from this proposed levy, with the expectation that this proposal should result in a net increase of at least \$500,000 p.a. available for ministry funding. This arises from the expectation that those parishes who currently contribute will not give substantially less, while many other parishes will provide contributions in addition to the amounts currently received. However, this forecast income cannot be viewed as anything more than an indication, for several reasons –

- (a) The modelling has necessarily relied on data from parishes in 2015, whereas the levy could only reasonably commence using accounts from 2018 at the earliest. Significant changes will have occurred in those intervening years.
- (b) The current PFS accounts provided by parishes do not specify certain types of expenses which will be deductible for the purpose of calculating the levy (e.g., mortgage repayments on income producing properties).
- (c) The proposed levy may encourage parishes to spend more on the maintenance of their income-producing properties, which will reduce the amount to which the levy would apply.

55. By Synod resolution 4/16, the Synod expressed its recognition that additional funds may be generated through the proposed PRL, and asked the Committee to provide an option in its modelling that would generate significant additional funding for ministry initiatives. The resolution went on to identify Evangelism and New Churches as worthy of strong consideration as a recipient of additional funding if additional funding became available through the proposed levy.

**Application of funds**

56. It is outside the terms of reference of the committee to develop a detailed proposal for the use of the additional funds generated by the proposed PRL. However, the committee recommends that the following principles should be present in any proposal for application of funds generated by the proposed levy –

- (a) Existing Synod commitments should be maintained: The current LPRL and/or ordinance variations currently generates in excess of \$1m per annum, which funds a range of ministry initiatives. This funding should be maintained, and the framework below is only to apply to "additional" funds raised by the PRL above an agreed benchmark figure.
- (b) Funds derived from capital assets should be used to build the capital base of the Diocese: The PRL funds have been derived from capital assets and as a matter of principle, should be used to build the capital base of the Diocese. We therefore do not recommend that the funds used "to support church planting initiatives in urban areas" (as per Synod resolution 4/16).
- (c) Funds derived from the PRL should be used for the benefit of existing urban areas of the Diocese: The PRL funds should be used to stimulate property development for parishes in urban areas. This fills the obvious gap in our Diocesan Property strategy. We currently have a Greenfields levy and NCNC as a strategy for church expansion in the developing areas of Sydney (where 30% of the population growth is projected to occur) but no strategy to support church expansion in the rest of the diocese (where 70% of the growth is projected to occur).

57. The committee has become aware of the proposal of the Mission Property Committee to provide guidance to parishes undertaking Brownfields projects, which will require significant funding. The committee is of the view that such a proposal is consistent with the principles outlined above, and strong consideration should be given to funding that proposal with the proceeds of the PRL.

58. The committee also suggests that any additional funds not required for the Synod budget and beyond the needs (up to a maximum of \$500,000) of the MPC proposal for brownfield development, may be

Proposal for a Property Receipts Levy (received by Synod in 2017)  
provided as grants for capital development to fund urban renewal, and suggests the following framework as a mechanism to apply those funds –

- (a) Grants to be administered by the Mission Property Committee (which may need to have its terms of reference and membership augmented accordingly).
- (b) Any parish may apply for a dollar-for-dollar matching grant, on the following basis –
  - (i) The parish must be able to contribute at least \$50,000 from funds that it has raised internally for that project.
  - (ii) There is no maximum project size, but the maximum grant is \$250,000.
  - (iii) Priority will be given to parishes that have not previously received a grant.
  - (iv) Priority will be given to projects that increase ministry capacity (eg. expanded church, new hall) rather than projects which restore or maintain existing capital assets.
  - (v) The Standing Committee may provide further guidelines to the MPC to assist it to assess the priority projects.
  - (vi) The MPC will determine a list of priority projects in a given year.
- (c) If there are insufficient funds for all priority projects, the grants are to be applied in proportion to the matching amount raised by the applicant parishes.

59. The intended effect of these principles is that parishes who have a sufficiently missional and supported project (as demonstrated by an ability to raise \$50,000 or more internally) could expect to have that amount matched by the Diocese for their project.

60. The threshold of a \$50,000 matching amount is intended to ensure that only projects of a certain size are provided grants and the scheme is not overwhelmed with applicants. A parish with a significantly larger project could apply for a grant up to \$250,000 provided the parish could raise \$250,000 internally. It is felt that these measures will be transparent, easy to administer, and should generally ensure that the funds raised go to worthy missional projects that have the backing of the congregations involved.

#### **Commencement, phase in and review**

61. If the proposed levy is passed in Synod in 2017, it will apply to income generated in 2018, which will be reported through the PFS in 2019, with the levy being paid in 2020.

62. It is expected that most parishes will contribute to the proposed levy. In order to minimise the impact on ministries, the proposed levy incorporates a phase-in period where –

- (a) in the first year of application (i.e., 2020), contributions would only attract 33% of the normal levy contribution for each parish,
- (b) in the second year (2021), contributions would attract 67% of the normal levy contribution, and
- (c) in the third year, the full levy would apply for the first time.

63. The proposed levy should be reviewed 5 years after commencement, with subsequent review periods being set at that time.

For and on behalf of the Standing Committee.

THE REV CRAIG ROBERTS  
*Chair, Large Receipts Policy Review Committee*

22 August 2017

**SCHEDULE****Proposed Property Receipts Levy***Income to which the levy applies*

1. A levy is applied at the rate set out in paragraph 4 to each parish's "net property income", unless the property income is already subject to contribution under ordinance.
2. Net property income is the total property income (from licences and leases on commercial and ministry residences, and from dividends, distributions and interest) net of expenses incurred for those income-generating properties, and other named deductions as set out below. The standard diocesan chart of accounts describes the relevant income as follows –

|        |   |
|--------|---|
| 4-3000 | Property Income (lease rental from commercial and residential properties, licence fees and casual booking fees)   |
| 4-5000 | Finance income (bank interest, investment income and ACPT Client Fund income)   |
| 6-7000 | Expenses for Property lease income*, including costs and payments in relation to –  |
| 6-7500 | mortgage repayments on leased properties  |
| 6-9000 | Other expenses deductible for the purposes of this levy, including –  |
| 6-9### | leases for a place of public worship  |
| 6-9### | mortgage repayments, leases or allowances for a residence for ministry staff where there is a corresponding residential property owned by the parish that is attracting lease income in order to fund the ministry residence in use |
| 6-9### | property insurance component of the Parish Cost Recovery ("PCR") charge.  |

\* A deduction for expenses from income producing property is capped at the amount of the total income from that property. i.e., parishes are not to offset "pooled property expenses" against "pooled property income".

3. The levy for each parish is calculated as follows =  $[4-3000] + [4-5000] - [6-7000] - [6-9000]$

*Contribution amounts*

4. The following table sets out the rate at which the levy is applied –

| Net property income | % Levy to be applied (within the income band) | Levy contribution                        |
|---------------------|---|--|
| \$0-10,000          | 0%  | 0% of every dollar                       |
| \$10,000-50,000     | 5%  | 5% of every dollar > \$10K               |
| \$50,000-100,000    | 15%   | \$2,000 + 15% of every dollar > \$50K    |
| \$100,000-200,000   | 25%   | \$9,500 + 25% of every dollar > \$100K   |
| \$200,000-400,000   | 35%   | \$34,500 + 35% of every dollar > \$200K  |
| \$400,000+          | 45%   | \$104,500 + 45% of every dollar > \$400K |

## Example applications of levy

### *Example application of various amounts*

1. To illustrate the application of the levy, the following are examples of the levy contribution with various amounts of net property income –
  - (a) net property income of \$20K would contribute \$500
  - (b) net property income of \$40K would contribute \$1,500
  - (c) net property income of \$67K would contribute \$4,550
  - (d) net property income of \$170K would contribute \$27,000
  - (e) net property income of \$285K would contribute \$64,250
  - (f) net property income of \$1,000K would contribute \$374,500

### *Example of parish with funds earning interest*

2. A parish may be setting aside funds over many years for the purpose of a new parish hall. In such a situation, there may be \$500,000 in an account earning interest of 3% pa. For this parish, assuming no other income or associated costs, the net income is \$15,000 pa. The contribution arising from that interest amount would be \$250.

### *Examples of various sources of property income*

3. A parish may have investment income of \$10,000. If the parish has no other property income, the parish will contribute \$0 to Synod funds.
4. A parish may have investment income of \$10,000, and a leased property with income of \$23,000 and related expenses of \$3,000. This parish has net property receipts of \$30,000 from which \$1,000 would be contributed to Synod funds via the PRL.
5. A parish may have property income from a leased residential property of \$30,000 p.a., but may be providing a housing allowance to a staff member of 30,000 p.a. This parish will contribute \$0 to Synod funds from the lease income.

**Large Receipts Policy of Standing Committee (currently in place)***Church Trust Property*

1. Property is "church trust property" if it is subject to any trust for or for the use, benefit or purposes of the Anglican Church in the Diocese of Sydney or any parochial unit or diocesan organisation in the Diocese.
2. All church property in this Diocese has been donated to trustees, or has been acquired with money placed in the hands of trustees, for the purposes of parochial units or diocesan organisations or for specific or general purposes within the Diocese.
3. Church trusts are not private trusts for the benefit of individual beneficiaries but are charitable trusts under which the property (subject to the power to vary those trusts under section 32 of the *Anglican Church of Australia Trust Property Act 1917*) is devoted to designated purposes in perpetuity. It is not held on trust solely for a group of persons who may have the right to use it for the time being and the obligation to maintain it.
4. When an Ordinance is promoted to provide for the sale or lease of church trust property the Standing Committee represents the interest of the Diocese as a whole and has established these guidelines to assist promoters in an appropriate sharing with the Diocese.

*Large Receipts*

5. The Synod and the Standing Committee have recognised that many sale ordinances (and some leasing ordinances) may contain a "windfall" element.
6. Among several Synod and Standing Committee resolutions on this subject, 3 can be summarised as –
  - (a) Where parishes have greatly enhanced receipts which are beyond their reasonable needs, then the surplus should be shared with the rest of the Diocese.
  - (b) It is not in the interests of any parish to be in a position where free-will offerings of the people are not needed to maintain its work.
  - (c) Parishes should review their resources and incomes to identify any which might be allocated to new housing areas.
7. A bill for an ordinance involves a "Large Receipt" if –
  - (a) expected sale proceeds exceed \$500,000; or
  - (b) expected leasing or investment income exceeds \$50,000 pa.

*Sharing with the rest of the Diocese*

8. The normal expectation for a large receipt is that 15% of the proceeds will be added to the capital of the Diocesan Endowment and benefit the Diocese generally by helping to increase distributions of income available to the Synod. Notwithstanding this, upon special application, 15% of the proceeds may be allocated to other Diocesan beneficiaries to further the Diocesan Mission.
9. A higher percentage may be appropriate if the large receipt exceeds \$1 million.
10. In addition to any allocation under 10.11 or 10.12 the promoters of an ordinance may recommend specific allocations for parochial or extra-parochial purposes.
11. A bill for an ordinance meeting these guidelines would not normally be referred to an ordinance review panel.
12. The promoters of a bill involving a large receipt may give reasons why these guidelines should not be followed for their bill.

**Relationship with proposed property levy**

By resolution 52/15, the Synod requested the Standing Committee to adhere to these guidelines for large receipts until such time as a proposal for a levy as an alternative to a large property receipts policy is considered by Synod.

## Large Property Receipts Policy

The original form of the Large Property Receipts Policy considered by Synod in 2015, is shown below with amendments in marked form indicating proposed changes to the policy for adoption by the Standing Committee.

### Large Property Receipts Policy

#### Church Trust Property

1. Property is "church trust property" if it is subject to any trust for the use, benefit or purposes of the Anglican Church in the Diocese of Sydney or any parochial unit or diocesan organisation in the Diocese.
2. All church trust property in this Diocese has been donated to trustees, or has been acquired with money placed in the hands of trustees, for the purposes of parochial units or diocesan organisations or for specific or general purposes within the Diocese.
3. Church trusts are not private trusts for the benefit of individual beneficiaries but are charitable trusts under which the property (subject to the power to vary those trusts under section 32 of the Anglican Church of Australia Trust Property Act 1917) is devoted to designated purposes in perpetuity. It is not held on trust solely for a group of persons who may have the right to use it for the time being and the obligation to maintain it.

#### Rationale for this policy

4. The Standing Committee ~~Synod~~ considers that it is the responsibility of each parish to ensure, as far as possible, that its reasonable property needs for effectively undertaking ministry are met.
5. The Standing Committee ~~Synod~~ recognises that in order to meet a parish's reasonable property needs it is sometimes necessary or desirable to sell ~~or lease~~ church trust property held for the parish.
6. The Standing Committee ~~Synod~~ also recognises that sometimes the sale ~~and leasing~~ of parish property will give rise to a large property receipt which is beyond the reasonable property needs of the parish.
7. In these circumstances, the Standing Committee ~~Synod~~ considers that a portion of the large property receipt in excess of the reasonable property needs of the parish should be shared with the rest of the Diocese.

#### When does this policy apply?

8. This policy will only apply if there is a large property receipt. For the purposes of this policy, a large property receipt will arise if –
  - (a) the net sale proceeds of parish property is expected to exceed \$1,000,000; ~~or~~
  - (b) ~~the net leasing income from parish property is expected to exceed \$100,000 pa.~~

#### What are the reasonable property needs of a parish?

9. The reasonable property needs of a parish means that combination of land, buildings and associated infrastructure (and the means to maintain, renovate or replace such property) as is reasonably required by the parish to effectively undertake its ministry both currently and into the foreseeable future.
10. The Standing Committee will be guided by the parish in identifying its reasonable property needs.

#### Promotion of bills which give rise to a large property receipt

11. The statement of evidence accompanying a bill for the sale ~~or lease~~ of parish property which gives rise to a large property receipt should identify the reasonable property needs of the parish. If those reasonable property needs are currently not met –
  - (a) the statement of evidence should also include a plan to ensure the parish meets those needs, and

Proposal for a Property Receipts Levy (received by Synod in 2017)

- (b) the bill should provide, as a first priority, for the application of the large property receipt in or toward meeting those needs in accordance with that plan and in conformity with any policy of the Standing Committee concerning the application of sale proceeds ~~and property income~~.
12. If a bill for a sale ~~or lease~~ of parish property gives rise to a large property receipt and –
- (a) the reasonable property needs identified by the parish are less than the amount of the large property receipt, or
  - (b) the parish does not adequately identify or plan to meet its reasonable property needs,
- the amount necessary to meet the reasonable property needs of the parish is, for the purposes of this policy, taken to be \$1,000,000 ~~in the case of a bill to sell parish property and \$100,000 pa in the case of a bill to lease parish property~~.

### **Sharing with the rest of the Diocese**

- 13. The Standing Committee's ~~Synod's~~ normal expectation for a large property receipt arising from a bill for an ordinance to sell parish property is that the parish should share 15% of any amount in excess of its reasonable property needs with the Mission Property Committee as an addition to the Mission Property Fund. If the excess is expected to be greater than \$500,000, the percentage shared should be higher than 15%.
- 14. Any preference that the parish wishes to express concerning the application of a large property receipts payment to a particular Mission Property Committee project should be expressed in the Statement of Evidence which accompanies the bill rather than in the bill itself.
- ~~15. The Synod's normal expectation for a large property receipt arising from a bill for an ordinance to lease parish property is that the parish should share 30% of any amount in excess of its reasonable property needs with the Synod for allocation as part of its annual budgeting process or, upon special application, with other Diocesan beneficiaries. If the excess is expected to be greater than \$50,000 pa, the percentage shared should be higher than 30%.~~

### **Review of bills for large property receipts ordinances**

- ~~16.~~ 15. A bill for an ordinance which gives rise to a large property receipt but is promoted on the basis that the reasonable property needs identified by the parish are less than the amount of the large property receipt (under paragraph 12(a) above) will not usually be referred to an Ordinance Review Panel provided the bill makes provision for the sharing of a portion of the large property receipt in accordance with the normal expectations of the Standing Committee ~~Synod~~ under this policy.

### **Grant of relief from policy**

- ~~17.~~ 16. The Standing Committee will consider any request for relief (in part or whole) from the sharing of a portion of a large property receipt in accordance with the normal expectation ~~of the Synod~~ under this policy. Such relief will not be granted unless the promoters of a bill involving a large property receipt give sufficient reasons for an exception.

### **Reports concerning amounts shared under the policy**

- ~~18.~~ 17. A report will be provided to the Synod each year identifying all amounts shared under this policy with the Mission Property Fund and other diocesan beneficiaries in the preceding year ~~and with the Synod for allocation as part of its budget in the following year~~.

### **Amendment of the policy**

- ~~19.~~ 18. The Standing Committee may make amendments to this policy provided such amendments are reported to the next ordinary session of the Synod.

### **Sunset**

- ~~20.~~ This policy ceases to operate on the first day of the ordinary session of the Synod in 2020.

## Modelling of levy contributions

It is anticipated that Synod may desire to test the application of the levy against gross property income, or in an expanded form of net income that allows expenditure on ministry property to be offset. Accordingly, to outline the possibilities and demonstrate the likely required contribution bands under different models, below are three different models of levy application as well as indicative contribution amounts from each parish under each model.

This modelling uses data directly from the 2015 parish returns (the latest complete data available) and accordingly only takes into account income that has been distributed to a parish. Please note that these models can only be viewed as indicative, as the presence of the levy will likely change spending behaviour.

Model 1: Levy on gross property income

|   | Contribution bands |           |           |           |           | Total              |
|---|--------------------|-----------|-----------|-----------|-----------|--------------------|
| <b>From</b>   | \$10,000           | \$50,000  | \$100,000 | \$200,000 | \$400,000 |                    |
| <b>to</b>   | \$50,000           | \$100,000 | \$200,000 | \$400,000 |           |                    |
| <b>% levy</b>   | 5%                 | 10%       | 20%       | 30%       | 40%       |                    |
| <b>Total</b>  | \$262,478          | \$298,082 | \$499,451 | \$762,053 | \$629,739 | <b>\$2,451,802</b> |
|   | 115                | 38        | 26        | 6         | 10        | <b>195</b>         |
| <i>(No. of parishes with total property income in this range)</i> |                    |           |           |           |           |                    |

Model 2: Levy on net property income (recommended)

|   | Contribution bands |           |           |           |           | Total              |
|---|--------------------|-----------|-----------|-----------|-----------|--------------------|
| <b>From</b>   | \$10,000           | \$50,000  | \$100,000 | \$200,000 | \$400,000 |                    |
| <b>to</b>   | \$50,000           | \$100,000 | \$200,000 | \$400,000 |           |                    |
| <b>% levy</b>   | 5%                 | 15%       | 25%       | 35%       | 45%       |                    |
| <b>Total</b>  | \$250,429          | \$401,430 | \$582,234 | \$702,013 | \$624,419 | <b>\$2,560,525</b> |
|   | 118                | 40        | 19        | 9         | 7         | <b>193</b>         |
| <i>(No. of parishes with total property income in this range)</i> |                    |           |           |           |           |                    |

Model 3: Levy on net property income (with deduction for ministry property expenses)

|   | Contribution bands |           |             | Total              |
|---|--------------------|-----------|-------------|--------------------|
| <b>From</b>   | \$0                | \$50,000  | \$100,000   |                    |
| <b>to</b>   | \$50,000           | \$100,000 |             |                    |
| <b>% levy</b>   | 15%                | 30%       | 50%         |                    |
| <b>Total</b>  | \$470,551          | \$380,437 | \$1,515,971 | <b>\$2,366,958</b> |
|   | 73                 | 17        | 18          | <b>108</b>         |
| <i>(No. of parishes with total property income in this range)</i> |                    |           |             |                    |

**Indicative contribution amounts from each parish, under each model**

*Note: These indicative contribution amounts are based on 2015 data provided by each parish in their Prescribed Financial Statements and on the contribution percentages detailed in Appendix 4.*

| Parish                             | Property Income (P.I.) | 1. Levy on gross P.I. |     | 2. Levy on net P.I. |     | 3. Levy on P.I. net of all property expenses |     |
|------------------------------------|------------------------|-----------------------|-----|---------------------|-----|--|-----|
| Abbotsford                         | \$62K                  | \$3K                  | 5%  | \$4K                | 6%  | \$7K   | 12% |
| Albion Park                        | \$17K                  | \$0K                  | 2%  | \$0K                | 2%  | \$0K   | 0%  |
| Annandale                          | \$86K                  | \$6K                  | 7%  | \$7K                | 9%  | \$14K  | 17% |
| Arncliffe                          | \$38K                  | \$1K                  | 4%  | \$1K                | 4%  | \$4K   | 10% |
| Artarmon                           | \$19K                  | \$0K                  | 2%  | \$0K                | 2%  | \$0K   | 0%  |
| Ashbury                            | \$25K                  | \$1K                  | 3%  | \$1K                | 3%  | \$0K   | 0%  |
| Ashfield, Five Dock and Haberfield | \$424K                 | \$97K                 | 23% | \$114K              | 27% | \$67K  | 16% |
| Asquith / Mt Colah / Mt Kuring-gai | \$19K                  | \$0K                  | 2%  | \$0K                | 2%  | \$0K   | 0%  |
| Auburn - St Philip                 | \$40K                  | \$2K                  | 4%  | \$1K                | 2%  | \$2K   | 6%  |
| Auburn - St Thomas                 | \$3K                   | \$0K                  | 0%  | \$0K                | 0%  | \$0K   | 0%  |
| Austinmer                          | \$8K                   | \$0K                  | 0%  | \$0K                | 0%  | \$0K   | 0%  |
| Balgowlah                          | \$87K                  | \$6K                  | 7%  | \$6K                | 7%  | \$7K   | 8%  |
| Balmain                            | \$39K                  | \$1K                  | 4%  | \$1K                | 4%  | \$0K   | 0%  |
| Bankstown                          | \$24K                  | \$1K                  | 3%  | \$1K                | 3%  | \$3K   | 13% |
| Barrenjoey                         | \$67K                  | \$4K                  | 6%  | \$3K                | 4%  | \$5K   | 8%  |
| Baulkham Hills                     | \$33K                  | \$1K                  | 3%  | \$1K                | 3%  | \$2K   | 7%  |
| Beacon Hill                        | \$24K                  | \$1K                  | 3%  | \$1K                | 3%  | \$3K   | 11% |
| Beecroft                           | \$62K                  | \$3K                  | 5%  | \$2K                | 4%  | \$0K   | 0%  |
| Bellevue Hill                      | \$152K                 | \$17K                 | 11% | \$19K               | 12% | \$14K  | 9%  |
| Belmore w/ M. Hill & C. Park       | \$33K                  | \$1K                  | 3%  | \$1K                | 3%  | \$0K   | 0%  |
| Belrose                            | \$71K                  | \$4K                  | 6%  | \$5K                | 7%  | \$6K   | 8%  |
| Berala                             | \$1K                   | \$0K                  | 0%  | \$0K                | 0%  | \$0K   | 0%  |
| Berowra                            | \$4K                   | \$0K                  | 0%  | \$0K                | 0%  | \$0K   | 0%  |
| Berry                              | \$11K                  | \$0K                  | 1%  | \$0K                | 1%  | \$0K   | 0%  |
| Beverly Hills with Kingsgrove      | \$40K                  | \$1K                  | 4%  | \$1K                | 4%  | \$0K   | 0%  |
| Blackheath                         | \$12K                  | \$0K                  | 1%  | \$0K                | 1%  | \$0K   | 0%  |
| Blacktown                          | \$136K                 | \$14K                 | 10% | \$19K               | 14% | \$10K  | 7%  |
| Blakehurst                         | \$13K                  | \$0K                  | 1%  | \$0K                | 0%  | \$0K   | 0%  |
| Bomaderry                          | \$10K                  | \$0K                  | 0%  | \$0K                | 0%  | \$0K   | 0%  |
| Bondi                              | \$159K                 | \$19K                 | 12% | \$24K               | 15% | \$2K   | 1%  |
| Bowral                             | \$26K                  | \$1K                  | 3%  | \$1K                | 3%  | \$0K   | 0%  |
| Brighton/Rockdale                  | \$105K                 | \$8K                  | 8%  | \$8K                | 8%  | \$5K   | 5%  |
| Broadway                           | \$524K                 | \$137K                | 26% | \$35K               | 7%  | \$2K   | 0%  |
| Bulli                              | \$31K                  | \$1K                  | 3%  | \$1K                | 3%  | \$0K   | 0%  |
| Burwood                            | \$103K                 | \$8K                  | 7%  | \$9K                | 9%  | \$3K   | 3%  |
| Cabramatta                         | \$11K                  | \$0K                  | 0%  | \$0K                | 0%  | \$0K   | 0%  |
| Cambridge Park                     | \$1K                   | \$0K                  | 0%  | \$0K                | 0%  | \$0K   | 0%  |
| Camden                             | \$90K                  | \$6K                  | 7%  | \$5K                | 5%  | \$0K   | 0%  |
| Campbelltown                       | \$154K                 | \$18K                 | 12% | \$23K               | 15% | \$15K  | 10% |
| Campsie                            | \$33K                  | \$1K                  | 4%  | \$1K                | 4%  | \$0K   | 1%  |

Proposal for a Property Receipts Levy (received by Synod in 2017)

| Parish                         | Property Income (P.I.) | 1. Levy on gross P.I. |     | 2. Levy on net P.I. |     | 3. Levy on P.I. net of all property expenses |     |
|--------------------------------|------------------------|-----------------------|-----|---------------------|-----|--|-----|
| Canterbury with Hurlstone Park | \$26K                  | \$1K                  | 3%  | \$1K                | 3%  | \$0K   | 0%  |
| Caringbah                      | \$28K                  | \$1K                  | 3%  | \$1K                | 3%  | \$0K   | 0%  |
| Carlingford and North Rocks    | \$4K                   | \$0K                  | 0%  | \$0K                | 0%  | \$1K   | 15% |
| Castle Hill                    | \$16K                  | \$0K                  | 2%  | \$0K                | 2%  | \$0K   | 0%  |
| Centennial Park                | \$18K                  | \$0K                  | 2%  | \$0K                | 2%  | \$0K   | 0%  |
| Chatswood                      | \$11K                  | \$0K                  | 0%  | \$0K                | 0%  | \$0K   | 0%  |
| Cherrybrook                    | \$0K                   | \$0K                  | 0%  | \$0K                | 0%  | \$0K   | 0%  |
| Chester Hill with Sefton       | \$1K                   | \$0K                  | 0%  | \$0K                | 0%  | \$0K   | 0%  |
| Christ Church Northern Beaches | \$68K                  | \$4K                  | 6%  | \$4K                | 6%  | \$0K   | 0%  |
| Church Hill                    | \$420K                 | \$95K                 | 23% | \$114K              | 27% | \$143K                                       | 34% |
| Clovelly                       | \$83K                  | \$5K                  | 6%  | \$2K                | 2%  | \$5K   | 6%  |
| Cobbitty                       | \$30K                  | \$1K                  | 3%  | \$1K                | 3%  | \$0K   | 0%  |
| Concord and Burwood            | \$45K                  | \$2K                  | 4%  | \$2K                | 4%  | \$5K   | 11% |
| Concord North                  | \$8K                   | \$0K                  | 0%  | \$0K                | 0%  | \$0K   | 0%  |
| Concord West w/ Concord Nth    | \$52K                  | \$2K                  | 4%  | \$2K                | 4%  | \$0K   | 0%  |
| Coogee                         | \$55K                  | \$3K                  | 5%  | \$3K                | 5%  | \$7K   | 12% |
| Cooks River                    | \$17K                  | \$0K                  | 2%  | \$0K                | 2%  | \$0K   | 0%  |
| Corrimal                       | \$41K                  | \$2K                  | 4%  | \$1K                | 3%  | \$3K   | 7%  |
| Cranebrook with Castlereagh    | \$25K                  | \$1K                  | 3%  | \$1K                | 3%  | \$0K   | 0%  |
| Cremorne                       | \$162K                 | \$19K                 | 12% | \$23K               | 14% | \$25K  | 15% |
| Cronulla                       | \$37K                  | \$1K                  | 4%  | \$1K                | 4%  | \$2K   | 6%  |
| Croydon                        | \$33K                  | \$1K                  | 3%  | \$1K                | 3%  | \$0K   | 0%  |
| Culburra Beach                 | \$3K                   | \$0K                  | 0%  | \$0K                | 0%  | \$0K   | 0%  |
| Dapto                          | \$51K                  | \$2K                  | 4%  | \$2K                | 4%  | \$0K   | 0%  |
| Darling Point                  | \$334K                 | \$67K                 | 20% | \$71K               | 21% | \$103K                                       | 31% |
| Darling Street                 | \$328K                 | \$65K                 | 20% | \$37K               | 11% | \$0K   | 0%  |
| Darlinghurst                   | \$401K                 | \$88K                 | 22% | \$79K               | 20% | \$117K                                       | 29% |
| Dee Why                        | \$14K                  | \$0K                  | 1%  | \$0K                | 1%  | \$0K   | 0%  |
| Denham Court                   | \$12K                  | \$0K                  | 1%  | \$0K                | 1%  | \$1K   | 9%  |
| Doonside                       | \$0K                   | \$0K                  | 0%  | \$0K                | 0%  | \$0K   | 0%  |
| Drummoyne                      | \$30K                  | \$1K                  | 3%  | \$1K                | 3%  | \$0K   | 0%  |
| Dulwich Hill                   | \$68K                  | \$4K                  | 6%  | \$4K                | 6%  | \$7K   | 11% |
| Dundas/Telopea                 | \$86K                  | \$6K                  | 7%  | \$7K                | 9%  | \$0K   | 0%  |
| Dural District                 | \$7K                   | \$0K                  | 0%  | \$0K                | 0%  | \$0K   | 0%  |
| Eagle Vale                     | \$8K                   | \$0K                  | 0%  | \$0K                | 0%  | \$0K   | 0%  |
| Earlwood                       | \$30K                  | \$1K                  | 3%  | \$1K                | 3%  | \$0K   | 0%  |
| East Lindfield                 | \$44K                  | \$2K                  | 4%  | \$2K                | 4%  | \$0K   | 0%  |
| Eastgardens                    | \$22K                  | \$1K                  | 3%  | \$1K                | 3%  | \$2K   | 8%  |
| Eastwood                       | \$29K                  | \$1K                  | 3%  | \$1K                | 2%  | \$0K   | 0%  |
| Emu Plains                     | \$1K                   | \$0K                  | 0%  | \$0K                | 0%  | \$0K   | 0%  |
| Enfield and Strathfield        | \$49K                  | \$2K                  | 4%  | \$2K                | 4%  | \$0K   | 0%  |
| Engadine                       | \$2K                   | \$0K                  | 0%  | \$0K                | 0%  | \$0K   | 0%  |
| Enmore/Stammore                | \$20K                  | \$0K                  | 2%  | \$0K                | 2%  | \$0K   | 0%  |
| Epping                         | \$107K                 | \$8K                  | 8%  | \$11K               | 10% | \$12K  | 11% |

## Proposal for a Property Receipts Levy (received by Synod in 2017)

| Parish                          | Property Income (P.I.) | 1. Levy on gross P.I. |     | 2. Levy on net P.I. |     | 3. Levy on P.I. net of all property expenses |     |
|---------------------------------|------------------------|-----------------------|-----|---------------------|-----|--|-----|
| Ermington                       | \$6K                   | \$0K                  | 0%  | \$0K                | 0%  | \$0K   | 0%  |
| Fairfield with Bossley Park     | \$39K                  | \$1K                  | 4%  | \$1K                | 3%  | \$0K   | 0%  |
| Fairy Meadow                    | \$16K                  | \$0K                  | 2%  | \$0K                | 2%  | \$0K   | 0%  |
| Figtree                         | \$5K                   | \$0K                  | 0%  | \$0K                | 0%  | \$0K   | 0%  |
| Forestville                     | \$34K                  | \$1K                  | 4%  | \$1K                | 4%  | \$0K   | 0%  |
| Frenchs Forest                  | \$5K                   | \$0K                  | 0%  | \$0K                | 0%  | \$0K   | 0%  |
| Freshwater                      | \$19K                  | \$0K                  | 2%  | \$0K                | 2%  | \$0K   | 0%  |
| Georges Hall                    | \$1K                   | \$0K                  | 0%  | \$0K                | 0%  | \$0K   | 0%  |
| Gerringong                      | \$3K                   | \$0K                  | 0%  | \$0K                | 0%  | \$0K   | 0%  |
| Gladesville                     | \$239K                 | \$39K                 | 16% | \$37K               | 16% | \$43K  | 18% |
| Glebe                           | \$111K                 | \$9K                  | 8%  | \$9K                | 8%  | \$10K  | 9%  |
| Glenhaven                       | \$3K                   | \$0K                  | 0%  | \$0K                | 0%  | \$0K   | 0%  |
| Glenmore Park                   | \$1K                   | \$0K                  | 0%  | \$0K                | 0%  | \$0K   | 0%  |
| Glenquarie                      | \$46K                  | \$2K                  | 4%  | \$1K                | 3%  | \$3K   | 6%  |
| Gordon                          | \$35K                  | \$1K                  | 4%  | \$1K                | 4%  | \$0K   | 0%  |
| Granville                       | \$10K                  | \$0K                  | 0%  | \$0K                | 0%  | \$0K   | 0%  |
| Greenacre                       | \$53K                  | \$2K                  | 4%  | \$0K                | 1%  | \$1K   | 2%  |
| Greenwich                       | \$139K                 | \$15K                 | 11% | \$19K               | 14% | \$29K  | 21% |
| Greystanes - Merrylands West    | \$20K                  | \$1K                  | 3%  | \$0K                | 0%  | \$0K   | 0%  |
| Guildford with Villawood        | \$70K                  | \$4K                  | 6%  | \$1K                | 2%  | \$0K   | 0%  |
| Gymea                           | \$18K                  | \$0K                  | 2%  | \$0K                | 2%  | \$0K   | 0%  |
| Harbour Church                  | \$0K                   | \$0K                  | 0%  | \$0K                | 0%  | \$0K   | 15% |
| Helensburgh and Stanwell Park   | \$26K                  | \$1K                  | 3%  | \$1K                | 2%  | \$0K   | 0%  |
| Hornsby                         | \$31K                  | \$1K                  | 3%  | \$1K                | 3%  | \$0K   | 0%  |
| Hornsby Anglican Chinese Church | \$5K                   | \$0K                  | 0%  | \$0K                | 0%  | \$1K   | 15% |
| Hornsby Heights                 | \$6K                   | \$0K                  | 0%  | \$0K                | 0%  | \$0K   | 0%  |
| Hoxton Park                     | \$35K                  | \$1K                  | 4%  | \$1K                | 4%  | \$0K   | 0%  |
| Hunters Hill                    | \$87K                  | \$6K                  | 7%  | \$8K                | 9%  | \$0K   | 0%  |
| Hurstville                      | \$2K                   | \$0K                  | 0%  | \$0K                | 0%  | \$0K   | 0%  |
| Hurstville Grove                | \$3K                   | \$0K                  | 0%  | \$0K                | 0%  | \$0K   | 0%  |
| Huskisson                       | \$4K                   | \$0K                  | 0%  | \$0K                | 0%  | \$0K   | 0%  |
| Ingleburn                       | \$0K                   | \$0K                  | 0%  | \$0K                | 0%  | \$0K   | 0%  |
| Jamberoo                        | \$30K                  | \$1K                  | 3%  | \$1K                | 3%  | \$2K   | 5%  |
| Jannali                         | \$2K                   | \$0K                  | 0%  | \$0K                | 0%  | \$0K   | 0%  |
| Kangaroo Valley                 | \$24K                  | \$1K                  | 3%  | \$0K                | 1%  | \$1K   | 5%  |
| Katoomba                        | \$36K                  | \$1K                  | 4%  | \$1K                | 4%  | \$4K   | 11% |
| Keiraville                      | \$3K                   | \$0K                  | 0%  | \$0K                | 0%  | \$0K   | 0%  |
| Kellyville                      | \$32K                  | \$1K                  | 3%  | \$1K                | 3%  | \$0K   | 0%  |
| Kensington Eastlakes            | \$83K                  | \$5K                  | 6%  | \$7K                | 8%  | \$5K   | 6%  |
| Kiama                           | \$34K                  | \$1K                  | 4%  | \$1K                | 4%  | \$0K   | 0%  |
| Killara                         | \$38K                  | \$1K                  | 4%  | \$1K                | 4%  | \$0K   | 0%  |
| Kingsford                       | \$45K                  | \$2K                  | 4%  | \$2K                | 4%  | \$3K   | 7%  |
| Kingswood                       | \$26K                  | \$1K                  | 3%  | \$1K                | 3%  | \$0K   | 0%  |
| Kirribilli                      | \$16K                  | \$0K                  | 2%  | \$0K                | 2%  | \$0K   | 0%  |

## Proposal for a Property Receipts Levy (received by Synod in 2017)

| Parish                       | Property Income (P.I.) | 1. Levy on gross P.I. |     | 2. Levy on net P.I. |     | 3. Levy on P.I. net of all property expenses |     |
|------------------------------|------------------------|-----------------------|-----|---------------------|-----|--|-----|
| Kurrajong                    | \$24K                  | \$1K                  | 3%  | \$1K                | 3%  | \$0K   | 0%  |
| Lakemba                      | \$38K                  | \$1K                  | 4%  | \$1K                | 4%  | \$3K   | 8%  |
| Lalor Park and Kings Langley | \$40K                  | \$2K                  | 4%  | \$2K                | 4%  | \$4K   | 9%  |
| Lane Cove and Mowbray        | \$142K                 | \$15K                 | 11% | \$19K               | 14% | \$21K  | 15% |
| Lavender Bay                 | \$87K                  | \$6K                  | 7%  | \$4K                | 5%  | \$0K   | 0%  |
| Lawson                       | \$3K                   | \$0K                  | 0%  | \$0K                | 0%  | \$0K   | 0%  |
| Leichhardt                   | \$253K                 | \$43K                 | 17% | \$45K               | 18% | \$67K  | 26% |
| Leura                        | \$25K                  | \$1K                  | 3%  | \$1K                | 3%  | \$0K   | 0%  |
| Lidcombe                     | \$12K                  | \$0K                  | 1%  | \$0K                | 1%  | \$0K   | 0%  |
| Lindfield                    | \$28K                  | \$1K                  | 3%  | \$1K                | 3%  | \$0K   | 0%  |
| Lithgow                      | \$32K                  | \$1K                  | 3%  | \$1K                | 2%  | \$0K   | 0%  |
| Liverpool                    | \$110K                 | \$9K                  | 8%  | \$12K               | 11% | \$8K   | 7%  |
| Liverpool South              | \$5K                   | \$0K                  | 0%  | \$0K                | 0%  | \$0K   | 0%  |
| Longueville                  | \$91K                  | \$6K                  | 7%  | \$8K                | 9%  | \$20K  | 22% |
| Lord Howe Island             | \$1K                   | \$0K                  | 0%  | \$0K                | 0%  | \$0K   | 0%  |
| Lower Mountains              | \$2K                   | \$0K                  | 0%  | \$0K                | 0%  | \$0K   | 0%  |
| Lugarno                      | \$3K                   | \$0K                  | 0%  | \$0K                | 0%  | \$0K   | 0%  |
| Macquarie                    | \$64K                  | \$3K                  | 5%  | \$4K                | 6%  | \$12K  | 18% |
| Malabar                      | \$108K                 | \$9K                  | 8%  | \$9K                | 9%  | \$16K  | 15% |
| Manly                        | \$411K                 | \$91K                 | 22% | \$97K               | 24% | \$113K                                       | 28% |
| Maroubra                     | \$18K                  | \$0K                  | 2%  | \$0K                | 2%  | \$0K   | 0%  |
| Marrickville                 | \$179K                 | \$23K                 | 13% | \$25K               | 14% | \$23K  | 13% |
| Menai                        | \$5K                   | \$0K                  | 0%  | \$0K                | 0%  | \$0K   | 0%  |
| Menangle                     | \$0K                   | \$0K                  | 0%  | \$0K                | 0%  | \$0K   | 0%  |
| Merrylands                   | \$87K                  | \$6K                  | 7%  | \$8K                | 9%  | \$10K  | 12% |
| Minchinbury                  | \$10K                  | \$0K                  | 0%  | \$0K                | 0%  | \$0K   | 0%  |
| Minto                        | \$2K                   | \$0K                  | 0%  | \$0K                | 0%  | \$0K   | 0%  |
| Miranda                      | \$101K                 | \$7K                  | 7%  | \$7K                | 7%  | \$1K   | 1%  |
| Mittagong                    | \$2K                   | \$0K                  | 0%  | \$0K                | 0%  | \$0K   | 0%  |
| Mona Vale                    | \$20K                  | \$0K                  | 2%  | \$0K                | 2%  | \$2K   | 10% |
| Moorebank                    | \$17K                  | \$0K                  | 2%  | \$0K                | 2%  | \$0K   | 0%  |
| Mosman - St Clement          | \$149K                 | \$17K                 | 11% | \$22K               | 15% | \$6K   | 4%  |
| Mosman - St Luke             | \$151K                 | \$17K                 | 11% | \$9K                | 6%  | \$0K   | 0%  |
| Moss Vale                    | \$19K                  | \$0K                  | 2%  | \$0K                | 2%  | \$0K   | 0%  |
| Mt Druitt                    | \$33K                  | \$1K                  | 3%  | \$1K                | 3%  | \$3K   | 10% |
| Mulgoa                       | \$36K                  | \$1K                  | 4%  | \$1K                | 3%  | \$4K   | 11% |
| Narellan                     | \$16K                  | \$0K                  | 2%  | \$0K                | 2%  | \$0K   | 0%  |
| Naremburn/Cammeray           | \$3K                   | \$0K                  | 0%  | \$0K                | 0%  | \$0K   | 0%  |
| Narrabeen                    | \$38K                  | \$1K                  | 4%  | \$1K                | 4%  | \$0K   | 0%  |
| Neutral Bay                  | \$164K                 | \$20K                 | 12% | \$26K               | 16% | \$18K  | 11% |
| Newport                      | \$22K                  | \$1K                  | 3%  | \$1K                | 3%  | \$0K   | 0%  |
| Newtown with Erskineville    | \$128K                 | \$13K                 | 10% | \$17K               | 13% | \$15K  | 12% |
| Norfolk Island               | \$0K                   | \$0K                  |     | \$0K                |     | \$0K   |     |
| Normanhurst                  | \$113K                 | \$10K                 | 8%  | \$13K               | 11% | \$1K   | 1%  |

## Proposal for a Property Receipts Levy (received by Synod in 2017)

| Parish                          | Property Income (P.I.) | 1. Levy on gross P.I. |     | 2. Levy on net P.I. |     | 3. Levy on P.I. net of all property expenses |     |
|---------------------------------|------------------------|-----------------------|-----|---------------------|-----|--|-----|
| North Epping                    | \$17K                  | \$0K                  | 2%  | \$0K                | 2%  | \$0K   | 0%  |
| North Ryde                      | \$39K                  | \$1K                  | 4%  | \$0K                | 1%  | \$2K   | 6%  |
| North Sydney                    | \$604K                 | \$168K                | 28% | \$184K              | 30% | \$137K                                       | 23% |
| Northbridge                     | \$75K                  | \$5K                  | 6%  | \$6K                | 8%  | \$0K   | 0%  |
| Northmead and Winston Hills     | \$19K                  | \$0K                  | 2%  | \$0K                | 2%  | \$0K   | 0%  |
| Norwest                         | \$19K                  | \$0K                  | 2%  | \$0K                | 2%  | \$0K   | 0%  |
| Nowra                           | \$28K                  | \$1K                  | 3%  | \$1K                | 3%  | \$0K   | 0%  |
| Oak Flats                       | \$0K                   | \$0K                  | 0%  | \$0K                | 0%  | \$0K   | 0%  |
| Oakhurst                        | \$76K                  | \$5K                  | 6%  | \$6K                | 8%  | \$2K   | 2%  |
| Oatley                          | \$43K                  | \$2K                  | 4%  | \$2K                | 4%  | \$0K   | 0%  |
| Oatley West                     | \$0K                   | \$0K                  | 0%  | \$0K                | 0%  | \$0K   | 0%  |
| Oran Park                       | \$1K                   | \$0K                  | 0%  | \$0K                | 0%  | \$0K   | 0%  |
| Paddington                      | \$105K                 | \$8K                  | 8%  | \$10K               | 9%  | \$13K  | 12% |
| Padstow                         | \$1K                   | \$0K                  | 0%  | \$0K                | 0%  | \$0K   | 0%  |
| Panania                         | \$2K                   | \$0K                  | 0%  | \$0K                | 0%  | \$0K   | 0%  |
| Parramatta                      | \$761K                 | \$231K                | 30% | \$265K              | 35% | \$284K                                       | 37% |
| Parramatta North w/ Harris Park | \$106K                 | \$8K                  | 8%  | \$11K               | 10% | \$7K   | 6%  |
| Peakhurst/Mortdale              | \$10K                  | \$0K                  | 0%  | \$0K                | 0%  | \$0K   | 0%  |
| Penrith                         | \$139K                 | \$15K                 | 11% | \$1K                | 1%  | \$0K   | 0%  |
| Penshurst                       | \$42K                  | \$2K                  | 4%  | \$1K                | 2%  | \$3K   | 6%  |
| Petersham                       | \$22K                  | \$1K                  | 3%  | \$1K                | 3%  | \$0K   | 0%  |
| Philadelphia Anglican Church    | \$2K                   | \$0K                  | 0%  | \$0K                | 0%  | \$0K   | 15% |
| Picton                          | \$1K                   | \$0K                  | 0%  | \$0K                | 0%  | \$0K   | 0%  |
| Pitt Town                       | \$27K                  | \$1K                  | 3%  | \$0K                | 2%  | \$0K   | 0%  |
| Port Kembla                     | \$89K                  | \$6K                  | 7%  | \$5K                | 6%  | \$11K  | 13% |
| Putney                          | \$0K                   | \$0K                  |     | \$0K                |     | \$0K   |     |
| Pymble                          | \$29K                  | \$1K                  | 3%  | \$1K                | 3%  | \$0K   | 0%  |
| Quakers Hill                    | \$0K                   | \$0K                  |     | \$0K                |     | \$0K   |     |
| Randwick                        | \$494K                 | \$125K                | 25% | \$138K              | 28% | \$90K  | 18% |
| Regents Park                    | \$0K                   | \$0K                  | 0%  | \$0K                | 0%  | \$0K   | 0%  |
| Revesby                         | \$0K                   | \$0K                  | 0%  | \$0K                | 0%  | \$0K   | 0%  |
| Richmond                        | \$20K                  | \$1K                  | 3%  | \$0K                | 1%  | \$1K   | 3%  |
| Riverstone                      | \$25K                  | \$1K                  | 3%  | \$1K                | 3%  | \$2K   | 10% |
| Riverwood - Punchbowl           | \$41K                  | \$2K                  | 4%  | \$2K                | 4%  | \$0K   | 0%  |
| Robertson                       | \$0K                   | \$0K                  | 0%  | \$0K                | 0%  | \$0K   | 0%  |
| Rooty Hill                      | \$8K                   | \$0K                  | 0%  | \$0K                | 0%  | \$0K   | 0%  |
| Rosemeadow                      | \$70K                  | \$4K                  | 6%  | \$5K                | 7%  | \$6K   | 8%  |
| Roseville                       | \$19K                  | \$0K                  | 2%  | \$0K                | 2%  | \$0K   | 0%  |
| Roseville East                  | \$30K                  | \$1K                  | 3%  | \$1K                | 3%  | \$2K   | 6%  |
| Rouse Hill                      | \$13K                  | \$0K                  | 1%  | \$0K                | 1%  | \$0K   | 0%  |
| Ryde                            | \$672K                 | \$196K                | 29% | \$227K              | 34% | \$224K                                       | 33% |
| Sadleir                         | \$53K                  | \$2K                  | 4%  | \$3K                | 5%  | \$5K   | 9%  |
| Sans Souci                      | \$36K                  | \$1K                  | 4%  | \$1K                | 4%  | \$1K   | 3%  |
| Seaforth                        | \$30K                  | \$1K                  | 3%  | \$1K                | 3%  | \$0K   | 0%  |

Proposal for a Property Receipts Levy (received by Synod in 2017)

| Parish                           | Property Income (P.I.) | 1. Levy on gross P.I. |     | 2. Levy on net P.I. |     | 3. Levy on P.I. net of all property expenses |     |
|----------------------------------|------------------------|-----------------------|-----|---------------------|-----|--|-----|
| Seven Hills                      | \$4K                   | \$0K                  | 0%  | \$0K                | 0%  | \$0K   | 0%  |
| Shellharbour                     | \$8K                   | \$0K                  | 0%  | \$0K                | 0%  | \$0K   | 0%  |
| Shellharbour City Centre         | \$26K                  | \$1K                  | 3%  | \$1K                | 3%  | \$0K   | 0%  |
| Shoalhaven Heads                 | \$0K                   | \$0K                  | 0%  | \$0K                | 0%  | \$0K   | 0%  |
| Smithfield Road                  | \$59K                  | \$3K                  | 5%  | \$3K                | 6%  | \$6K   | 10% |
| Soul Revival Church, S. Shire    | \$0K                   | \$0K                  |     | \$0K                |     | \$0K   |     |
| South Carlton                    | \$4K                   | \$0K                  | 0%  | \$0K                | 0%  | \$0K   | 0%  |
| South Coogee                     | \$20K                  | \$1K                  | 3%  | \$0K                | 0%  | \$0K   | 0%  |
| South Creek                      | \$35K                  | \$1K                  | 4%  | \$1K                | 4%  | \$0K   | 0%  |
| South Hurstville                 | \$42K                  | \$2K                  | 4%  | \$2K                | 4%  | \$0K   | 0%  |
| South Sydney                     | \$87K                  | \$6K                  | 7%  | \$5K                | 6%  | \$4K   | 5%  |
| Springwood                       | \$14K                  | \$0K                  | 1%  | \$0K                | 1%  | \$0K   | 0%  |
| St Clair                         | \$1K                   | \$0K                  | 0%  | \$0K                | 0%  | \$0K   | 0%  |
| St George                        | \$46K                  | \$2K                  | 4%  | \$2K                | 3%  | \$1K   | 2%  |
| St George North                  | \$29K                  | \$1K                  | 3%  | \$1K                | 3%  | \$0K   | 0%  |
| St Ives                          | \$2K                   | \$0K                  | 0%  | \$0K                | 0%  | \$0K   | 0%  |
| St Marys                         | \$7K                   | \$0K                  | 0%  | \$0K                | 0%  | \$0K   | 0%  |
| Strathfield and Homebush         | \$53K                  | \$2K                  | 4%  | \$2K                | 5%  | \$1K   | 2%  |
| Summer Hill                      | \$64K                  | \$3K                  | 5%  | \$4K                | 6%  | \$7K   | 11% |
| Surry Hills                      | \$260K                 | \$45K                 | 17% | \$50K               | 19% | \$28K  | 11% |
| Sussex Inlet                     | \$0K                   | \$0K                  | 0%  | \$0K                | 0%  | \$0K   | 0%  |
| Sutherland                       | \$44K                  | \$2K                  | 4%  | \$1K                | 2%  | \$3K   | 7%  |
| Sutton Forest                    | \$40K                  | \$2K                  | 4%  | \$2K                | 4%  | \$0K   | 0%  |
| Sydney-Cathedral of St Andrew    | \$0K                   | \$0K                  |     | \$0K                |     | \$0K   |     |
| Sydney-Christ Church St Laurence | \$326K                 | \$65K                 | 20% | \$71K               | 22% | \$70K  | 22% |
| Sydney-St James King Street      | \$864K                 | \$272K                | 32% | \$313K              | 36% | \$325K                                       | 38% |
| Sylvania                         | \$79K                  | \$5K                  | 6%  | \$6K                | 8%  | \$7K   | 9%  |
| The Oaks                         | \$12K                  | \$0K                  | 1%  | \$0K                | 1%  | \$0K   | 0%  |
| Thornleigh - Pennant Hills       | \$6K                   | \$0K                  | 0%  | \$0K                | 0%  | \$0K   | 0%  |
| Toongabbie                       | \$5K                   | \$0K                  | 0%  | \$0K                | 0%  | \$0K   | 0%  |
| Turramurra                       | \$78K                  | \$5K                  | 6%  | \$6K                | 8%  | \$0K   | 0%  |
| Turramurra South                 | \$3K                   | \$0K                  | 0%  | \$0K                | 0%  | \$0K   | 0%  |
| Ulladulla                        | \$23K                  | \$1K                  | 3%  | \$0K                | 2%  | \$0K   | 0%  |
| Unichurch (UNSW)                 | \$0K                   | \$0K                  |     | \$0K                |     | \$0K   |     |
| Vaucluse and Rose Bay            | \$103K                 | \$8K                  | 7%  | \$10K               | 10% | \$3K   | 3%  |
| Wahroonga - St Andrew            | \$10K                  | \$0K                  | 0%  | \$0K                | 0%  | \$0K   | 0%  |
| Wahroonga - St Paul              | \$76K                  | \$5K                  | 6%  | \$6K                | 8%  | \$5K   | 7%  |
| Waitara                          | \$34K                  | \$1K                  | 4%  | \$1K                | 4%  | \$0K   | 0%  |
| Watsons Bay                      | \$55K                  | \$2K                  | 5%  | \$3K                | 5%  | \$0K   | 0%  |
| Waverley                         | \$172K                 | \$21K                 | 12% | \$28K               | 16% | \$32K  | 19% |
| Wentworth Falls                  | \$15K                  | \$0K                  | 2%  | \$0K                | 2%  | \$0K   | 1%  |
| Wentworthville                   | \$1K                   | \$0K                  | 0%  | \$0K                | 0%  | \$0K   | 0%  |
| West Lindfield                   | \$32K                  | \$1K                  | 3%  | \$1K                | 3%  | \$1K   | 3%  |
| West Pennant Hills               | \$8K                   | \$0K                  | 0%  | \$0K                | 0%  | \$0K   | 0%  |

## Proposal for a Property Receipts Levy (received by Synod in 2017)

| Parish          | Property Income (P.I.) | 1. Levy on gross P.I. |     | 2. Levy on net P.I. |     | 3. Levy on P.I. net of all property expenses |     |
|-----------------|------------------------|-----------------------|-----|---------------------|-----|--|-----|
| West Pymble     | \$5K                   | \$0K                  | 0%  | \$0K                | 0%  | \$0K   | 0%  |
| West Ryde       | \$35K                  | \$1K                  | 4%  | \$1K                | 4%  | \$0K   | 0%  |
| West Wollongong | \$93K                  | \$6K                  | 7%  | \$7K                | 7%  | \$0K   | 0%  |
| Westmead        | \$36K                  | \$1K                  | 4%  | \$1K                | 4%  | \$1K   | 2%  |
| Wilberforce     | \$28K                  | \$1K                  | 3%  | \$1K                | 3%  | \$1K   | 2%  |
| Willoughby      | \$21K                  | \$1K                  | 3%  | \$1K                | 3%  | \$0K   | 0%  |
| Willoughby Park | \$67K                  | \$4K                  | 5%  | \$4K                | 7%  | \$5K   | 8%  |
| Windsor         | \$48K                  | \$2K                  | 4%  | \$1K                | 3%  | \$3K   | 7%  |
| Wollondilly     | \$6K                   | \$0K                  | 0%  | \$0K                | 0%  | \$0K   | 0%  |
| Wollongong      | \$198K                 | \$27K                 | 13% | \$34K               | 17% | \$21K  | 10% |
| Woollahra       | \$31K                  | \$1K                  | 3%  | \$1K                | 3%  | \$2K   | 7%  |
| Yagoona         | \$98K                  | \$7K                  | 7%  | \$5K                | 5%  | \$0K   | 0%  |

## Property Receipt Levy – Discussion Paper

### Calculated of the Property Receipts Levy based on gross vs net property income

#### Introduction

1. This discussion paper is intended to accompany the report 'Property Receipts Levy – form of calculation and mechanism for debate at Synod' in order to inform a suggested Synod debate on the question of whether the Property Receipts Levy (PRL) should be applied based on gross property income (Gross) or net property income (Net).
2. In either case the proposed levy (either based on Gross or Net) will allow offsets for –
  - (a) lease payments for a place of public worship (for example, if a parish uses property income to finance the rent it pays for a leased church meeting place), and
  - (b) mortgage repayments, lease payments or housing allowances for a residence for ministry staff where there is a corresponding residential property owned by the parish that is generating lease income (for example, where a ministry residence owned by a parish is unsuitable for its purpose and is rented out in order to fund the leasing of another residence for a minister).
3. The following paragraphs present the case for Net, and then the case for Gross.
4. The arguments for Net are based on paragraphs 9(c), (d) & (e) of the Explanatory Report for the Net Bill. The arguments for Gross are drawn from paragraphs 12-19 & 34 of the Explanatory Report for the Gross Bill, but in some parts they are a summary and in other parts a copy of those paragraphs.

#### Arguments for a levy based on Net property income

5. A levy could be applied either to the gross property income of a parish, or to a parish's property income net of related expenses. Applying the levy to the gross amount would have the advantages of being simpler to administer and easier to forecast the amount of funds raised by the levy. However, given that the theological foundation of the levy is found in "sharing out of surplus", the form of proposed levy recommended by the committee applies to property income **net** of property expenses related to that income-producing property.
6. Applying the levy to net property income rather than gross property income also ensures that parishes with income-producing properties that are more expensive to maintain are not unduly levied. For example, consider two parishes, each with a property generating income of \$100,000 p.a. One parish may have related property expenses (including mortgage repayments) of \$80,000 p.a. which means that the net income to the parish is only \$20,000 p.a. The other parish has relatively few expenses (say \$10,000 p.a.), and receives a net income of \$90,000 p.a. If the levy were applied against gross income, both parishes would be expected to contribute the same amount, with the first parish drawing from net income of only \$20,000 while the second can draw from net income of \$90,000. However, if applied against net income, each parish would contribute in proportion to their net income received, and thereby satisfy the principles of "equality" and "equity".
7. Applying the levy to net property income rather than the gross property income encourages parishes to be good stewards of their income-producing properties, because parishes which use property income for the maintenance and improvement of income-producing properties will pay a lower levy. A levy on gross property income may encourage some parishes to defer necessary property maintenance, especially where the property costs are similar to the income received. For example, where property income = \$100,000 and property expenses = \$100,000, levy on gross income = \$5,000, which means the parish has to find \$5,000 from other sources (i.e., offertory) to pay the levy.
8. The principle argument against a levy on net income is that keeping track of deductible property expenses will increase compliance costs for parishes and SDS. However, these costs are in direct proportion to the complexity of a parish's income-producing properties. A parish with modest property income from (say) occasional hall rental and few deductions will have little difficulty in completing the worksheet. Parishes in this situation also have the option of not completing parts of the worksheet where they conclude that the additional compliance costs are greater than the value of the deduction. However, for other parishes, the value of the deduction will justify the extra paperwork. For example, where a parish is using \$100,000 income from a property to repay a \$1,000,000 mortgage on that property, they would receive a 100% deduction for those repayments, and not be subject to a levy. Parishes with large mortgages

or with large and complex income-producing property portfolios tend to be parishes that the capacity to track and provide the necessary information required to calculate the PRL deduction.

### **Arguments for a levy based on Gross property income**

*The principle of “sharing out of surplus” does not help decide the matter*

9. The 2017 Report received with resolution 34/17 argued that, as the foundation of the levy is found in “sharing out of surplus”, the levy should be based on net property income. To illustrate its point the 2017 Report compared two parishes with the same level of lease income, one with significant expenses related to the leased property and the other with only minimal expenses relating to the leased property.

10. The problem with this argument is that the same principle of “sharing out of surplus” can equally be applied to provide the foundation for a levy based on gross property income.

11. Consider the situation of two parishes with identical property (say 1 church, 2 halls and 2 rectories) but one parish receives lease income from one of its halls and a rectory whereas the other parish uses all of its 5 properties for ministry and so has no lease income. Both parishes face the same costs to maintain their properties, but the first parish is clearly in a more favourable financial position because it has a source of income derived from the generosity of previous generations and the advantages of geography.

*The calculation of ‘net’ is complex and costly (both for parishes and SDS)*

12. The calculation of a parish’s property income on a basis consistent with resolution 34/17 is quite complex. The two changes agreed by Standing Committee (to remove the deductions for the property insurance component of the PCR charge, and bank and financial statutory charges, taxes and assessments) only reduce some of that complexity. For quite a number of parishes this complexity would require significant changes to their accounting practices to identify and isolate the amounts needed for the calculation of deductions. In addition to the need to create a number of new sub-accounts by type of expense, there would be a need to keep separate accounts for the income and expenses of each leased property and analyse some other non-expense type payments, such as loan repayments, by property.

13. That complexity would not only add to the workload (and cost) for parishes to change accounting systems, record and analyse transactions in more detail, and compile the required Property Income Worksheet and arrange for it to be audited; it would also make the resultant calculation significantly less transparent. Furthermore, it is likely that SDS will incur additional staff time to advise on, administer and ensure compliance with the complexities of such a Property income Worksheet.

*The calculation of ‘gross’ is much simpler, more transparent, less susceptible to manipulation*

14. The alternative proposed in basing the levy on gross property income greatly simplifies the calculation of a parish’s property income by removing the need to identify income and expense/deductions by individual property. A levy based on gross property income therefore reduces the administrative burden (and cost) on parishes (and SDS) and results in a much more transparent calculation, while still giving effect to the foundation for the levy, ie. a sharing out of surplus.

15. Appendix 4 to the 2017 Report contained a table headed ‘Model 1: Levy based on gross property income’ which suggested various (reduced) rates of levy applicable to gross property income using the same contribution bands as were proposed for the levy based on net property income. Appendix 4 then went on to list the indicative contribution for each parish using either gross or net property income.

*The use of ‘gross’ allows for a higher threshold and a lower rate of levy*

16. The Bill to enable a PRL based on gross property income uses a simplified form of the table in Model 1 from the 2017 Report. Since gross property income will always be equal to or higher than net property income, the table below compares the rate of levy using gross and net property income. Using gross property income allows for a higher threshold (\$50,000 compared with \$10,000) before any levy is payable and then a lower rate of levy for each contribution band beyond the first \$50,000. For most parishes there will be very little difference between the actual amount of levy payable whether the levy is based on gross or net property income.

*The use of ‘gross’ allows the levy to commence 1 year earlier*

17. A calculation based on gross property income allows the levy to commence when envisaged in the timetable included in the 2017 report because the all the data is available now from the existing Prescribed Financial Statements. (A levy based on net property income will have to be delayed 12 months in order to provide for the collection of the data required as a result of the delay caused by the referral of the ordinance to Synod.)

## Property Receipts Levy Ordinance 2018

### Explanatory Report

*It is intended that following the Synod's decision as to whether the levy should be based on net property income or gross, either this report and accompanying Bill (based on net property income), or the report and accompanying Bill on pp.411-20 (based on gross property income), would be considered for implementation.*

#### Key Points

- The Property Receipts Levy Bill gives effect to Synod resolution 34/17.
- The Bill will impose a levy, at a rate set in a table determined by Synod, on the net property income of all parishes.
- Broadly speaking the net property income of a parish is calculated as the aggregate of –
  - the lease income for each leased property that is not subject to another ordinance that applies a portion of the income for non-parish purposes, less any direct expenses and certain other specified payments applying to that property, PLUS
  - any income from licence and casual booking fees, PLUS
  - any finance income.
- The net property income for 2019 will be used to calculate the levy for 2021, but the initial impact will be smoothed with only 33% of that amount payable in 2021, and 67% in 2022.

#### Purpose of the Bill

1. The purpose of the Bill for the Property Receipts Levy Ordinance 2018 is to implement the proposal for a property receipts levy requested by Synod in resolution 34/17.

#### Recommendations

2. That Synod receive this report.
3. That Synod pass the Bill as an ordinance of the Synod.

#### Evidence given

##### Background

4. By resolution 34/17 Synod, noting a report "Proposal for a Property Receipts Levy", asked Standing Committee to pass an ordinance to implement a Property Receipts Levy based on that report and attached schedule with respect to property income from 2018 subject to –
  - (a) a deduction being provided for bank and financial statutory charges, taxes and assessments on finance income, and
  - (b) the Standing Committee being restricted from increasing any percentage or modifying any monetary thresholds without authorisation from the Synod
  - (c) parishes with net receipts of \$120,000 or less being totally excluded from this levy,
5. At its meeting on 13 November 2017 the Standing Committee requested the Diocesan Resources Committee to –
  - (a) arrange for a suitable ordinance to implement the Property Receipts Levy to be brought to a future meeting, and
  - (b) arrange for the consideration and implementation of a suitable form of the Large Property Receipts Policy for sales.
6. Standing Committee also asked that the Finance Committee be given the opportunity to provide input into the drafting of the ordinance to implement the Property Receipts Levy (Synod resolution 34/17 para. (e)), with a view to making both the format of the Prescribed Financial Statements for 2018 and the calculation of Net Property Income as simple and efficient as possible.
7. The Finance Committee provided its comments to the Diocesan Resources Committee based on a first draft of the ordinance. The Diocesan Resources Committee incorporated those comments in a report and recommendation it prepared which was considered by the Standing Committee at its meeting on 12 February 2018. At that meeting the Standing Committee agreed with the Diocesan Resources Committee's

recommendation and asked that 2 changes be made to simplify the calculation of Net Property Income. The changes agreed were to –

- (a) remove the deduction for the property insurance component of the Parish Cost Recovery charge (on the basis that it cannot be determined accurately and in any case the amount of the deduction would be immaterial), and
- (b) remove the deduction for bank and financial statutory charges, taxes and assessments (on the basis that there are in fact no financial statutory charges, taxes and assessments on finance income payable in NSW and the amount of bank charges would be relatively small compared to any property income and so would have a very little impact on the amount of levy payable).

8. A Bill for an ordinance drafted by the Diocesan Legal Counsel incorporating the changes agreed by Standing Committee was included in the agenda papers for the Standing Committee meeting on 26 March 2018. However, at that meeting the Archbishop indicated that he will refer the matter to the next ordinary session of the Synod, having received a request to that effect in writing from 3 members of Standing Committee in accordance with section 5(3)(b) of the *Delegation of Powers Ordinance 1998*.

#### *Synod resolution 34/17*

9. The report “Proposal for a Property Receipts Levy” (“the Report”) which was noted by Synod in resolution 34/17 established the following parameters for the application and operation of the levy –

- (a) There are two types of income that parishes may receive –
  - (i) Through the generosity of the current parishioners, all parishes receive offertory (which for the purposes of this paper is defined widely, to include bequests and other donations, including large one-off donations).
  - (ii) Some parishes receive income from land and buildings, or interest and investments. This is known as “property income” and is available to those parishes as a result of the generosity of previous generations and the advantages of geography. Parishes with property income may have substantial assets and the opportunity to generate significant additional income. The proposed PRL is intended to apply only to property income, as a means of redistributing wealth throughout the diocese. *[para. 34 of the Report]*
- (b) With respect to the Property Receipts Levy, a parish’s “property” includes both its real property (land and building assets) and its personal property (investment assets, e.g., trust funds, term deposits). The levy will apply equally to income generated from both classes of assets. To do otherwise (for example, to exempt investment income as was suggested in feedback sessions) would discourage parishes from investing in their real property. Whether a parish has a property generating lease income, or whether the property is sold and the proceeds invested, the levy will apply regardless. Applying to both forms of property income is also demonstrably more equitable and transparent. *[para. 35 of the Report]*
- (c) A levy could be applied either to the gross property income of a parish, or to a parish’s property income net of related expenses. Applying the levy to the gross amount would have the advantages of being simpler to administer and easier to forecast the amount of funds raised by the levy. However, given that the theological foundation of the levy is found in “sharing out of surplus”, the form of proposed levy recommended by the committee applies to property income net of property expenses related to that income-producing property. *[para. 36 of the Report]*
- (d) Applying the levy to Net Property Income rather than gross also allows the proposed levy to address many of the concerns raised during consultations with parishes. Following consultation with parishes, the Committee identified that the following expenses should be considered as deductible –
  - (i) principal and interest portions of mortgage repayments on income-generating properties,
  - (ii) lease payments for a place of public worship (for example, if a parish uses property income to finance the rent it pays for a leased church meeting place), and
  - (iii) mortgage repayments, lease payments or housing allowances for a residence for ministry staff where there is a corresponding residential property owned by the parish that is generating lease income (for example, where a ministry residence owned by a parish is unsuitable for its purpose and is rented out in order to fund the leasing of another residence for a minister).

The Standing Committee subsequently agreed to add the following further category of deductible expense –

- (iv) property insurance component of the Parish Cost Recovery (PCR) charge. *[para. 39 of the Report]*

- (e) It is expected that the deduction for expenses from income producing property is capped at the amount of the total income from that property - i.e., parishes are not allowed to offset "pooled expenses" against "pooled income". *[para. 40 of the Report]*
- (f) As the proposed levy was passed at Synod in 2017, it was intended to apply to income generated in 2018, which will be reported through the PFS in 2019, with the levy being paid in 2020. *[para. 61 of the Report]*
- (g) It is expected that most parishes will contribute to the proposed levy. In order to minimise the impact on ministries, the proposed levy incorporates a phase-in period where –
- (i) in the first year of application (i.e., 2021), contributions would only attract 33% of the normal levy contribution for each parish,
  - (ii) in the second year (2022), contributions would attract 67% of the normal levy contribution, and
  - (iii) in the third year, the full levy would apply for the first time. *[para. 62 of the Report]*
- (h) The proposed levy should be reviewed 5 years after commencement, with subsequent review periods being set at that time. *[para 63 of the Report]*
10. The Schedule to the Report provided that –
- (a) A levy is applied at the rate set out in paragraph 4 to each parish's Net Property Income, unless the property income is already subject to contribution under ordinance.
  - (b) Net Property Income is the total property income (from licences and leases on commercial and ministry residences, and from dividends, distributions and interest) net of expenses incurred for those income-generating properties, and other named deductions as set out below. The standard diocesan chart of accounts describes the relevant income as follows –
- |        |   |
|--------|---|
| 4-3000 | Property Income (lease rental from commercial and residential properties, licence fees and casual booking fees)   |
| 4-5000 | Finance income (bank interest, investment income and ACPT Client Fund income)   |
| 6-7000 | Expenses for Property lease income*, including costs and payments in relation to 6-7500 mortgage repayments on leased properties  |
| 6-9000 | Other expenses deductible for the purposes of this levy, including –  |
| 6-9### | leases for a place of public worship  |
| 6-9### | mortgage repayments, leases or allowances for a residence for ministry staff where there is a corresponding residential property owned by the parish that is attracting lease income in order to fund the ministry residence in use |
| 6-9### | property insurance component of the Parish Cost Recovery ("PCR") charge.  |
- \* A deduction for expenses from income producing property is capped at the amount of the total income from that property. i.e., parishes are not to offset "pooled property expenses" against "pooled property income".
- (c) The levy for each parish is calculated as follows = [4-3000] + [4-5000] – [6-7000] – [6-9000].
  - (d) The following table sets out the rate at which the levy is applied –

| Net Property Income | % Levy to be applied (within the income band) | Levy contribution                        |
|---------------------|---|--|
| \$0-10,000          | 0%  | 0% of every dollar                       |
| \$10,000-50,000     | 5%  | 5% of every dollar > \$10k               |
| \$50,000-100,000    | 15%   | \$2,000 + 15% of every dollar > \$50k    |
| \$100,000-200,000   | 25%   | \$9,500 + 25% of every dollar > \$100k   |
| \$200,000-400,000   | 35%   | \$34,500 + 35% of every dollar > \$200k  |
| \$400,000+          | 45%   | \$104,500 + 45% of every dollar > \$400k |

11. After noting the Report, by resolution 34/17 Synod –

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

#### *Implementation*

12. This Bill seeks to implement the PRL as outlined in Synod Resolution 34/17 and the supporting documents presented to Synod. It should be noted that there is an internal tension in Synod Resolution 34/17 with respect to sinking funds for property maintenance. Subsection (c)(ii) articulates the principle that property income should be used to make an “adequate provision for future capital expenditure”, which would seem to support the creation of sinking funds for property maintenance. However, Synod Resolution 34/17 asks the Standing Committee to implement a PRL “as outlined in the report and attached schedule”, and the report expressly precludes the deductibility of sinking funds for the purposes of the calculation of a PRL. Accordingly, this Bill does not allow sinking fund expenses to be deductible.

13. Synod Resolution 34/17 provides that the deduction for expenses from income producing property is capped at the amount of the total income from that property. To perform this calculation, it is necessary to capture income and expense on a per-property basis.

#### *The Property Income Worksheet*

14. A Property Income Worksheet, the form of which is prescribed from time to time by Standing Committee, has been created to calculate a parish's property income for the year and the amount of the levy payable on that income (cl. 2 & 3(1)).

15. The Property Income Worksheet requires that parishes maintain a separate record of the income and direct expenses for each leased property. Typically that could be achieved through the use of separate subaccounts for each property, or it could be done by assigning a separate job code or cost centre for each property within the one account.

16. There could be a number of situations where a parish may receive one invoice covering work done in relation to more than one property. Common examples would include a firm providing cleaning or gardening services that issues one invoice covering work done on several properties on the same day. In such cases, the wardens will need to determine a fair and equitable method of apportioning the cost of the single invoice to each individual property.

17. A new account (6-7500) will be needed for each leased property to capture the interest payments on loans relating to the purchase of the property, or to fund work to construct, renovate or improve or extend buildings on that property. Where a loan has been obtained and the proceeds used to undertake work on 2 or more properties the wardens will need to determine a fair and equitable method of apportioning the interest paid to each individual property.

18. The wardens will then also need to analyse the principal repayments made on all loans outstanding during the year (generally shown as a reduction in the balance of account 2-2000) and determine a fair and equitable method of apportioning those principal repayments to each individual property.

19. In addition, the wardens will also need to identify the amount of any mortgage repayments, leases or allowances paid (perhaps captured with a new account 6-1155) for a residence for ministry staff where there is a corresponding residential property owned by the parish that is generating lease income because it is considered unsuitable as a ministry residence.

20. A new account (6-6700) will be needed to capture any lease or rental payments relating to a place of public worship so that these payments can be deducted from the lease income generated from a parish-owned property that is considered unsuitable for ministry.

21. The worksheet will also identify any lease income from a property that is subject to an ordinance applying some portion of that income outside the parish.

22. For the purposes of the calculation of Net Property Income of the parish, the income for each individual leased property cannot be negative. In other words the aggregate deduction for expenses from an income producing property is capped at the amount of the total income from that property.

23. There will be no expenses to be deducted from the income from licence fees and casual booking fees. By definition the properties that earn such income are available for use by the parish for ministry purposes at other times and therefore the expenses relating to those properties would be incurred to support the parish ministry irrespective of the licence or casual booking fee income.

24. A parish's finance income should be easily determined by reference to account 4-5000. This item/group should include any income earned by an ACPT client fund held for the benefit of the parish.

25. An excel version of the Property Income Worksheet will be provided to parishes. The wardens are responsible for preparing the worksheet, presenting it to be audited by the parish auditor and forwarding it to the Diocesan Secretary within 7 days after the parish's AGM (cl. 5).

26. Where a parish fails to provide some or all of the information required in the Property Income Worksheet, or the information provided is inconsistent with that in the parish's audited Financial Statements, the Standing Committee is authorised to estimate the parish's Property Income based on the information in the parish's Financial Statements (cl. 6). This is similar to a provision in the Cost Recoveries Framework Ordinance for the Standing Committee to estimate the net operating receipts of any parish that fails to provide Prescribed Financial Statements.

#### *Insurance component of the PCR charge*

27. Standing Committee had initially proposed a further category of deductible expense (for the property insurance component of the Parish Cost Recovery ("PCR") charge, which was confirmed by the Synod. However, at its meeting on 12 February 2018 Standing Committee considered a contrary recommendation from the Diocesan Resources Committee, noting –

- (a) the amount cannot be determined accurately because, like all parochial network costs, the property insurance component of the PCR charge is allocated across parishes based on their net operating income, not the cost of insuring their property,
- (b) in any case, the amount of the deduction would be immaterial.

28. If the property insurance component of the PCR charge was calculated based on the current variable PCR charge (5.05467%) multiplied by the property insurance component of total parochial network costs (32% in 2008 figures), the deduction for the property insurance component of the PCR charge would be just 1.6% of the net income derived from that property. On the basis that this was a relatively immaterial proportion and that this deduction would apply equally to all parishes contributing to the levy, Standing Committee decided not to allow an automatic deduction for insurance.

29. Standing Committee agreed therefore to prepare the Bill in a form that does not provide any deduction for the property insurance component of the PCR charge.

#### *Bank charges*

30. Synod had asked that a deduction be provided for bank and financial statutory charges, taxes and assessments on finance income. At its meeting on 12 February 2018 Standing Committee first noted that in practice this deduction could sensibly be limited to bank charges as there are in fact no statutory financial charges or other taxes or assessments on finance income payable in NSW. A new account (6-5120) would then be required to isolate bank charges for the calculation of Net Property Income.

31. However, Standing Committee accepted that the amount of any bank charges would probably be relatively small compared with the amount of any rental income from property and investment income, and so this deduction would have very little impact on the amount of Net Property Income and hence the levy payable by the parish. Accordingly, Standing Committee agreed to prepare the Bill in a form that does not provide any deduction for bank and financial statutory charges, taxes and assessments on finance income.

*Operation of the Bill*

32. A suitable version of the attached Property Income Worksheet will be prescribed from time to time by Standing Committee for the purposes of the Bill. An excel version of the same worksheet will be provided to parishes, and be required to be audited by the parish auditor and provided to the Diocesan Secretary within 7 days after the parish's AGM.

33. The Bill has been drafted in a way that exempts from Net Property Income in a particular year any source of property income that is subject to another ordinance which provides for the application of that income, in whole or part, for non-parish purposes. Net Property Income will however include property income from any source where a parish receives 100% of the income under an ordinance at present, which is the case for example with property income subject to a standard form parish trust ordinance. A general provision has been included that will allow the Standing Committee to declare that the levy does not apply to some or all of the property income of a parish cl. 4(b)(ii)).

34. Using this mechanism, where a parish receives property income that is subject to another ordinance that applies all or part of the income for a non-parish purpose, that property income will be excluded from the calculation of the levy. However, it will be included for the purposes of working out which band of the PRL will apply to the property income of the parish. For example, Parish X receives \$150,000 of income from a lease, which is subject to a specific large-receipts provision in another ordinance that levies 15% (\$22,500) to the Synod Fund. Parish X also receives a further \$50,000 in licence income each year. The total property income of Parish X is \$200,000. The ordinance-based levy on the \$150,000 remains unchanged at \$22,500. The PRL on the additional \$50,000 of licence income is levied at the marginal rate of 25% (being the rate applicable for parishes with a Net Property Income of between \$100,000 and \$200,000), which will be \$6,250. Therefore, the total amount paid by Parish X would be \$28,750. (By comparison, the PRL on the entire \$200,000 would be \$34,500, but the PRL on the \$50,000 if it were considered on its own would be only \$2,000).

35. There may be some situations where the Standing Committee has consciously chosen not to apply any portion of a parish's property income for non-parish purposes. The Bill as drafted will require such a parish to come forward and seek a declaration under cl. 4(b)(ii) in relation to that income.

36. An alternative approach that was considered, but rejected, would be to grandfather all existing parish property income until the next review date under the applicable ordinance. This would have the effect of grandfathering all parish property income since all property income is governed by a trust ordinance or other ordinance in some manner (other than licences granted by wardens). Choosing this alternative would therefore appear to frustrate the phased introduction of the levy proposed in the report received with resolution 34/17.

37. Following the same mechanism as that used for the calculation and payment of parochial network costs, the levy will be payable in 10 instalments two years after the property income is received (cl. 3(2)).

38. Parishes with Net Operating Receipts less than \$120,000 are exempt from the PRL in that year (cl. 4(a)).

39. The wardens are responsible for calculating the Net Property Income for the parish in accordance with the Property Income Worksheet, then submitting that calculation for review by the parish auditor, and forwarding a copy of the duly audited worksheet to the Diocesan Secretary (cl. 5).

40. As the Bill could not be passed until October 2018 and the calculation of Net Property Income will require the separate identification of a number of new components within the financial statements, parishes will need to be advised of the changes required in the format of their prescribed financial statements so the required data can be collected from 1 January 2019. Accordingly 2019 will be the first year for which Net Property Income can be calculated, and the levy on that Net Property Income would be payable in 2021.

41. In order to smooth the introduction of the levy, the amount payable by each parish in the first year (2021) will be only 33% of the levy calculated, and in the second year (2022) only 67% of the calculation (cl. 7).

42. Although the report to Synod recommended a review of the operation of the ordinance after 5 years, it is proposed to extend that date to 7 years from commencement (cl. 9). This is because a review date of 5 years would mean the actual raising of the levy will have only been occurring for a maximum of 3 years. Indeed the actual review work will have to be done before the third year of actual levy-raising has been completed, and the first two years of levy-raising are at phase-in rates. Of course, requiring a review of the ordinance's operation after 7 years does not preclude an earlier review if problems become apparent.

For and on behalf of the Standing Committee

THE REV CRAIG ROBERTS / BISHOP MICHAEL STEAD

27 August 2018

## Schedule

## PROPERTY INCOME WORKSHEET

Key:

data entry

locked formula

The calculation of Net Property Income requires:

A separate analysis of the net income from each leased property, calculated in accordance with the worksheet below.

The aggregate expenses for a particular leased property are capped at the amount of lease income from that property, ie. the net result for a particular property cannot be negative.

Where a single invoice or other charge (eg. loan interest or repayment) relates to more than one property the parish will have to calculate an appropriate portion applicable to each property.

The total net income from all income producing properties = net income (lease income less any expenses/deductions) for each leased property + gross licence fees and casual booking fees from other properties.

Net property income = the total amount received from income producing properties + finance income - any lease/rent payments for a place of public worship.

Adjusted net property income = Net property income - income from property(s) subject to an ordinance applying some portion for non-parish purposes.

|  |              |                 |   | Each income producing property    |            |                      |             |                               |               |              | Parish<br>total |   |     |   |
|--|--------------|-----------------|---|-----------------------------------|------------|----------------------|-------------|-------------------------------|---------------|--------------|-----------------|---|-----|---|
|  |              |                 |   | Property leased for income        |            |                      |             | Property used for<br>ministry |               |              |                 |   |     |   |
|  |              |                 |   | #1<br>old<br>hall                 | #2<br>shop | #3<br>old<br>rectory | #4<br>other | #11<br>main<br>hall           | #12<br>church | #13<br>other |                 |   |     |   |
| Lease rental from commercial property  |              | <i>Item No.</i> | 4-3100  | <i>to be analysed by property</i> |            |                      |             |                               |               | n/a          |                 |   | n/a |   |
| Lease rental from ministry residences  | (see Note 1) | 4-3150          | <i>to be analysed by property</i>                             |                                   |            |                      | n/a         | n/a                           |               |              | n/a             |   | n/a |   |
| Licence fees   | (see Note 1) | 4-3200          | <i>to be analysed by property</i>                             |                                   |            |                      | n/a         | n/a                           | n/a           | n/a          |                 |   | n/a |   |
| Casual booking fees  | (see Note 1) | 4-3300          | <i>to be analysed by property</i>                             |                                   |            |                      | n/a         | n/a                           | n/a           | n/a          |                 |   | n/a |   |
| <u>less</u> Expenses of property leased for income (utilities, r&m, improvements, agency fees)                               | (see Note 1) | 6-7000          | <i>to be analysed by property</i>                             |                                   |            |                      |             |                               |               |              |                 |   | n/a |   |
| <u>less</u> Interest payments on loans relating to that property   |              | 6-7500          | <i>new item no. to be analysed by property</i>                |                                   |            |                      |             |                               |               |              |                 |   | n/a |   |
| <u>less</u> Principal repayments on loans relating to that property  |              |                 | <i>movement in B/S item 2-2000 to be analysed by property</i> |                                   |            |                      |             |                               |               |              |                 |   | n/a |   |
| <u>less</u> Mortgage repayments, lease payments or housing benefit paid to ministry staff                                    | (see Note 2) | 6-1155          | <i>new item no. to be analysed by property</i>                |                                   |            |                      | n/a         | n/a                           |               |              | n/a             |   | n/a |   |
| Total net income from all income producing properties  |              |                 |   | -                                 | -          | -                    | -           | -                             | -             | -            | -               | - | -   |   |
| Is the income from this property to be excluded (ie. subject to an ordinance applying some portion for non-parish purposes)? |              |                 |   |                                   |            |                      |             | n/a                           | n/a           | n/a          |                 |   |     |   |
| Adjusted net income from this property   |              |                 |   | -                                 | -          | -                    | -           | -                             | -             | -            | -               | - | -   |   |
| Finance income   |              |                 |   | 4-5000                            |            |                      |             |                               |               |              |                 |   |     |   |
| <u>less</u> Lease/rent payments for a place of public worship  | (see Note 2) | 6-6700          | <i>new item no.</i>   |                                   |            |                      |             |                               |               |              |                 |   |     |   |
| Net Property Income  |              |                 |   |                                   |            |                      |             |                               |               |              |                 |   |     | - |
| Net Property Income before excluding income subject to an ordinance applying some portion for non-parish purposes            |              |                 |   |                                   |            |                      |             |                               |               |              |                 |   |     | - |

enter "Y"  
or "N"

**Note 1 -**

Under a **lease** the tenant has exclusive use of the property 24/7 (for any purpose, subject to the social covenants), for the period of the lease.

A **licence** agreement only gives the licensee limited (non-exclusive) right to use the property for certain purposes, and only during certain times. As owner the parish retains the right to the use the property at all other times.

For the purposes of both the Prescribed Financial Statements and the calculation of Net Property Income and the Property Receipts Levy the distinction between a lease and a licence is important.-

Under a lease certain expenses directly related to the particular property are deducted from the rental income received.

With a licence arrangement no expenses can be deducted from the rental income or casual use fee derived from the property.

**Note 2 -**

In each case the expense is only to be deducted here if income is received from a similar parish-owned property considered unsuitable for ministry.

**Calculation of PROPERTY RECEPTS LEVY**

The amount of the Levy is determined by reference to the table below -

| Net Property Income | Levy                                |
|---------------------|-------------------------------------|
| < \$10k             | 0                                   |
| \$10k - \$50k       | 5% of every \$ > \$10k              |
| \$50k - \$100k      | \$2k + 15% of every \$ > \$50k      |
| \$100k - \$200k     | \$9.5k + 25% of every \$ > \$100k   |
| \$200k - \$400k     | \$34.5k + 35% of every \$ > \$200k  |
| > \$400k            | \$104.5k + 45% of every \$ > \$400k |

Levy applicable to Net Property Income before excluding income subject to an ordinance applying some portion for non-parish purposes

less Levy applicable to the Net Property Income from property subject to an ordinance applying some portion for non-parish purposes

Property Receipts Levy applicable to Net Property Income

Net Operating Receipts (calculated on page 1 of Prescribed Financial Statements)

Actual Property Receipts Levy payable

|   |
|---|
| - |
| - |
| - |
|   |
| - |

## Property Receipts Levy Ordinance 2018 NET

No , 2018

### Long Title

An Ordinance to provide for a levy on certain property receipts of parishes.

### Preamble

A. By Resolution 34/17, Synod received the report "Proposal for a Property Receipts Levy" (the "Report").

B. By this same Resolution, Synod supported in principle a Property Receipts Levy as outlined in the Report and requested the Standing Committee to pass an ordinance to implement a levy with respect to property income from 2018. However, when a bill to give effect to this request was brought to Standing Committee three members asked that the matter be referred to Synod.

The Synod of the Diocese of Sydney Ordains as follows.

### 1. Name

This Ordinance is the Property Receipts Levy Ordinance 2018.

### 2. Definition of terms

In this Ordinance –

"**Net Operating Receipts**" means the amount determined in accordance with Part 3 of the *Cost Recoveries Framework Ordinance 2008* for a parish.

"**Parish**" means a parish or provisional parish constituted under or recognised as such for the purposes of the *Parishes Ordinance 1979* or a recognised church or a provisional recognised church recognised as such for the purposes of the *Recognised Churches Ordinance 2000*.

"**Prescribed Financial Statements**" means the duly audited statement of the comprehensive income of a church provided to the annual general meeting of parishioners.

"**Property Income Worksheet**" means the form of worksheet in the Schedule as amended prescribed from time to time by resolution of the Standing Committee for the purposes of this Ordinance ~~by resolution subject to clause 7.~~

"**Year**" means that calendar year from 1 January to 31 December.

### 3. Property Receipts Levy

(1) Each parish is to pay a levy calculated in accordance with the Property Income Worksheet.

(2) The levy is payable in the year that is 2 years after the year in which the income to which the levy applies is received by the parish and is payable through 10 equal instalments, the first due and payable on 1 March of the relevant year and subsequent instalments due and payable on the first day of each succeeding month.

(3) The funds raised by the levy are to be applied by the Standing Committee in accordance with ~~a further ordinance~~ the determination or direction of the Synod.

### 4. Exemptions

Notwithstanding clause 3 –

(a) the levy does not apply to income received by a parish in a year if the Net Operating Receipts of the parish for that year are \$120,000 or less, and

(b) ~~a source of income of a parish is not subject to the levy in a year~~ the levy does not apply to income earned in a year from a property or fund held for the purposes of a parish if –

(i) ~~in that year, the income is applied by the parish pursuant to the provisions of an ordinance which provides for income from that same source to be applied for non-parish purposes~~ some of that income is applied for non-parish purposes pursuant to an ordinance, or

(ii) ~~the Standing Committee declares by ordinance or resolution that the income is excluded from calculation of the levy applicable to the parish for that year~~ levy does not apply to the whole or any part of that income,

except that the income is taken into account in determining the applicable band for calculation of the levy on any other income of the parish in the Property Income Worksheet.

**5. Annual Return and Auditing**

Each year the ~~Wardens-wardens~~ of the principal or only church of each parish or the wardens of the parish (except a parish to which clause 4(a) applies) are to present the Property Income Worksheet to the Auditor for audit and forward a copy of the duly audited Property Income Worksheet to the Diocesan Secretary at or within 7 days after the annual general meeting of the principal or only church of the parish.

**6. Determination of Net Property Income**

Notwithstanding any other provision of this ordinance, except clause 4(a), the ~~Finance Committee of the~~ Standing Committee is authorised to determine a parish's Net Property Income for a year for the purposes of this Ordinance by making an estimate based on the information in the parish's Prescribed Financial Statements for that year, if -

- (a) the ~~Wardens-wardens~~ of the principal or only church of the parish or the wardens of the parish do not comply with any of the requirements in clause 5, or
- (b) the information in the Property Income Worksheet of the parish is inconsistent with the Prescribed Financial Statements of the church or churches of the parish.

**7. Transitional arrangements**

Notwithstanding clause 3, the levy payable by a parish is subject to the following staged introduction –

- (a) for income received by the parish in ~~2018~~2019, 33% of the levy is payable,
- (b) for income received by the parish in ~~2019~~2020, 67% of the levy is payable, and
- (c) for income received by the parish in ~~2020~~2021 and each subsequent year, 100% of the levy is payable.

**8. Amendment**

Any amendment to the income bands and levy rates applicable to those bands appearing in the Property Income Worksheet must be authorised by the Synod.

**9. Review**

This Ordinance is to be reviewed by the Synod not later than 7 years after the date of commencement.

**10. Commencement**

This Ordinance commences on the date of assent.

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 2018.

Secretary of the Synod

I Assent to this Ordinance.

Archbishop of Sydney

/ /2018

## Property Receipts Levy Ordinance 2018

### Explanatory Report

*It is intended that following the Synod's decision as to whether the levy should be based on net property income or gross, either this report and accompanying Bill (based on gross property income), or the report and accompanying Bill on pp.401-10 (based on net property income), would be considered for implementation.*

#### Key Points

- The Property Receipts Levy Bill gives effect to Synod resolution 34/17, but without deductions for property related expenses.
- The Bill will impose a levy, at a rate set in a table determined by Synod, on the property income of all parishes.
- Broadly speaking the property income of a parish is calculated as the aggregate of –
  - the lease income for each leased property that is not subject to another ordinance that applies a portion of the income for non-parish purposes, PLUS
  - any income from licence and casual booking fees, PLUS
  - any finance income.
- Deductions will be allowed for the cost of leasing of a place of public worship, and for any mortgage or lease payments or housing benefit paid to ministry staff unable to live in parish properties.
- The property income for 2018 will be used to calculate the levy for 2020, but the initial impact will be smoothed with only 33% of that amount payable in 2020, and 67% in 2021.

#### Purpose of the Bill

1. The purpose of the Bill for the Property Receipts Levy Ordinance 2018 is to implement the proposal for a property receipts levy requested by Synod in resolution 34/17, but without deductions for property related expenses.

#### Recommendations

2. That Synod receive this report.
3. That Synod pass the Bill as an ordinance of the Synod.

#### Evidence given

##### Background

4. By resolution 34/17 Synod, noting a report "Proposal for a Property Receipts Levy", asked Standing Committee to pass an ordinance to implement a Property Receipts Levy based on that report and attached schedule with respect to property income form 2018 subject to –

- (a) a deduction being provided for bank and financial statutory charges, taxes and assessments on finance income, and
- (b) the Standing Committee being restricted from increasing any percentage or modifying any monetary thresholds without authorisation from the Synod
- (c) parishes with net receipts of \$120,000 or less being totally excluded from this levy,

5. At its meeting on 13 November 2017 the Standing Committee requested the Diocesan Resources Committee to –

- (a) arrange for a suitable ordinance to implement the Property Receipts Levy to be brought to a future meeting, and
- (b) arrange for the consideration and implementation of a suitable form of the Large Property Receipts Policy for sales.

6. Standing Committee also asked that the Finance Committee be given the opportunity to provide input into the drafting of the ordinance to implement the Property Receipts Levy (Synod resolution 34/17 para. (e)), with a view to making both the format of the Prescribed Financial Statements for 2018 and the calculation of Net Property Income as simple and efficient as possible.

7. The Finance Committee provided its comments to the Diocesan Resources Committee based on a first draft of the ordinance. The Diocesan Resources Committee incorporated those comments in a report and recommendation it prepared which was considered by the Standing Committee at its meeting on 12 February 2018. At that meeting the Standing Committee agreed with the Diocesan Resources Committee's recommendation and asked that 2 changes be made to simplify the calculation of Net Property Income. The changes agreed were to –

- (a) remove the deduction for the property insurance component of the Parish Cost Recovery charge (on the basis that it cannot be determined accurately and in any case the amount of the deduction would be immaterial), and
- (b) remove the deduction for bank and financial statutory charges, taxes and assessments (on the basis that there are in fact no financial statutory charges, taxes and assessments on finance income payable in NSW and the amount of bank charges would be relatively small compared to any property income and so would have a very little impact on the amount of levy payable).

8. A Bill for an ordinance drafted by the Diocesan Legal Counsel incorporating the changes agreed by Standing Committee was included in the agenda papers for the Standing Committee meeting on 26 March 2018. However, at that meeting the Archbishop indicated that he will refer the matter to the next ordinary session of the Synod, having received a request to that effect in writing from 3 members of Standing Committee in accordance with section 5(3)(b) of the *Delegation of Powers Ordinance 1998*.

#### *Synod resolution 34/17*

9. The report "Proposal for a Property Receipts Levy" ("the 2017 Report") which was noted by Synod in resolution 34/17 established the following parameters for the application and operation of the levy –

- (a) There are two types of income that parishes may receive –
  - (i) Through the generosity of the current parishioners, all parishes receive offertory (which for the purposes of this paper is defined widely, to include bequests and other donations, including large one-off donations).
  - (ii) Some parishes receive income from land and buildings, or interest and investments. This is known as "property income" and is available to those parishes as a result of the generosity of previous generations and the advantages of geography. Parishes with property income may have substantial assets and the opportunity to generate significant additional income. The proposed Property Receipts Levy is intended to apply only to property income, as a means of redistributing wealth throughout the diocese. *[para. 34 of the 2017 Report]*
- (b) With respect to the Property Receipts Levy, a parish's "property" includes both its real property (land and building assets) and its personal property (investment assets, e.g., trust funds, term deposits). The levy will apply equally to income generated from both classes of assets. To do otherwise (for example, to exempt investment income as was suggested in feedback sessions) would discourage parishes from investing in their real property. Whether a parish has a property generating lease income, or whether the property is sold and the proceeds invested, the levy will apply regardless. Applying to both forms of property income is also demonstrably more equitable and transparent. *[para. 35 of the 2017 Report]*
- (c) A levy could be applied either to the gross property income of a parish, or to a parish's property income net of related expenses. Applying the levy to the gross amount would have the advantages of being simpler to administer and easier to forecast the amount of funds raised by the levy. However, given that the theological foundation of the levy is found in "sharing out of surplus", the form of proposed levy recommended by the committee applies to property income net of property expenses related to that income-producing property. *[para. 36 of the 2017 Report]*
- (d) Applying the levy to Net Property Income rather than gross also allows the proposed levy to address many of the concerns raised during consultations with parishes. Following consultation with parishes, the Committee identified that the following expenses should be considered as deductible –
  - (i) principal and interest portions of mortgage repayments on income-generating properties,
  - (ii) lease payments for a place of public worship (for example, if a parish uses property income to finance the rent it pays for a leased church meeting place), and

- (iii) mortgage repayments, lease payments or housing allowances for a residence for ministry staff where there is a corresponding residential property owned by the parish that is generating lease income (for example, where a ministry residence owned by a parish is unsuitable for its purpose and is rented out in order to fund the leasing of another residence for a minister).

The Standing Committee subsequently agreed to add the following further category of deductible expense –

- (iv) property insurance component of the Parish Cost Recovery (PCR) charge. *[para. 39 of the 2017 Report]*
- (e) It is expected that the deduction for expenses from income producing property is capped at the amount of the total income from that property - i.e., parishes are not allowed to offset "pooled expenses" against "pooled income". *[para. 40 of the 2017 Report]*
  - (f) As the proposed levy was passed at Synod in 2017, it was intended to apply to income generated in 2018, which will be reported through the PFS in 2019, with the levy being paid in 2020. *[para. 61 of the 2017 Report]*
  - (g) It is expected that most parishes will contribute to the proposed levy. In order to minimise the impact on ministries, the proposed levy incorporates a phase-in period where –
    - (i) in the first year of application (i.e., 2021), contributions would only attract 33% of the normal levy contribution for each parish,
    - (ii) in the second year (2022), contributions would attract 67% of the normal levy contribution, and
    - (iii) in the third year, the full levy would apply for the first time. *[para. 62 of the 2017 Report]*
  - (h) The proposed levy should be reviewed 5 years after commencement, with subsequent review periods being set at that time. *[para 63 of the 2017 Report]*
10. The Schedule to the 2017 Report provided that –
- (i) A levy is applied at the rate set out in paragraph 4 to each parish's Net Property Income, unless the property income is already subject to contribution under ordinance.
  - (j) Net Property Income is the total property income (from licences and leases on commercial and ministry residences, and from dividends, distributions and interest) net of expenses incurred for those income-generating properties, and other named deductions as set out below. The standard diocesan chart of accounts describes the relevant income as follows –
 

|        |   |
|--------|---|
| 4-3000 | Property Income (lease rental from commercial and residential properties, licence fees and casual booking fees)   |
| 4-5000 | Finance income (bank interest, investment income and ACPT Client Fund income)   |
| 6-7000 | Expenses for Property lease income*, including costs and payments in relation to 6-7500 mortgage repayments on leased properties  |
| 6-9000 | Other expenses deductible for the purposes of this levy, including – <ul style="list-style-type: none"> <li>6-9### leases for a place of public worship</li> <li>6-9### mortgage repayments, leases or allowances for a residence for ministry staff where there is a corresponding residential property owned by the parish that is attracting lease income in order to fund the ministry residence in use</li> <li>6-9### property insurance component of the Parish Cost Recovery ("PCR") charge.</li> </ul> |
- \* A deduction for expenses from income producing property is capped at the amount of the total income from that property. i.e., parishes are not to offset "pooled property expenses" against "pooled property income".
- (k) The levy for each parish is calculated as follows = [4-3000] + [4-5000] – [6-7000] – [6-9000].
  - (l) The following table sets out the rate at which the levy is applied –

| Net Property Income | % Levy to be applied (within the income band) | Levy contribution                        |
|---------------------|---|--|
| \$0-10,000          | 0%  | 0% of every dollar                       |
| \$10,000-50,000     | 5%  | 5% of every dollar > \$10k               |
| \$50,000-100,000    | 15%   | \$2,000 + 15% of every dollar > \$50k    |
| \$100,000-200,000   | 25%   | \$9,500 + 25% of every dollar > \$100k   |
| \$200,000-400,000   | 35%   | \$34,500 + 35% of every dollar > \$200k  |
| \$400,000+          | 45%   | \$104,500 + 45% of every dollar > \$400k |

11. After noting the 2017 Report, by resolution 34/17 Synod –

- (a) affirmed the principle that the proposed levy should apply only to parish property income,
- (b) agreed that a property levy should be applied against net, rather than gross, property income because of the theological principle of “a sharing out of surplus”,
- (c) agreed in principle, that –
  - (i) offertory income (including regular giving, donations, bequests etc) should be used to meet the stipend, allowances and benefits of the minister of the parish and, to the extent possible, other recurrent ministry expenditure of the parish (including maintenance of non-income producing property),
  - (ii) property income should first be used to meet property expenditure, including the maintenance of buildings and adequate provision for future capital expenditure on commercial property before it is used to support recurrent ministry expenditure, and
  - (iii) a proportion of a parish’s surplus property income (i.e., non-offertory income) should be shared with the wider Diocese,
- (d) supported in principle a Property Receipts Levy (“PRL”) as outlined in the 2017 Report and attached schedule subject to –
  - (i) a deduction being provided for bank and financial statutory charges, taxes and assessments on finance income, and
  - (ii) the Standing Committee being restricted from increasing any percentage or modifying any monetary thresholds without authorisation from the Synod,
  - (iii) parishes with net receipts of \$120,000 or less being totally excluded from this levy, and
- (e) requested the Standing Committee to pass an ordinance to implement a PRL with respect to property income from 2018.

*Gross property income as the basis for the Levy*

12. The 2017 Report received with resolution 34/17 argued that as the foundation of the levy is found in “sharing out of surplus”, the levy should be based on net property income. To illustrate its point the 2017 Report compared two parishes with the same level of lease income, one with significant expenses related to the leased property and the other with only minimal expenses relating to the leased property.

13. The problem with this argument is that the same principle of “sharing out of surplus” can equally be applied to provide the foundation for a levy based on gross property income.

14. Consider the situation of two parishes with identical property (say 1 church, 2 halls and 2 rectories) but one parish receives lease income from one of its halls and a rectory whereas the other parish uses all of its 5 properties for ministry and so has no lease income. Both parishes face the same costs to maintain their properties, but the first parish is clearly in a more favourable financial position because it has a source of income derived from the generosity of previous generations and the advantages of geography.

15. The calculation of a parish’s property income on a basis consistent with resolution 34/17 is quite complex. The two changes agreed by Standing Committee (to remove the deductions for the property insurance component of the PCR charge, and bank and financial statutory charges, taxes and assessments) only reduce some of that complexity. For quite a number of parishes this complexity would require significant changes to their accounting practices to identify and isolate the amounts needed for the calculation of deductions. In addition to the need to create a number of new sub-accounts by type of expense, there would be a need to keep separate accounts for the income and expenses of each leased property and analyse some other non-expense type payments, such as loan repayments, by property.

16. That complexity would not only add to the workload, and cost, for parishes to change accounting systems, record and analyse transactions in more detail, and compile the required Property Income Worksheet and arrange for it to be audited, it would make the resultant calculation significantly less transparent. Furthermore, it is likely that SDS will incur additional staff time to advise on, administer and ensure compliance with the complexities of such a Property income Worksheet.

17. The alternative proposed in this bill of basing the levy on gross property income greatly simplifies the calculation of a parish's property income by removing the need to identify income and expense/deductions by individual property. A levy based on gross property income therefore reduces the administrative burden (and cost) on parishes (and SDS) and results in a much more transparent calculation, while still giving effect to the foundation for the levy, ie. a sharing out of surplus. Accordingly, this report supports a Bill for a Property Receipts Levy based on gross property income.

18. Appendix 4 to the 2017 Report contained a table headed 'Model 1: Levy based on gross property income' which suggested various (reduced) rates of levy applicable to gross property income using the same contribution bands as were proposed for the levy based on net property income. Appendix 4 then went on to list the indicative contribution for each parish using either gross or net property income.

19. This Bill uses a simplified form of the table in Model 1 from the 2017 Report. Since gross property income will always be equal to or higher than net property income, the table below compares the rate of levy using gross and net property income. Using gross property income allows for a higher threshold (\$50,000 compared with \$10,000) before any levy is payable and then a lower rate of levy for each contribution band beyond the first \$50,000. For most parishes there will be very little difference between the actual amount of levy payable whether the levy is based on gross or net property income.

| Property Income       | NET % Levy | GROSS % Levy |
|-----------------------|------------|--------------|
| \$0 - \$10,000        | 0%         | 0%           |
| \$10,000 - \$50,000   | 5%         | 0%           |
| \$50,000 - \$100,000  | 15%        | 10%          |
| \$100,000 - \$200,000 | 25%        | 20%          |
| \$200,000 - \$400,000 | 35%        | 30%          |
| \$400,000 +           | 45%        | 40%          |

20. In this Bill the term 'gross' property income refers to the fact that there is no deduction allowed for expenses related to the income producing property. (By comparison the term 'net' property income usually refers to the fact that the gross income from a particular property is reduced by the expenses relating to that property to arrive at a 'net' income from that property.) However, while the Bill bases the levy on the 'gross' property income, it does still allow for two particular expenses to be deducted from the parish's aggregate gross property income to arrive at the amount that will be subject to the levy. They are –

- (a) any lease or rent payments paid for a place of public worship if the parish receives lease income from a property considered unsuitable for ministry, and
- (b) any mortgage repayments, lease payments or housing allowances for a residence for ministry staff where a residential property owned by the parish is leased out because it is considered unsuitable as a ministry residence.

#### *The Property Income Worksheet*

21. A Property Income Worksheet, the form of which is prescribed from time to time by Standing Committee, has been created to calculate a parish's property income for the year and the amount of the levy payable on that income (cl. 2 & 3(1)). An excel version of the Property Income Worksheet will be provided to parishes.

22. The amount of parish property income derived from leases, licences and casual bookings can be found by aggregating several existing accounts in the Prescribed Financial Statements (item no. 4-3100, 4-3150, 4-3200 & 4-3300).

23. The wardens will need to identify the amount of any mortgage repayments, leases or allowances/benefits paid (perhaps captured with a new account 6-1155) for a residence for ministry staff where there is a corresponding residential property owned by the parish that is generating lease income because it is considered unsuitable as a ministry residence.

24. A new account (6-6700) may be needed to capture any lease or rental payments relating to a place of public worship so that these payments can be deducted from the lease income generated from a parish-owned property that is considered unsuitable for ministry.

25. A parish's finance income should be easily determined by reference to account 4-5000. This item/group should include any income earned by an ACPT client fund held for the benefit of the parish.

26. Where a parish fails to provide some or all of the information required in the Property Income Worksheet, or the information provided is inconsistent with that in the parish's audited Financial Statements, the Standing Committee is authorised to determine the parish's Property Income based on its assessment of the information in the parish's Financial Statements (cl. 6). This is similar to a provision in the Cost Recoveries Framework Ordinance for the Standing Committee to estimate the net operating receipts of any parish that fails to provide Prescribed Financial Statements.

#### *Operation of the Bill*

27. The Bill has been drafted in a way that exempts from Net Property Income in a particular year any source of property income that is subject to another ordinance which provides for the application of that income, in whole or part, for non-parish purposes. Net Property Income will however include property income from any source where a parish receives 100% of the income under an ordinance at present, which is the case for example with property income subject to a standard form parish trust ordinance. A general provision has been included that will allow the Standing Committee to declare that the levy does not apply to some or all of the property income of a parish cl. 4(b)(ii).

28. Using this mechanism, where a parish receives property income that is subject to another ordinance that applies all or part of the income for a non-parish purpose, that property income will be excluded from the calculation of the levy. However, it will be included for the purposes of working out which band of the PRL will apply to the property income of the parish. For example, Parish X receives \$150,000 of income from a lease, which is subject to a specific large-receipts provision in another ordinance that levies 15% (\$22,500) to the Synod Fund. Parish X also receives a further \$50,000 in licence income each year. The total property income of Parish X is \$200,000. The ordinance-based levy on the \$150,000 remains unchanged at \$22,500. The PRL on the additional \$50,000 of licence income is levied at the marginal rate of 20% (being the rate applicable for parishes with a Net Property Income of between \$100,000 and \$200,000), which will be \$10,000. Therefore, the total amount paid by Parish X would be \$32,500. (By comparison, the PRL on the entire \$200,000 would be \$25,000, but there would be no PRL on the \$50,000 if it were considered on its own).

29. There may be some situations where the Standing Committee has consciously chosen not to apply any portion of a parish's property income for non-parish purposes. The Bill as drafted will require such a parish to come forward and seek a declaration under cl. 4(b)(ii) in relation to that income.

30. An alternative approach that was considered, but rejected, would be to grandfather all existing parish property income until the next review date under the applicable ordinance. This would have the effect of grandfathering all parish property income since all property income is governed by a trust ordinance or other ordinance in some manner (other than licences granted by wardens). Choosing this alternative would therefore appear to frustrate the phased introduction of the levy proposed in the 2017 Report.

31. Following the same mechanism as that used for the calculation and payment of parochial network costs, the levy will be payable in 10 instalments two years after the property income is received (cl. 3(2)).

32. Parishes with Net Operating Receipts less than \$120,000, are exempt from the PRL in that year (cl. 4(a)).

33. The wardens are responsible for calculating the Net Property Income for the parish in accordance with the Property Income Worksheet, then submitting that calculation for review by the parish auditor, and forwarding a copy of the duly audited worksheet to the Diocesan Secretary within 7 days after the parish's AGM (cl. 5).

34. A levy based on gross property income does not require parishes to change accounting systems or collect any new or more detailed information in order to complete the Property Income Worksheet. All the information required for the calculation in this Worksheet is already being collected in the form last prescribed for parish financial statements (for 2017). Accordingly, the timetable for the implementation of the Property Receipts Levy proposed in the 2017 Report (property income in 2018 used as the basis for the levy in 2020) can be retained, meaning that a levy based on gross property income can begin one year earlier than one based on net property income.

35. In order to smooth the introduction of the levy, the amount payable by each parish in the first year (2020) will be only 33% of the levy calculated, and in the second year (2021) only 67% of the calculation (cl. 7).

36. Although the 2017 Report to Synod recommended a review of the operation of the ordinance after 5 years, it is proposed to extend that date to 7 years from commencement (cl. 9). This is because a review date of 5 years would mean the actual raising of the levy will have only been occurring for a maximum of 3 years. Indeed the actual review work will have to be done before the third year of actual levy-raising has been completed, and the first two years of levy-raising are at phase-in rates. Of course, requiring a review of the ordinance's operation after 7 years does not preclude an earlier review if problems become apparent.

For and on behalf of the Standing Committee

BISHOP PETER HAYWARD / CANON PHILLIP COLGAN

27 August 2018

Attachment

PROPERTY INCOME WORKSHEET - based on gross property income

Key: data entry  
locked formula

Lease rental from commercial property  
Lease rental from ministry residences  
Licence fees  
Casual booking fees

less Lease/rent payments for a place of public worship (if income is received from a similar property considered unsuitable for ministry)  
less Mortgage repayments, lease payments or housing benefit paid to ministry staff (if income is received from a similar property considered unsuitable for ministry)  
less Income from a property subject to an ordinance applying some portion of that income for non-parish purposes

Finance income

Property Income subject to the levy

Total Property Income (including amount subject to an ordinance applying a portion for non-parish purposes)

| Item No. | Parish total |
|----------|--------------|
| 4-3100   |              |
| 4-3150   |              |
| 4-3200   |              |
| 4-3300   |              |
|          | -            |
| 6-6700   |              |
| 6-1155   |              |
|          | -            |
| 4-5000   |              |
|          | -            |
|          | -            |

Calculation of PROPERTY RECEIPTS LEVY

The amount of the Levy is determined by reference to this table -

| Property Income subject to Levy | Levy                             |
|---------------------------------|----------------------------------|
| < \$50k                         | 0                                |
| \$50k - \$100k                  | 10% of every \$ > \$50k          |
| \$100k - \$200k                 | \$5k + 20% of every \$ > \$100k  |
| \$200k - \$400k                 | \$25k + 30% of every \$ > \$200k |
| > \$400k                        | \$85k + 40% of every \$ > \$400k |

Levy applicable to Total Property Income (ie. before excluding income subject to an ordinance applying some portion for non-parish purposes)

less Levy applicable to the Income from property subject to an ordinance applying some portion for non-parish purposes

Property Receipts Levy applicable to Property Income

Net Operating Receipts (calculated on page 1 of Prescribed Financial Statements)

Actual Property Receipts Levy payable

|   |
|---|
| - |
| - |
| - |
|   |
| - |

## Property Receipts Levy Ordinance 2018

No , 2018

### Long Title

An Ordinance to provide for a levy on certain property receipts of parishes.

### Preamble

A. By Resolution 34/17, Synod received the report "Proposal for a Property Receipts Levy" (the "Report").

B. By this same Resolution, Synod supported in principle a Property Receipts Levy as outlined in the Report and requested the Standing Committee to pass an ordinance to implement a levy with respect to property income from 2018. However, when a bill to give effect to this request was brought to Standing Committee three members asked that the matter be referred to Synod.

The Synod of the Diocese of Sydney Ordains as follows.

### 1. Name

This Ordinance is the Property Receipts Levy Ordinance 2018.

### 2. Definition of terms

In this Ordinance –

5 "Net Operating Receipts" means the amount determined in accordance with Part 3 of the *Cost Recoveries Framework Ordinance 2008* for a parish.

"Parish" means a parish or provisional parish constituted under or recognised as such for the purposes of the *Parishes Ordinance 1979* or a recognised church or a provisional recognised church recognised as such for the purposes of the *Recognised Churches Ordinance 2000*.

10 "Prescribed Financial Statements" means the duly audited statement of the comprehensive income of a church provided to the annual general meeting of parishioners.

"Property Income Worksheet" means the form of worksheet prescribed from time to time by resolution of the Standing Committee for the purposes of this Ordinance.

"Year" means that calendar year from 1 January to 31 December.

### 15 3. Property Receipts Levy

(1) Each parish is to pay a levy calculated in accordance with the Property Income Worksheet.

(2) The levy is payable in the year that is 2 years after the year in which the income to which the levy applies is received by the parish and is payable through 10 equal instalments, the first due and payable on 1 March of the relevant year and subsequent instalments due and payable on the first day of each succeeding month.

(3) The funds raised by the levy are to be applied by the Standing Committee in accordance with the determination or direction of the Synod.

### 4. Exemptions

Notwithstanding clause 3 –

25 (a) the levy does not apply to income received by a parish in a year if the Net Operating Receipts of the parish for that year are \$120,000 or less, and

(b) the levy does not apply to income earned in a year from a property or fund held for the purposes of a parish if –

(i) some of that income is applied for non-parish purposes pursuant to an ordinance, or

30 (ii) the Standing Committee declares by ordinance or resolution that the levy does not apply to the whole or any part of that income,

except that the income is taken into account in determining the applicable band for calculation of the levy on any other income of the parish in the Property Income Worksheet.

### 5. Annual Return and Auditing

35 Each year the wardens of the principal or only church of each parish or the wardens of the parish (except a parish to which clause 4(a) applies) are to present the Property Income Worksheet to the Auditor for audit

and forward a copy of the duly audited Property Income Worksheet to the Diocesan Secretary at or within 7 days after the annual general meeting of the principal or only church of the parish.

#### 6. Determination of Property Income

Notwithstanding any other provision of this ordinance, except clause 4(a), the Standing Committee is authorised to determine a parish's Property Income for a year for the purposes of this Ordinance by making an estimate based on the information in the parish's Prescribed Financial Statements for that year, if -

- (a) the wardens of the principal or only church of the parish or the wardens of the parish do not comply with any of the requirements in clause 5, or
- (b) the information in the Property Income Worksheet of the parish is inconsistent with the Prescribed Financial Statements of the church or churches of the parish.

#### 7. Transitional arrangements

Notwithstanding clause 3, the levy payable by a parish is subject to the following staged introduction -

- (a) for income received by the parish in 2018, 33% of the levy is payable,
- (b) for income received by the parish in 2019, 67% of the levy is payable, and
- (c) for income received by the parish in 2020 and each subsequent year, 100% of the levy is payable.

#### 8. Amendment

Any amendment to the income bands and levy rates applicable to those bands appearing in the Property Income Worksheet must be authorised by the Synod.

#### 9. Review

This Ordinance is to be reviewed by the Synod not later than 7 years after the date of commencement.

#### 10. Commencement

This Ordinance commences on the date of assent.

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 2018.

Secretary of the Synod

I Assent to this Ordinance.

Archbishop of Sydney

/ /2018

## 8/17 Statement of Anglican doctrine of marriage

(A report from the Standing Committee.)

### Key Points

- It is proposed that Synod approve a Use of Property Policy as a non-exhaustive statement of the doctrines, tenets and beliefs of the Anglican Church of Australia in the Diocese of Sydney in relation to the use of property.
- It is proposed that the Synod also pass a Bill for the Sydney Anglican Use of Property Ordinance 2018 to require diocesan bodies to only use or allow the use of Church property for acts or practices which conform to the doctrines, tenets and beliefs of the Diocese. This will involve undertaking or authorising acts or practices which are consistent with the Use of Church Property Policy and not allowing activities that are inconsistent with the Policy.
- The Bill will also vary the trusts of all Church Trust Property of the Diocese so that those trusts include that the property is held on trust for purposes which conform to the doctrines, tenets and beliefs of the Diocese.

### Purpose of the report

1. The purpose of this report is to recommend certain initiatives to the Synod in response to resolution 8/17 concerning the Anglican doctrine of marriage.

### Recommendations

2. That Synod receive this report.
3. That Synod pass the Bill for the Sydney Anglican Use of Property Ordinance 2018 in Appendix 2.
4. That Synod adopt the Property Use Policy in Appendix 1.

### Background

5. Resolution 8/17 was passed by the Synod in 2017 as follows:

“Synod –

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

6. The Standing Committee asked the Religious Freedom Reference Group to address the request in Synod Resolution 8/17. In consultation with the Rev Michael Kellahan of Freedom for Faith, Associate Professor Neil Foster of the University of Newcastle, and appropriate representatives of Anglicare and Anglican Schools within the Diocese.

7. The Religious Freedom Reference Group appointed a subcommittee (hereafter the Subcommittee) comprised of the following members: Associate Professor Neil Foster, the Rev Michael Kellahan, Dr Stephen Kinsella (Executive Director of EdComm), the Rev Dr Ed Loane, Mr Grant Millard (CEO, Anglicare), Mrs Emma Penzo, Mr Ross Smith (CEO, Anglican Schools Corporation), Bishop Michael Stead (Chair) and Mr Robert Wicks.

### Three current and potential threats to maintaining a traditional Christian belief about marriage

8. A key threat to maintaining the Christian ethos of our Anglican institutions is in relation to the employment of Christian staff.

9. The law in NSW presently allows religious Institutions to preference the employment of staff who share and uphold the Christian ethos of the organisation. They are able to do this via what are known as “balancing clauses” in anti-discrimination laws, which allow religious organisations to do what would otherwise be discrimination if those acts are:

“[an] act or practice of a body established to propagate religion that **conforms to the doctrines of that religion** or is necessary to avoid injury to the religious susceptibilities of the adherents of that religion”<sup>1</sup>

or

“[an] act or practice of a body established for religious purposes, being an act or practice that **conforms to the doctrines, tenets or beliefs of that religion** or is necessary to avoid injury to the religious susceptibilities of adherents of that religion.”<sup>2</sup>

10. In order for an organisation to rely on these provisions (for example, to allow the organisation not to support same-sex marriage or unmarried heterosexual sexual relationships) it is necessary to show that the biblical view of marriage is one of the “doctrines” or “tenets or beliefs” of the organisation. While it may seem obvious to us that such is the case, this was not the conclusion of the Victorian Court of Appeal in *Christian Youth Camps Limited & Ors v Cobaw Community Health Services Limited & Ors* (“Cobaw”) [2014] VSCA 75 (16 April 2014) in the case of a conference centre operated by the Christian Brethren Trust, where Maxwell P, in giving the majority decision on the point, held at [276] that the views of the lower Tribunal member ought to be accepted, where her Honour said that:

“...the absence of any reference to marriage, sexual relationships or homosexuality in the creeds or declarations of faith which Christians including the Christian Brethren are asked to affirm as a fundamental article of their faith demonstrates the Christian Brethren beliefs about marriage, sexual relationships or homosexuality are not fundamental doctrines of the religion.”

11. There is not currently any statement in the “Diocesan Education Policy, the Corporate Governance Policy Statement of Faith, or any other relevant diocesan policies, statements or ordinances” (as per Synod Resolution 8/17) that explicitly defines “man-woman” marriage as a doctrine, tenet or belief of the Anglican Church of Australia in the Diocese of Sydney. While the doctrine of the Anglican Church of Australia on marriage is evident in Jesus’ teaching in Matthew 19 and the Book of Common Prayer, it is considered prudent also to articulate the doctrine in the form of a Diocesan policy given the reasoning in the *Cobaw* case.

12. A second threat to maintaining the Christian ethos of our Anglican institutions is in relation to the use of property by third parties. There is a real risk that board members of Anglican organisations (for example, Anglican schools) may believe that they are legally required to hire out the school hall as a venue for a same-sex wedding, or otherwise allow the use of church property in ways that are inconsistent with the doctrines, tenets and beliefs of the Diocese.

13. A third threat to maintaining the Christian ethos of our Anglican institutions is that the boards of our institutions may become constituted by people who do not support the Christian ethos of the institution, for example with regard to same-sex marriage.

#### **How a Property Use Policy can mitigate these three threats**

14. The Subcommittee formed the view that the most appropriate way to address these three threats to maintaining a traditional Christian belief about marriage is through the implementation of a Property Use Policy, which would (at the same time):

- (a) articulate certain “doctrines, beliefs and tenets” to facilitate reliance on the balancing clauses in anti-discrimination legislation, and
- (b) provide clear guidance for ministers, wardens and board members as to the appropriate and inappropriate uses of church property, and
- (c) be binding on members of boards in their decisions about church property.

15. The Property Use Policy is attached as Appendix 1 to this report. The Policy is not limited to the single issue of the use of church property for same-sex marriages. The Policy brings together in one document the various ordinances and resolutions of the Synod regarding the use of church property, covering such issues as the use of property for the promotion of other religions, the production and sale of alcohol or drugs, the sale of production of pornography, or the advocacy of abortion or assisted suicide.

---

<sup>1</sup> Section 56(d), *Anti-Discrimination Act 1977 (NSW)*

<sup>2</sup> Section 37(1), *Sex-Discrimination Acts 1984 (Cth)*

16. The Property Use Policy demonstrates how our practice is grounded in theological principles (i.e., our doctrine). These theological principles are described using the language of “doctrines, tenets and beliefs” for the purposes and relevant State and Federal anti-discrimination legislation.

17. The heart of the policy is in clause 8 - ***church property must not be used for purposes which contravene the doctrines, tenets and beliefs of the Diocese***. These doctrines, tenets and beliefs are explained in terms of four doctrinal categories: Doctrine of Salvation, the Doctrine of the Human Person, the Doctrine of Marriage and Human Sexuality, and the Doctrine of Christian Freedom.

18. The Policy gives a succinct summation of these four doctrines and then offers examples of property use that would be inconsistent with the doctrines, tenets and beliefs of the Diocese as they relate to each particular doctrine. This description of doctrine with examples of property use offers helpful guidance to wardens, ministers, members of governing boards and others involved in decisions involving the use of church property.

#### **How and to whom does the Policy Apply?**

19. The effect of the Sydney Anglican Use of Church Property Ordinance 2018 (see Appendix 2) is to make the Property Use Policy binding on “Diocesan bodies”.

20. “Diocesan body” is defined as –

- (a) a parish, and
- (b) any body corporate, organisation, school or association that exercises ministry within or on behalf of the Anglican Church of Australia in the Diocese of Sydney –
  - (i) which is constituted by ordinance or resolution of the Synod,
  - (ii) in respect of whose organisation or property the Synod may make ordinances, or
  - (iii) which is a trustee of Church trust property.

21. The Property Use Policy becomes operative in two ways.

22. Firstly, clause 4 of the Ordinance requires Diocesan bodies to use property in a manner which conforms to the doctrines, tenets and beliefs of the Diocese. The clause provides that a Diocesan body conforms if it undertakes or authorises acts or practices which are consistent with the Policy or involve not allowing property to be used for an activity that is inconsistent with the Policy.

23. Secondly, clause 5 varies the trusts on which all church trust property is held, to make it explicit that “church trust property is held for purposes which conform to the doctrines, tenets and beliefs of the Diocese.”

24. Clause 4 applies to all “Church property” (defined in the Policy as property that is under the control or management of a Diocesan body), whereas clause 5 only applies to “church trust property”.

25. The Policy can also become binding on an “Anglican body” (which would include, for example, independent Anglican Schools operating in the diocese), if the governing board of that body chooses to adopt the Property Use Policy as a policy of that body.

#### **Changing the Statement of Faith?**

26. Resolution 8/17 requested that consideration be given to incorporating a clause pertaining to marriage beliefs into the Diocesan Statement of Faith.

27. The Subcommittee considered this suggestion, but came to the view that, while affirming the teaching of Scripture on marriage is a key doctrine, it would not be appropriate to put a statement about marriage belief in the same category as our fundamental beliefs about the Bible, the atoning work of Christ and justification by faith alone.

28. The Committee also considered whether it would be appropriate to include within the Statement of Faith, a requirement that board members assent to the Jerusalem Declaration. While this has the advantage that a belief about marriage is embedded within the Jerusalem Declaration, the Subcommittee decided not to pursue this alternative suggestion because the Jerusalem Declaration has some Anglican-specific affirmations that may have the unintended consequence of excluding some non-Anglicans (such as Baptists and Presbyterians) from serving on our diocesan boards.

For and on behalf of the Standing Committee.

BISHOP MICHAEL STEAD  
*Chair, Religious Freedom Reference Group*

17 September 2018

## Property Use Policy

### A Policy of the Synod of the Diocese of Sydney

#### Introduction

1. The Synod has from time to time passed ordinances and resolutions to articulate the kinds of uses of church property that are (and are not) consistent with the purposes of the Anglican Church of Australia in the Diocese of Sydney.<sup>3</sup> These ordinances and resolutions seek to ensure that church property is not used for inappropriate purposes.
2. The purpose of this policy is to bring these various policy resolutions into a single document, and to clarify the theological rationale.
3. The doctrines, tenets and beliefs of the Diocese include, but are not limited to, the doctrines, tenets and beliefs set out in this policy. A Church body conforms to the doctrines, tenets and beliefs of the Diocese if it undertakes or authorises an act or practice which –
  - (a) is consistent with this policy, or
  - (b) involves not allowing church property to be used for an activity that is inconsistent with this policy.
4. On <date>, the Synod approved this policy in respect to Diocesan bodies under the *Sydney Anglican Use of Church Property Ordinance 2018*. The policy also applies to an Anglican body that chooses to adopt it as a policy of the body.

#### Interpretation

5. In this Policy –
 

“Anglican body” means a body which has charitable purposes that include purposes for or in relation to the Anglican Church of Australia, which is not a Diocesan body, but is situated in the Diocese.

“Diocese” means the Anglican Church of Australia in the Diocese of Sydney.

“Diocesan body” means –

  - (a) a parish,
  - (b) any body corporate, organisation, school or association that exercises ministry within or on behalf of the Anglican Church of Australia in the Diocese –
    - (i) which is constituted by ordinance or resolution of the Synod,
    - (ii) in respect of whose organisation or property the Synod may make ordinances, or
    - (iii) which is a trustee of Church trust property.

“Church body” means a body that is an Anglican body or a Diocesan body.

“Church property” means –

  - (a) Church trust property, and
  - (b) the property of an Anglican body.

<sup>3</sup> Examples include:

- (a) The Anglican Church Property Trust Diocese of Sydney Ordinance 1965 prohibits the corporate trustee of the Diocese from licensing or allowing property to be used for purposes the Synod and Standing Committee may by resolution disapprove (clause 10(1)). The disapproved purposes are set out in the Social Covenants Policy - section 11.2 <https://www.sds.asn.au/sites/default/files/ACPT%20User%20guide/Leasing.and.Licensing.Church.Trust.Property.Current.1.pdf>
- (b) Use of churches by non-Anglican congregations - see s5.6 of the Parish Administration Ordinance - only if “the profession of faith of the non-Anglican congregation is Bible-based”
- (c) The Ethical Investment Policy of the ACPT, defines “prohibited activities” as
  - (i) The manufacture or sale of Abortifacient or abortifacient-like contraceptives, or Alcohol, or Armaments, or Pornography, or Tobacco.
  - (ii) Undertaking medical and/or surgical elective abortions.
  - (iii) Undertaking stem cell research involving the destruction of embryos.
  - (iv) Gambling.

The Glebe Administration Board, the trustee of the Diocesan Endowment, is subject to similar ethical investment requirements.
- (d) Yoga and other such activities: <https://www.sds.asn.au/sites/default/files/reports/Y/Yoga.OtherSuchActivities.Rep2015.pdf>

“Church trust property” has the same meaning as in section 4 of Anglican Church of Australia Trust Property Act 1917, being property that is held “for the use, benefit, or purposes” of the Anglican Church of Australia in a particular diocese.

“Synod” includes the Standing Committee of the Synod.

### Policy Principles

6. The priority use of church property is for Christian ministry conducted in accordance with the doctrines, tenets and beliefs of the Diocese.
7. Where church property is not suitable for ministry, is temporarily not required for current ministry purposes, or there are periods of time during the week in which a ministry property is not required for ministry purposes, it may be good stewardship of these resources to employ them for the general benefit of the community or for income-producing purposes, provided that all such income is used for the “use, benefit or purposes” of some part of the Diocese.
8. However, it is inappropriate for church property to be used to facilitate, or generate income from, activities which are inconsistent with the doctrines, tenets or beliefs of the Diocese. As a matter of policy, therefore, **church property must not be used for purposes which contravene the doctrines, tenets and beliefs of the Diocese**. Without limiting the generality of this principle, the following sections provide a theologically grounded application of this policy to specific examples, in order to provide guidance for wardens, ministers, members of governing boards and others involved in decisions involving the use of church property.

### The Application of this Policy

#### Doctrine of Salvation

9. We believe in one God, who is Father, Son and Spirit. Our triune God alone is to be worshipped, in the way he requires. There is only one way of salvation, which comes through faith in the atoning work of Jesus Christ. The gospel calls us to turn from sin and abandon our idolatrous or syncretistic worship, and to worship the true God, through Jesus Christ, by the Holy Spirit.
10. Church property must therefore not be used for the worship of other gods, or to profess and promote a different doctrine of salvation.
11. The use of a church building by another Christian congregation for the purposes of worship is only allowed if “the profession of faith of the non-Anglican congregation is Bible-based” (section 5.6 of the *Parish Administration Ordinance 2008*). This “Bible-based” profession of faith must (at least) conform to the 4 core principles articulated in the statement of faith required of those who serve on the boards of our diocesan organisations - that is:
  - (a) The Christian faith as set forth in the Apostles’ and Nicene Creeds;
  - (b) That God’s word written, the canonical Scriptures of the Old and New Testaments, is the supreme authority in all matters of faith and conduct;
  - (c) That there is only one way to be reconciled to God which is through his Son, Jesus Christ, who died for our sins and was raised for our justification; and
  - (d) That we are justified before God by faith only.
12. Some examples of property use which would be inconsistent with the doctrines, tenets and beliefs of the Diocese:
  - (a) Use of church property for the promotion of non-Christian religions such as Hinduism, Buddhism and Islam, or for events the purpose of which is to attack, denigrate or undermine Christian beliefs;
  - (b) Use of church property by other (Christian) groups, whose basis of faith differs from the four principles articulated above;
  - (c) Use of church property for activities which promote a spirituality that is in conflict with true Christian Spirituality. For example, yoga classes which go beyond mere “positional yoga” and involve spiritual practices such as meditative practices and chants derived from Hinduism, and smoking ceremonies, where the purpose is to cleanse a place from the residual spirits of those who have died.

#### Doctrine of the Human Person

13. We believe that all human beings are uniquely created in the image of God, loved by God and precious to him. We believe that God created humanity with two complementary sexes – male and female – and that both male and female are equally made in God’s image. We believe that God

made people of all races and abilities as equal in his sight, and offers salvation through faith in the atoning work of Jesus Christ to all people without distinction. We believe that God alone determines the beginning and end of life.

14. Church property must therefore not be used for purposes which destroy human life or devalue the inherent worth of human beings in the image of God.
15. Some examples of property use which would be inconsistent with the doctrines, tenets and beliefs of the Diocese:
  - (a) Abortion advocacy;
  - (b) Undertaking or making referrals for medical and/or surgical elective abortions;
  - (c) Production of abortifacient or abortifacient-like contraceptives;
  - (d) Undertaking stem cell research involving the destruction of embryos;
  - (e) Advocacy for, or assistance with, euthanasia;
  - (f) Manufacture of armaments or other weapons of war;
  - (g) Activities that incite racial hatred;
  - (h) Advocacy of or activities that incite discrimination against the disabled;
  - (i) Advocacy for transgender ideology (e.g., gender-fluidity).

#### **Doctrine of Marriage and Human Sexuality**

16. We believe that there are only two expressions of faithful sexuality: marriage between a man and a woman or abstinence in singleness.
17. Church property must therefore not be used for activities which promote sexual intimacy outside of marriage, or which promote a version of marriage that is inconsistent with God's plan for marriage. The use of an Anglican Church building for a wedding by those from another denomination is only appropriate where the marriage rites to be used are consistent with authorised Anglican marriage services.
18. Some examples of property use which would be inconsistent with the doctrines, tenets and beliefs of the Diocese:
  - (a) Production or distribution of pornography;
  - (b) Commercialisation of sexual services (e.g., a brothel);
  - (c) Solemnisation or blessing of a same-sex wedding;
  - (d) A reception venue for a same-sex wedding;
  - (e) Advocacy for expressions of human sexuality contrary to our doctrine of marriage.

#### **Doctrine of Christian Freedom**

19. We believe that the gospel of salvation brings freedom from our captivity to sin. Christian freedom is not a freedom to indulge the sinful nature. Rather, Christians should seek to throw off everything that hinders and the sin that so easily entangles and should seek not to cause others to sin by leading them into temptation. Church property must therefore not be used for activities which profit from addictive desires, or which will cause others to become entrapped by addictive desires.
20. Some examples of property use which would be inconsistent with the doctrines, tenets and beliefs of the Diocese:
  - (a) The production, promotion or sale by wholesale of tobacco;
  - (b) The commercial manufacture, distribution or sale of liquor (other than the sale and consumption of liquor on premises where the liquor is intended to be consumed with food sold on those premises for consumption on those premises);
  - (c) Any use in connection with narcotic drugs (including any prohibited drug, prohibited plant or drug of addiction) except as part of the normal trading practices of a registered medical practitioner, accredited residential aged care facility, pharmacist, chemist, dental or veterinary surgeon;
  - (d) For the purposes of gambling or betting.

## Sydney Anglican Use of Church Property Ordinance 2018

No , 2018

### Long Title

An Ordinance to clarify the doctrines, tenets and beliefs of the Diocese for the use of church property.

The Synod of the Diocese of Sydney ordains as follows.

### 1. Name

This Ordinance is the *Sydney Anglican Use of Church Property Ordinance 2018*.

### 2. Interpretation

5 "Diocesan body" means –

- (a) a parish, and
- (b) any body corporate, organisation, school or association that exercises ministry within or on behalf of the Anglican Church of Australia in the Diocese of Sydney –
  - (i) which is constituted by ordinance or resolution of the Synod,
  - 10 (ii) in respect of whose organisation or property the Synod may make ordinances, or
  - (iii) which is a trustee of Church trust property.

"Church property" means property that is under the control or management of a Diocesan body.

"Church trust property" has the meaning set out in section 4 of the *Anglican Church of Australia Trust Property Act 1917*.

15 "Diocese" means the Anglican Church of Australia in the Diocese of Sydney.

"Doctrines, tenets and beliefs" has the meaning set out in clause 3.

"Policy" means the policy known as the Property Use Policy approved by the Synod, as amended from time to time by resolution of the Synod.

"Synod" includes the Standing Committee of the Synod.

### 20 3. Doctrines, tenets and beliefs

The doctrines, tenets and beliefs of the Diocese include, but are not limited to, the doctrines, tenets and beliefs set out in the Policy.

### 4. Use of Church Property

25 (1) A Diocesan body must only use or allow the use of Church property for acts or practices which conform to the doctrines, tenets and beliefs of the Diocese.

(2) A Diocesan body conforms to the doctrines, tenets and beliefs of the Diocese if it undertakes or authorises acts or practices which –

- (a) are consistent with the Policy, or
- 30 (b) involve not allowing Church property to be used for an activity that is inconsistent with the Policy.

(3) Any dispute about whether a use or proposed use of Church property conforms to the doctrines, tenets and beliefs of the Diocese is to be determined by the Archbishop.

### 5. Variation of Trusts

35 (1) By reason of circumstances which have arisen after the creation of the trusts on which all church trust property is held for the Diocese, it is inexpedient to carry out and observe those trusts and it is expedient that the trusts be varied in the manner set out in this clause.

(2) The trusts of all church trust property held for the Diocese are varied to the extent necessary to include that the church trust property is held for purposes which conform to the doctrines, tenets and beliefs of the Diocese.

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 2018.

Secretary

I Assent to this Ordinance.

Archbishop of Sydney

/ /2018

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

### **32/17 Assistance for spouses and families of clergy and lay stipendiary workers where separation has occurred due to domestic violence**

(A report from the Domestic Violence Response Task Force.)

#### **Purpose**

1. The purpose of this report is to inform the Synod about progress in the work of the Domestic Violence Response Task Force, and to recommend adoption of revisions to the Synod's provisional Domestic Abuse Policy and Good Practice Guidelines, along with agreement that the Policy is no longer provisional.

#### **Recommendations**

2. That Synod, note the report 16/17 Implementation of the Domestic Abuse Response, and confirm that Section 1 (the Policy section) of the "Responding to Domestic Abuse: Policy and Good Practice Guidelines" as revised, should no longer be considered provisional but adopted as a policy of the Synod.

3. That if the Responding to Domestic Abuse: Policy is passed as a policy of the Synod, the Synod –
- (a) request Standing Committee to ensure that the "Responding to Domestic Abuse: Policy and Good Practice Guidelines" be professionally laid out and prepared for publication and distribution to all ministers and parish councils for their attention, along with assistant ministers and lay ministers, with a request that parishioners be made aware of the policy,
  - (b) request that all parishes be encouraged to consider adopting the suggested parish policy statement (from the Resource section) as their own parish policy on domestic abuse, or to revise their existing policy in light of revisions to the Synod's "Responding to Domestic Abuse: Policy and Good Practice Guidelines",
  - (c) authorise the Standing Committee to amend the Domestic Abuse Guidelines and Resources (but not the Policy), as adopted at Synod in 2018, following consultation with the Professional Standards Unit and the Anglicare Domestic Violence Adviser, and to report such amendments to the next ordinary session of the Synod, and
  - (d) request the Standing Committee to review the "Responding to Domestic Abuse: Policy and Good Practice Guidelines", as adopted at Synod in 2018, after two years' further operation, and provide a report with recommendations to the 2<sup>nd</sup> ordinary session of the 52<sup>nd</sup> Synod.

#### **Action proposed to be taken by the Standing Committee**

4. The Taskforce proposes that following this year's session of Synod, the Standing Committee should consider the further following recommendations –

- (a) Standing Committee recommend that the Diocesan Secretary and Registrar consider a mechanism whereby newly appointed Ministers, Assistant Ministers and Lay Ministers in the diocese be made aware of the existence, role and contacts details for the Anglicare Domestic Violence Adviser. Such notification could also extend to advising the existence of the PG&R and other relevant material and points of contact and advice.
- (b) Standing Committee authorise section 1 of the Policy (as revised by Synod), including the flowchart and table of contacts to be translated into Chinese, Korean and Arabic, and any further language agreed, and be funded from the residue of funds held on the Task Force's behalf by the PSU, with the balance to come from Synod Contingencies.
- (c) Standing Committee request that the Anglicare Domestic Violence Adviser and the Chaplain of the PSU collaborate in developing content suitable for visual display on churches, with the Standing Committee to fund from Contingencies the graphic design and publishing of such materials.
- (d) Standing Committee monitor progress in PSU's production of the training module requested, under supervision of the SMB, in liaison with Anglicare.
- (e) Standing Committee monitor progress by Anglicare and the Anglican Schools Corporation, along with other Anglican schools within the Diocese, in responding to relevant recommendations made to them in resolution 32/17 passed at the last session of Synod, namely –
  - (i) that Anglican Schools Corporation schools have short to medium term bursaries available to assist the families of clergy and lay stipendiary workers where separation has occurred due to domestic abuse, and

- (ii) that Anglicare give priority for emergency assistance to the families of clergy and lay stipendiary workers where separation has occurred due to domestic abuse.
- (f) Standing Committee recommend that the Archbishop and the Director consider –
  - (i) Ensuring any spouse of an applicant for candidacy for ordination be interviewed separately, with the interview to include some screening for domestic abuse;
  - (ii) Extending the screening process described by the Director for candidates for ordination as a Deacon to apply to all applicants for stipendiary lay ministry positions in the diocese, including, where relevant, a separate interview of a candidate's spouse).
- (g) Standing Committee invite Moore College and other diocesan education and training institutions to consider the merits of applying similar domestic abuse screening processes to applicants for study at their institutions.

## **Background**

5. Additional background to this report can be found in our report to Synod in 2017, "24/16 Domestic Violence (A report from the Domestic Violence Response Task Force)", hereafter referred to as the "2017 Report".

6. In 2017, the Synod, using its ordinance-like procedure for considering policies, received the "Responding to Domestic Abuse: Provisional Policy and Good Practice Guidelines", hereafter referred to as the "PG&R". Synod adopted Section 1 of the PG&R as the Provisional Sydney Anglican Policy on Responding to Domestic Abuse.

7. For implementation, the Synod resolved as follows in resolution "16/17 Implementation of the Domestic Abuse Response" –

"Synod, noting –

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

8. Notably, the same session of Synod also passed resolution "17/17 Grief and apology in regards to domestic abuse" in the following terms –

"That this Synod grieves with victims and survivors of domestic abuse, and prays for their healing and recovery. We give thanks to God for those women and men, clergy and lay people, who have faithfully supported, cared for and protected such victims in our churches and communities.

We grieve that God's good gift of marriage can be distorted and dishonoured through the sin of perpetrators. We pray for their repentance and restoration to faithful living under Christ.

We also deeply regret that domestic abuse has occurred among those who attend our churches, and even among some in leadership. We apologise for those times our teaching and pastoral care have failed adequately to support victims and call perpetrators to account."

9. Further, that session of Synod also passed resolution "32/17 Assistance for spouses and families of clergy and lay stipendiary workers where separation has occurred due to domestic violence" in the following terms –

"In light of its wholehearted acceptance of the Provisional Sydney Anglican Policy on Responding to Domestic Abuse, and its deeply sincere expression on 10 October 2017 of grief, regret and sorrow to victims and survivors of domestic abuse, Synod –

- (i) acknowledges the responsibility of the Anglican Church of Australia to examine its ordination candidates to ensure that they are fit to enter Holy Orders,
- (ii) acknowledges the responsibility of the Anglican Church of Australia to ensure that its clergy are fit to remain in Holy Orders,
- (iii) acknowledges the responsibility of the Anglican Church of Australia to ensure that its lay stipendiary workers are fit to be licenced to work in churches and to remain in this work,
- (iv) accepts the theological statements in the Provisional Sydney Anglican Policy on Responding to Domestic Abuse that speak of the circumstances when it is right for the victims of domestic abuse to separate from their spouses and not be reconciled,
- (v) acknowledges that a key reason why domestic abuse victims might find it difficult to separate from their spouses is because of potential financial hardship (especially where children are involved),
- (vi) acknowledges that the family of clergy and lay the workers live in locations where the relevant ministry worker is licenced to minister, rather than around their natural support networks (e.g. family and close friends), and that this can make it even more difficult for victims of domestic abuse to separate from their spouses,

and therefore requests –

- (a) that Standing Committee, as a matter of urgency and in consultation with the Professional Standards Unit, create a generously provisioned long-term operating fund which has the purpose of assisting spouses of clergy and lay stipendiary workers who have been or will be left in financial hardship as a result of their need to separate from their spouse due to domestic abuse,
- (b) that the policy which is created to administer the fund proposed in paragraph (a) provide a way for funds to be distributed quickly to those who are in need,
- (c) that Anglican Schools Corporation schools have short to medium term bursaries available to assist the families of clergy and lay stipendiary workers where separation has occurred due to domestic abuse, and
- (d) that Anglicare give priority for emergency assistance to the families of clergy and lay stipendiary workers where separation has occurred due to domestic abuse.”

10. The main work of the Task Force has involved responding to feedback received under resolution 17/16, and assisting the Standing Committee in responding to resolution 32/17, and to other recommendations contained in the 24/16 Report received at Synod last year (the “2017 Report”).

11. After Synod in 2017, the Rev Martin Kemp and the Rev David O'Mara resigned from the Task Force, and the Task Force thanked them for their significant contributions to our work. The Standing Committee subsequently appointed Mrs Glenda Devlin of Anglicare, and the Rev Mark Tough to the Task Force.

12. The Task Force currently comprises Mrs Kate Bradford, Mrs Glenda Devlin, Canon Sandy Grant (chair), Archdeacon Kara Hartley, Mrs Nicky Lock, the Rev Rob Smith, the Rev Mark Tough, Dr Jill Wheeler and the Rev Catherine Wynn Jones.

13. Mrs Lynda Dunstan, Anglicare's Domestic Violence Adviser, also attends our meetings and offers advice. As requested, the Diocesan Secretary has emailed all Ministers, Assistant Ministers and Lay Ministers in the Diocese, drawing their attention to the existence of, role description and contact details for, the Anglicare Domestic Violence Adviser. Lynda has reported that already she has run a number of education and training seminars for parishes regarding domestic abuse. The Task Force is thankful to Anglicare for her work.

14. The Task Force recommends that the Diocesan Secretary and Registrar consider a mechanism whereby newly appointed Ministers, Assistant Ministers and Lay Ministers in the diocese be made aware of the existence, role and contacts details for the Anglicare Domestic Violence Adviser. Such notification could also extend to advising the existence of the PG&R and other relevant material and points of contact and advice.

15. Following the Synod session in 2017, the Task Force, as at the date of this report, has met on an additional 6 occasions, taking the total meetings to 18.

16. Following Synod in 2017, the Task Force prepared a report to assist Standing Committee in its response to the resolutions of Synod and the further recommendations in our own report.

17. At its meeting in November 2017, the Standing Committee accepted our report, and its resolutions, and other further responses, are reported here.

### **Publication of Policy, Guidelines and Resources**

18. Regarding publication of Policy, Guidelines and Resources (PG&R), the Standing Committee –

- (a) requested the Diocesan Secretary to professionally print the Domestic Abuse flowchart and table of contacts for hard copy distribution to parishes and to make the current PDF document containing Policy, Guidelines and Appendices available for electronic distribution to parishes (with hard copy where needed), and
- (b) agreed that once revisions to the Provisional Policy and attached Guidelines and Appendices are determined following the next session of Synod, further design and publication work of the wider materials should be considered, and should be funded from the balance of monies held on behalf of the DVTF by the PSU.

19. The Diocesan Secretary organised for the flowchart and table of contacts to be prepared for publication by a graphic designer, and then distributed the chart electronically to parishes via email. It was noted that the flowchart is particularly intended for the advice of ministry workers, whereas the table of contacts is intended to inform the general church-attending public.

20. The Provisional PG&R have been made available electronically for download at the Policies section of the SDS website and the Domestic Violence tab of the Resources section of the PSU's Safe Ministry website.

21. Subsequent to publication of the flowchart and table of contacts, the NSW Government withdrew (without notice) the Aurora App. So the revised table now refers solely to the national Daisy App. Errors were discovered and corrected in two phone numbers. Further minor updates and improvements to wording of the flowchart have also been approved by the Task Force, in consultation with the PSU. These documents have been republished electronically, and the attention of parish ministers drawn to these updates.

22. The Task Force also received suggestions that the Flowchart and possibly other parts of the Policy and Resources should be translated into other key languages represented in our churches. The Task Force has recommended to Standing Committee that section 1 of the Policy (as revised by Synod), including the flowchart and table of contacts be translated into Chinese, Korean and Arabic, and any further language agreed, and be funded from the residue of funds held on the Task Force's behalf by the PSU, with the balance to come from Synod Contingencies.

23. The Task Force also noted inquiries for posters regarding domestic abuse suitable for church settings. The Task Force has recommended that the Anglicare Domestic Violence Adviser and the Chaplain of the PSU collaborate in developing content for content suitable for visual display with the Standing Committee to fund from contingencies the graphic design and publishing of such materials.

### **Training**

24. The Standing Committee has requested that the Professional Standards Unit (PSU) and Safe Ministry Board (SMB) liaise with Anglicare in carrying out the work requested in paragraphs 56 and 57 of the 2017 Report to develop a basic training module aimed at assisting clergy and church workers to understand domestic abuse and how those serving in churches can respond well to this issue.

25. In response, the Task Force advised that the training module run for approximately 2 hours and requested Rev Cath Wynn Jones and the Director of PSU to liaise with the Chair of the SMB and Anglicare in relation to development of the training. Lynda Dunstan, Anglicare's Domestic Violence Adviser, has already prepared significant resources in this area and it is anticipated that she will continue to provide valuable advice in developing this training.

26. The Task Force has recommended that the Standing Committee should monitor progress in PSU's production of the training module requested, under supervision of the SMB, in liaison with Anglicare.

### **Ministry Standards**

27. The Standing Committee noted the request that the committee further reviewing the Ministry Standards Ordinance 2017 (the "MSO Review Committee") to consider the recommendation in paragraphs 59 and 60 of the 2017 Report.

28. Paragraph 60 recommended consideration of measures to ensure that a clergy person or church worker can be required to receive guidance and specialised help in cases of serious failure to provide appropriate pastoral care to a victim of domestic abuse. By "serious failure", we referred to provision of pastoral care in a manner that puts the safety of a victim or their family at risk and demonstrates a wilful disregard of the Synod's policy and guidelines in this area.

29. The MSO Review Committee decided against inserting a head of misconduct for serious pastoral care failures in relation to victims of domestic abuse in the new ordinance. It considered that the Synod's "Responding Well to Domestic Abuse: Policy and Good Practice Guidelines" were not sufficiently precise to ascertain what it means for a person to recklessly or wilfully disregard them. The Committee also considered that such a head of misconduct might discourage clergy from providing pastoral care to victims of domestic abuse at all.

30. The MSO Review Committee reported that a person can still make a complaint about pastoral care failures in relation to domestic abuse (or other matters) even if there is no specific head of misconduct, since the list of types of misconduct in clause 6 of the Ordinance is inclusive. However, if the pastoral care failure does not give rise to a risk of harm it is unlikely to call into question the person's fitness to hold office.

31. The Task Force has accepted the MSO Review Committee's decision.

32. Paragraph 59 of the 2017 Report recommended measures to ensure that a clergy person or church worker can be appropriately required to receive guidance and specialised help and/or disciplined in cases of domestic abuse, which do not constitute sexual abuse or serious criminal behaviour already covered by relevant discipline ordinance in effect at the time.

33. The MSO Review Committee reported that both emotional abuse and spiritual abuse are now explicitly covered in clause 6(2) of the Ministry Standards Ordinance. In addition, as already noted, the list of types of misconduct in clause 6 of the Ordinance is inclusive, so another type of abuse, such as financial abuse of a spouse, could be considered under the Ordinance if it called into question the person's fitness to hold office, or the need to subject the person to a condition in order to continue to exercise ministry or perform duties.

34. One of the objects of the MSO was to get away from needing to have a shopping list of offences/conduct and to have something more flexible, though there is value in having an inclusive list to assist the decision-maker to determine whether the conduct calls fitness into question.

35. The Task Force has accepted the MSO Review Committee's advice in this matter also.

#### **Funding and Care for Victims of Domestic Violence**

36. Standing Committee requested the PSU, in liaison with Anglicare, to prepare a report advising its response to paragraph 63 of the 2017 Report – to do with sufficient funding for staffing and training of the PSU Contact Person and Chaplain system, so that it is available to provide advice, support and resources to those in our churches who have experienced domestic abuse – and also to Synod resolution 32/17, including any recommendations for funding and other actions.

37. The Task Force realises that the PSU may report separately about how their Contact Person and Chaplain system is already able to operate to provide advice, support and resources to those in our churches affected by domestic abuse. However the Task Force affirms to the Synod that a clear and effective pathway for the reporting of domestic abuse within ministry households would be to use the PSU's existing abuse reporting process, which includes the abuse report line and the contact person system.

38. Standing Committee requested the Episcopal Team, in liaison with relevant stakeholders including the PSU, the ACPT, the Diocesan Resources Committee to prepare a report advising its response to paragraph 64 of the Report – regarding development of a protocol for providing pastoral support to clergy, lay ministers, and/or their spouses, who have experienced domestic abuse – and to Synod resolution 32/17, including any recommendations for funding and other actions.

39. The Task Force liaised with the Archdeacon for Women's Ministry, as she reported to us the Episcopal Team's initial draft response. The Task Force was pleased at the Episcopal Team's response and was glad to see the adoption of several suggestions made by the Task Force.

40. In response to the Episcopal Team's report to Standing Committee, funding was allocated from the Synod Fund Contingencies for 2018 as an interim financial support for spouses of clergy and lay ministers who have been, or will be, left in financial hardship as a result of their need to separate from their spouse due to domestic abuse. We understand that these funds will be distributed by the Archbishop in consultation with the Director of the PSU and the relevant regional bishop or the Archdeacon for Women's Ministry.

41. The Task Force is also pleased that the Standing Committee and Diocesan Resources Committee has endorsed and budgeted for the establishment of a Ministry Spouse Support Fund, via the Parish Cost Recoveries system. The Fund is to be used to provide assistance for spouse and families of clergy and lay ministers where separation has occurred due to the misconduct (such as domestic abuse) by the clergy person or lay minister. Additional information may be found in the Report accompanying the ordinance covering Parish Cost Recoveries for the next triennium to be considered at this session of Synod.

42. Standing Committee also endorsed Anglicare's proposal to develop a model of a support group for ministry spouses affected by domestic abuse and requested Anglicare provide more information around funding, and encouraged the PSU to work with Anglicare in exploring the viability and need for such a support group. The Task Force understands that this work is ongoing.

43. Standing Committee also requested that Anglicare and the Anglican Schools Corporation, along with other Anglican schools within the Diocese be asked to respond to relevant recommendations made to them in resolution 32/17 passed at the last session of Synod, namely

- (a) that Anglican Schools Corporation schools have short to medium term bursaries available to assist the families of clergy and lay stipendiary workers where separation has occurred due to domestic abuse, and
- (b) that Anglicare give priority for emergency assistance to the families of clergy and lay stipendiary workers where separation has occurred due to domestic abuse.

44. The Task Force is unaware of the nature of the response of Anglicare and Anglicans Schools to these recommendations from the Synod. The Task Force recommends that the Standing Committee should monitor progress in this areas.

### **Screening of Ministry Candidates**

45. Standing Committee requested the Archbishop, in liaison with the Director of Ministry Training and Development (MT&D), to respond to our recommendation in paragraph 65 of the 2017 Report to investigate possible improvements to screening of ordination and other ministry candidates in regards to reducing the risk of domestic abuse among ministers in our diocese.

46. In response the Director of MT&D has reported that the current selection process for candidacy as a deacon includes:

- (a) Completing the Confidential Lifestyle Questionnaire (which includes the question "Have you ever engaged in bullying, verbal abuse or violence within your family or with others?") and discussing this with the Director of MT&D or Archdeacon of Women's Ministry;
- (b) Completing two online psychometric tests, which include potential risk factors associated with domestic violence, such as borderline personality features, antisocial personality features, alcohol problems, drug problems, aggression, and dominance;
- (c) A detailed interview with a clinical psychologist based on the above test results, who writes a detailed report for MT&D;
- (d) An interview of the candidate and spouse where they read the psychologist's report and discuss it with the Assistant Director or Archdeacon of Women's Ministry;
- (e) A series of references and reports from the candidate's minister and key lay-leaders through the candidacy period (usually two years);
- (f) Reports from the staff at Moore College (or other relevant education and training institution) during their candidacy;
- (g) Panel interviews where the spouse is required to be present (the spouse is required at both the initial and final panel interview);
- (h) Once accepted, a candidate meets with an ordination chaplain three or four times a year and part of the chaplain's role is to monitor the health of the candidate's marriage.

47. The Director of MT&D reports that despite best endeavours, secrecy over domestic abuse might be maintained, and that it is difficult to predict a person's likelihood of being a future perpetrator of domestic abuse. However, the existing process provides a range of opportunities to become aware of any narcissistic tendencies in a candidate or any other major personality disorders that might contribute to domestic abuse. However MT&D remains open to improving its processes.

48. The Director also reports that MT&D is having an ongoing conversation about the relative merits and logistics of whether or not to have a separate interview with the spouse of an applicant for candidacy.

49. In response the Task Force resolved to recommend that the Archbishop and the Director consider:

- (a) Ensuring any spouse of an applicant for candidacy for ordination be interviewed separately, with the interview to include some screening for domestic abuse;
- (b) Extending the screening process described by the Director to apply to all applicants for stipendiary lay ministry positions in the diocese, including, where relevant, a separate interview of a candidate's spouse).

50. The Task Force also recommends that Standing Committee invite Moore College and other diocesan education and training institutions to consider the merits of applying similar screening processes to applicants for study at their institutions.

### **Revision of the Provisional Policy, Guidelines and Resources**

51. Following the time allowed by Synod for feedback, which was extended by one additional month, the Task Force received a number of submissions from members of Synod and other interested persons, regarding the content of the Synod's Policy, Guidelines and Resources document (the "PG&R").

52. Importantly, two members of the Task Force met with a group of former spouses of clergy and ministry workers, who were victims and survivors of domestic abuse, who made many suggestions regarding the PG&R. The Task Force is grateful for all who took the time to respond, and especially for the courage of those who were victims and survivors, in offering their valuable perspectives. Many of their suggestions related to improving how the PG&R might be heard more helpfully by victims, as well as avoiding the likelihood of a shallow view of repentance.

53. The approach taken to evaluating feedback was to accept suggestions wherever possible. Where direct acceptance was not appropriate for some reason, efforts were made to adapt such suggestions into more suitable forms. Of course, some suggestions were still judged not appropriate or applicable to our PG&R.

54. Changes to SDS staffing have meant several changes to secretarial support available to the Task Force. So it has not been possible to provide a form of the revised PG&R being brought to Synod for consideration for adoption in 2018 marked up to show changes from the 2017 version. Instead this report will highlight the main changes in the PG&R, beyond such things as improvements to grammar and expression, updated statistics and other information, and correction of typographical errors etc.

55. The Policy section had items added, expanded or clarified, particularly –

- (a) 1.1.4, a new point, which states, "Sometimes both spouses can be simultaneously perpetrators and victims of abuse, although neither is the pattern of abuse nor the impact generally symmetrical."
- (b) 1.2.1, which now makes explicit that the equality recognised between all people includes husbands and wives.
- (c) 1.4.5, which now includes the additional comment that, "Clergy and lay ministers do not typically have professional expertise in the area of domestic abuse", along with a reminder that Faithfulness in Service (4.12) explicitly advises them to obtain advice from those with professional expertise.
- (d) 1.4.6, which now adds that "advice [should be] sought on how to address any harm caused" alongside an apology, where mistakes in caring for people in difficult situations are made.
- (e) 1.5, which has been broken into separate sub-points to more obviously respect the need to ensure a distance is kept between victims of domestic abuse and alleged or known perpetrators.
- (f) 1.6.1, which now has the positive statement added that, "Rather a relationship between a husband and wife is to be characterised by love, care and kindness".
- (g) 1.7.1, which now notes our first priority is that victims not only find safety but continue to stay safe.
- (h) 1.7.4, which now makes explicit the limits of confidentiality, "noting that reporting requirements exist where there is an immediate danger, where a child is at risk of serious harm or where the matter involves a clergy person or church worker as an alleged offender".
- (i) 1.8.3, which removes a perceived pressure on victims and makes clear that any possibility of reconciliation between victim and offender is dependent principally upon the genuine repentance and reformation of the offender.
- (j) 1.9.2, which in the "Thinking Theologically" section has had its last sentence re-worded to read, "Any attempt to justify abusive behaviour by the use of passages in the Bible which speak of headship and submission is intolerable (Mark 10:42-45; Ephesians 5:21-33; Hebrews 13:4)."
- (k) 1.9.4, which has been re-worded to remove an adverb "always" and to remove the reference to the 1984 Doctrine Commission Report.
- (l) 1.9.6, which has strengthened the obligation on church leaders to "welcome and offer ongoing support" to those who have separated for the sake of safety because of domestic abuse.
- (m) 1.9.7, where the call for repentance – with evidence – has been strengthened, so that it now reads, "The gospel of the Lord Jesus Christ flows from both justice and love. It calls for repentance and offers forgiveness. When domestic abuse has been indicated as a factor in separation, the perpetrator must be called upon to repent and take full responsibility for their actions. Genuine repentance is demonstrated over time and includes the person gaining an

understanding of what led them to behave in an abusive manner, what was wrong with their behaviour, and how it has impacted the victim. (Luke 3:8-14; Romans 12:9; 2 Corinthians 7:8-11). True reformation in such cases takes considerable effort on the part of the perpetrator, may take many years, and, for some, may never be achieved.”

- (n) 1.10, which now includes reference to the possibility of healing, as well as repentance and reformation, for an abuser,
  - (o) 1.10.1, which now notes the importance of a victim’s spiritual safety alongside physical and emotional safety.
  - (p) 1.11.7, which is an additional new point in the section of prevention and care, stating that in their teaching regarding marriage, “clergy should consider how to prevent convictions regarding biblical teachings, on matters like the marriage covenant, gender relationships, forgiveness and sacrificial love, being distorted or used to justify domestic abuse.”
56. The Guidelines section had items added, expanded or clarified, particularly –
- (a) 2.3.2, which as well as referring to the Police if a victim is in immediate danger, adds “Also seek advice from the NSW Domestic Violence Line 1800 656 463.”
  - (b) 2.6.10, which comprises a new point stating, “Be alert – Understand the possibility that you are being or may have been groomed by a perpetrator.”
  - (c) 2.9, whose heading has been clarified to indicate it is about responding *spiritually* to perpetrators.
  - (d) 2.9.4, which adds a reference to a perpetrator’s possible “remorse”, and notes the possibility of grooming.
  - (e) 2.9.6, which is re-worded to focus on remorse in a clearer way, so that it reads “Be aware that remorse expressed may or may not be genuine. Be particularly careful of an alleged perpetrator expressing remorse without any accompanying signs of real and visible repentance.”
  - (f) 2.9.7, which likewise has been re-worded to strengthen the need for repentance to be enduring and evidenced, for example, by engaging in a long term behaviour change program; this point, of repentance, rather than remorse, is where reference to seeking forgiveness is now placed.
  - (g) 2.9.8, where (alongside several other places, references to “support” for perpetrators has been replaced by reference to “care” or “pastoral care” for them.
  - (h) 2.10, regarding perpetrator programs, which now notes that “Participation in such programs should not be linked to suggestions of reconciliation or discussions of postponing separation or divorce.” It also notes the caution that “female perpetration often occurs in the context of self-protection, and needs to be thoroughly assessed”.
  - (i) 2.12.4, 5 & 6, which now note the development of an episcopal protocol for supporting victims of abuse who are clergy or church workers or the spouses of clergy and church workers, along with interim financial support provisions and plans for a sustainable Ministry Spouse Support Fund.
  - (j) 2.13.4, where information has been clarified about when domestic abuse may result in proceedings under our ministry standards and disciplinary ordinances.
  - (k) 2.14.3, which now helpfully notes that Anglicare currently operates government-funded Family Relationship Centres at Nowra and Parramatta.
57. The Resources section had several Appendices expanded or clarified, particularly –
- (a) The statistics in Appendix 2 on Domestic Abuse Facts have been updated, especially with the ABS releasing a more recent “Personal Safety Survey” from 2016. In addition the following caution has been added in this section, “Note: Statistics do not tell the whole story, as they do not identify patterns of control and abuse in relationships, They do not capture level of fear, or the severity of injury or impact, for the victim.”
  - (b) The section on domestic abuse in children had a “survivor view” of a child removed as being potentially unhelpful to some.
  - (c) Appendix 4 summarising the relevant material from Faithfulness in Service has been updated to take into account changes approved at last Synod, notably the explicit definitional comment that “Abuse in a family or domestic context is commonly known as ‘family and domestic violence’.”
  - (d) Appendix 5 – the suggested parish policy on domestic abuse – has been amended to reflect changes suggested to the diocesan policy which are relevant at the parish level.
  - (e) Appendix 8 has been updated with the content of relevant resolutions on domestic abuse from the 2017 session of Synod.

58. The Resources section had two Appendices added, namely –
- (a) Inclusion of the Duluth Power and Control wheel, which meets the need identified as useful by many for a visual representation of types of domestic abuse.
  - (b) Inclusion of an article by Task Force member, chaplain Kate Bradford, entitled “A Letter Made Me Think” which reminds us how easy it is for ministers and others not to realise or see at first the presence of domestic abuse even among people we can know well.

59. The Task Force also received feedback to the effect that the PG&R should be amended to remove the language of submission and headship, given our current operating environment in the world around. Likewise feedback was given that the PG&R should indicate that divorce and remarriage after domestic abuse was always permissible for victims. On the other hand, feedback was also received indicating a perception that the PG&R had inadvertently gone too far in undermining the intended permanence of the marriage covenant.

60. The Task Force considers that it is not the appropriate body to suggest revision of doctrine and its application in this area. Further it considers that the current policy section of the PG&R, with the improvements recommended, are good attempts to address these issues pastorally, within the framework of the relevant biblical material.

61. However, the Task Force did recommend to Standing Committee that it ask the Archbishop's Doctrine Commission to further consider how the biblical material on two matters, namely (i) divorce and remarriage, and (ii) the nature of marriage, including the relevance of submission and headship, intersects with domestic abuse, its prevention, and the care of victims in our midst. Standing Committee has resolved to make this request of the Doctrine Commission and the Task Force looks forward to its report in due course.

### **Concluding Recommendations**

62. In addition to recommendations scattered throughout this report, the following recommendations particularly related to the revised “Responding to Domestic Abuse: Provisional Policy and Good Practice Guidelines” are offered with thanks to God for those who have contributed to their development.

63. The Task Force recommends that the revised version of the PG&R be adopted by Synod, effective immediately, and that the Policy section be no longer considered provisional.

64. The Task Force recommends that revised PG&R, “Responding to Domestic Abuse: Policy and Good Practice Guidelines” be professionally laid out and prepared for publication and distribution to all ministers and parish councils for their attention, along with assistant ministers and lay ministers, with a request that parishioners be made aware of the policy.

65. The Task Force recommends that all parishes be encouraged to consider adopting the policy statement as their own parish policy on domestic abuse, or to revise their existing policy in light of revisions to the Synod's PG&R.

66. The Task Force recommends that Standing Committee be authorised to amend the Domestic Abuse Guidelines and Resources (but not the Policy), as adopted at Synod in 2018, following consultation with the PSU and the Anglicare Domestic Violence Adviser.

67. In particular, the Task Force notes that Standing Committee will likely also authorise the inclusion among the Resources section of a short report from the Doctrine Commission, currently in production, entitled, “The Use and Misuse of Scripture with Regard to Domestic Abuse” as a further appendix. The Task Force has appreciated the Doctrine Commission's work in this area along with its invitation to offer feedback, and thoughtful responses to our suggestions.

68. The Task Force recommends that the revised PG&R, as adopted at Synod in 2018, be reviewed after two years' further operation.

69. The Task Force recommends that the Domestic Violence Response Task Force be disbanded at the end of December 2018 and that responsibility for monitoring of matters related to the PG&R and domestic abuse in our churches and organisations be given to the Safe Ministry Board in liaison with the PSU and the Anglicare Domestic Violence Adviser.

For and on behalf of the Domestic Violence Response Task Force.

CANON A. R (SANDY) GRANT  
*Chairman*

3 September 2018

# Anglican Diocese of Sydney

## ***Responding to Domestic Abuse: Policy and Good Practice Guidelines***

### ***A Word from the Archbishop***

God is love. The Bible reveals God as a fellowship of love among the Father, the Son and the Holy Spirit, and a God who shares his love with all people. As the recipients of his love, he has called us to love him in return, with all our heart, with all our soul and with all our mind, and to love one another as ourselves. God has also designed marriage, as the proper place for sexual love wherein children might be born and brought up in the fear and knowledge of the Lord. Moreover, as the *Book of Common Prayer* reminds us, marriage signifies and represents ‘the spiritual marriage between Christ and his Church’.

Such a holy union is worthy of great honour and respect, especially by the husband and the wife, but also by society as a whole. As the love of God has joined us to himself, so the Bible instructs husbands to love their wives and wives to love their husbands. God’s word condemns unloving behaviour, and especially the misuse of power to control or exploit others. Abuse in all its forms is explicitly forbidden, as it is contrary to the nature of God and the love that he demands of us all. Yet sadly, not all husbands love their wives as Christ loved the Church, nor do all wives love their husbands as they should.

The effects of sin are ever present, and can cause great havoc to otherwise healthy relationships. For these reasons, we are concerned for those relationships where domestic abuse is present. We wish to address this issue honestly and transparently; we also wish to extend our care and compassion to those who suffer domestic abuse. This policy document is designed to assist us in this task, that we might strengthen existing marriages, but also assist those whose lives are at risk because of domestic abuse, with genuine options for godly responses. The recommendations made in this document include a framework for providing specialist support services which can be points of referral to ensure safety and protection for all. It also suggests how we might be better equipped and resourced in identifying and supporting victims of abuse in order to provide the pastoral care that is both appropriate and necessary.

This is a sensitive area for us to explore, but it must be explored and exposed, so that we might live as children of light, seeking to honour Christ as Lord and Saviour in every community, especially the family.



DR GLENN DAVIES  
**Archbishop of Sydney**

## ***Aim***

This document sets out the Domestic Abuse Policy and Good Practice Guidelines of the Anglican Diocese of Sydney, as evidence and expression of the Church's commitment to address and respond effectively to domestic abuse both within its own community and in the wider society.

The aim of this policy and these guidelines is to inform, direct and equip people working at a local level so that they can offer the most appropriate care in circumstances of domestic abuse. This includes not only those in pastoral ministries, but also those who may be called upon by victims or alleged or known perpetrators to hear their story.

## ***Scope***

This policy applies to all parishes of the Diocese of Sydney, their clergy and church workers. It is also commended to all Anglican organisations associated with the Diocese of Sydney for their adoption as far as is applicable in their contexts.

It should be read in conjunction with *Faithfulness in Service*, our national Anglican code of conduct for clergy and church workers, as adopted by the Diocese of Sydney.

## ***Outline***

- Section 1 outlines the Policy on Responding to Domestic Abuse (the policy).
- Section 2 outlines the **Good Practice Guidelines** (guidelines) for responding to domestic abuse.

This is supported by 11 Appendices that provide reference material and templates on Good Practice. It is intended that links to additional resources that cover this subject from other angles will be published at a later date.

## ***Where to find the Policy and Guidelines (with Appendices)***

The Policy and Guidelines (with appendices) will be distributed via email:

- to all parish councils and organisations in the Diocese of Sydney, and
- to all licensed clergy and authorised lay ministers licensed in the Diocese of Sydney.

The most up-to-date version of the Policy and Guidelines will be available on the Safe Ministry website of the Professional Standards Unit (PSU). Hard copies of the policy and associated documents can be supplied via the PSU, on request.

## ***On Terminology***

We have chosen to use the expression **domestic abuse** rather than domestic violence in order to avoid the common misapprehension that only physical violence counts as domestic abuse. We make exceptions when quoting other literature, and when referring to official titles and terminology in common use in other professional circles, e.g., we sometimes refer to "domestic violence services".

We have also chosen to refer to **victims** of domestic abuse but acknowledge many victims go on to become survivors.

## *Section 1*

# *Sydney Anglican Policy on Responding to Domestic Abuse*

## **SECTION 1:**

# **Sydney Anglican Policy on Responding to Domestic Abuse**

## **1.1 We acknowledge domestic abuse exists and is wrong**

---

- 1.1.1 All forms of domestic abuse are wrong and perpetrators must stop.
- 1.1.2 **Domestic abuse** includes but is not limited to emotional, verbal, social, economic, psychological, spiritual, physical and sexual abuse. Such behaviour often seeks to control, humiliate, dominate or instill fear in the victim. Please refer to Appendix 1 for an expansive description of domestic abuse.
- 1.1.3 The primary focus of this Policy is abusive or intimidating behaviour inflicted by an adult against a current or former spouse or partner. However, for a child to witness abuse between intimate partners is a form of child abuse. Any abuse involving children should follow child protection procedures.
- 1.1.4 Sometimes both spouses can be simultaneously perpetrators and victims of abuse, although neither is the pattern of abuse nor the impact generally symmetrical.

## **1.2 We are committed to safe places**

---

The Anglican Diocese of Sydney is committed to promoting and supporting safer environments that:

- 1.2.1 Recognise equality between all people, including husbands and wives;
- 1.2.2 **Promote a culture of healthy relationships** of mutual responsibility and respect in marriages, families and congregations;
- 1.2.3 Ensure that all people feel welcomed, respected and safe from abuse;
- 1.2.4 **Strive to follow good practice** in protecting those experiencing domestic abuse;
- 1.2.5 **Refuse to condone** any form of abuse; and
- 1.2.6 Enable concerns to be raised and responded to clearly and consistently.

## **1.3 We uphold Faithfulness in Service**

---

We uphold *Faithfulness in Service* as our diocesan code of conduct for clergy and church workers, specifically its affirmations in section 6:

- 1.3.1 Abuse of power is at the heart of many relationship problems in the Church and in the community. In essence, abuse is one person's misuse of power over another. Sometimes abuse will be a one-off event and at other times it will be a pattern of behaviour (6.2);
- 1.3.2 It is important for clergy and church workers to be good citizens and to obey the laws of the community, except where those laws conflict with Christian convictions (6.4);
- 1.3.3 You are not to abuse your spouse, children or other members of your family (6.6);

## **1.4 Domestic abuse requires a serious and realistic response**

---

- 1.4.1 All forms of domestic abuse cause damage to the victim and are wrong.
- 1.4.2 Domestic abuse can occur in all communities, including churches.
- 1.4.3 Domestic abuse, if witnessed or overheard by a child, is a form of child abuse by the perpetrator of the abusive behaviour.
- 1.4.4 Working in partnership with vulnerable adults and children, statutory authorities and specialist agencies is essential in promoting the welfare of any child or adult suffering abuse.
- 1.4.5 Clergy and lay ministers do not typically have professional expertise in the area of domestic abuse. They need to obtain advice from those with professional expertise when faced with situations of domestic abuse, as advised by *Faithfulness in Service* (4.12).
- 1.4.6 Where mistakes in caring for people in difficult situations are made, an apology should be offered and advice sought on how to address any harm caused.

## **1.5 We respect people who come to us for help**

---

Our churches are to be places of safety. We shall respond to domestic abuse by:

- 1.5.1 Valuing, respecting and listening to victims of domestic abuse;
- 1.5.2 Valuing, respecting and listening to alleged or known perpetrators of domestic abuse;
- 1.5.3 Appreciating the need to ensure a distance is kept between the two; and
- 1.5.4 Refusing to condone the perpetration or continuation of any form of abuse.

## **1.6 We uphold Scripture and its abhorrence of abuse in our words and public statements**

---

In our words and public statements, we will:

- 1.6.1 **Clearly teach that domestic abuse is wrong** and that the Bible should never be interpreted to justify or excuse any form of abuse. Rather a relationship between a husband and wife is to be characterised by love, care and kindness;
- 1.6.2 Clearly teach that the Bible does not condone abuse and should not be interpreted to demand a spouse tolerate or submit to domestic abuse; and
- 1.6.3 Raise awareness of domestic violence agencies, support services, crisis accommodation, resources and expertise.

## **1.7 We ensure safety first**

---

- 1.7.1 **Safety First** – Ensure that those who have experienced domestic abuse can find safety and informed help as a first priority, and can continue to stay safe.
- 1.7.2 **Take it Seriously** – Ensure that any disclosures of abuse are taken seriously and not dismissed.

- 1.7.3 **Get help from outside authorities** – Work with the appropriate statutory authorities during an investigation into domestic abuse, including when allegations are made against a member of the church community.
- 1.7.4 **Keep it confidential** – Respect the need for confidentiality within the bounds of good Safe Ministry practice, noting that reporting requirements exist where there is an immediate danger, where a child is at risk of serious harm or where the matter involves a clergy person or church worker as an alleged offender.
- 1.7.5 **Challenge with Care** – Carefully challenge inappropriate behaviour, but only in a way that does not place any individual, especially a victim, at increased risk.

## 1.8 We offer pastoral support to those in our care

---

- 1.8.1 **Offer informed care** – Ensure that informed and appropriate pastoral care and professional help is offered to any adult, child or young person who has suffered domestic abuse.
- 1.8.2 **Be guided by the victim** – It is never appropriate to pressure any victim of domestic abuse to forgive, submit to, or restore a relationship with an offender.
- 1.8.3 **Understand that reconciliation comes with conditions** – Any possibility of reconciliation between victim and offender is dependent principally upon the genuine repentance and reformation of the offender.
- 1.8.4 **Coordinate the care** – Identify the appropriate relationships of those with pastoral care responsibilities for both victims and alleged or known perpetrators of domestic abuse.
- 1.8.5 **Ensure equal access to care** – Work to ensure that clergy, clergy spouses, lay ministers and their spouses all have the same access to support and resources as others who experience domestic abuse.

## 1.9 Thinking Theologically – 10 Statements about Domestic Abuse

---

- 1.9.1 All human beings, both male and female, are created equal in the image of God, and are precious to him. As such their value and dignity rightly commands our respect and protection and should be upheld by all (Genesis 1:27; Psalm 82:3-4; Matthew 22:37-40).
- 1.9.2 Marriage is given by God as a good part of his creation for human wellbeing and should be honoured by all. It is intended as a lifelong union of a man and a woman. Healthy Christian relationships are characterised by servanthood and sacrifice, supremely modeled by Jesus Christ. Within a marriage relationship both husband and wife are to respond to one another by building each other up, which includes mutual love, nurture and respect. Any attempt to justify abusive behaviour by the use of passages in the Bible which speak of headship and submission is intolerable (Mark 10:42-45; Ephesians 5:21-33; Hebrews 13:4).
- 1.9.3 The Bible rejects all abuse, whether physical, verbal, or otherwise expressed from one person towards another and always condemns the misuse of power to control or exploit others. Therefore domestic abuse is evil. Such sin is deceptive in its power and damaging in its effects (Psalm 7; Galatians 5:19-26; 2 Timothy 3:2-3).
- 1.9.4 When domestic abuse in marriage is reported, then separation of the spouses for the sake of the safety of a victim and any children is an appropriate step to be taken and should never be discouraged (Proverbs 27:12; 1 Corinthians 7:10-11).
- 1.9.5 Victims of domestic abuse should be encouraged to seek help from the Police, from child protection authorities and other relevant domestic violence services. Church leaders who

become aware of situations of domestic abuse should always ensure they meet their mandatory reporting obligations, and obtain professional advice (Romans 13:1-5).

- 1.9.6 When a wife or husband separates for the sake of their safety (or that of their children), such action should not mean the person is deemed to have deserted the marriage or have abandoned their responsibilities as a parent even though they may have physically left the common home. Church leaders should welcome and offer ongoing support to those who have separated for such reasons (Psalm 82:3-4).
- 1.9.7 The gospel of the Lord Jesus Christ flows from both justice and love. It calls for repentance and offers forgiveness. When domestic abuse has been indicated as a factor in separation, the perpetrator must be called upon to repent and take full responsibility for their actions. Genuine repentance is demonstrated over time and includes the person gaining an understanding of what led them to behave in an abusive manner, what was wrong with their behaviour, and how it has impacted the victim. (Luke 3:8-14; Romans 12:9; 2 Corinthians 7:8-11). True reformation in such cases takes considerable effort on the part of the perpetrator, may take many years, and, for some, may never be achieved.
- 1.9.8 Forgiveness is often an important part of a victim's healing journey. However any attempts made at reconciliation should only proceed slowly and cautiously, and after consultation with experienced domestic violence services. The caution of a victim in regards to being reconciled to an offender is appropriate, and should not be mistaken for 'unwillingness' to forgive or be reconciled.
- 1.9.9 The grace of the gospel extends to all sinners. Church leaders have an obligation to provide support, pastoral accountability and supervision to any person who remains within their church communities known to have been a perpetrator of domestic abuse. However such support should only be given in a manner that does not condone the abuse nor compromise the safety or pastoral care of victims of domestic abuse.
- 1.9.10 Christians with a genuine desire to be faithful to Scripture hold different views on the question of when divorce is appropriate. However such differences should not impact a Christian's support for a victim of domestic abuse separating from their spouse for the sake of safety. For a discussion of when divorce might be an appropriate action in the circumstances of domestic abuse please see the attached 1984 Doctrine Commission report extract, para. 4:13, Appendix 13.

## **1.10 What do you need to do in your church?**

---

When a case of domestic abuse is reported in a parish or organisation of the Diocese of Sydney, it is right to act in accordance with the following priorities:

**Safety first** – for the victim(s)

**Accountability** – for the abuser

**Healing** – for the victim(s)

**Repentance, reformation and healing** – for the abuser

**Define and clarify** the state of the relationship

- 1.10.1 A victim's physical, emotional and spiritual safety must be our primary and ongoing concern. Other matters above may be considered according to the priorities suggested, although inevitably some stages may overlap or need to be revisited.
- 1.10.2 Further advice is available in our detailed **Good Practice Guidelines**, along with extensive information in the series of attached **Appendices**. All clergy and church workers should familiarise themselves with these guidelines.
- 1.10.3 We have also prepared a **Domestic Abuse Response Flow Chart** with the appropriate processes to follow when you become aware of an incident of domestic abuse. On the page following the flow chart we also list a number of key telephone numbers and websites, along with an app for smart phones and tablets.

## 1.11 Key steps for prevention and care

---

- 1.11.1 Clergy and church workers should cooperate with statutory authorities such as the Police, child protection services and domestic violence services.
- 1.11.2 Parish Councils should consider adopting and publishing a local domestic abuse policy (see Appendix 6 for the recommended parish version of the above policy).
- 1.11.3 Consider displaying the church's domestic abuse policy statement in an appropriate place alongside information about how to access advice and support from the Police, domestic violence helplines and diocesan services.
- 1.11.4 Clergy and church workers should follow diocesan procedures for responding to concerns about domestic abuse (see Flowchart and Good Practice Guidelines – if there is any doubt as to what action to take, refer to the Professional Standards Unit or the Anglicare Domestic Violence Adviser (see 1.13).
- 1.11.5 Clergy should ensure the training of those in leadership positions, safe ministry roles and other pastoral roles about domestic abuse.
- 1.11.6 Clergy should ensure domestic abuse is addressed in appropriate contexts such as preaching, Bible studies, prayers and church publications, as well as in marriage preparation, youth groups and ministry training activities.
- 1.11.7 In such teaching, clergy should consider how to prevent convictions regarding biblical teachings, on matters like the marriage covenant, gender relationships, forgiveness and sacrificial love, being distorted or used to justify domestic abuse.

## 1.12 Domestic Abuse Flowchart

At any time in this process you can seek advice from a domestic violence professional. Within 48 hours of a disclosure you should debrief with such a professional.

A person discloses domestic abuse:

### RESPECT & LISTEN

- Listen with acceptance
- Don't ask for proof
- Assure the victim it's not their fault
- Be honest about your ability to help
- Reassure normal confidentiality will be maintained, but explain its limits

Is there an **immediate risk of harm**?

Yes

### SAFETY FIRST

- Discuss with the victim, but call the Police 000
- Seek advice from the NSW Domestic Violence Line 1800 656 463

No

Are there **children involved**?

Yes

### CHILD PROTECTION PROCEDURES

- Call the Child Protection Helpline 132 111
- Remember that witnessing domestic abuse harms children & may be reportable

No

Is the victim or accused in a **ministry family**?

Yes

### KEEP PROFESSIONAL STANDARDS INFORMED

- Call the Professional Standards Unit (PSU) 9265 1604

No

Has **further help** been requested?

Yes

No

### ACTION

- Advise that any intervention needs care and can heighten risk.
- Be guided by what the victim wants
- Outline realistic options: Police, AVDOs, DV services, safety planning, GP, counsellor, refuge...
- Supply appropriate information, phone numbers, websites, Daisy app (be careful of storage).
- Encourage the victim to consult a service, or make a referral on their behalf.
- Record what was disclosed and your safety concerns, note your actions, and from whom you received advice. Date the record and keep it confidential.

### NO FORMAL ACTION

- Your time was well spent. A victim knows they have been believed, is not in the wrong, and can return to you for further help.
- You can't make a victim of domestic abuse take any action. The most you may be able to do is listen and provide information (note earlier obligations regarding immediate danger or if children are involved).
- You may be able to offer other chances to meet and talk.
- You may be able to suggest referring more generally to a GP, psychologist or counsellor.
- You could supply appropriate information, phone numbers, websites, Daisy app (be careful of storage).
- Record what was disclosed and your safety concerns, note your actions and/or advice. Date the record and keep it confidential.



## 1.13 Domestic Abuse – key telephone numbers and websites for help

| AGENCY  | CONTACT DETAILS   |
|---|---|
| <b>1800 Respect national helpline</b><br>24 <b>hour</b> national number for sexual assault, family and domestic violence counseling and advice.   | 1800 737 732<br><a href="http://1800respect.org.au">1800respect.org.au</a>                                      |
| <b>Anglicare Domestic Violence Adviser</b><br>Advice to clergy and lay ministers in the Anglican Diocese of Sydney especially for domestic abuse in a church-related setting.   | 0438 826 556<br>(business hours)  |
| <b>Daisy App</b><br>The Daisy App connects people who may experience violence or abuse to support services in their local area. It was developed by 1800RESPECT and is free to use and download. It includes some safety features to help protect the privacy of people using it. | Free to download from<br>iPhone App Store &<br>Android Google Play  |
| <b>Child Protection Helpline</b><br>Contact this helpline if you think a child or young person is at risk of harm from abuse.   | 132 111<br><a href="http://reporter.childstory.nsw.gov.au/s/mrg">reporter.childstory.nsw.gov.au/s/mrg</a>       |
| <b>Lifeline</b><br>24 hour telephone crisis line.   | 131 114<br><a href="http://www.lifeline.org.au/get-help">www.lifeline.org.au/get-help</a>                       |
| <b>NSW Domestic Violence Line</b><br>24 <b>hour number</b> for comprehensive information and referrals to nearby support services, for all categories of domestic violence.   | 1800 65 64 63<br><a href="http://domesticviolence.nsw.gov.au/get-help">domesticviolence.nsw.gov.au/get-help</a> |
| <b>NSW Rape Crisis Centre</b><br>Counselling service for anyone in NSW – men and women – who has experienced or is at risk of sexual assault.   | 1800 424 017<br><a href="http://www.nswrapecrisis.com.au">www.nswrapecrisis.com.au</a>                          |
| <b>No To Violence: Men's Referral Service</b><br>Telephone counselling, information and referral service for men using violence in families, male victims, and for their friends or relatives.  | 1300 766 491<br><a href="http://ntv.org.au">ntv.org.au</a>  |
| <b>Professional Standards Unit</b><br>Advice about abuse involving clergy or church workers in the Anglican Diocese of Sydney.  | 9265 1604<br><a href="http://safeministry.org.au">safeministry.org.au</a>                                       |



N.B. Addresses for local refuges are generally not made public for **security's sake**.  
 Current as at May 2018.

*Section 2:*  
*Addressing Domestic Abuse:*  
*Good Practice Guidelines*

## **SECTION 2:**

# **Addressing Domestic Abuse: Good Practice Guidelines**

### **Preamble**

For the purposes of these Guidelines, **domestic abuse** is defined as abusive or intimidating behaviour inflicted by an adult against a current or former spouse or partner. It includes, but is not limited to, emotional, verbal, social, economic, psychological, spiritual, physical and sexual abuse. Such behaviour often seeks to control, humiliate, dominate or instill fear in the victim.

A more extensive definition of the various forms which abuse can take is found in Appendix 1.

## **2.1 How to respond to victims**

*When you haven't personally experienced abuse, it's easy to listen with an attitude of assessing whether what is being reported is really abuse. 'Would I find that abusive? Doesn't everyone argue sometimes?' However, when a person has repeatedly been victimised and feels powerless, our response always needs to be to offer support, to listen and give those people the respect of being believed.*

-Clinical psychologist and clergy wife

The guidance below aims to assist you in responding to people who disclose domestic abuse.

- 2.1.1 Those who respond to news of domestic abuse often feel ill-equipped. Sometimes it is difficult to distinguish between other types of marital dysfunction and domestic abuse, or it may be that concerns about abuse only emerge gradually. Clergy and church workers should acknowledge their professional limitations, and should consult the PSU, the Anglicare Domestic Violence Adviser or experienced domestic violence services for advice.
- 2.1.2 The safety of victims and any children is paramount. All actions should carefully consider the risk to their, and your, safety. Making telephone calls, possessing information about support services for domestic abuse, the use of texts and emails, and accessing relevant websites all create potential risks for those experiencing abuse.
- 2.1.3 For information on domestic abuse, its prevalence and effects, and how to recognise both victims and alleged perpetrators, please see Appendix 3. This also briefly notes other particular categories of domestic abuse.

## **2.2 Initial Disclosure**

If a victim discloses or otherwise hints at abuse, the following factors are important:

- 2.2.1 **Ask after them** – Most victims want you to ask how they are doing. Your offer of help could be the first step in enabling them to seek help, e.g. 'How are things at home?' and if it becomes appropriate, 'Is anyone hurting you?' or 'Do you ever feel afraid?';
- 2.2.2 **Take time to listen** – Take plenty of time to listen and believe what they say. If they sense disbelief they may be discouraged from speaking again;
- 2.2.3 **Choose the place wisely** – If it is at all possible, speak with the victim in a safe, private place where you will not be interrupted, or arrange to talk again, keeping in mind that someone in distress may start talking anywhere. As is the case in other ministry situations

when speaking with a woman, male clergy should consider inviting her to bring a support person, or should conduct the discussion where there are others in the general vicinity; and

- 2.2.4 **The limits of confidentiality** – Make it clear that complete confidentiality cannot be guaranteed, depending on the nature of what is disclosed. For example, further disclosure may be needed when someone is being hurt or in serious danger, a serious criminal offence has been committed, or when children are involved.

## **2.3 Immediate action**

---

- 2.3.1 **Dial 000** if you are witnessing a violent incident or if the person needs medical care.
- 2.3.2 **Call the Police** if the victim is in immediate danger. Also seek advice from the NSW Domestic Violence Line **1800 656 463**. Be aware that intervention may heighten risk, but it is important to explore how to ensure that people are safe.
- 2.3.3 **Are children involved?** If children are involved and there is a risk of significant harm, a referral to the child protection authorities needs to be made, in addition to calling the Police, and if possible, encourage the victim to make the referral themselves, perhaps supporting them through the process.
- 2.3.4 **Is a clergy person or church worker involved?** If the matter involves a clergy person or church worker as an alleged offender, the PSU will also need to be informed.
- 2.3.5 **Is there a threat of self harm?** Any threat to self-harm must be taken seriously as threats of self-harm made by a perpetrator of domestic abuse to their victim are usually part of their controlling and manipulative behaviour. If the victim reports this to you, and you believe there is a risk of serious harm, you should attempt, if possible, to get medical help for the alleged perpetrator.
- 2.3.6 **Keep their confidence** – Remember that the confidentiality of the victim must be maintained.

## **2.4 Your response to the disclosure**

---

- 2.4.1 **You are brave** – Acknowledge the victim's strength and courage it takes to have endured abuse and now to talk about it.
- 2.4.2 **Here are some options** – Give the victim choice in what the next steps are and the timing of those steps unless there is imminent risk of physical harm or mandatory reporting obligations.
- 2.4.3 **Here is where to find help** – Encourage them to seek professional help from a local domestic violence service who will be able to offer practical safety planning advice, even if they do not want to leave their home. In addition give information about specialist helplines and websites, as required. (See Flow Chart and page following the flow chart.)
- 2.4.4 **Are you in danger?** – Express concern for their safety and immediate welfare. Do they have somewhere to stay?
- 2.4.5 **Are children in danger?** – Ask about the children and their safety and welfare. You may need to persuade them to report any concerns to the child protection authorities. You have no option but to do so if you have received information that a child is at serious risk of harm.
- 2.4.6 **Do you have support?** – Be sensitive to people's backgrounds and cultures. Ask them how cultural issues may affect them. Ask them about what support is available to them from friends and family.

- 2.4.7 **Take care of yourself** – Encourage them to focus on their own needs, something they may not have been able to do since the abuse began but which is critical in helping them to change their situation.
- 2.4.8 **It's not your fault** – Reassure them that whatever the circumstances, abuse is not justified and not their fault.
- 2.4.9 **How can our church best help you?** – Ask them what they want from you and the parish. Offer help which is in response to their needs and preferences and which lets them keep in control, as much as possible.

## 2.5 Record keeping and follow up re. victims

Please also see the guidance from *Faithfulness in Service* paragraphs 4.36 and 4.37 (noted in Appendix 5) which address the need to keep notes of individual pastoral activity, and also to be aware of relevant privacy legislation.

- 2.5.1 **What's the best way to contact you?** – Check if it is all right to contact the victim at home before doing so. Establish their preferred means of contact, and make sure that this is safe.
- 2.5.2 **Keep it confidential** – Keep information confidential and, as a general rule, only share it where appropriate and with informed consent of the victim.
- 2.5.3 **Tell authorities when appropriate and keep a record** – In some circumstance you will be required to share information with statutory authorities, for example, where the victim or others may be at risk. Always keep a record of your decision and the reasons why you decided to share (or not). If in doubt, contact the PSU, the Police or the child protection authorities.
- 2.5.4 **Take notes** – It is recommended that you make a brief objective note of dates, facts and context of what you have been told, but keep your opinions separate. This should be kept in strict confidence but could be useful in any future prosecution.
- 2.5.5 **First 48 hours – Within 48 hours of the disclosure you ought to share the incident with someone who is qualified** in the area of domestic abuse, who can support you and help you to think through the issues. This may be a Police Domestic Violence Liaison Officer, the Anglicare Domestic Violence Adviser or via the 1800 RESPECT national domestic violence helpline.
- 2.5.6 **Review church safety** – If the alleged perpetrator is in the same church as the victim, you will need to review the safety issues. There may need to be a risk assessment and memorandum of understanding (MOU) put in place. You are advised to consult with the PSU.
- 2.5.7 **Safety plan with a professional** – Victim safety planning should be conducted by a professional, ideally from a domestic violence service or the Police. But there may be an occasion when a victim wishes to discuss their safety with you. You should seek advice before entering into detailed safety planning discussions with the victim. However Appendix 7 gives an example of a safety planning format that normally guides such planning. Careful consideration should be given to where and how such information is provided and kept by the victim, to avoid the alleged perpetrator learning the details of the plan.
- 2.5.8 **When to go to the PSU** – If the alleged perpetrator is a clergy person or church worker you must report this to the PSU.
- 2.5.9 **Extreme discretion needed – Do not give information about the victim's whereabouts, contact details or personal circumstances to the alleged perpetrator or to others who might pass information on to the alleged perpetrator.** Do not discuss with the parish council or any other members of a congregation or anyone who might inadvertently pass information on to the perpetrator.

- 2.5.10 **Offer practical help** – When victims are leaving a controlling perpetrator, they often have to leave with nothing and have access to very limited financial support. Consider how your church can provide practical support for victims.

## **2.6 Responding to alleged or known perpetrators**

---

Every church has an important role to play in challenging inappropriate behaviour among its members. This can, however, lead to increased risks for both the victim and the person who challenges an alleged or known perpetrator. This needs to be done in an extremely careful way that does not place a victim at increased risk.

Factors to consider when responding to perpetrators:

- 2.6.1 **The victim comes first** – Ensure that the victim is at the highest priority in terms of safety and wellbeing, and that any action is centred on the victim. Action here includes giving the victim choice in what the next steps are and the timing of those steps unless there is imminent risk of physical harm or mandatory reporting obligations;
- 2.6.2 **Strength in numbers** – If meeting an alleged perpetrator, ensure that it is in a public place, and that there are others in the meeting;
- 2.6.3 **Be safe** – Maintaining an awareness of the danger that the alleged perpetrator may pose to you, and ensuring that you and others are safe;
- 2.6.4 **First 48 hours** – **Within 48 hours of the disclosure you ought to share the incident with someone who is qualified** in the area of domestic abuse, who can support you and help you to think through the issues. This may be a Police Domestic Violence Liaison Officer, the Anglicare Domestic Violence Adviser or via the 1800 RESPECT national domestic violence helpline;
- 2.6.5 **Get help** – If the alleged perpetrator threatens self-harm while talking with you, then they may require urgent support. Dial 000 if you are witnessing a violent incident or if the person needs urgent medical care. Otherwise you could refer them to their GP;
- 2.6.6 If the alleged perpetrator is in the same Church as the victim, you will need to review the safety issues. There may need to be a risk assessment and ‘memorandum of understanding’ (MOU) put in place. You are advised to consult the Safe Ministry website ([safeministry.org.au/for-parishes/safe-ministry-journey/safe-ministry-map/4-0/](https://safeministry.org.au/for-parishes/safe-ministry-journey/safe-ministry-map/4-0/)) or contact the PSU;
- 2.6.7 **When to contact the PSU** – If the **alleged perpetrator is a clergy person or church worker** you must report this to the PSU;
- 2.6.8 **Extreme discretion needed** – Ensure that information concerning the victim is only given to statutory authorities and not to the alleged perpetrator. This includes keeping all contact details and personal circumstances confidential; and
- 2.6.9 **Where to get help** – Share information about helplines and accountability programs.
- 2.6.10 **Be alert** – Understand the possibility that you are being or may have been groomed by a perpetrator.

## 2.7 Record keeping and follow up re. perpetrators

---

Please see the previous section on 'record keeping and follow up' in regards to a victim. What follows is additional guidance in relation to responding to alleged or known perpetrators.

- 2.7.1 **You can't promise confidentiality** – While you might respect an individual's right to confidentiality this cannot be guaranteed. In some circumstances you will be required to share information with statutory authorities, for example, when someone is being hurt, a serious criminal offence has been committed or a child or adult is at risk.
- 2.7.2 **Keep a record** – Always keep a record of your decision and the reasons why you decided to share or withhold information. If in doubt, contact the PSU, the Police or the child protection authorities.
- 2.7.3 In following up alleged or known perpetrators:
- Do not collude with, excuse or minimise their behaviour;
  - Do not meet with them alone and in private. Meet in a public place or in the church with several other people around; and
  - Do not try to offer/provide treatment. Only those with professional training should discuss such issues formally with them.
- 2.7.4 In relation to any investigations or legal proceedings for domestic violence:
- Cooperate fully with requests from the police;
  - In the event that the alleged perpetrator requests you to produce documents or give oral evidence in any proceedings, insist that a subpoena is issued;
  - A church leader should exercise extreme caution and seek advice before acting as a character witness or advocating for an alleged perpetrator; and
  - A church leader may arrange for the alleged perpetrator to be provided with pastoral care throughout the investigation or proceedings, but should contact the PSU for further advice and not provide this care themselves.

## 2.8 Additional guidance for clergy and licensed lay ministers – responding to victims

---

- 2.8.1 **Help** – Help the victim with any spiritual concerns.
- 2.8.2 **Be patient** – Accept that victims may choose to stay in their situation for a variety of reasons, including genuine spiritual concerns regarding a desire to keep promises and for reconciliation.
- 2.8.3 **Abuse is always wrong** – Emphasise that violence or other domestic abuse is always unacceptable in a marriage, whether Christian or otherwise.
- 2.8.4 **Remember the Lord** – Assure them of God's love and presence and pray with them.
- 2.8.5 **Don't rush to reconcile** – Do not encourage them to forgive the alleged perpetrator or take them back in the absence of persistent evidence of repentant attitudes and behaviour, especially without obtaining professional advice.
- 2.8.6 **Do not pursue couples' counseling/mediation with them and their partner if you are aware that there is abuse in the relationship.**
- 2.8.7 **Seek advice** – Where couples' counseling has been commenced for general marital difficulties and concern about abuse emerges, seek advice about whether it should be discontinued.

## 2.9 Responding spiritually to perpetrators

---

- 2.9.1 **Be clear** – Address any spiritual rationalisations they may offer or questions they may have.
- 2.9.2 **No excuse** – Do not allow them to use theological excuses for their behaviour.
- 2.9.3 **Name the sin** – Name the abuse as *their* sin, not the victim's sin. Tell them that only they can stop it and that they need to seek help.
- 2.9.4 **Do not be easily swayed** – Do not be taken in by the perpetrator's remorse or "conversion" experience. If it is genuine, it will be a tremendous resource as they proceed with accountability. If it is not genuine, it is only another way to groom or manipulate you, so as to maintain control of the process and to avoid accountability.
- 2.9.5 **Pray** – Pray with them.
- 2.9.6 **Remorse** – Be aware that remorse expressed may or may not be genuine. Be particularly careful of an alleged perpetrator expressing remorse without any accompanying signs of real and visible repentance.
- 2.9.7 **Repentance must be real, visible and enduring** – A perpetrator may ask for forgiveness from God and seek to live a repentant life. Look for actions of repentance, not just words of repentance. What has the perpetrator done, for how long, with what kinds of accountability, to show evidence of change, such as engaging in a long term behaviour change program?
- 2.9.8 **Care** – Assure them of your pastoral care in this endeavour.
- 2.9.9 **Do not pursue couples' counselling/mediation with them and their partner if you are aware that there is abuse in the relationship.**

## 2.10 Perpetrator programs

---

The attitudes that underpin domestic abuse often have deep roots and are difficult to change. Some success has been achieved through Men's Behaviour Change programs for alleged or known perpetrators. These programs are conducted over an extended period of time and include one-on-one support as well as a group work program. Participation in such programs should not be linked to suggestions of reconciliation or discussions of postponing separation or divorce.

NSW has minimum standards for accredited Men's Behaviour Change Programs. Information on who is accredited and where programs are conducted can be found at the Men's Behaviour Change Network website: <https://www.mbcn-nsw.net/>. Accredited programs in NSW are strongly underpinned by victim support.

Anglicare is accredited to run Men's Behaviour Change Programs in Nowra and Parramatta. Contact the Anglicare Domestic Violence Adviser for further information.

Participation in a Men's Behaviour Change Program may be mandated by a court but self-referral to community-run programs is possible. Contact the Men's Referral Service (MRS) on 1800 065 973.

There is currently not a female equivalent to accredited Men's Behaviour Change Programs. If a female perpetrator was willing to seek assistance, a referral to a specific domestic violence service would be an appropriate option. Be aware that female perpetration often occurs in the context of self-protection, and needs to be thoroughly assessed.

## 2.11 Pastoral issues

---

- 2.11.1 **Consult the PSU** – There are complex issues for parishes where both parties continue to attend church. Parishes need to be aware of any legal restrictions around those accused of perpetrating abuse and ensure these are not undermined. As stated earlier (2.5.6), a risk assessment and MOU put in place may also need to be put in place. You are advised to consult with the PSU regarding any instance of a victim and an abuser (known or alleged) remaining in the same church. If a MOU cannot be agreed, the PSU can provide further advice about options. Remember that safety for the victim is paramount.
- 2.11.2 **Is a clergy person involved?** If the victim or alleged perpetrator is a member of the clergy, please talk urgently to the PSU to review the action required to ensure the victim's safety and the appropriate response (see section 2.12.2 below).
- 2.11.3 **Division of care** – Congregational leaders will need to consider how to provide pastoral care to both parties safely, noting that a clergy person or church worker cannot do this for both individuals. If they need further advice in relation to providing support they should contact the PSU or the Anglicare Domestic Violence Adviser.
- 2.11.4 **Long-term care for victims** – There may also be a need to provide long-term pastoral support for victims of domestic abuse, including support to couples when one or both parties have experienced abuse in a previous relationship.
- 2.11.5 **Caring for carers** – Likewise those responsible for caring for victims, or for perpetrators, also need emotional and pastoral support, along with others indirectly impacted; for example, friends or family within the parish.
- 2.11.6 **Dissatisfaction with care is possible** – There may be times that either victim or perpetrator, or both, may be dissatisfied with pastoral care provided in such difficult situations, even with significant efforts by congregational leaders to follow good practice guidelines.

## 2.12 Clergy and Domestic Abuse – Victims

---

- 2.12.1 **Care for victims** – If an ordained person, or the spouse of an ordained person, discloses abuse, they must be treated similarly to any other victim. Clergy and their spouses must have the same access to support and resources as others who are experiencing domestic abuse.
- 2.12.2 **Bishops to listen with acceptance** – Clergy or their spouses should expect a bishop to listen with acceptance when disclosing abuse, and be supported should they wish to separate.
- 2.12.3 **Safety of the vulnerable is paramount** – In addition to the seriousness of marriage vows, the significance of ordination promises, or issues regarding housing security may make clergy or their spouses particularly vulnerable to staying in abusive relationships. In such situations, our diocese should not put fear of scandal above the safety of vulnerable people.
- 2.12.4 **Development of Bishop protocol** – Our bishops have developed a protocol for support. This protocol includes the provision of a designated support person for a clergy person or their spouse who is a victim of abuse. Such support persons will need to be well trained in understanding domestic abuse and will also need a good understanding of the support and care structures that exist within the diocese (e.g. the Clergy Assistance Program) as well as in the community. Counseling should be made available if requested for the victim and any children.
- 2.12.5 **Interim Support Arrangements** – Preparation of legal and administrative arrangements can be made regarding the payment of stipends and living arrangements in cases where a clergy

person is alleged to have committed domestic abuse, which ensure that sufficient arrangements are made for housing and financial support of the spouse and any children affected.

- 2.12.6 **Ministry Support Fund** – Acknowledging that clergy and other ministry couples and families are in a unique situation (often with housing and other family arrangements attached to a parish), a Ministry Spouse Support Fund is being established to assist the spouse and family (if any) re-establish their lives when there has been a determination of misconduct by the church worker through domestic abuse.

## **2.13 Clergy and Domestic Abuse – Alleged perpetrator**

---

- 2.13.1 Clergy who are suspected of perpetrating domestic abuse must be treated in a similar way to any other alleged perpetrator (see section 2.6).
- 2.13.2 Bishops may consider appointing someone to offer pastoral support to an alleged perpetrator who is a member of the clergy.
- 2.13.3 Any allegations of domestic abuse committed against a member of the clergy should also be referred to the PSU (see section 2.12).
- 2.13.4 Domestic abuse may result in proceedings under our ministry standards and disciplinary ordinances (which can be found under the Ordinances on the SDS website – [www.sds.asn.au](http://www.sds.asn.au)) if:
- it involves sexual abuse of an adult, or
  - conviction for an offence punishable by imprisonment for 12 months or more, or
  - may otherwise call into question the fitness of the person to hold a role or position or to remain in holy orders.

## **2.14 Mediation**

---

- 2.14.1 **Get professional help** – Mediation is a specialist activity that in the context of domestic abuse must be undertaken by trained professionals. In order for mediation to be effective any imbalances in power in the relationship need to be addressed.
- 2.14.2 **Safety first** – In the context of family and domestic abuse, mediation (or ‘family dispute resolution’ as it is known when parenting arrangements are being discussed) can be an empowering process for a victim. However, this can only occur if safety needs are managed and both parties are well-prepared for the mediation process.
- 2.14.3 **Legal advice** – Where children or property matters are concerned, it is also important that both parties have received legal advice. Government-funded Family Relationship Centres (FRCs) are a good referral option for family dispute resolution and have designated processes to ensure the safety of all concerned. Anglicare currently operates FRCs at Nowra and Parramatta.

## A Case Study: Andrew and Jody

Andrew is separated from his wife, Jody. She had called the Police and Andrew was arrested after an incident of domestic abuse. Charges were pressed and he was found guilty. An Apprehended Domestic Violence Order (ADVO) has been issued, with Jody and the children listed as protected parties.

Andrew is living apart from Jody. The couple have two children aged 6 and 8, both of whom live with Jody. Andrew wants to be reconciled with his wife and with the church of which they are both long-standing members. He has come to the rector's home in order to discuss with the rector how he can achieve reconciliation with Jody. He is currently not attending church. But Andrew appears to be remorseful and says how sorry he is and how desperate he is to be back in church fellowship and back with his family.

### ***Considerations in responding***

The rector needs to seek advice and support from the PSU or Anglicare Domestic Violence Adviser in how best to respond.

The conditions in the ADVO need to be understood to ensure that any contact Andrew has with Jody and the children does not breach the conditions of the ADVO.

The rector needs to be aware and cautious of Andrew's motives. In approaching the rector, who knows them both, Andrew might be seen as manipulating or grooming the rector to support him, with the prime motive of reconciliation with his wife. What evidence is there of his repentance, and the steps he has taken to change his behaviour? How are his spiritual needs currently being met?

Consideration of Andrew's desire for reconciliation with Jody must be made in the context of assessing risk to her and risk to their children, and can only be considered if Jody is also willing to consider a conciliation process, and the conditions of the ADVO allow for contact.

However, the rector should not get involved in any conciliation between them as this is specialist work and needs to be undertaken by an independent agency equipped for the purpose. The rector can signpost Andrew to such agencies.

The rector can discuss with Andrew the marks of true repentance and forgiveness by God, and arrange for him to receive pastoral care. This would be most appropriately offered by someone not known to either of them.

The rector needs to be aware of boundaries of confidentiality and should not be passing information from Andrew to Jody or vice versa. If he were to do so not only may he lose the trust of one or the other, but he may be putting Jody and her children at further risk.

In conclusion, the rector should be careful to give priority to the safety of the victim and her children who are the vulnerable people in this circumstance.

## Section 3: Appendices

Please note that these appendices do **not** form part of the Policy or Guidelines, but are provided as additional resources.

1. An expansive description of Domestic Abuse
2. The Duluth 'Power and Control' Wheel
3. Domestic Abuse Facts
  - 1) Who experiences domestic abuse?
  - 2) Domestic Abuse Statistics for Australia
  - 3) Challenging misconceptions about domestic abuse
  - 4) Recognising domestic abuse in adult victims
  - 5) Recognising domestic abuse in children
  - 6) Who are the perpetrators of domestic abuse?
  - 7) Recognising perpetrators of domestic abuse
  - 8) Particular Types of Domestic abuse
4. Legal Framework
5. Domestic Abuse: Policy Guidance from *Faithfulness in Service*
6. Suggested Parish Policy on Domestic Abuse
7. Draft Safety and Exit plan
8. Marriage Preparation: Recommended good practice
9. Synod Resolutions related to Domestic Abuse
10. Timeline of Public Statements by Diocesan Leadership addressing Domestic Abuse
11. "A Letter Made Me Think"
12. "Walking Through It: A Family Violence Survivor's Reflection"
13. Doctrine Commission on Divorce and Remarriage
14. Doctrine Commission on The Use and Misuse of Scripture with Regard to Domestic Abuse

## **Appendix 1: An expansive description of Domestic Abuse**

*This Australian Parliamentary Library Research Publication<sup>1</sup> makes clear that domestic abuse or domestic violence includes far more than just physical violence.*

Domestic violence refers to acts of violence that occur between people who have, or have had, an intimate relationship in domestic settings. These acts include physical, sexual, emotional and psychological abuse. Defining forms of violence, its perpetrators and their victims, is complicated by the many different kinds of intimate and family relationships and living arrangements present in Australian communities. Domestic violence is most commonly perpetrated by males against their female partners, but it also includes violence against men by their female partners and violence within same-sex relationships.

The traditional associations of domestic violence are with acts of physical violence within relationships occurring in the home. This understanding fails to grasp the complexity of the phenomenon. The National Council to Reduce Violence against Women and Children (NCRVWC) found that –

... a central element of domestic violence is that of an ongoing pattern of behaviour aimed at controlling one's partner through fear (for example, by using violent or threatening behaviour)  
... the violent behaviour is part of a range of tactics used by the perpetrator to exercise power and control ... and can be both criminal and non-criminal in nature.

Domestic violence includes:

- **Emotional Abuse** – blaming the victim for all problems in the relationship, undermining the victim's self-esteem and self-worth through comparisons with others, withdrawing interest and engagement and emotional blackmail;
- **Verbal Abuse** – swearing and humiliation in private and public, focusing on intelligence, sexuality, body image or the victim's capacity as a parent or spouse;
- **Social Abuse**—systematic isolation from family and friends, instigating and controlling relocations to a place where the victim has no social circle or employment opportunities and preventing the victim from going out to meet people;
- **Economic Abuse** – controlling all money, forbidding access to bank accounts, providing an inadequate 'allowance', preventing the victim seeking or holding employment and taking wages earned by the victim;
- **Psychological Abuse** – making threats regarding custody of children, asserting the justice system will not believe or support the victim, destroying property, abusing pets and driving dangerously;
- **Spiritual Abuse** – denial and/or misuse of religious beliefs or practices to force victims into subordinate roles and misusing religious or spiritual traditions to justify physical violence or other abuse;
- **Physical Abuse** – direct assaults on the body, use of weapons (including objects), assault of children, locking the victim out of the house, sleep and food deprivation; and
- **Sexual Abuse** – any form of pressured/unwanted sex or sexual degradation, causing pain during sex, coercive sex without protection against pregnancy or sexually transmitted disease, making the victim perform sexual acts unwillingly and criticising or using degrading insults.

Family violence is a broader term referring to violence between family members as well as violence between intimate partners. This term also covers a complexity of behaviours beyond that of direct physical violence. The Australian and New South Wales Law Reform Commission's review of family violence law in Australia recommended that state and territory legislation 'should provide that family violence is violent or threatening behaviour, or any other form of behaviour, that coerces or controls a family member or causes that family member to be fearful'.

<sup>1</sup> Source: "Domestic violence in Australia – an overview of the issues"

By Liesl Mitchell, Social Policy Section, Parliamentary Library Research Publications, 22 November 2011, Parliament of Australia [http://www.aph.gov.au/About\\_Parliament/Parliamentary\\_Departments/Parliamentary\\_Library/pubs/BN/2011-2012/DVAustralia](http://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/BN/2011-2012/DVAustralia) (accessed 15/8/2017)

## Appendix 2: The Duluth 'Power and Control' Wheel

Many victims have found a visual representation of the signs or symptoms of domestic abuse helpful in identifying and understanding their own situation. The Duluth 'Power and Control' Wheel is one such resource. The Domestic Abuse Intervention Programs, based in Duluth, MN, USA, which developed the diagram, invites people to use it in their efforts to inform and educate others.



### DOMESTIC ABUSE INTERVENTION PROGRAMS

202 East Superior Street  
Duluth, Minnesota 55802  
218-722-2781  
[www.theduluthmodel.org](http://www.theduluthmodel.org)

## **Appendix 3: Domestic Abuse Facts**

### **1. Who experiences domestic abuse?**

Domestic abuse can occur to anyone regardless of age, race, disability, sexuality, class, or income.

Most domestic abuse is perpetrated by men against women, but the perpetrator of domestic abuse can be of either sex, and the victim can be of either sex.

Victims can be male, although the majority are female. Abuse can also occur in same sex relationships, between siblings or by adult children against a parent.

Sometimes both spouses can be simultaneously perpetrators and victims of abuse, although the pattern of abuse is not always symmetrical.

Many victims will only disclose that a partner was violent and abusive after leaving a relationship. Things to keep in mind:

- Women are particularly vulnerable to abuse when pregnant or seeking to leave a relationship;
- Older people and disabled people can be vulnerable to domestic abuse;
- Children experience domestic abuse in many ways, including through directly intervening to protect one of their parents, being forced to join the adult perpetrator, and hearing or witnessing violent attacks or verbal abuse;
- Coercive and controlling behaviour in a domestic abuse situation can be exerted over the whole family so any children suffer as well as the victim;
- Many women come to Australia to work and improve their lives, and many can then become trapped in relationships characterised by abuse with no avenue to seek safety and support; and
- Domestic abuse happens within the Church. Church leaders, members of the clergy, and spouses of clergy have been found to be victims of domestic abuse.

### **2. Domestic Abuse Statistics for Australia**

Note: Statistics do not tell the whole story, as they do not identify patterns of control and abuse in relationships. They do not capture level of fear, or the severity of injury or impact, for the victim.

#### *Prevalence of Domestic Violence in Australia<sup>1</sup>*

- 1 in 6 women (17%) and 1 in 16 men (6%) had experienced threatened or actual physical or sexual violence by a partner they had lived with.<sup>2</sup>
- 23% of women and 16% of men have experienced emotional abuse by a partner since the age of 15.

#### *Who experiences Domestic Violence and Abuse?<sup>3</sup>*

- Most (69%) of domestic assault victims are women, but almost one-third involved a male victim.
- Most (81%) of the domestic assault perpetrators are men.
- Most victims are between the ages of 20 and 39.<sup>4</sup> Women aged 20–29 years had the highest rate of DV-related assault, and were 3.3 times more likely than men in the same age group to be a victim.

<sup>1</sup> Australian Bureau of Statistics, (2017) *Personal Safety Survey 2016*, accessed 31 May 2018 at <http://www.abs.gov.au/ausstats/abs@.nsf/mf/4906.0>. The survey collected information about the nature and extent of violence experienced by men and women since the age of 15, including their experience of violence in the 12 months prior to the survey.

<sup>2</sup> This means that approximately 1.6 million women have experienced at least one incident of actual or threatened physical or sexual violence by an intimate partner (since the age of 15). Note that this excludes broader forms of domestic abuse, such as emotional or spiritual abuse.

<sup>3</sup> Domestic abuse is not restricted to any one demographic. It occurs across ages, socioeconomic groups, cultures, races, and geographic regions. However, there are variations in occurrence.

<sup>4</sup> Australian Bureau of Statistics, (2013) *Personal Safety Survey 2012*, accessed 4 August 2017 at <http://www.abs.gov.au/ausstats/abs@.nsf/mf/4906.0>.

- Indigenous women and girls were 35 times more likely than the wider female population to be hospitalised due to family violence.<sup>5</sup>
- 25% of children in Australia have been witnesses to domestic violence.<sup>6</sup>

#### *Reported incidents of Domestic Violence in NSW<sup>7</sup>*

- Every week NSW Police deal with over 1,250 domestic violence related incidents.<sup>8</sup>
- The NSW Domestic Violence Death Review Team, convened by the state Coroner reports that between 1 July 2000 to 30 June 2014 there were 204 cases where a person was killed by a current or former intimate partner in a context of domestic violence (162 females and 42 males).
  - 79% of intimate partner homicide victims were women. 98% of women killed by an intimate partner had been the primary domestic violence victim in the relationship.
  - Almost two-thirds of women killed by a former intimate partner had ended the intimate relationship with the domestic violence abuser within three months of being killed.
  - 89% of men killed by a female intimate partner had been the primary domestic violence abuser in the relationship.<sup>9</sup>
- NSW Police record about 26,000 cases of domestic assaults annually, which represent about one third of all recorded assaults. In 2015, there were 18,959 incidents of DV-related assault in which police proceeded against a person of interest (perpetrator). The majority of these incidents involved male perpetrators.
- More than one-third of the domestic assault incidents recorded in NSW in 2004 were alcohol-related.<sup>10</sup>

### **3. Challenging misconceptions about domestic abuse**

Many people will have misconceptions and attitudes about domestic abuse which are incorrect. Here are some common myths about what domestic abuse is and who it affects:

#### *Myth 1: It happens to certain types of people*

It can be thought that domestic abuse happens to a certain type of person – based on socio-economic status, religious or cultural backgrounds, or a perception of strength and resilience. This is not the case. Domestic abuse and violence can happen to anyone at any time.

#### *Myth 2: It happens because of...*

Domestic abuse is complex, and is not necessarily explained by a single theory. It is sometimes claimed that domestic abuse happens primarily because of worldview factors regarding gender or religion, or because of alcohol or drug abuse, unemployment, abuse as a child, mental or physical ill health, or other environmental factors.

Although these may be contributory factors, abuse happens because an abusive person chooses to behave in a way that enables them to assert power and control over another person – excuses and reasons are given to justify abusive behaviour.

#### *Myth 3: A victim can cause a perpetrator to become abusive*

Often a perpetrator will tell a victim that they caused them to do it. But a victim is never to blame if a perpetrator chooses to behave in an abusive and controlling way.

---

<sup>5</sup> White Ribbon Australia, "Domestic Violence Statistics", accessed 2 August 2017 at <https://www.whiteribbon.org.au/understand-domestic-violence/facts-violence-women/domestic-violence-statistics/>

<sup>6</sup> Australian Domestic and Family Violence Clearinghouse, *Children affected by domestic violence: a literature review*, Report produced for The Benevolent Society, Sydney, 2011. Accessed 26 July 2017 at <http://earlytraumagrief.anu.edu.au/files/ImpactofDVonChildren.pdf>

<sup>7</sup> Much domestic violence goes unreported – usually because the victim does not consider an incident serious, is too ashamed, fears the offender, or thinks police cannot or will not act.

<sup>8</sup> NSW Police Force (2013), *Code of Practice for the NSW Police Force Response to Domestic and Family Violence*, accessed 4 August 2017 at <http://www.police.nsw.gov.au/>

<sup>9</sup> NSW Domestic Violence Death Review Team (2017), *NSW Domestic Violence Death Review Team Report 2015-2017*, pp. xi-xii.

<sup>10</sup> Australian Bureau of Statistics, (2013) *Personal Safety Survey 2012*, accessed 4 August 2017 at <http://www.abs.gov.au/ausstats/abs@.nsf/mf/4906.0>.

*Myth 4: A victim can fully understand what is happening to them*

When someone is in a relationship in which they are subject to abuse they will often feel very confused about what is happening, and they are sometimes not sure that what they are experiencing is abuse.

*Myth 5: A victim can choose to leave and if they don't, they are choosing to stay*

People ask why victims stay in a situation where they are suffering abuse, and assume that it is easy to leave, to escape the situation and to start a new life. This is not the case, either on a practical or an emotional level. A perpetrator of abuse will work to ensure that the victim feels that they cannot cope on their own.

Leaving a physically violent relationship is often the most dangerous time for women and children. It may also be financially impossible to leave the situation, particularly when there are children. Victims often do not have a choice in leaving and may feel, or be, threatened that if they leave they will be in danger. It may feel safer to stay than to leave.

*Myth 6: Domestic abuse is all about anger*

Domestic abuse is not all about being angry or losing control. Although not always a calculated action, a central element is the choice to act in a controlling way..

*Myth 7: Domestic abuse doesn't happen in our church*

Domestic abuse happens in every community, including within the Church. The ABS's 2016 Personal Safety Survey suggested that 1 in 6 Australian women and 1 in 16 Australian men have, since the age of 15, experienced physical or sexual violence from a partner they have lived with. So it is extremely likely that there will be those in your church who have been affected by domestic abuse.

#### **4. Recognising domestic abuse in adult victims**

It is very difficult to create a definitive list of signs that domestic abuse is happening because abuse can occur on many levels and both victims and alleged or known perpetrators can behave and respond in a range of different ways. The following list of signs of behaviour for victims is not exhaustive, and should not be used as a definitive list but should be used as guidance:

- Has unexplained bruises or injuries;
- Shows signs of feeling suicidal;
- Becomes unusually quiet or withdrawn;
- Has panic attacks;
- Has frequent absences from work or other commitments;
- Wears clothes that conceal even on warm days;
- Stops talking about her/his partner;
- Is anxious about being out or rushes away;
- May never be seen alone, and is always accompanied by their partner;
- May become more isolated, possibly moving away from home, withdrawing from friends and family;
- Goes along with everything their partner says and does;
- Checks in often with their partner to report where they are and what they're doing;
- Receives frequent, harassing phone calls from their partner; and/or
- May have unexplained injuries, and may give other reasons for the injuries which refer to them being accidental.

#### **Survivor View**

*The abuse went on for six years before I realised that what I was experiencing wasn't just a bad marriage. Everyone says marriage is difficult so at first I thought it was that – our adjustment to married life.*

*There was pressure to make marriage work and to sacrifice yourself. After all the church says 'till death us do part'. I bent over backwards to make it work.*

*From the outside most people thought we were the perfect happy couple. But I was walking on eggshells in my own home, never knowing what mood he would be in when he came home.*

*It was such a lonely time. I didn't think anyone would believe me if I told them what it was really like at home. I was desperate for some hope.*

## **5. Recognising domestic abuse in children**

Living in a home where there's domestic abuse is harmful. It can have a serious impact on a child's behaviour and wellbeing. Parents or carers may underestimate the effects of the abuse on their children because they don't see what's happening.

Indeed, a child who witnesses or overhears domestic abuse is generally considered to be the victim of indirect child abuse by the perpetrator of the abusive behaviour. If children are involved this way, a referral to the child protection authorities will need to be considered.

Domestic abuse can also be a sign that children are suffering another type of abuse or neglect. The effects can last into adulthood. However, once they're in a safer and more stable environment, most children are able to move on from the effects of witnessing domestic abuse.

### **Younger children who experience and witness domestic abuse may:**

- Become aggressive;
- Display anti-social behaviour;
- Become anxious;
- Complain of tummy aches and start to wet the bed;
- They may find it difficult to sleep, have temper tantrums and start to behave as if they are much younger than they are;
- They may also find it difficult to separate from their abused parent when they start nursery or school; and/or
- Children may be clingy, have behavioural difficulties, may be tired and lethargic, and struggle in social settings and at school.

### **Older children/young people who experience and witness domestic abuse react differently:**

- Boys seem to express their distress much more outwardly, for example by becoming aggressive and disobedient. Sometimes, they start to use violence to try and solve problems, and may copy the behaviour they see within the family;
- Older boys may play truant and start to use alcohol or drugs (both of which are a common way of trying to block out disturbing experiences and memories);
- Girls are more likely to keep their distress inside. They may become withdrawn from other people, and become anxious or depressed;
- Girls may think badly of themselves and complain of vague physical symptoms. They are more likely to have an eating disorder, or to harm themselves by taking overdoses or cutting themselves;
- Girls are also more likely to choose an abusive partner themselves; and/or
- Suffer from depression or anxiety.

Children of any age can develop symptoms of what is called 'Post-traumatic Stress Disorder'. They may get nightmares, flashbacks, become very jumpy, and have headaches and physical pains. Children dealing with domestic violence and abuse often do badly at school. Their frightening experiences at home make it difficult to concentrate in school, and if they are worried about their abused parent, they may refuse to go to school.

### **Long-term impact on children and young people**

As adults, children who have witnessed violence and abuse are more likely to become involved in a violent and abusive relationship themselves. Children tend to copy the behaviour of their parents.

However, children don't always repeat the same pattern when they grow up. Many children don't like what they see, and try very hard not to make the same mistakes as their parents.

Even so, children from violent and abusive families may grow up feeling anxious and depressed, and find it difficult to get on with other people.

## 6. Who are the perpetrators of domestic abuse?

Most known perpetrators of domestic abuse are men.

- Anyone across the social spectrum can perpetrate domestic abuse – a perpetrator's outward appearance may be outgoing and friendly, and/or very confident, whilst the victim may be withdrawn and considered by many as unfriendly. However a disclosure of domestic abuse by any individual should always be taken seriously.
- There is no excuse for abuse. People who abuse their partners make a choice to do so. Often alcohol, drugs, childhood problems (such as a violent/abusive childhood), and mental health and psychological disorders are cited as causes of domestic abuse. Whatever the contributors in any given case, domestic abuse always involves a misuse of power by one person over another. Individuals who perpetrate domestic abuse generally do so to get what they want and to gain control.
- Domestic abuse happens within the Church; church leaders, members of the clergy, spouses of clergy, and prominent lay members have all been found to be perpetrators of domestic abuse.
- Seeing change in perpetrators is a long-term process. Perpetrator programs are long-term groups or one to one interventions which challenge the underlying attitudes and beliefs that drive domestic abuse. For more information on where accredited programs are conducted can be found at the Men's Behaviour Change Network website: <https://www.mbcn-nsw.net/>

## 7. Recognising perpetrators of domestic abuse

Perpetrators are very good at hiding their behaviour. The following list of signs of perpetrator behaviour is not exhaustive, and should not be used as a definitive list but should be used as guidance:

- Presents confidently;
- Focuses on themselves and has no empathy with partner;
- Assertively claims victim status;
- Finds no fault in themselves;
- Makes unfounded accusations;
- Puts partner down and portrays partner often as unreasonable or unstable;
- Does not consider the children's experiences;
- Makes disparaging remarks about their partner in public;
- Uses their wedding vows as leverage to keep their partner tied to them – "you promised...";
- Expresses suspicion about legitimate activities of partner;
- Restricts access to partner's family and friends;
- Controls financial access and activity;
- Recruit others to back them up against their partner;
- Uses inappropriate humour, especially about compliance;
- Tries to engender pity in order to manipulate and recruit colluders;
- Shows changeable behaviour in order to hold onto control; and
- Uses Scripture to justify behaviour, demands or requests.

## 8. Particular Types of Domestic abuse

Domestic abuse can occur in many contexts. For example, there is abuse within indigenous communities, and in same-sex relationships; there is also child or adolescent to parent abuse, and abuse of elders.

Awareness of the wide variety of culturally specific forms of abuse will also help in identifying abuse and responding appropriately. For example, these can include so-called 'honour' crimes and killings, forced marriage and female genital mutilation.

Some forms of abuse are justified by religious and cultural beliefs as a way of maintaining patriarchal power and control. Often the violence or abuse is perpetrated by members of the extended family, with the collusion of others in the community.

The need to protect remains the main imperative, irrespective of the cultural context in which domestic abuse occurs.

## Appendix 4: Legal Framework

A range of legal measures exist to protect people in Australia who have experienced domestic violence and to prevent further violence.

The following legislation governs responses to incidents of domestic and family violence in NSW:

- Crimes (Domestic and Personal Violence) Act 2007;
- Crimes Act 1900;
- Children and Young Persons (Care and Protection) Act 1998;
- Young Offenders Act 1997;
- Criminal Procedure Act 1986; and
- Family Law Act 1975.

### NSW Crimes (Domestic and Personal Violence) Act 2007<sup>1</sup>

The primary piece of legislation governing domestic violence matters in NSW, is the *Crimes (Domestic and Personal Violence) Act 2007* (the “Crimes DPV Act”).

The Crimes DPV Act has the following **aims**<sup>2</sup>:

- a. to ensure the safety and protection of all persons, including children, who experience or witness domestic violence;
- b. to reduce and prevent violence by a person against another person where a domestic relationship exists between those persons; ;
- c. to enact provisions that are consistent with certain principles underlying the Declaration on the Elimination of Violence against Women; and
- d. to enact provisions that are consistent with the United Nations Convention on the Rights of the Child.

The Crimes DPV Act sets out a framework for applications to be made to the Magistrate’s Court for Apprehended Domestic Violence Orders (ADVOs) for the protection of a person against another person with whom he or she has or has had a **domestic relationship**. Further detail about ADVOs is set out below.

According to Section 5 of The Crimes DPV Act, a person has a **domestic relationship** with another person if the person is or has been married to an offender (s5a), has or is in a de facto relationship (s5b) or an intimate personal relationship (s5c). However, the Crimes DPV Act also includes:

- a. A person who is living or has lived in the same household or other residential facility as the person who commits the offence;
- b. A person who has or has had a relationship involving his or her dependence on the ongoing paid or unpaid care of the person who commits the offence; or
- c. A person who is or has been a relative of the person who commits the offence.

Section 5 of the Crimes (Domestic and Personal Violence) Act 2007 explicitly recognises **domestic violence can also occur between two persons if the victim:**

- ‘is living or has lived in the same household as the other person’ (Section 5 (d)) (such as co-residents);
- ‘is living or has lived as a long-term resident in the same residential facility as the other person and at the same time as the other person’ (Section 5 (e)), (such as co-residents); or
- ‘has or has had a relationship involving his or her dependence on the ongoing paid or unpaid care of the other person’ (Section 5 (f)), (such as staff of licensed boarding houses).

The Crimes DPV Act extends upon the personal violence offences set out in the Criminal Code. Under Section 11, **a domestic violence offence** includes not only personal physical and sexual violence but also those offences that intend to coerce or control a person and cause them to be intimidated and/or fearful.

<sup>1</sup> NSW Government, *Crimes (Domestic and Personal Violence) Act 2007*, accessed 4 August 2017 at <https://www.legislation.nsw.gov.au/#/view/act/2007/80>

<sup>2</sup> Section 9

Section 13 also makes it an offence to stalk or intimidate another person with the intention of causing the other person to fear physical or mental harm.

Legislation introduced in 2015 now enables domestic violence victims to give their evidence in chief through a recorded video or audio statement.

### Apprehended Domestic Violence Orders (ADVOs)

The *Crimes DPV Act* provides the legislative framework for the issue of Apprehended Domestic Violence Orders (ADVOs). An ADVO is a civil matter and does not result in a criminal offence unless the ADVO is breached. The aim of an ADVO is to protect a person from future violence. Restrictions are placed on persons against whom an order is made. These restrictions may include not harassing or not approaching the person.

In 2016, NSW amended laws regarding ADVOs to enable<sup>3</sup>:

- the recognition of inter-state ADVOs and foreign orders;
- a change to the meaning of domestic relationships order to widen the criteria for those who can apply for an Apprehended Domestic Violence Order (ADVO);
- Police to apply for a provisional ADVO if they suspect or believe that domestic violence has happened or is likely to happen, even if the victim is not willing to make a complaint;
- Police to direct or detain offenders while applying for a provisional ADVO;
- Senior Police Officers to determine applications for provisional ADVOs. This new process will provide faster and immediate access to provisional ADVOs for victims at risk of violence; and
- Courts to have the power to issue an ADVO if it is satisfied that a person (applicant) has reasonable grounds to fear that a domestic violence offence will be committed against them. This removes the previous requirement that in addition to having reasonable grounds to fear, the court also had to be satisfied that the person actually did fear an offence.

Section 48 of the *Crimes DPV Act*, enables police to apply for an ADVO on behalf a person experiencing domestic violence, sometimes referred to as a *person in need of protection* ('PINOP').

If the PINOP is an adult, that person may also apply for an ADVO on their own at the Local Court of NSW. Police are the only authority mandated to apply for ADVOs on behalf of a child under section 48 (3) of the *Crimes DPV Act*.<sup>4</sup>

More information is available from the NSW Government Domestic Violence website<sup>5</sup>, Women's Domestic Violence Court Assistance Scheme or a local Women's Domestic Violence Court Advocacy Service.<sup>6</sup> An individual who wishes to hire a lawyer may contact Legal Aid NSW.

### **Protection of Children**

There are both Federal and State laws which govern the protection of children. The *Family Law Act* 1975 governs the resolution of private disputes about the parenting of all children in Australia. In comparison, NSW 'child protection laws' aim to protect children from abuse and neglect.

Due to the substantial overlap between Federal and State Laws in regards to domestic violence and protection of children, there have been calls for the institution of one court to deal with domestic violence, including protection orders, child protection, family law, perhaps even criminal issues.<sup>7</sup>

---

<sup>3</sup> NSW Police, *Police Issued ADVOs: Summary of Changes to the Crimes (Domestic & Personal Violence Act)*, accessed 4 August 2017 at [http://www.police.nsw.gov.au/community\\_issues/domestic\\_and\\_family\\_violence](http://www.police.nsw.gov.au/community_issues/domestic_and_family_violence)

<sup>4</sup> NSW Government, *Crimes (Domestic and Personal Violence) Act 2007*, accessed 4 August 2017 at <https://www.legislation.nsw.gov.au/#/view/act/2007/80>

<sup>5</sup> NSW Government, "Apprehended Violence Orders (ADVOs)", *Domestic Violence* [website] accessed 2 August 2017 at <http://www.domesticviolence.nsw.gov.au/get-help/apprehended-violence-orders-avos>

<sup>6</sup> Women's Domestic Violence Court Advocacy Service, accessed 4 August 2017 at <http://www.wdvcasnsw.org.au/>

<sup>7</sup> Australian Law Reform Commission (2010), *Family Violence: A National Legal Response*, ALRC AReport 114, accessed 4 August 2017 at <http://www.alrc.gov.au/publications/family-violence-national-legal-response-alrc-report-114>

## Federal Family Law Act 1975<sup>8</sup>

In 2006, the Australian Government introduced legislative changes to the Family Law Act 1975, in order to increase parental cooperation and responsibility in the separation process and increase the focus on the child's best interests.<sup>9</sup> However, in 2011 amendments were made after research suggested that the co-operative parenting changes made in 2006 may have contributed to increasing rates of reports of family violence and child abuse around relationship breakdown. The main changes to the *Family Law Act* were as follows:

- Section 4AB, now provides that family violence is violent, threatening or other behaviour by a person that coerces or controls a member of the person's family (the family member), or causes the family member to be fearful. For clarity, a new sub-section 4AB(2) provides an open list of the types of circumstances that may constitute family violence under the Act;
- The definition of child abuse has been extended to include two new categories of behaviour. The new definition, at sub-section 4(1) provides that child abuse is physical or sexual assault, serious neglect, and now action causing a child 'serious psychological harm' and expressly including *subjection or exposure to family violence*. Exposure to family violence is explained further by example at sub-sections 4AB(3) and (4);
- Ensuring that the 'need to protect a child from harm' carries more weight than the 'relationship with parents' consideration;
- New provisions requiring the court, in every child-related case, to expressly ask the parties about whether they have any 'concerns' about family violence or child abuse;
- In section 60CG, courts must ensure that parenting orders are consistent with any family violence order; and do not expose a person to an unacceptable risk of family violence; and
- Courts must be advised of any ADVOs or other State investigations into domestic violence.

## Mandatory Reporting of Children at Risk of Significant Harm in NSW

The *Children and Young Persons (Care and Protection) Act 1998*<sup>10</sup> (The Care and Protection Act) provides the legislative framework for the reporting of domestic violence incidents which put children at significant risk of harm. Section 23 (d), states the circumstances which constitute a reportable incident include:

*the child or young person is living in a household where there have been incidents of domestic violence and, as a consequence, the child or young person is at risk of serious <sup>11</sup> physical or psychological harm.*<sup>12</sup>

A **mandatory reporter** is an individual required by law to report to government authorities when they have reasonable grounds to suspect that a child is at risk of significant harm. Mandatory reporters are defined under section 27 of the Care and Protection Act, as people who deliver the following services to children as part of their paid or professional work:<sup>13</sup>

- Health care (e.g. registered medical practitioners, nurses government and other allied health professionals working in sole practice or in public or private health practices);
- Welfare (e.g. psychologists, social workers, caseworkers and youth workers);
- Education (e.g. teachers, counsellors, principals);
- Children's services (e.g. child care workers, family day carers and home-based carers);
- Residential services (e.g. refuge workers); and
- Law enforcement (e.g. police).

<sup>8</sup> Australian Parliament, *The Family Law Act 1975*, accessed 2 August 2017 at <https://www.legislation.gov.au/Details/C2016C01106>

<sup>9</sup> Australian Domestic and Family Violence Clearinghouse, *Children affected by domestic violence: a literature review*, Report produced for The Benevolent Society, Sydney, 2011. Accessed 26 July 2017 at <http://earlytraumagrief.anu.edu.au/files/ImpactofDVonChildren.pdf>

<sup>10</sup> NSW Government, *Children and Young Persons (Care and Protection) Act 1998*, accessed 4 August 2017 at <https://www.legislation.nsw.gov.au/#/view/act/1998/157/full>

<sup>11</sup> Here, "serious" means sufficient to warrant a response by a statutory authority irrespective of a family's consent

<sup>12</sup> NSW Police Force, *Domestic and Family Violence Policy 2012*, accessed 4 August 2017 at [https://www.police.nsw.gov.au/community\\_issues/domestic\\_and\\_family\\_violence/policy](https://www.police.nsw.gov.au/community_issues/domestic_and_family_violence/policy)

<sup>13</sup> NSW Government, *Children and Young Persons (Care and Protection) Act 1998*, accessed 4 August 2017 at <https://www.legislation.nsw.gov.au/#/view/act/1998/157/chap3/part2/sec27>

Members of the community and mandatory reporters who suspect that a child or young person is at “risk of significant harm” should report their concerns to the Child Protection Helpline. To help reporters decide whether a case needs to be reported to the Child Protection Helpline, reporters can use the online Mandatory Reporter Guide.<sup>14</sup>

The Domestic Violence Death Review Team (DVDRT) was established in 2010 under the Coroners Act 2009 (NSW) to review deaths occurring in the context of domestic violence in New South Wales.

---

<sup>14</sup> Childstory Reporter, *Welcome to the ChildStory Reporter Community*, accessed 4 August 2017 at <https://reporter.childstory.nsw.gov.au/s/>

## **Appendix 5: Domestic Abuse: Policy Guidance from Faithfulness in Service**

All clergy and church workers (whether paid or volunteer leaders) in the Anglican Diocese of Sydney are bound by our national code of conduct, *Faithfulness in Service*, as adopted in the Anglican Diocese of Sydney.

Section 6 of *Faithfulness in Service* addresses **Personal Behaviour**.

In its **Preamble**, it states that *misuse of power* is at the heart of abuse. This includes domestic abuse.

6.1 *The personal behaviour and relationships of **clergy** and **church workers** have a significant impact on the **Church** and the community because they are a model to others. In a context where their responsibility is to care for others, people will especially observe the way in which clergy and church workers exercise power.*

6.2 *Abuse of power is at the heart of many relationship problems in the Church and the community. In essence, abuse is one person's misuse of power over another. Sometimes abuse will be a one off event and at other times it will be a pattern of behaviour.*

6.3 ***Abuse** can take any of several overlapping forms: **bullying**, **emotional abuse**, **harassment**, **physical abuse**, **sexual abuse** or **spiritual abuse**. Abuse in a family or domestic context is commonly known as "family and domestic violence".<sup>1</sup>*

6.4 *It is important for clergy and church workers to be good citizens and obey the laws of the community, except where those laws conflict with Christian convictions.*

The section entitled "**Standards for clergy and church workers**" states the Church's expectations for personal behaviour and the practice of pastoral ministry. This section **unequivocally rules out any domestic abuse** from clergy and church workers.

6.5 *You are not to engage in:*  
*bullying;*  
*emotional abuse;*  
*harassment;*  
*physical abuse;*  
*sexual abuse; or*  
*spiritual abuse.*

6.6 *You are not to **abuse** your spouse, children or other members of your family.*

This section also insists that **church leaders must observe** the law of the land, which obviously includes **laws regarding domestic abuse**.

6.14 *You are to observe the law, other than any law that:*  
*is contrary to the Holy Scriptures;*  
*unjustly prohibits the practice of religion; or*  
*prohibits civil disobedience.*

Section 4 of *Faithfulness in Service* addresses **Pastoral Relationships**.

In its **Guidelines** section, it gives the following guidance regarding **Boundaries** in pastoral ministry.

4.12 *Recognise the limits of your skills and experience. Do not undertake any ministry (such as relationship counselling, counselling for abuse or addictions, or an exorcism) that is beyond your competence or the role for which you have been employed or trained. If in doubt seek advice. A person who requires specialised help should be referred to an appropriately qualified person or agency.*

<sup>1</sup> The full definitions of these forms of abuse within *Faithfulness in Service* can be read at the end of this Appendix. It should be noted that these definitions overlap to a significant extent with common secular definitions of domestic abuse, such as those adopted by the diocesan Policy.

4.13 *Where ministry responsibilities overlap, be aware of the activities, function and style of other clergy and church workers. Consult with these colleagues and co-operate wherever possible.*

4.14 *Where your ministry responsibility to one person may conflict with your responsibility to another person to whom you are ministering, or with your own needs, you should seek advice from a colleague or supervisor. Consider the possibility of transferring ministry responsibility for one or both of these to another minister.*

This supports our good practice guidelines, which **require church workers to obtain specialised help** from persons or agencies appropriately qualified in responding to situations where domestic abuse is indicated or alleged.

It also notes the difficulty clergy and church workers can have from the expectations of multiple roles, for example in:

- providing pastoral care both to victim and alleged perpetrator;
- making some kind of investigation of the allegations; and
- being responsible for the adjudication and implementation of some aspects of church discipline should an offender have been or continue in the life of the church.

Also note the following provisions regarding **record keeping and privacy**, which can be especially crucial for safety in situations involving domestic abuse.

4.36 *If you are engaged in individual pastoral ministry, consider keeping a factual record of your daily pastoral activity. Record details such as the date, time, place, participants, subject, and any proposed action arising from each activity. Record personal remarks accurately.*

4.37 *You need to know the relevant principles of the applicable privacy legislation in relation to the collection, use, disclosure and management of personal information. These have implications for:*

- *the publication of personal information in church directories, newsletters, rosters and websites;*
- *the recording and publication of voices and images of individuals; and*
- *the use and security of all personal information, and especially sensitive information, held by clergy and church workers or in church offices.*

Section 3 of *Faithfulness in Service* speaks of **Putting this Code into Practice**.

Its **Guidelines** section make it clear that where you have reason to believe that a clergy person or church worker has perpetrated domestic abuse (breaching standards of the Code at 6.5 and 6.6), then **you have a reporting obligation**, since the threat of domestic abuse certainly creates the risk of harm.

3.9 *If you know or have reason to believe that another member of the clergy or another church worker has failed to meet a standard of this Code, other than for **child abuse**, (the reporting of child abuse is addressed in paragraphs 5.14 and 5.15), you should:*

- *where you believe that a person has not suffered harm or is not at the risk of harm, approach the member of the clergy or church worker and identify the concern; or*
- *where you believe that a person has suffered harm or is at the risk of harm, report this to the **church authority** having responsibility for the member of the clergy or church worker or the **Director of Professional Standards**.*

*If in doubt seek advice from a colleague or supervisor or the Director of Professional Standards without identifying the member of the clergy or church worker.*

3.10 *If you know or have reason to believe that another member of the clergy or another church worker has not followed a guideline of this Code, you should approach the member of the clergy or church worker and identify the concern. If you consider that the member of the clergy or church worker is persisting in disregarding the guideline without good reason and a person has suffered harm or is at the risk of harm, you should seriously consider reporting this to the church authority with responsibility for the member of the clergy or church worker or the Director of Professional Standards. If in doubt seek advice from a colleague or supervisor or the Director of Professional Standards without identifying the member of the clergy or church worker.*

Section 3's Preamble makes it clear that domestic abuse or a failure to observe the law could result in clergy or church workers facing formal disciplinary action. Likewise negligence of guidelines in pastoral counselling regarding domestic abuse might result in the requirement to receive specialised help.

*3.4 Failure to meet the standards of this Code will indicate an area where clergy and church workers require guidance and specialised help. Such failures may result in formal disciplinary action if the conduct infringes an applicable disciplinary rule of the Church or is a breach of an employment contract.*

*3.5 Clergy and church workers are encouraged to follow the guidelines of this Code. Where this is impractical, the exercise of judgement will be required to ensure the safety of those to whom they minister and themselves. Wilful disregard of the guidelines may indicate an area where clergy and church workers require guidance and specialised help.*

## **Definitions**

Please note the following definitions of abuse from *Faithfulness in Service*, Section 2, the **glossary of terms**.

**abuse** in relation to an adult means the following conduct:

- bullying;
- emotional abuse;
- harassment;
- physical abuse;
- sexual abuse; or
- spiritual abuse.

**bullying** means repeated and unreasonable behaviour directed to a person or persons which, having regard to all the circumstances, would be expected to victimise, humiliate, undermine or threaten the person or persons, and which creates a risk to their health and safety. Where it involves the use of information and communication technologies, it is often called cyberbullying. It can include:

- making derogatory, demeaning or belittling comments or jokes about someone's appearance, lifestyle, background, or capability;
- communicating in an abusive manner;
- spreading rumours or innuendo about someone or undermining in other ways their performance or reputation;
- dismissing or minimising someone's legitimate concerns or needs;
- inappropriately ignoring or excluding someone from information or activities;
- touching someone threateningly or inappropriately
- invading someone's personal space or interfering with their personal property;
- teasing, or making someone the brunt of pranks or practical jokes;
- displaying or distributing written or visual material that degrades or offends.

**emotional abuse** means acts or omissions that have caused, or could cause emotional harm or lead to serious behavioural or cognitive disorders. It includes:

- subjecting a person to excessive and repeated personal criticism;
- ridiculing a person, including the use of insulting or derogatory terms to refer to them;
- threatening or intimidating a person;
- ignoring a person openly and pointedly; and
- behaving in a hostile manner or in any way that could reasonably result in another person feeling isolated or rejected.

**harassment** means unwelcome conduct, whether intended or not, in relation to another person where the person feels with good reason in all the circumstances offended, belittled or threatened. Such behaviour may consist of a single incident or several incidents over a period of time. It includes:

- making unwelcome physical contact with a person;

- making gestures or using language that could reasonably give offence including continual and unwarranted shouting;
- making unjustified or unnecessary comments about a person's capacities or attributes;
- putting on open display pictures, posters, graffiti or written materials that could reasonably give offence;
- making unwelcome communication with a person in any form (for example, phone calls, email, text messages) ; and
- stalking a person.

**physical abuse** means any intentional or reckless act, use of force or threat to use force causing injury to, or involving unwelcome physical contact with, another person. This may take the form of slapping, punching, shaking, kicking, burning, shoving or grabbing. An injury may take the form of bruises, cuts, burns or fractures. It does not include lawful discipline by a parent or guardian.

**sexual abuse** of an adult means sexual assault, sexual exploitation or sexual harassment of an adult.  
[Note: these terms are further defined in the same section]

**spiritual abuse** means the mistreatment of a person by actions or threats when justified by appeal to God, faith or religion. It includes:

- using a position of spiritual authority to dominate or manipulate another person or group;
- using a position of spiritual authority to seek inappropriate deference from others;
- isolating a person from friends and family members; and
- using biblical or religious terminology to justify abuse.

## **Appendix 6: Suggested Parish Policy on Domestic Abuse**

### **Parish of ..... Policy for Responding to Domestic Abuse**

**All forms of domestic abuse are wrong. Perpetrators must stop.**

1. The primary focus of this Policy is abusive or intimidating behaviour inflicted by an adult against a current or former spouse or partner. (Abuse involving children should follow child protection procedures.) **Domestic abuse** includes but is not limited to emotional, verbal, social, economic, psychological, spiritual, physical and sexual abuse. Such behaviour often seeks to control, humiliate, dominate or instill fear in the victim.

#### **2. We are committed to safe places which –**

- Recognise equality amongst people,
- Promote a culture of healthy relationships of mutual responsibility in marriages, families and congregations,
- Ensure that all people feel welcomed, respected and safe from abuse,
- Strive to follow good practice in protecting those experiencing domestic abuse,
- Refuse to condone any form of abuse, and
- Enable concerns to be raised and responded to clearly and consistently

#### **3. We uphold *Faithfulness in Service* as our national code of conduct for clergy and church workers, specifically its affirmations that –**

- Abuse of power is at the heart of many relationship problems in the Church and in the community. In essence, abuse is one person's misuse of power over another. Sometimes abuse will be a one-off event and at other times it will be a pattern of behaviour, (6.2)
- It is important for clergy and church workers to be good citizens and to obey the laws of the community, except where those laws conflict with Christian convictions, (6.4) and
- You are not to abuse your spouse, children or other members of your family (6.6).

#### **4. We recognise that Domestic abuse requires a serious and realistic response –**

- All forms of domestic abuse cause damage to the victim and are wrong,
- Domestic abuse can occur in all communities, including churches,
- Domestic abuse, if witnessed or overheard by a child, is a form of child abuse by the perpetrator of the abusive behaviour,
- Working in partnership with vulnerable adults and children, statutory authorities and specialist agencies is essential in promoting the welfare of any child or adult suffering abuse,
- Clergy and lay ministers need to obtain advice from those with professional expertise when faced with situations of domestic abuse, and
- Where mistakes in caring for people in difficult situations are made, an apology should be offered and advice sought on how to address any harm caused.

#### **5. We respect people who come to us for help by –**

- Valuing, respecting and listening to victims of domestic abuse;
- Valuing, respecting and listening to alleged or known perpetrators of domestic abuse;
- Appreciating the need to ensure a distance is kept between the two; and
- Refusing to condone the perpetration or continuation of any form of abuse.

#### **6. We uphold Scripture and its abhorrence of abuse in our words and public statements by –**

- Clearly teaching that domestic abuse is wrong and that the Bible should never be interpreted to justify or excuse any form of abuse. Rather a relationship between a husband and wife is to be characterised by love, care and kindness;
- Clearly teaching that the Bible does not condone abuse and should not be interpreted to demand a spouse tolerate or submit to domestic abuse; and

- Raising awareness of domestic violence agencies, support services, crisis accommodation, resources and expertise.

**7. We ensure safety first by –**

- Ensuring that those who have experienced domestic abuse can find safety and informed help as a first priority, and can continue to stay safe,
- Taking it Seriously – Ensuring that any disclosures of abuse are taken seriously and not dismissed,
- Getting help from outside – Working with the appropriate statutory authorities during an investigation into domestic abuse, including when allegations are made against a member of the church community,
- Keeping it confidential – Respecting the need for confidentiality within the bounds of good Safe Ministry practice, noting that reporting requirements exist where there is an immediate danger, where a child is at risk of serious harm or where the matter involves a clergy person or church worker as an alleged offender, and
- Challenging with Care – Carefully challenging inappropriate behaviour, but only in a way that does not place any individual, especially a victim, at increased risk.

**8. We offer pastoral support to those in our care by –**

- Offering informed care – Ensuring that informed and appropriate pastoral care and professional help is offered to any adult, child or young person who has suffered domestic abuse,
- Being guided by the victim – Never pressuring any victim of domestic abuse to forgive, submit to, or restore a relationship with an offender,
- Understanding that reconciliation comes with conditions – Understanding that any reconciliation between victim and offender is dependent principally upon genuine repentance and reformation of the offender, and
- Coordinating the care – Identifying the appropriate relationships of those with pastoral care responsibilities for both victims and alleged or known perpetrators of domestic abuse.

**If you have any concerns or need to talk to anyone please contact...**

- The Police: dial **000**
  - 24/7 in emergencies where safety is at risk.
- 1800 Respect national helpline: **1800 737 732** or [1800respect.org.au](http://1800respect.org.au)
  - 24/7 for sexual assault, & domestic violence counselling and advice.
- Child Protection Helpline: **132 111** or [reporter.childstory.nsw.gov.au/s/mrg](http://reporter.childstory.nsw.gov.au/s/mrg)
  - If you think a child or young person is at risk of harm from abuse.
- Lifeline: **131 114** or [www.lifeline.org.au/get-help](http://www.lifeline.org.au/get-help)
  - 24 hour telephone crisis line.
- Professional Standards Unit: **9265 1604** or [safeministry.org.au](http://safeministry.org.au)
  - Advice about abuse involving Anglican clergy or church workers

## **Appendix 7: Draft Safety and Exit plan**

*Ordinarily safety planning would be done with an experienced professional in the field of responding to domestic abuse. However this sample gives a sense of the wide range of issues that would have to be considered.*

### **Step 1: I CAN USE SOME OR ALL OF THE FOLLOWING STRATEGIES:**

- A. If I decide to leave, I will \_\_\_\_\_. (Practice how to get out safely. What doors, windows, stairwells or fire escapes would you use?)
- B. I can keep my purse and car keys ready and put them \_\_\_\_\_(place) in order to leave quickly.
- C. I can tell \_\_\_\_\_about the abuse and request they call the police if they hear suspicious noises coming from my house.
- D. I can teach my children how to use the telephone to contact the police and the fire department.
- E. I will use \_\_\_\_\_as my code for my children or my friends so they can call for help.
- F. If I have to leave my home, I will go \_\_\_\_\_(Decide this even if you don't think there will be a next time). If I cannot go to the location above, then I can go to \_\_\_\_\_or \_\_\_\_\_.
- G. I can also teach some of these strategies to some/all of my children.
- H. When I expect we are going to have an argument, I will try to move to a space that is lowest risk, such as \_\_\_\_\_. (Try to avoid arguments in the bathroom, garage, kitchen, near weapons or in rooms without access to an outside door).
- I. I will use my judgment and intuition. If the situation is very serious, I may be able to give my partner what he/she wants to calm him/her down. I have to protect myself until I/we are out of danger.

...over

**Step 2: SAFETY WHEN PREPARING TO LEAVE**

Leaving must be done with a careful plan in order to increase safety. Perpetrators often strike back when they believe that the person they are abusing is leaving the relationship.

I can use some or all the following safety strategies:

- A. I will leave money and an extra set of keys with \_\_\_\_\_ so that I can leave quickly.
- B. I will keep copies of important papers and documents or an extra set of keys at \_\_\_\_\_.
- C. I will open a savings account by \_\_\_\_\_, to increase my independence.
- D. Other things I can do to increase my independence include:  
\_\_\_\_\_
- E. The domestic violence program's hot line telephone number is \_\_\_\_\_ and I can seek shelter by calling this hot line.
- F. I can keep change for phone calls on me at all times. I understand that if I use my mobile, the following month the telephone bill will tell my perpetrator the numbers that I called after I left. I could get a 'pay as you go' phone. There are no bills and all communication would be confidential.
- G. I will check with \_\_\_\_\_ and \_\_\_\_\_ to see who would be able to let me stay with them or lend me some money in an emergency.
- H. I can leave extra clothes with \_\_\_\_\_.
- I. I will sit down and review my safety plan every \_\_\_\_\_ in order to plan the safest way to leave the residence.
- J. \_\_\_\_\_ (domestic violence advocate or friend) has agreed to help me review this plan.
- K. I will rehearse my escape plan and, as appropriate, practice it with my children.

...over

### Step 3: SAFETY IN MY OWN RESIDENCE

There are many things that a person can do to increase her safety in her own residence. It may be impossible to do everything at once, but safety measures can be added step by step.

Safety measures I can use include:

- A. I can change the locks on my doors and windows as soon as possible.
- B. I can replace wooden doors with steel/metal doors.
- C. I can install security systems including additional locks, window bars, poles to wedge against doors, an electronic system, etc.
- D. I can purchase rope ladders to be used for escape from second floor windows.
- E. I can install smoke detectors and purchase fire extinguishers for each floor in my house/apartment.
- F. I can install an outside lighting system that lights up when a person is coming close to my house.
- G. I will teach my children how to use the telephone to make a reverse charge call to me and to \_\_\_\_\_ (friend/ other) or get them a mobile phone in the event that my partner takes the children.
- H. I will tell people who take care of my children which people have permission to pick up my children and that my partner is not permitted to do so. The people I will inform about pick-up permission include:
  - a. \_\_\_\_\_ (school)
  - b. \_\_\_\_\_ (day care staff)
  - c. \_\_\_\_\_ (Sunday School teacher)

## **Appendix 8: Marriage Preparation: Recommended good practice**

Marriage preparation offers an opportunity to challenge inappropriate behaviour and assumptions about domination, control or abuse, while making it clear that some degree of conflict within an intimate relationship is natural and healthy, if dealt with appropriately.

The principles of understanding humanity (female and male) as made in God's image and of equal worth; of equality amongst people and within relationships; and of not condoning any form of abuse, should underpin any marriage preparation offered by the Church.

Care must be taken if the biblical themes of a wife's submission or a husband's role as 'head' are to be expressed in the marriage vows or other parts of the marriage service, or in marriage preparation more generally. Please spell out what such ideas **do not and must not** involve to avoid any misunderstanding or twisting of Scripture.

For example, any wife's submission must only ever be voluntary. It ought not to involve submitting to disobedience to God or to illegal activity. No wife is spiritually obligated to submit to domestic abuse from her husband.

Likewise husbands are never told to assert authority over their wife. In particular, they are never told to make their wife submit. Any manipulation or hint of coercion of her towards such ends is sin.

Given the high incidence of domestic abuse within marriage, we recommend that clergy and lay people who offer marriage and wedding preparation should have attended some training on issues of domestic abuse. It is important that there is a clear understanding amongst those who offer marriage preparation that domestic abuse is always unacceptable and that domestic abuse breaks the sanctity of marriage.

The subjects regularly dealt with when preparing couples for marriage, e.g. communication, conflict and in particular "How do you deal with your anger?" offer an opportunity for couples to discuss together how their parents dealt with anger, rows and conflict, or how the couple might have dealt with these in previous relationships. Sometimes those who have experienced domestic abuse as children have a very idealised view of marriage.

It is possible that those working with couples hoping to marry may become aware or suspect that abuse is taking place or may take place between the partners. This is always a difficult area to deal with and illustrates the need for training for people involved in this work, but one or more of the following ideas might help in such a situation.

The facilitator might include a statement at the beginning of the 'course' or conversation and again before dealing with a subject such as 'marital conflict' or anger. The following, which may need amending depending on the circumstances, is an example of a form of words that might be appropriate:

*"When we think about relationships in general and our own in particular, there is always a chance that issues may be raised that touch us in a way that leaves us feeling disturbed, uncomfortable or anxious. If this happens you may wish to speak to one of us today more privately or to seek help from a counsellor or other helping organisation."*

If a domestic abuse issue is raised directly or indirectly by one of the couple, the facilitator should not pursue it in the presence of the other: this could be highly dangerous. They may need to find a way to give the person a chance to say more in private, with the object of encouraging them to get one-to-one help from a competent person or organisation.

+++

Because the Prepare-Enrich questionnaires are so widely used among Anglican churches for marriage preparation and marriage enrichment, it is worth reporting briefly on research published by the Prepare-Enrich organisation, entitled, "Spouse Abuse & Marital System based on Enrich" by Shuji G. Asai and David H. Olson, both of the University of Minnesota<sup>1</sup>.

This was research based in the United States from a national sample of over 20,000 couples taking the Enrich questionnaire.

---

<sup>1</sup> Source: <https://www.prepare-enrich.com/pe/pdf/research/abuse.pdf>, viewed 1 August 2017

Its literature review noted that one's background (e.g. family abuse in one's own past) and context (e.g. unemployment) can be correlated with higher rates of abuse. It noted that individual traits and behaviour can be significant with victims tending to have low self esteem and to be higher on avoidance. It also showed features of couple interaction, such as good communication and conflict resolution, can be associated with higher relational quality. Conversely, there is an association between family violence and unequal decision making power, with levels of violence higher for wives among husband-dominating patriarchal couples.

Based on self-reporting to the inventory question, "Have you ever been abused (verbally, emotionally, physically, or sexually) by your partner?", over 61% of couples in the study were classified as non-abusing, 16.8% as having the husband abusing, 13.4% having both partners abusing, and 8% having the wife abusing.

Using the Enrich Couple typology, 95% of Vitalised couple types, 88% of Harmonious couple types, and almost 80% of Traditional couple types were classified as non-abusing.

Conversely, less than 28% of Devitalised couple types were non-abusive.

In the middle, 52% of Conflicted couples types were non-abusive. So it was noted that about half of conflicted couples could maintain non-abusive relationships, even when there were significant difficulties reported. That is, unresolved conflict does not always make a marriage abusive.

Of the various Couple scales, the most significant predictors of abuse were lower scores for Positive Couple Agreement in the categories of 'Family and Friends', 'Personality Issues', 'Communications', and 'Conflict Resolution', along with lower rating of 'Couple Closeness'. Lack of 'Couple Flexibility' was also significant.

Couples with a more Egalitarian<sup>2</sup> approach to Role Relationships appeared to be less likely to experience abuse of the wife.

On individual Personality scales, non-abusive couples tended to display both partners scoring higher in self-confidence and assertiveness, and lower in partner dominance and avoidance.

Unsurprisingly, abusive couples have the abused partner tending to be high in avoidance and partner dominance and lower in assertiveness and self-confidence (although not so much with self-confidence in the case where husbands report abuse).

A strength of the research was its broad definition of abuse, including verbal, emotional, physical and sexual. A limit is its self-reporting nature, especially given the likelihood that abuse is underreported. The study sample group was predominantly Caucasian (85%), so results may be different in other ethnic groups.

Another limit would be in applying this to marriage *preparation* since the study only measured those who had already been married for some time, and were engaging in the Enrich inventory. So some caution would be needed in extrapolating findings of correlations to results of those doing the Prepare inventory, although there is intuitive expectation that similar correlations might be found.

Nevertheless, this research may give those engaged in marriage preparation some idea of particular measures to focus on as possible correlates for abuse being more likely as a possibility, especially where domestic abuse is expressed or suspected as a concern.

Steps taken to increase an individual's assertiveness and self-confidence and to develop skills in communication and conflict resolution may be worth considering in this context. But where a proneness to abuse or other serious relational difficulty is suspected, clergy and church workers should carefully consider referrals to trained counsellors or other professionals.

---

<sup>2</sup> Note that 'Egalitarian' here in Prepare/Enrich is not defined primarily in theological terms.

**Appendix 9: Synod Resolutions related to Domestic Abuse**

Please note the following resolutions of the Anglican Diocese of Sydney. Synod is the 'parliament of the local churches' (made up largely by the senior minister and two elected member representatives of each local church, with some additional representation from various Anglican leadership and organisations within the Diocese).

Any resolutions of Synod, although not carrying the force of denominational law, express our peak representative 'position statements' on particular issues at particular points of time.

**37/07 Biblical pattern of marriage**

Synod –

- (a) affirms that the relationship of loving, sacrificial leadership of a husband and the intelligent, voluntary submission of a wife is the Biblical pattern of marriage, and
- (b) totally rejects the use of this Biblical pattern to justify any form of domestic abuse, and
- (c) totally rejects all forms of domestic abuse, and
- (d) expresses its concern for those children, women and men, who are victims of domestic abuse, and
- (e) calls on Christian husbands and wives to use their God-given responsibilities for the good of their families, and
- (f) calls on ministers to teach congregations the Biblical model for marriage and also to teach against domestic abuse.

(Mrs Lesley Ramsay 25/09/07)

**33/13 Domestic violence and educating clergy**

Synod requests Moore College and Ministry Training and Development, in consultation with the Safe Ministry Board and appropriate experts as required, having reviewed the input they already provide, to investigate and, if needed, develop an effective approach to educating ordinands and clergy in regards to domestic violence and how to respond when it comes up as an issue in marriage (and other relationships).

In such training, consideration ought to be given to ensuring that upholding the Bible's good teaching on submission and sacrificial love – both in preaching and teaching, and in marriage education and counselling – is not easily twisted as a cover for abuse.

Synod requests that Moore College and Ministry Training and Development report back with a progress report by the next session of Synod.

(Canon Sandy Grant 16/10/2013)

**24/16 Domestic Violence**

Synod –

- (a) acknowledges that domestic abuse continues to be a significant social problem both inside and outside the church;
- (b) gives thanks for the work of the Domestic Violence Response Task Force and calls on them to continue their work – in particular that of developing policy and pastoral guidelines to recommend to Standing Committee and make recommendations about education – as expeditiously as possible;
- (c) calls on Standing Committee to consider providing funding for the Task Force sufficient to expedite its work and particularly the work of interviewing and caring for victims;
- (d) calls upon all clergy, church workers and parish councils to read the Task Force's 2016 progress report to Synod and to familiarise themselves with the headline definition and expansive description of domestic violence adopted by the Task Force;
- (e) notes that clergy and church workers who are domestic abusers are in breach of standards expressed in Faithfulness in Service;
- (f) encourages victims of domestic abuse by clergy or church workers to speak to the Professional Standards Unit;
- (g) asks the Task Force, and the Discipline Ordinance 2006 Review Committee, to consider changes to the necessary ordinances which would allow victims of domestic abuse, who have brought the abuse

to the attention of church-workers who have their pastoral oversight and who feel that they have received negligent, callous or otherwise improper advice or treatment by those with pastoral oversight, to have complaints referred to the Professional Standards Unit;

- (h) looks forward to the inclusion of education in the area of domestic violence in 2017 via the PSU's compulsory Faithfulness in Service training sessions for clergy and paid church workers, and while the Task Force's pastoral guidelines are being developed encourages ministers, whenever they receive an allegation of domestic abuse, to consider contacting the PSU for advice on the best practices for pastoral care;
- (i) encourages clergy and church workers to preach and speak against domestic violence, again rejecting the twisting of Scripture to justify abuse of any kind, and to make pastoral enquiries when meeting with married people;
- (j) requests the Task Force to report again, no later than next Synod; and
- (k) expects that the diocesan response to domestic violence will go beyond the ambit and life of the Task Force,

and prays for the protection, healing and support of victims and survivors of domestic violence within our churches; for wisdom and insight, courage and compassion for clergy and church workers in providing pastoral responses to people in such situations; and for the continued work of the Task Force.

(Canon Sandy Grant 12/10/2016)

### **17/17 Grief and apology in regards to domestic abuse**

That this Synod grieves with victims and survivors of domestic abuse, and prays for their healing and recovery. We give thanks to God for those women and men, clergy and lay people, who have faithfully supported, cared for and protected such victims in our churches and communities.

We grieve that God's good gift of marriage can be distorted and dishonoured through the sin of perpetrators. We pray for their repentance and restoration to faithful living under Christ.

We also deeply regret that domestic abuse has occurred among those who attend our churches, and even among some in leadership. We apologise for those times our teaching and pastoral care have failed adequately to support victims and call perpetrators to account.

(Canon Sandy Grant 10/10/2017)

### **32/17 Assistance for spouses and families of clergy and lay stipendiary workers where separation has occurred due to domestic violence**

In light of its wholehearted acceptance of the Provisional Sydney Anglican Policy on Responding to Domestic Abuse, and its deeply sincere expression on 10 October 2017 of grief, regret and sorrow to victims and survivors of domestic abuse, Synod –

- (i) acknowledges the responsibility of the Anglican Church of Australia to examine its ordination candidates to ensure that they are fit to enter Holy Orders,
- (ii) acknowledges the responsibility of the Anglican Church of Australia to ensure that its clergy are fit to remain in Holy Orders,
- (iii) acknowledges the responsibility of the Anglican Church of Australia to ensure that its lay stipendiary workers are fit to be licenced to work in churches and to remain in this work,
- (iv) accepts the theological statements in the Provisional Sydney Anglican Policy on Responding to Domestic Abuse that speak of the circumstances when it is right for the victims of domestic abuse to separate from their spouses and not be reconciled,
- (v) acknowledges that a key reason why domestic abuse victims might find it difficult to separate from their spouses is because of potential financial hardship (especially where children are involved),
- (vi) acknowledges that the family of clergy and lay stipendiary workers live in locations where the relevant ministry worker is licenced to minister, rather than around their natural support networks (e.g. family and close friends), and that this can make it even more difficult for victims of domestic abuse to separate from their spouses,

and therefore requests –

- (a) that Standing Committee, as a matter of urgency and in consultation with the Professional Standards Unit, create a generously provisioned long-term operating fund which has the purpose of assisting spouses of clergy and lay stipendiary workers who have been or will be left in financial hardship as a result of their need to separate from their spouse due to domestic abuse,
- (b) that the policy which is created to administer the fund proposed in paragraph (a) provide a way for funds to be distributed quickly to those who are in need,
- (c) that Anglican Schools Corporation schools have short to medium term bursaries available to assist the families of clergy and lay stipendiary workers where separation has occurred due to domestic abuse, and
- (d) that Anglicare give priority for emergency assistance to the families of clergy and lay stipendiary workers where separation has occurred due to domestic abuse.

(The Rev Mark Tough 16/10/2017)

## **Appendix 10: Timeline of Public Statements by Diocesan Leadership addressing Domestic Abuse**

### **Extract: Archbishop's Presidential Address to Synod 2012**

At the heart of family is marriage, understood as the union of two persons of the opposite sex from different families by way of promises of permanence and exclusion. If the promises reflect, as they do in the *Book of Common Prayer*, the differences between man and woman as well as the equality, it is always to be understood that the headship of the man brings with it the awesome responsibility to nurture and cherish as Christ loved and cherished his church. To use this, as some have, as an excuse to demand slave like servility, or even to engage in physical and emotional bullying is to misuse it utterly and no wife should feel spiritually obliged to accept such treatment. Here too sin takes and distorts what is for our good in its own evil interests. Likewise, however, to treat husband and wife as two simply interchangeable 'partners' is to court damage to the fabric of the family itself. Even more damaging, of course, is the modern habit of living together without the benefit of the public promises – an inherently unstable relationship. Still more damaging is the current encouragement to casual promiscuity.

(Most Rev Dr Peter Jensen, Archbishop of Sydney until 2012)

### **Extract: Archbishop's Presidential Address to Synod 2015**

#### **Domestic Violence**

If it were not enough that marriage was under threat by the advocates of 'same-sex marriage', the recent heightened awareness of domestic violence within marriage is another wake-up call for our society. Two years ago our Synod raised this question as a matter of concern. Since then, considerable work has been done in addressing the issue, including Moore College and Ministry Training & Development in their education of prospective and recently ordained ministers, though there is still more to be accomplished. I am particularly grateful for Canon Sandy Grant's having raised this matter on a number of occasions both at Synod and Standing Committee and for his initiative in persuading Standing Committee to establish a Task Force to develop a diocesan response to domestic violence. The Task Force has been asked to consult with domestic violence victims or their representatives and report back with recommendations on the following:

- (a) developing, adopting and communicating a diocesan domestic violence policy statement, along with advice for good pastoral practice;
- (b) facilitating education of lay membership of our churches on the issue (e.g., via preparation of suitable resources);
- (c) educating our youth in regards to the recognition and prevention of domestic violence; and
- (d) encouraging further developments in our education of clergy and church workers in this area (e.g., recognising warning signs in marriage preparation).

While I welcome this Task Force, it grieves me that we need it. It is a salutary reminder of the corrosive effects of sin even in the believer, that men who profess Christ should treat their wives with such contempt, inflicting either verbal or physical abuse upon those whom they have promised 'to love and to cherish, till death us do part.'

This is not the way of Christ. It should not characterise the bride of Christ. It does not reflect, despite the accusations of some, the inevitable consequences of the doctrine of headship in marriage. What it does demonstrate, regrettably, is that in the words of the Thirty-nine Articles: 'in the visible Church the evil be ever mingled with the good' (Article xxvi). If even Satan can use the words of Holy Scripture to tempt our Lord, it is not difficult to concede that the Evil One can twist good doctrines to his own evil purposes. That Christian women are caught in such a vulnerable situation at the hands of those who abuse their responsibilities as husbands is both horrendous and inexcusable. It is therefore important that we address this issue with honesty, compassion and resolve, so that we may protect those who suffer any form of domestic abuse and find ways to prevent its reoccurrence, especially in the household of God.

(Most Rev Dr Glenn Davies, Archbishop of Sydney from 2013)

**Extract: "For Christians who missed the memo: the Bible abhors all domestic abuse", Sydney Morning Herald, March 4, 2015**

So let's be clear for any Christians who missed the memo. The Bible says any abuse or aggression from one spouse to another, whether physical or verbal, is wrong.

For example, Colossians 3:19 says, "Husbands, love your wives and **do not be harsh with them**".

St Peter says we're never to exploit those with less power.

What about a passage that sounds foreign to modern western ears, like Ephesians 5? This section asks a wife to "submit" to her husband and says he is the "head of the wife, as Christ is the head of the church". Christians who take the Bible at face value immediately notice how it continues that 'headship' is expressed by "loving your wife, just as Christ loved the church and gave himself up for her". And we know 'submission' cannot be bad in and of itself, since Jesus is said to submit to his heavenly father. And all Christians are to submit to the lawful governing authorities (not least in regards to domestic violence laws). We also remember that mutual consent is the standard for decision-making in things like sexual activity (1 Corinthians 7:5).

What does it mean in practice? I think such headship is only properly expressed in loving sacrifice and a concern to nurture, provide and protect (Eph 5:28-29). And loving submission is a loyalty that respects and leaves room for a husband's initiative in the above (Eph 5:33). Many people find this is good and workable.

Of course, domestic abuse can occur whether the theory you espouse is 'traditional', 'egalitarian' or 'feminist'. But whatever you understand when the Bible talks of 'submission' or being the "head in a marriage", it's crystal clear that **husbands are never told to make their wives submit**.

The American pastor John Piper was wrong when he suggested a wife might "endure perhaps being smacked one night", before seeking help "from the church". Victims of domestic violence should be encouraged to seek help from the Police and others too, and to get to a safe place.

The church should support that.

(Canon Sandy Grant, Senior Minister, St Michael's Cathedral, Wollongong, chair of the Domestic Violence Task Force)

**Extract: "The Christian and Submission" (keynote address) Priscilla & Aquila Conference 1 February 2016**

#### 4. Equality, order and love

We began, at the beginning of the first session, by recognising that in recent days attempts have been made to draw a causal connection between the biblical teaching about a wife's submission to her husband and the scourge of domestic violence. The charge has been made that this doctrine encourages the subjugation of women and allows a justification for abuse in all its forms. I said back then that there is nothing in Scripture which justifies the use of violence towards women or the abuse of women in any way whatsoever, and whenever an appeal is made to Scripture in attempt to justify such behaviour it is not only a perversion of Scripture, but a dishonouring of the God whose word it is. There is not and can never be any justification for domination, bullying and mental, emotional or physical abuse of women, least of all by their husbands. The teaching of the New Testament speaks of relationships characterised by profound equality, genuine order and other-centred love. As in the submission of the Son to the Father, the submission of a wife to her husband has nothing to do with value and it has nothing to do with power. It is not something coerced or demanded but something freely, willingly given. It is a relationship of two human beings of equal value, both created in the image of God, both redeemed by the blood of Christ. And in this asymmetrical relation of equals the common element is true other-centred love.

I mentioned one of the articles in the Herald last year I found most helpful amidst the attempt to draw a link between the biblical teaching about submission and domestic violence. It was written by a Christian woman, Sarah, and one of the explanations she gave for delighting with her friends in the Bible's teaching on this subject was this: such women

*do not connect submission with personal worth, because they already know that they are infinitely precious to God and, in good marriages, to their believing husbands. Instead, they see submission — where one person trusts another to lead them, and honours them for exercising that responsibility selflessly — helps two people grow closer together and enables them both to flourish as individuals.<sup>1</sup>*

Far from being an embarrassment to Christian men and women at the beginning of the twenty-first century, this biblical teaching is something we should rejoice in, because it is God's word to us and God is good and always provides for the welfare of his people. We need to speak out in the loudest possible voices against domestic violence and do all in our power to protect those who have been subjected to it — women and men — I hope we will all do that and continue to do that. But biblical headship and submission is not the cause, in fact quite the opposite.

(Rev Dr Mark Thompson, Principal Moore College, Chair of the Doctrine Commission of the Diocese of Sydney)

+++

### **Extract: Domestic Violence – A Starting Point for Answers<sup>2</sup>**

#### **Is domestic violence an issue in our churches?**

Of course. Where there are people there is sin. Even as Christians we know we still sin. Domestic violence is an extreme expression of sin and sadly is present even in our churches. We mustn't be naïve about this. But at the same time, as we take steps to address this evil in our churches, we need to be careful not to make it *the* pastoral issue. There is a fine line we walk: the majority issues for marriage and family life will be more everyday struggles and strains, while at the same time there will be particular and more significant crises facing some couples and families, including infidelity, violence, and sickness. These must be handled with great care, and may require significant investment of time.

#### **Passages like Ephesians 5 encourage women to submit to their husbands, is there a risk these passages can be used to excuse domestic violence?**

Yes they may be used to justify sinful behaviour like domestic violence. Yet we must be clear, the instruction for women to submit to their husbands does not give license to men to exploit or abuse their wives. In fact, the wife's submission is voluntary. The truth is that as women are called to submit in Ephesians 5, husbands are instructed to love their wives as they love their own bodies, and in Colossians 3:19 Paul forbids them from being harsh with them. There is no place in Scripture for a husband exercising his biblical headship in a dominating, exploitive or self-serving manner. As the husband's role is modelled on Christ's loving, sacrificial leadership, so he lives that out for the benefit of his wife.

There is a lot of discussion at the moment suggesting there is a link between biblical teaching on submission and headship with the prevalence of DV in church. Some argue the existence of this teaching leads to domestic violence.

I believe this is mistaken for two reasons. Firstly, to create cause and effect at this point suggests that God's good word to us is wrong or mistaken. Also, taken to its logical conclusion, it would assume that churches that deny this teaching are free from DV which we know is untrue. Secondly, by making this the reason for DV means we fail to fully explore and understand the issue and that, I think, is an injustice to those involved.

Church leaders have a responsibility to teach this doctrine correctly, call out inappropriate and sinful misapplications, and care for those who have suffered at the hands of those who have (wickedly) twisted God's word to satisfy their own sinful behaviour.

#### **What are some helpful things to do if we think someone is a victim of domestic abuse?**

First and foremost: listen and believe. Then assess whether it is safe for the victim to return to the home. If there is evidence that a crime has taken place, then a report must be made to the police. If not, there are

<sup>1</sup> S. Colyer, "Submission" to my husband allows us both to flourish in our marriage', Sydney Morning Herald 8 March 2015 online at <http://www.smh.com.au/comment/submission-to-my-husband-allows-us-both-to-flourish-in-our-marriage-20150308-13y83i.html> (accessed 23/12/15).

<sup>2</sup> Source: <http://www.australianchurchrecord.net/domestic-violence-a-starting-point-for-answers/>

several avenues to explore to care and support the abused. It might be that you actually do nothing straight away as the victim might not be ready to leave the situation or report to the police. If the victim asks you not to tell anyone, honour their wishes (as hard as this is) because they must be able to trust you. As a church, have a plan of how you care for people in these circumstances and make sure leaders are aware of it. If the abuse is disclosed by a child, leaders of course have mandatory reporting responsibilities.

(The Venerable Kara Hartley, Archdeacon for Women's Ministry)

## **Appendix 11: A Letter Made Me Think**

*By Kate Bradford*

I minister and write as a chaplain. Last night I had an interesting experience that highlighted for me an important difference between chaplaincy and parish ministry: chaplains know that a person is in some sort of crisis – whereas ministers may have no reason to suspect a problem.

Chaplains like social workers, GPs, psychologists, counsellors, and psychiatrists initially meet people at times of crisis, illness or trauma. We usually have no prior relationship or social connection with the people to whom we minister and people disclose things that they have not told their family or minister. This allows for greater objectivity for chaplains as we listen to their story, while hearing their emotion and pain, the way in which they construct their meaning.

With these fragmentary clues to meaning, we hear of people's faith and beliefs, but we also catch glimpses of their default 'faith' settings exposing the things that they *really* depend upon when everything else is in flux. We also hear where they belong in their web of relationships – family, church, community, culture and society and whether they experience healthy relationships or alienation and isolation. We see hints that point to loving relationships and clues to destructive relationships. We also look for clues as they express their desires and dreams, or fears and dreads, to see the role hope has in their thinking, with the aim of knowing how best to share Christ's love and message of hope with them.

I am very conscious chaplaincy ministry is different from parish ministry in many ways, most particularly because it is a ministry offered in the public space to people of many different religious and faith positions.

I was contacted by someone last night who has been abused by their spouse. They are a couple that I have known for a number of years and at one stage we were part of the same church community. The abusive spouse has been involved in ministry in a number of congregations and is considered a leader in the ministries in which they are involved. I was shocked as I read the email, not comprehending what the letter was saying, until the abuser's name was spelt out in print in the sentence. This was a most massive 'aha' experience for me. As I read the letter again, I remembered particular incidents and instances that jarred but I had never put these things together. I always thought their family just did things differently from us, but as soon as I read the letter I knew that it was true.

I suddenly realised what it must be like for clergy who know people in their congregation, who are on ministry teams and seem to have happy stable families and on the surface appear to be the 'model' Christian couple or family.

My reflection on this is: as people ministering among our congregations, we sincerely think that we know people, who are the model of a lively Christian faith in the parts of their life that we see. We forgive their idiosyncrasies, because we know their good works and believe that they mean well. The victim may act to keep the peace and might smooth things over for lots of reasons, including fear of shame or blame.

*Kate is a hospital chaplain, and she is also part of Anglicare's Chaplaincy Training and Development. Kate is married to Steve, and together they were CMS missionaries at a remote rural hospital in Tanzania. Kate is also a chaplain at Moore College, from where she also has a BTh and an MA.*

*This article was originally published by The Bible Society, 11 May 2015:  
<https://www.eternitynews.com.au/archive/a-letter-made-me-think/>*

## **Appendix 12: Walking Through It: A Family Violence Survivor's Reflection**

*The author of this article has asked that her name be withheld.*

(Used by permission, courtesy of The Gospel Coalition, Australia<sup>1</sup>)

I recently wrote a letter to ministers, entitled “Things I wish you understood: An open letter to ministers from a family violence survivor.” The response has been humbling. I’m glad it resonated with the experience of many, because it reminds me that I’m not alone, and that nor am I crazy because sometimes I have to fight with my emotions and body to get control again. Thank you to the sisters and brothers who have said “that’s me, too.” May God bless, comfort and heal you also.

I’m also more glad than I can say for the people who said it would help them to love their flock better. That’s what I was praying for. My experience won’t speak to everyone, and won’t be applicable to everyone, but if starts a conversation or raises awareness, then I thank God for that. If it means that I or someone else might have a better chance of hearing and understanding what the Bible says on some of those more difficult passages, so much the better. That was my heart—I want to hear and learn, and sometimes I can’t because of what I’ve been through. I’m not alone in that.

I’ve been encouraged privately to reflect and share on the experience of coming forward in the church. I am profoundly grateful for the godly men and women who walked through it with me. My experiences were generally positive but there were moments that weren’t so positive as well, and moments which might have gone much, much worse but for the grace of God. I am somewhat unusual, from what I can gather, in that I didn’t meet with *anyone* (outside of my then-husband) who treated me with harshness or ungraciousness. Even those who weren’t helpful still tried to treat me with love. My heart aches for those who have not been met with grace and love.

Here are some things that I’ve been reflecting on about my own experience:

**1. Listening to me, and believing me were the biggest gifts anyone could give me.**

Those who listened and believed will have my everlasting gratitude and love. The first person I shared with was not a minister, but a friend who by the grace of God had walked this journey before. I didn’t realise that at the time because I didn’t actually know what was happening to me. I just knew my life was suddenly spinning out of control, and I was scared. She knew the value of listening and believing. She’d had experience. She knew what to do on every level: emotional, spiritual, practical. She validated what I told her—the first tentative forays into shattering the illusion I had been so carefully maintaining. I didn’t tell her the whole picture, just the part that was upsetting me the most at the time. She treated me with respect, grace and dignity. That led me to go further, to bring deeper wounds forward to see if perhaps—breathtakingly—they might meet with tenderness too. *She believed me, and she told me she believed me.*

**2. It was an incredibly scary thing to bring the leadership of my church into the picture.**

I knew them to be men of gentleness and compassion, but I had seen what I thought was gentleness and compassion turn into harshness and anger before. I was terrified of being dismissed. I was petrified of being told that I was in sin, that I needed to go back. I didn’t know what I would do if they did. The weight of that possibility made it difficult to breathe. I thought I was going to have a heart attack from the mere thought of having to choose between going back or defying the leadership of my church. The choice *felt* like one between my life and sanity, and my very salvation. My salvation was never actually on the line but, battered and broken as I was, that is what it felt like. It was agony.

**3. Common sense isn’t really enough in these situations.**

The norms of relationships don’t apply. The nature of abuse makes all sorts of things impossible. I couldn’t do counselling with my then-husband. Any attempts to discuss the issues led to an escalation of abuse. When my pastor accidentally broke my confidence in discussion with my then-husband, I was placed in harm’s way, and again received a tirade of abuse that left me trembling

---

<sup>1</sup> Source: <https://australia.thegospelcoalition.org/article/walking-through-it-a-family-violence-survivors-reflection>

and sobbing. Thankfully, my pastor learned from that and was very careful not to inadvertently break my confidence again. **He was also willing to listen to the advice of those who had more training in abuse than he did.** It is an area which requires knowledge and understanding, and I know that his willingness to listen and learn from his mistakes had positive outcomes for me.

4. **I needed professional help to recover.**

I drew near to God, and dug deep into my Bible, but I am indebted to the Christian counsellor I worked with for many years, and still work with today. Romans 12:2 talks of not being conformed any longer to the world, but renewing our minds, so that we can work out what God's will is. God used my counsellor mightily in that. So much in my thinking had been warped by abuse that I needed to re-evaluate everything I had ever learned or thought I knew about marriage, submission and headship. The process of sorting through what the Bible actually said and what had been twisted was long and arduous. The process still continues, and probably always will.

5. **I needed, and still need, clear and unambiguous teaching on these points.**

In renewing my mind, I didn't and don't want secular views to form the basis of my understanding. I don't want to abandon biblical teachings on headship, respect, submission or divorce. I want my views and understanding to be rooted in the Bible and nothing else. Marriage is God's good plan, and His intention and design for it are what I want and need to understand. Abuse is not part of His plan, and it has warped my understanding. My last letter was a plea for ministers to understand that they can help immensely in this. I want to hear from preachers who've thought, prayed and read deeply about abuse and marriage, and can steer me past the rocks and the pitfalls that abuse created, and for which my often faulty prior understanding laid the groundwork. The best help I have in my recovery is understanding what God actually says about me, about the way I was treated and about marriage in general.

6. **It was the compassionate and faithful teaching of a pastor which God used to begin open my eyes to the truth of my situation.**

I had no idea I was being abused, but I was hurting over what was happening in my marriage, and desperately wondering if the problem really was me. I wondered if I really was being called to submit to this, and what if anything, I could do to make things better. I wondered if this was normal. Over the years and months before I finally left my marriage, this pastor preached through various books of the Bible. Every single time something about marriage or the roles of men and women came up, he took the time to gently and compassionately point out what those passages *didn't* mean, as well as what they did. His was the sole voice of hope I heard, and it was powerful because he was an authority figure. Abuse is isolating. I was afraid to discuss my marriage with anyone else and afraid to read or research on the subject. God used the voice of this pastor to remind me that the way I was being treated wasn't His will, even though I was a long way from leaving or even understanding that it was abuse. His voice called me back to God, back to prayer and reading the Bible, rather than hardening me against God in my pain.

7. **The people who truly comforted me were okay with the mess and didn't try to fix it.**

My life was in tatters. My mental and physical health was breaking under the strain of what was happening, and the torrent of abuse that leaving unleashed. The people who truly gave me comfort loved me in the midst of that. They sat with me, they looked after me. They let me cry when I needed to, and listened to my doubts and fears and anger. They didn't see my anxiety and depression as a spiritual failure on my part, but as the direct and natural result of my experience. They encouraged me to seek help. They prayed with me, for strength and courage and reliance on God in the midst of the mess. They never gave me platitudes, and their faith was not rocked by my suffering. When they offered the occasional Bible verse, it was because it was something they had *lived*, and had helped them. In the manner of 2 Corinthians 1:3—4, they comforted me with the comfort they had been given and continually drew my eyes to the God of all comfort.

8. **Some people were really uncomfortable with my suffering and wanted to offer quick fixes.**

One woman listened sympathetically, and then told me that Romans 8:28 meant that God would put my marriage back together again. She couldn't conceive that the "good" God was working for was to make me more like Christ, and that didn't necessarily come with a fairy-tale ending. Another implied that I was giving way to negative thinking and outlined what I needed to do to win the battle of my

mind. The hearts of both were in the right place, and I loved them for their intent, but it wasn't at all helpful. I didn't need to be offered false promises that were a distortion of God's Word. I didn't need to feel blamed for my mental health crumbling under the strain, and feel like it was being attributed to some lack of discipline or sin on my part. The reality was, I was walking with God more closely than I ever had before, and I believed that the "good" Romans 8:28 promised could only be defined by God, not dictated human desires. I was clinging to that verse, but trusting God for what it would look like.

9. **I equally distrusted those who were willing to rewrite the Bible so that I wouldn't be hurt, and those who applied it rigidly and legalistically, without compassion.**

It was a very long time before I asked my leadership team if I could seek divorce. They never pushed me about it one way or another, but gave me space to ask when and if I was ready. I watched, and listened to everything they said, and every sermon they preached. I'd seen the way that they took care to show compassion while still preaching the truth. I didn't ask the question until I was certain that their desire for obedience to God was as strong as their compassion for His flock. I needed them to have both qualities in equal measure to feel safe asking. If they had told me I had to remain unmarried, I would have submitted to that, but I needed to know that they would understand what they were actually asking of me, and understood the pain it would cause. I needed to know they would be there if I had to live out that path. When I did ask, they gave me clear, reasoned answers from the Bible; answers that I will not detail here, as to do so would require more detail of my circumstances than is safe to give.

10. **The decision to walk away from my marriage was the most painful one I have ever made.**

I had prayed so hard over the years, and done everything I could do to have the quiet and gentle spirit that 1 Peter 3 talks about. I had wrestled with God over injustices and hurts, begged for change and railed at Him over the circumstances. I was repeatedly brought lovingly to my knees in repentance as He chose to deal with MY heart within the marriage. At the point when it became untenable and I left physically, I had long since learned that in my particular case God was going to deal with MY sinfulness with me, regardless of what my spouse was doing. He was going to make me like Christ, and I would need to trust Him in the journey, because He loved me. He would deal with my spouse in His time, not mine. It was hard, and I struggled with it often. When the crisis point came, I was taken by surprise.

11. **God is incredibly faithful.**

The more I reflect on my journey, the more I see His merciful provision to me, both in practical supports and emotional and spiritual ones. He drew close to me, and when I feared that I would lose absolutely everything I held dear, I learned that He is truly enough, and that His gift of salvation is the one thing that cannot be taken from me. Much in my life looks different than I had hoped, but the deep knowledge of His faithfulness and love is a gift beyond words.

## **Appendix 13: Doctrine Commission on Divorce and Remarriage**

There are various views among Bible-based Christians about divorce and remarriage, ranging through the options listed in paragraph 4.14 below. To aid Sydney Anglicans in their consideration of these matters, we note the 1984 Doctrine Commission report "21/82 The Remarriage of Divorced Persons (1984)".

Specifically we reprint these paragraphs from the "Synthesis and Application of Biblical Evidence" section of the 1984 report, which represented the majority position at the time:

*4.12 In 1 Corinthians 7:11 Paul recognises that the Christian may separate from his or her spouse (though he urges that person to remain single or else be reconciled). However, this separation is distinguished from that described in v. 15 because it is a separation designed to promote reconciliation rather than a separation designed to end the relationship. We must consider the sort of grounds in our situation today which may make such a separation legitimate. These would include:*

- (a) Sexual infidelity.*
- (b) Mental or physical cruelty.*
- (c) Religious persecution.*

*4.13 Although it is true that Paul urges the separated partner to remain single in such a case, we must ask whether this command is to be understood in absolute terms. The purpose of Paul's exhortation is that opportunity for reconciliation be maintained. When this fails, either because the other partner refuses in the long term to take steps leading to reconciliation, or because actions are taken that make reconciliation impossible, the believer is not bound to remain single, according to the principle of 7:15. In such a case the relationship has been abandoned by one who is, or is acting as, an unbeliever.*

*The test for "fault" is not so much past actions as a present unwillingness to be reconciled.*

*4.14 In paragraph 1.3, the Commission listed the possible approaches to the problem of divorce and the remarriage of divorced persons.*

- (a) No divorce.*
- (b) No remarriage after divorce.*
- (c) Remarriage by the innocent party after divorce on the ground of adultery.*
- (d) Remarriage by the innocent party after divorce on the grounds of adultery or desertion.*
- (e) Remarriage after irretrievable breakdown of marriage demonstrated by the fact that reconciliation is impossible, but any party standing in the way of reconciliation ought not to be so married.*
- (f) Remarriage on the grounds of irretrievable breakdown of marriage without fault being considered as relevant.*

*The Commission believes that options (a), (b) and (c) are more strict than Scripture allows, although it appreciates the concerns of those who adopt such views in order to safeguard marriage. The Commission regards the last option, (f), as being more liberal than the Scriptures allow. In our view the concept of fault cannot be abandoned, although emphasis needs to be laid on the reconciliation of the parties.*

*4.15 In considering the relative merits of (d) and (e) in paragraph 4.14 the Commission concluded that (d) is a true interpretation of Scripture, but that it is capable of being understood in too rigid a way. If it is read in terms of (e), the emphasis will fall on reconciliation. In this case the test for fault will be an unwillingness to be reconciled. It remains permissible for a partner to leave an impossible situation, but not permissible to remarry until the situation is resolved with finality from the other side. Options (d) and (e) are not to be seen as alternatives. The latter views the Biblical teaching on divorce and remarriage in the light of the gospel imperative to express and seek reconciliation. This gives some flexibility in the pastoral context, and paves the way for counselling which is not directed by legal motives.*

## **Appendix 14: Doctrine Commission on The Use and Misuse of Scripture with Regard to Domestic Abuse**

Some people use Bible verses as an excuse to abuse their wife, husband, or children. This is always wrong. Others think that the Bible tells them to put up with abuse. This is also wrong. Here are some important Bible verses that are sometimes used in this way. For each verse, there are wrong meanings and correct meanings. There are many more things to say about these verses, but these are the most important points for domestic abuse. These points do not explain the verses fully. To understand them more fully, we must do three things together:

- a) Read the whole chapter or section in which the verse or verses are found.
- b) Understand how the verse or verses fits into the chapter or section.
- c) Think about how the Bible's teaching applies to your situation.



**Please note:** If you think you might be a victim of domestic abuse, we suggest you read this document with a supportive friend or counsellor.

### **Key Words and their Meanings**

#### ***Helper***

#### **Bible verses: Genesis 2:18, 21**


<sup>18</sup> The Lord God said, "It is not good for the man to be alone. I will make a helper who is just right for him." ... <sup>21</sup> So the LORD God caused the man to fall into a deep sleep. While the man was sleeping, the LORD God took out one of the man's ribs. He closed up the opening that was in his side.




| <b>Wrong meaning: The woman is below the man.</b>                                   |  |
|---|--|
|  | A "helper" is a servant. God made the woman to be the servant of the man. The woman is less important than the man.  |
| <b>Correct meaning: The woman and the man are equal.</b>                            |  |
|  | <p>The word "helper" does not mean below or less. This word is mostly used in the Bible to describe God. God is Israel's "helper" when he comes to rescue them (e.g. Deuteronomy 33:26; Psalm 22:19; Psalm 121:1-2). The words "just right for him" mean that the woman and the man are a perfect match. Each one needs the other.</p> <p>In Genesis 2:21 God made the woman out of the man's rib. She was not taken from his head, to be over him, or from his foot, to be under him. She came from his side to be his equal partner.</p> |

#### ***Submit***

#### **Bible verses: Ephesians 5:22-23**



<sup>22</sup> Wives, submit to your own husbands as you submit to the Lord. <sup>23</sup> The husband is the head of the wife, just as Christ is the head of the church. The church is Christ's body. He is its Saviour.

| <b>Wrong meaning (verse 22): The wife must always submit to her husband no matter what.</b> |  |
|---|--|
|          | A wife must not ask questions or think for herself. She must always do what her husband tells her to do, even if he asks her to sin or submit to abuse. If she does not submit to him, then he is allowed to punish her. |

|  |  |
|--|--|
| <b>Correct meaning (verse 22): A wife chooses to submit. Her husband must not force, pressure or punish her.</b> |  |
|                                 | The Bible teaches that a wife should freely choose to submit to her husband. It is a gift she gives. A husband must never force or pressure his wife to submit. He must never punish her if she does not submit. If a wife cannot say no, then her submission cannot be free. Sometimes a wife should not submit. She must be free to say no to sin. She should not submit to abuse. |
| <b>Wrong meaning (verse 23): The husband may do anything he likes.</b>   |  |
|                                 | The husband has all the power, because he is the head. He can do what he wants. He can make all the decisions. He can tell his wife what to do, but she can never tell him what to do. For example, he may demand sex whenever he wants, and she has no right to refuse.   |
| <b>Correct meaning (verse 23): The husband's responsibility is to serve his wife.</b>                            |  |
|                                 | "Christ is the head of the Church." This means that he loved us and sacrificed himself for us. A husband must be the head of his wife in the same way. He must do all he can to love and protect her. He must encourage and care for his wife like his own body (Ephesians 5:28-29). Loving and caring means putting his wife's needs first.   |

#### **Bible verses: 1 Peter 3:1, 5-6**

<sup>1</sup> Wives, submit yourselves to your husbands in the same way. Suppose some of them don't believe God's word. Then let them be won to Christ without words by seeing how their wives behave... <sup>5</sup> This is how the holy women of the past used to make themselves beautiful. They put their hope in God. And they submitted themselves to their own husbands. <sup>6</sup> Sarah was like that. She obeyed Abraham. She called him her master. Do you want to be like her? Then do what is right. And don't give in to fear.

|   |   |
|---|---|
| <b>Wrong meaning: Endure abuse to show your husband what Jesus is like.</b>         |   |
|  | In the same way that Christ endured suffering (1 Peter 2:21-23), and slaves are to endure mistreatment from unjust masters (2:20), a wife should also endure abuse at the hands of her husband. A wife should be like Jesus. If her husband beats her, she should suffer the beating quietly. She should not be afraid. This will show her husband what Jesus is like.  |
| <b>Correct meaning: Respect your husband, even if he is hostile to your faith.</b>  |   |
|  | <p>1 Peter 3 continues the argument of 1 Peter 2. "In the same way" (3:1) means that Peter is continuing his discussion of respect. Out of respect, slaves should submit to their masters (2:18). Out of respect, wives should submit to their husbands (3:1). Out of respect, husbands should be considerate of their wives (3:7).</p> <p>However, it is important to understand the difference between the examples given in 1 Peter 2 and 1 Peter 3. Peter told slaves to suffer beatings patiently, like Jesus did. But he does not tell wives to suffer beatings. Wives are not slaves. Even the laws of the Romans did not permit wives to be beaten. The hardship the wife must endure in 1 Peter 3 is the hardship of being married to an unbelieving husband, not to an abusive husband. The passage does not teach wives to submit to domestic abuse.</p> |

**Sex****Bible verses: 1 Corinthians 7:3-5**

<sup>3</sup> A husband should satisfy his wife's sexual needs. And a wife should satisfy her husband's sexual needs. <sup>4</sup> The wife's body does not belong only to her. It also belongs to her husband. In the same way, the husband's body does not belong only to him. It also belongs to his wife. <sup>5</sup> You shouldn't stop giving yourselves to each other except when you both agree to do so. And that should be only to give yourselves time to pray for a while. Then you should come together again. In that way, Satan will not tempt you when you can't control yourselves.

**Wrong meaning: You must always have sex when your spouse wants to.**

It is always wrong to say no to your spouse. If you say no to your spouse, they will fall into sexual temptation. This will be your fault.

**Correct meaning: Sex is a gift which a husband and a wife freely give to each other.**

Sex is a gift your spouse gives to you. You do not take it from them. It is their free gift. It is a normal part of married life. It helps to avoid temptation. When you are free to give sex, then you should give sex, unless you both agree to stop for some time, so you can pray (verse 5).

But your spouse is not always free to give and receive sex. They may be sick, or in pain, or tired, or sad, or bearing a child, or having sexual problems. The bodies of husbands and wives belong to each other (verse 4). This means you must care for each other's bodies. You should wait until they are ready to give and receive sex. You must not pressure them. A gift that you demand is not a true gift, and a gift you force upon someone is not a true gift. You must be patient and kind with each other.

**Forgive****Bible verse: Matthew 6:15**

But if you do not forgive the sins of other people, your Father will not forgive your sins.

**Wrong meaning: Forget the sin and start again.**

If you forgive someone, then you must forget what they did. Everything can be the same as it was before. The other person does not need to change their behaviour.



**Correct meaning: Forgive others as God has forgiven you.**

This passage does not say everything that the Bible teaches about forgiveness. The basic point of Matthew 6:15 is that we should forgive as we have been forgiven. If we genuinely repent and turn from our sin, then God forgives us. In the same way, when an abuser genuinely repents and tries to change, we also should forgive them. This may be a difficult and long process. Sometimes we will come back together with a person we have forgiven. Sometimes this will not be possible. Separation may be necessary and may even become permanent.

Forgiveness does not mean that we take sin lightly. If an abuser continues to abuse, they must be stopped. You do not need to endure abuse in the name of forgiveness.

**Trust****Bible verse: Deuteronomy 19:15**

Every matter must be proved by the words of two or three witnesses.

|   |   |
|---|---|
| <b>Wrong meaning: Doubt the victim's testimony.</b>                               |   |
|  | When someone says, "I was abused!", you should not believe them. You should only believe them if other people saw the abuse and agree to be witnesses.  |
| <b>Correct meaning: Trust the victim's testimony.</b>                             |   |
|  | Moses gave this law for crimes that other people witnessed. When nobody saw a crime, Moses did not expect witnesses. Deuteronomy 22:25-27 shows that we may believe the word of an abused person when there are no witnesses. |

**Conclusion**

The Bible is the good Word of a good God. Sadly, we can twist and misuse this good gift. So it is very important that the Bible is rightly understood and rightly applied to our lives. When it is wrongly understood and wrongly applied, it can damage people, destroy relationships and dishonour God. Rightly understood, the Bible condemns all forms of domestic abuse.

*Mark D. Thompson*

On behalf of the Diocesan Doctrine Commission

*6 September, 2018*