

# **2018 Session of Synod**

## **Book 1**

(Pages 1 to 102)

Annual Report of the  
Standing Committee and  
Other Reports and Papers

Standing Committee of the Synod  
Anglican Church Diocese of Sydney



## **MISSION 2020**

### **DIOCESE OF SYDNEY**

**Our Vision**            **To see Christ honoured as Lord and Saviour in every community**

**Our Mission**        **We commit ourselves afresh, in prayerful dependence on the Holy Spirit, to glorify God and love our neighbour by proclaiming the Lord Jesus Christ, calling people to repent and living lives worthy of him.**

#### **Our Values**

Our values flow from our identity in Christ. We are created in God's image and redeemed by Christ's blood for the glory of our Heavenly Father.

We therefore value and cherish:

- God's Word, the Bible, as our ultimate authority and guide
- The reading and explanation of the Bible as the basic method of our ministry
- The centrality of the cross of Christ and his resurrection in our proclamation and in our lives
- Lives of holiness and humility that adorn the gospel
- Prayerful dependence on the Holy Spirit for power to speak and hearts to change
- An urgent love for people who, apart from faith in Christ Jesus, face certain condemnation under the righteous judgment of God
- Selfless flexibility and creativity to reach the many different peoples in our communities with the gospel
- Partnerships between and among individuals, churches, Anglican schools, diocesan organisations and faithful members of the Anglican Communion
- Repentant hearts and renewal by God's grace

#### **Our Priorities**

**Priority 1            Reach all the lost in our Diocese with the life-giving gospel of Christ**

Key factors include

- 1.1 Engaging with our local community and creating opportunities for evangelism at the local and diocesan level
- 1.2 Mobilising more people to share Christ's love in word and deed
- 1.3 Strengthening our invitation, welcoming and integration

*Our first goal is to increase our members reporting their willingness to talk intentionally about their faith from 18% (NCLS 2011 statistic) to 22% across the Diocese by 2020.*

*Our second goal is to increase our members reporting that they have invited someone to church in the last 12 months from 40% (NCLS 2011 statistic) to 45% across the Diocese by 2020.*

*Our third goal is to increase newcomers\* in church from 9% (NCLS 2011 statistic) to 12% across the Diocese by 2020.*

*\* Newcomers are members aged 15 or more who were not regularly attending any church five years ago, as defined by the National Church Life Survey (NCLS).*

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## **Priority 2            Deepen spiritual maturity among our members**

Key factors include

- 2.1    Ensuring congregational gatherings are significant places for spiritual growth
- 2.2    Enriching Christian fellowship through small groups
- 2.3    Strengthening personal and family devotions through prayer and Bible reading

*Our first goal is to increase our members reporting 'much growth' in faith from 47% (NCLS 2011 statistic) to 60% across the Diocese by 2020.*

*Our second goal is to increase our members reporting time spent in prayer, Bible reading, meditation, every day/most days from 43% (NCLS 2011) to 50%.*

## **Priority 3            Equip our members to exercise their gifts**

Key factors include

- 3.1    Strengthening leadership skills of clergy, especially rectors
- 3.2    Identifying and unleashing the gifts of church members
- 3.3    Encouraging risk-taking and new initiatives in outreach and discipleship

*Our goal is to increase our members reporting their use of gifts 'to a great extent' from 21% (NCLS 2011 statistic) to 27% across the Diocese by 2020.*

## **Priority 4            Respond to the changing face of our society**

Key factors include

- 4.1    Loving our neighbours in local and cultural communities
- 4.2    Reaching children and youth
- 4.3    Connecting with people over 60 years of age
- 4.4    Planting new churches in rapid growth areas

*Our first goal is to increase our members born in non-English speaking countries from 15% (NCLS 2011 statistic) to 20% across the Diocese by 2020.*

*Our second goal is to increase the retention of our members' children in church from 65% (NCLS 2011 statistic) to 70% across the Diocese by 2020.*

*Our third goal is to plant 15 new churches in greenfield areas by 2020.*

*Our fourth goal is to plant at least two new churches per Mission Area by 2020.*



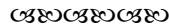
## 2018 Report of the Standing Committee and other Reports and Papers

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## 2018 Report of the Standing Committee

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### 1. Introduction

#### 1.1 Charter

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

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

#### 1.2 Access

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

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

#### 1.3 Meetings and members

Since October 2017 we have met 9 times. The names of the members are listed on the [SDS website](#). During the year, the following changes took place in the membership of the Standing Committee –

- A vacancy arose in the position of a lay person elected by the South Sydney Region upon the resignation of Mrs Gillian Davidson. The Regional Electors of the South Sydney Region elected Ms Yvette McDonald to fill the vacancy.
- Mr Robert Wicks resigned as the Diocesan Secretary, but remained an ex-officio member of the Standing Committee by virtue of his position as the CEO of SDS.
- We appointed Mr Daniel Glynn as the new Diocesan Secretary, and Mr Glynn became an ex-officio member of the Standing Committee as a result.

#### 1.4 Management and structure

Our permanent subcommittees are –

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

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

Other committees are appointed from time to time for special tasks. We thank God for the faithfulness and expertise of the people who serve on our committees.

### **1.5 Resignation of Mr Robert Wicks as Diocesan Secretary**

We received the resignation of Mr Robert Wicks as Diocesan Secretary and Secretary of the Synod.

### **1.6 Appointment of Mr Daniel Glynn as the next Diocesan Secretary and Synod Secretary**

Following the resignation of Mr Wicks, we appointed Mr Daniel Glynn as Diocesan Secretary and, in accordance with 2.8(3) of the *Conduct of the Business of Synod Ordinance 1990*, also appointed Mr Glynn as the Secretary of Synod until the next session of the Synod.

### **1.7 Resignation of Mrs Gillian Davidson**

We noted the resignation of Mrs Gillian Davidson from membership on the Standing Committee, thanked Mrs Davidson for her service to the Standing Committee and prayed for God's blessing on her family, and her continued ministry in this Diocese.

### **1.8 Ms Yvette McDonald**

We welcomed Ms Yvette McDonald to the meeting as a member elected by the Regional Electors of the South Sydney Region, and looked forward to her contribution to our meetings.

### **1.9 Change in Chair of Property Trust**

We noted the resignation of Dr Robert Tong AM as Chair of the Property Trust, having served on the Property Trust since 1979 and as its Chair for the last 15 years. We thanked and applauded Dr Tong for his service on the Property Trust, especially as the Chair, and welcomed his continued service as a member.

We also noted and welcomed the appointment of Mr Richard Neal as Chair of the Property Trust and Mrs Melinda West as Deputy Chair of the Property Trust.

### **1.10 Appointment of Chair of Mission Property Committee**

We noted that Mr Trevor Ratcliff was elected Chair of the Mission Property Committee on 27 November 2017, and congratulated him on his appointment, looking forward to his contribution as Chair of the MPC.

### **1.11 Appointment of Chair of Social Issues Committee**

We noted that Mrs Emma Penzo was elected Chair of the Social Issues Committee on 14 February 2018, and congratulated her on her appointment, looking forward to her contribution as Chair of the SIC.

### **1.12 Appointment of Chair of Sydney Diocesan Secretariat**

We noted that Mr John Pascoe was appointed Chair of the Sydney Diocesan Secretariat on 27 June 2018, and congratulated him on his appointment.

### **1.13 Appointment of Ms Nicola Warwick-Mayo as Executive Director School Services, St Andrew's Cathedral School**

We noted that Ms Nicola Warwick-Mayo commenced as Executive Director School Services, St Andrew's Cathedral School, on 9 July 2018 and congratulated her on her appointment.

### **1.14 Resignation of the Rt Rev Dr Sarah Macneil as Bishop of Grafton**

We noted the resignation of the Rt Rev Dr Sarah Macneil as Bishop of Grafton, and conveyed our prayers and best wishes to Bishop Macneil.

### **1.15 Election of the Rt Rev Dr Peter Stuart as the next Bishop of Newcastle**

We noted that the Synod of the Diocese of Newcastle elected the Rt Rev Dr Peter Stuart as the Bishop of Newcastle, and congratulated Bishop Stuart and assured him of our prayers and good wishes for his new role.

### **1.16 Resignation of the Rt Rev Stuart Robinson as Bishop of Canberra and Goulburn**

We noted the resignation of the Rt Rev Stuart Robinson, Bishop of Canberra and Goulburn, and conveyed our prayers and best wishes to Bishop Robinson.

We subsequently welcomed Bishop Robinson's return to the Diocese of Sydney, and assured him of our prayers as he commenced as rector of Vacluse and Rose Bay.

**1.17 Election of the Rt Rev Dr Matthew Brain as the tenth Bishop of Bendigo**

We noted that the Rt Rev Dr Matt Brain, formerly Assistant Bishop in the Diocese of Canberra and Goulburn, was appointed as the tenth Bishop of Bendigo. We congratulated Bishop Brain on his appointment, and assured him of our prayers and good wishes in his new role.

**1.18 Appointments in the Diocese of Newcastle**

We noted the appointments in the Diocese of Newcastle of the Ven Canon Sonia Roulston and the Ven Canon Charlie Murry as Assistant Bishops in the Diocese of Newcastle. We also noted the appointment of the Ven Arthur Copeman as Archdeacon of Newcastle. We assured them of our prayers as they undertook their new responsibilities.

**1.19 Resignation of the Rt Rev Rob Gillion as Bishop of Riverina**

We noted a statement from the Rt Rev Rob Gillion, Bishop of Riverina indicating his decision to resign as Bishop of the Diocese of Riverina, and assured Bishop Gillion of our prayers and best wishes.

**1.20 Archbishop of Perth**

We noted that Archbishop Kay Goldsworthy was installed as the Archbishop of Perth on 10 February 2018, and wished Archbishop Goldsworthy a fruitful ministry in this new role.

**1.21 Election of Canon Murray Harvey as the 12<sup>th</sup> Bishop of Grafton**

We noted that Canon Murray Harvey is to be installed by the Metropolitan as the 12<sup>th</sup> Bishop of Grafton on 29 September 2018, congratulated Canon Harvey on his appointment, and assured him of our prayers as he commences in his new role.

**1.22 Election of the Rev Dr Ian Coutts as the next Bishop of Bunbury**

We noted that the Rev Dr Ian Coutts had been elected as the next Bishop of Bunbury, congratulated Dr Coutts on his appointment, and assured him of our prayers as he commences in his new role.

**2. Actions with the Archbishop****2.1 Strategy and Research Group**

We agreed to amend the name of the 'Strategic Research Group' to 'Strategy and Research Group', and also amended its terms of reference in the manner shown in the following marked form –

- '1. To be an advisory group for the Archbishop and the Standing Committee in their formulation of high level vision and missional goals for consideration and adoption by the Synod.
2. To identify, research, evaluate and develop for Standing Committee's consideration ~~high level vision, the strategies~~ strategy and structures which optimise the capacity of the diocesan network to achieve the vision and missional goals adopted by the Synod.
3. To oversee the objective measurement of and reporting to the Standing Committee on progress toward achieving those missional goals.'

A further report about the SRG is printed separately.

**2.2 Parramatta '54 Free Fund**

The income of this fund is to be distributed among the objects of the Diocese of Sydney as determined by the Archbishop-in-Council. Early in the year, the amount of \$5,551 was paid to the General Synod Office for the attendance and travel equalisation costs for 6 Sydney Bishops attending the March 2017 Australian Bishops' Conference on the Gold Coast. Later in the year, a further \$2,226 was paid from this fund to cover the attendance and travel equalisation costs for the March 2018 Australian Bishops' Conference (which included spouses) held in Canberra. The fund did not have a sufficient amount available to cover the entire cost of the 2018 conference travel and equalisation costs. The Archbishop made up the balance with a distribution of \$5,505 from the Archbishop of Sydney's Discretionary Trust.

**3. Financial and Property Administration****3.1 Accounts, Audits and Annual Reports Ordinance 1995**

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

## 8 Report of Standing Committee & Other Reports & Papers

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

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

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

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

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

These reports are printed separately.

### 3.3 Ordination Training Fund

In 2018 this Fund received a Synod allocation of \$40,000 (2017 \$40,000) which it used to provide a book allowance of \$1,000 to first year candidates studying through Moore Theological College or Youthworks College for ordination in Sydney, and to meet a number of specific costs associated with preparing candidates for ordination. In exceptional cases the Fund may also provide bursaries or financial assistance to some of the candidates.

### 3.4 Ordinances

The following table shows the number of ordinances passed and assented to in 2012 to 2017 and in 2018 up to 27 August 2018 –

	2012	2013	2014	2015	2016	2017	2018
Standing Committee	53	60	42	46	53	40	22
Synod	3	6	7	6	4	11	0
	56	66	49	52	57	51	22

A separate report lists the ordinances passed by us since the 2017 session of the Synod. There are 9 ordinances of particular interest.

The *Sydney Diocesan Sickness and Accident Fund Ordinance 1969 Amendment Ordinance 2017* amended the Sydney Diocesan Sickness and Accident Fund Ordinance 1969 to disallow claims on the Sydney Diocesan Sickness and Accident Fund for any period of time where a person or parochial unit would also receive a benefit payment under the Stipend Continuance Insurance Policy.

The *Moore Theological College (But-Har-Gra) Variation of Trusts Ordinance 2017* varied the trusts of the property at Croydon known as "But-Har-Gra" (the Property) and a client fund (the Fund) held by the Anglican Church Property Trust Diocese of Sydney. The Property had, prior to this ordinance, been held on trust by the Moore Theological College Council solely for such charitable purposes for and in connection with the Diocese as determined from time to time by the Archbishop and the Standing Committee, and has been under the management and control of Moore College since 1956. The Fund had been held by the Property Trust as an endowment for 'the upkeep of But-Har-Gra and its activities'.

This ordinance varied the trusts of the Property so that it would be held on trust for the purposes of the Council of the College. In consideration that part of the Property may otherwise have been used for a residence of the Bishop of South Sydney, this ordinance also varied the trusts of the Fund to be held for the purposes of the Endowment of the See Expenditure Fund for use towards the costs of a residence for the Bishop of South Sydney.

The *Sydney Diocesan Superannuation Fund Ordinance 1961 Amendment Ordinance 2017* amended the Sydney Diocesan Superannuation Fund Ordinance 1961. The amendment provided a suite of changes, most notably –

- Renaming the body as the Anglican National Superannuation Board, and the principal ordinance as the *Anglican National Superannuation Board Ordinance 2017*, reflecting the name of the Fund.
- Providing the following purpose for the Board – "to advance the purposes of the Anglican Church of Australia in the Diocese of Sydney by overseeing the management, administration and control of the Fund."

- Amending the membership of the Board to comprise up to 10 persons, 5 who are notionally representatives of Participating Organisations and 5 who are notionally representatives of Fund Members, as well as other changes to comply with the Diocesan Policy on Corporate Governance.
- Establishing Plan Principles, which note the primary purpose of the Fund as being the primary provision of superannuation and other benefits (in accordance with superannuation law) for qualified members, and requires the investment of the Fund consistently with diocesan ethical investment principles.
- Providing the Board with powers to arrange insurance to indemnify the Directors.

See item 4.5.

The *Anglican Church Diocese of Sydney Christian Education Building Fund Ordinance 2018* repealed the *Anglican Church Diocese of Sydney Christian Education Building Fund Ordinance 2009* and empowered the trustee of the Anglican Church Diocese of Sydney Christian Education Building Fund to make rules for the operation of the fund. This ordinance was passed in conjunction with NCNC Funds Limited becoming the trustee of the fund. See item 3.24.

The *Anglican Schools Ministry Ordinance 2016 Amendment Ordinance 2018* amended the *Anglican Schools Ministry Ordinance 2016* to achieve consistency with the terminology employed by the Archbishop and the Registry. The current practice is for the Archbishop to grant a "licence" to a clergy person who is proposed to be an Assistant Chaplain or Chaplain, and for the Archbishop to grant a lay person who is proposed to be an Assistant Chaplain or Chaplain an "authority". The amended form of ordinance reflects this form of language.

The *St Andrew's House Trust Ordinance 2015 Amendment and Variation of Trusts Ordinance 2018* amended the *St Andrew's House Trust Ordinance 2015* and varied the trusts of the income of the property which relates to the one undivided half of the Property held for the purposes of the Endowment of the See Capital Fund so that –

- (a) distributions of income from the St Andrew's House Trust ("SAHT") are paid directly to the EOS Expenditure Fund rather than be paid to the EOS Capital Fund and then subsequently distributed to the EOS Expenditure Fund in accordance with a determination by the Property Trust, and
- (b) the distributions of the EOS interest in SAHT are treated consistently with the changes made by the St Andrew's House Trust (Variation of Trusts) Ordinance 2017, and
- (c) the responsibilities of the Property Trust are streamlined.

The *St Andrew's House Ordinance 1975 Amendment Ordinance 2018* changed the composition of the members of St Andrew's House Corporation (SAHC) to reflect the fact that the Glebe Administration Board no longer has an interest in this property, and ensured the St Andrew's House Ordinance 1975 complies as appropriate with the Governance Policy for Diocesan Organisations. Previously, the membership of SAHC consisted of 4 persons appointed by resolution of the Standing Committee, on the recommendation of the Archbishop, known as the "See Nominees", and 4 persons appointed by the Glebe Administration Board, known as the "Board Nominees". The revised membership comprises 11 members in total, 9 of whom are elected by the Synod and 2 appointed by SAHC. Of the 11 members, at least 2 must be ordained clergy, licensed in the Diocese of Sydney.

The *Barker College Ordinance 1978 Amendment Ordinance 2018* amended *The Barker College Ordinance 1978*, by reducing the required minimum number of clergy from 4 to 2 and reducing the term of members from four years to three.

The *Moore Theological College Ordinance 2009 Amendment Ordinance 2018* amended the *Moore Theological College Ordinance 2009* in several ways, the key amendments are summarised as follows –

- The Executive Committee is defined in the new form of ordinance (for the past two decades, it existed only by resolution of the Governing Board).
- Previously, one member of the Governing Board was appointed by the Board of Anglican Deaconess Ministries Limited. Under the revised form of ordinance, that member is 'the Archdeacon for Women's Ministry or her nominee'. Among other reasons for this change, the board position in question has not been filled for some years and it was noted that the Archdeacon for Women's Ministry is responsible for female Sydney candidates.
- Where appropriate, gender neutral language has been employed.

The *Sydney Anglican (National Redress Scheme) Corporation Ordinance 2018* constituted the Sydney Anglican (National Redress Scheme) Corporation in order to act on behalf of the Diocese in respect to the provision of redress under the National Redress Scheme. See item 3.25.

### 3.5 Parochial cost recoveries – arrears

The following table compares the arrears of cost recovery charges as at 30 June 2018 and 2017 –

	2018	2017
Greenacre	4,719	-
Guildford with Villawood	-	6,505
Longueville	-	4,720
Norfolk Island	-	1,498
Picton		2,946
Richmond	5,875	2,985
	<u>\$10,594</u>	<u>\$18,654</u>

### 3.6 Annual financial statements from parishes

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

As at 30 April 2018, 103 parochial units (38%) had not lodged a set of prescribed financial statements (compared with 84 at the same time in 2017). By 30 June 2018 this had improved so that only 20 parochial units had not lodged their financial statements, although some others had only lodged incomplete or unsigned financial statements.

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

We instructed the Sydney Diocesan Secretariat to calculate the net operating receipts for any parish that had not lodged its 2017 audited financial statements by 31 August 2018, based on the figure for the previous year + 20% (in accordance with clause 15 of the *Cost Recoveries Framework Ordinance 2008*). We also asked the Diocesan Secretary to write to all parishes that had not submitted their 2017 audited financial statements, to ask them to do so promptly and provide reasons why the parish did not comply with the requirements of the *Parish Administration Ordinance 2008*.

We also noted the parishes that had not provided any information advising the names of those elected or appointed at the 2018 Annual General Meeting, and asked the Diocesan Secretary to write to each of these parishes to ask them to do so promptly and to provide reasons why the parish did not comply with the requirements of the *Parish Administration Ordinance 2008*.

### 3.7 Local revenues test for parish status

As at 31 May 2018, the parishes of Balmain, Coogee, Greystanes-Merrylands West, Mt Druitt, Mulgoa and Watsons Bay had local revenue below the requisite amount in 2017. In the case of Watson's Bay, this was the third consecutive year of revenue below the threshold and accordingly this parish will revert to provisional status on 31 December 2018 unless the South Sydney Regional Council exercises its discretion under clause 8(1A) of the *Parishes Ordinance 1979*. The other parishes have been advised of the importance of ensuring their 2018 and future revenues meet the relevant threshold figures in order to retain their parish status.

### 3.8 Stipends, allowances and benefits for 2019

A report on stipends, allowances and benefits for 2019 is printed separately.

### 3.9 Large Property Sale Receipts Policy

Following the Synod's support in principle in 2017 for a Property Receipts Levy, we adopted a new Large Property Sale Receipts Policy. The new policy is listed at item 2.3 in the Policies of the Standing Committee on the SDS website. See item 7.12.

### 3.10 Work Outside the Diocese

In the 6 months to 30 June 2018, the Work Outside the Diocese Committee had applied \$242,076 from a total Synod allocation in 2018 of \$223,000. It is expected that further amounts will be applied during the 6 months to 31 December 2018 from the 2018 allocation, and the opening reserves of \$98,323.

We instructed the Diocesan Resources Committee to include in the draft *Synod Appropriations and Allocations Ordinance 2018* (covering 2019-2021) an allocation to the Work Outside the Diocese Committee of 5% of the total funds available to Synod. The allocation to work outside the Diocese had been reduced to 4% following the substantial reduction in total funds available to Synod as a result of the Global Financial Crisis. We felt that this year was the appropriate year to give effect to Synod resolution 40/09 and

return the allocation of funds to Gospel work outside the Diocese to its previous level of 5% of total Synod funds.

### 3.11 Recommended distribution from the Diocesan Endowment for 2019

We noted the advice of the Glebe Administration Board that, for the purposes of clause 5(1) of the *Diocesan Endowment Ordinance* 1984, \$2.804 million could prudently be distributed from the Diocesan Endowment for spending by the Synod in 2019 being the first year in the next funding triennium (2018: \$4.69 million).

In 2017 the Synod's 50% interest in St Andrew's House was transferred from the Glebe Administration Board to a new entity controlled directly by the Synod. So, although the distribution proposed from the Diocesan Endowment is \$1.89 million lower than the 2018 figure, this shortfall is more than made up by the proposed distribution from the new St Andrew's House Fund 134.

### 3.12 Distribution from St Andrew's House Fund 134

We noted the advice of the Finance Committee that the amount of the distribution from the newly created Synod – St Andrew's House Fund 134 in 2018 available for appropriation by Synod in 2019 is expected to be \$2.460 million.

### 3.13 Synod Appropriations and Allocations for 2019-2021

Under clause 3 of the *Synod Estimates Ordinance* 1998 we are required to prepare for the 2<sup>nd</sup> ordinary session of the 51<sup>st</sup> Synod a Bill for an ordinance which contains estimates for 2019, 2020 and 2021 of –

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

A Bill for the *Synod Appropriations and Allocations Ordinance* 2018 and explanatory report is printed separately.

### 3.14 Parochial cost recoveries for 2019-2021

Under clause 5 of the *Cost Recoveries Framework Ordinance* 2008, we are required to prepare for the 2<sup>nd</sup> ordinary session of the 51<sup>st</sup> Synod an ordinance which specifies the cost recoveries charge in respect of ministry costs and parochial network costs to be paid by each parochial unit in 2019, 2020 and 2021.

A Bill for the *Parochial Cost Recoveries and Church Land Acquisitions Levy Ordinance* 2018 and an explanatory report is printed separately.

### 3.15 Future of St Andrew's House

We invited the members of the St Andrew's House Corporation to make a presentation concerning the strategic direction and future of St Andrew's House. We agreed in principle that St Andrew's House should remain as an integral part of an Anglican "precinct".

### 3.16 Mission Property Committee Strategic Update

We revised our policy regarding development of ministry centres in new greenfield residential areas (for the purposes of clause 9(3) of the *Mission Property Ordinance* 2002). The new policy is listed at item 4.3 in the [Policies of the Standing Committee](#) on the SDS website.

### 3.17 Mission Property Committee

We supported the agreement of the MPC and Wilton–Picton parish to fund provision of a relocatable building.

### 3.18 Parish of Toongabbie – Proposed Seniors Living Development

We supported in-principle Toongabbie Parish proceeding with a competitive tender process for a development partner to construct a 48 Independent Living Unit seniors living village on the church site. This is the first stage in a multistage process, and we expect the matter to be reported back to us for a final approval in due course.

### 3.19 Clergy Contact Persons

In May 2017 we agreed to a twelve month trial of the Clergy Contact Persons (CCP) program. The CCP offers confidential face to face assistance to clergy and their spouses struggling with the pressures of parish ministry in developing and implementing a plan to address those difficulties. (The CCP is not to be confused with the Clergy Assistance Program, which provides counselling and other mental health care assistance.)

Early in the year we agreed that if the trial of the CCP is deemed successful and remains in operation, to create a 'spouses' contact person program. At the end of the review period, and following a review of the rate of takeup as well as feedback provided, we agreed that unless there is a marked increase in the number of new cases, to close the CCP at the end of 2018.

### **3.20 Review of ACPT management fee**

Currently, the Anglican Church Property Trust (ACPT) recovers most of the cost of the services it provides to parishes (and some diocesan organisations) through a management fee of 1.1% pa of the balance of invested funds under management (in accordance with a resolution of the Standing Committee made 12 December 2005). This form of management fee is administratively efficient to collect, but lacks equity in that it is only paid by entities with invested funds (approximately 1/3<sup>rd</sup> of parishes) – while the ACPT is providing services to all parishes (and a number of diocesan organisations).

We approved the ACPT charging the following fees from 1 January 2019 –

- (a) 0.5% pa of the market value of all invested funds (other than estate bequests), payable quarterly,
- (b) a new line item for ACPT management fee of approximately \$600,000 (subject to a detailed review of all existing client funds, indexed for inflation) in the list of parochial network costs recovered as part of the variable PCR charge (excluding recognised and provisionally recognised churches without property),
- (c) 1.1% of the market value of any estate bequest received, plus 1.1% pa of the market value of any estate bequest funds that continue to be administered by the ACPT beyond 12 months, and
- (d) direct time/cost recovery for work in project management, the administration of large construction contracts and dispute resolution, invoiced separately to the client.

With regard to paragraph (d), in making this decision we noted the view of the ACPT Board that –

- 'while the proposal for direct time/cost recovery from parishes is sensible in theory, given the historical experience it can be difficult to implement in practice,
- ACPT will not wish this to become a contentious issue between parishes and ACPT, and
- this means that a fee for direct time/cost recovery is likely to be imposed only for substantial projects and then as a minor part of the overall project fee structure.'

### **3.21 Costs associated with attendance of, and preparation for, General Synod**

Synod Fund 130 (the Fund) was established to provide for the accommodation and related costs of representatives from the Diocese attending sessions of the General Synod. The Fund is also used to pay for the support provided by SDS to Sydney representatives during General Synod, and to the General Synod Relations Committee in between sessions of General Synod.

In the 2016-2018 funding triennium, \$20,000 was added to the Fund each year from Synod grants. However, expenses associated with representatives of the Diocese attending sessions of the General Synod typically average out to approximately \$38,000 pa. Accordingly, we allocated a further \$20,000 from Synod Fund Contingencies to Synod Fund 130 to make up an expected shortfall in funding in 2018, and recommended to the Diocesan Resources Committee that an amount of \$40,000 pa be allocated to the Fund from 2019.

### **3.22 Synod's interest in St Andrew's House Trust – Fund 134**

We confirmed SDS's fee in 2018 of \$184,000 for the establishment and administration of Fund 134, provided SDS takes steps to move to its usual cost recovery basis for its fees in relation to Fund 134 by 2020. The amount for 2018 includes a restructure component due to the impact of the restructure of the Diocesan Endowment.

### **3.23 Anglican Media Digital Strategy**

We allocated \$230,000 from the Publishing Reserve Fund to enable Anglican Media to design, build and pursue a social media / digital publishing strategy. We expect that Anglican Media will report back to the Standing Committee by November 2019 regarding progress and implementation.

### **3.24 Anglican Church Diocese of Sydney Christian Education Building Fund**

We changed the trustee of the Anglican Church Diocese of Sydney Christian Education Building Fund from the Anglican Church Property Trust Diocese of Sydney to NCNC Funds Limited.

### **3.25 Participation in the National Redress Scheme**

On 1 July 2018 the Commonwealth Government commenced its National Redress Scheme (NRS) in response to the Royal Commission into Institutional Responses to Child Sexual Abuse. The NRS, among other things, provides redress and access to counselling and psychological services to those who

experienced sexual abuse as children in Australian institutions.

The NRS relies upon institutions throughout Australia joining the scheme in order provide a nationally consistent approach to redress. The NRS allows entities to apply to join the scheme in their own right, but also provides the opportunity for related entities (such as Anglican institutions) to join the scheme as 'associates' of a 'participating group'.

We agreed that the Diocese of Sydney should participate in the NRS and that this should be done as an associate of an Anglican participating group being established by the General Synod, subject to any unexpected issues which become known. Accordingly, we constituted the Sydney Anglican (National Redress Scheme) Corporation to act on behalf of the Diocese in respect to the provision of redress under the NRS through membership of the Anglican participating group.

## **4. General Administration**

### **4.1 Elections**

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

From November 2017 to August 2018, 165 such positions were filled (71 for the same period in 2016 – 2017).

### **4.2 Trial of online voting to fill casual vacancy for a member of the Standing Committee elected by the Regional Electors of a region**

In accordance with 3(3A) of the *Standing Committee Ordinance 1897*, we authorised the Diocesan Secretary to trial an online ballot to administer the next contested casual vacancy for a member of the Standing Committee elected by the Regional Electors of a region.

### **4.3 Reports from Regional Councils**

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

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

We undertook a review of the services provided by the SDS during 2017. We confirmed that the services had been provided in a satisfactory manner and commended SDS for the high standard of services provided to the Standing Committee and Synod.

### **4.5 Anglican National Superannuation Board Funding Request**

We authorised payment from Synod Fund contingencies up to \$25,000 in order to acquire adequate Directors' and Officers' insurance coverage for the members of the Board and to obtain legal advice for purposes related to the future of the fund.

### **4.6 Declaration of Stanhope Anglican Church as a Recognised Church**

We noted the declaration made under clause 8 of the *Recognised Churches Ordinance 2000* that Stanhope Anglican Church is a Recognised Church. We joined the Western Sydney Regional Council in extending our prayers and best wishes to the members of the church as they continue their ministry in the fellowship of the Diocese.

### **4.7 Declaration of Church at the Peak as a Provisional Recognised Church**

We noted the declaration made under clause 8 of the *Recognised Churches Ordinance 2000* that Church at the Peak is a Provisional Recognised Church. We joined the Georges River Regional Council in extending our prayers and best wishes to the members of the church as they continue their ministry in the fellowship of the Diocese.

### **4.8 NSW Ecumenical Council**

We declined to make a requested financial contribution to the NSW Ecumenical Council.

### **4.9 Membership of Inter-Church Commission on Religious Education in Schools (NSW)**

We agreed that the Diocese of Sydney should apply to re-join the Inter-Church Commission on Religious Education in Schools (NSW) Inc. (ICCOREIS), and agreed that the representation of the Diocese on ICCOREIS should be recommended jointly by Anglican Youthworks and the Anglican Education Commission.

#### 4.10 Safe Ministry Training

We noted with thanks the successful launch online and use of the Safe Ministry Refresher course and the Safe Ministry Essentials course, both of which are becoming widely known and used both inside and outside of the Diocese of Sydney. We thanked and congratulated all those involved in this welcome development.

#### 4.11 Site for New Residence for the Archbishop

Last year we reported that we varied the trusts on land owned by the Property Trust so that instead of being held for the Parish of Broadway, the land is now held for the purposes of the EOS Capital Fund to enable the site to be used as the location of a new residence for the Archbishop.

We received advice from the Registrar on behalf of the EOS Committee that a Development Application to amend the boundary between Lots was submitted in late 2017 and approval of the DA, subject to acceptable conditions, was received on Friday 20 April 2018. A Design Brief was prepared and sent to a number of firms of architects seeking Expressions of Interest in designing the new structures. In July 2018 Allen Jack + Cottier was appointed as Architect for the project.

#### 4.12 Amalgamation of Anglicare Northern Inland with Anglicare Sydney

We noted a letter dated 12 April 2018 from the CEO of Anglicare, Mr Grant Millard, which advised amalgamation of Anglicare Northern Inland with Anglicare Sydney.

#### 4.13 Registrar's Committee for portraits, plaques and photographs

We constituted a new permanent subcommittee, the *Registrar's Committee for portraits, plaques and photographs*, consisting of the Registrar (Chair), 2 members appointed by the Standing Committee triennially and 2 members appointed by the Chapter of St Andrew's Cathedral triennially, with the following purpose –

- (a) To be responsible to the Standing Committee for the safekeeping and appropriate display of portraits and insignia of Archbishops of Sydney.
- (b) To ensure that portraits are commissioned as required.
- (c) To ensure that memorial plaques are erected in St Andrew's Cathedral to commemorate the life and ministry of Archbishops of Sydney.

#### 4.14 NCLS Community Social Profiles

We noted that National Church Life Survey (NCLS) will be again be producing Community Profiles for parishes, following the 2016 ABS Census, and encouraged the SRG to bring a proposal regarding the dissemination of these profiles to as many parishes as possible with partial subsidy by the Synod.

#### 4.15 Guidelines for Remuneration of Parish Ministry Staff in 2019

We approved guidelines for the remuneration of parish ministry staff in 2019 reflecting a 1.6% increase in recommended minimum stipend.

#### 4.16 AICD governance training for members of diocesan boards and school councils

We agreed to contribute \$5,000 from Synod fund contingencies to fund the participation of persons who might not otherwise have the resources to participate in the 3 day AICD governance training course being run by SDS in November 2018.

### 5. Relations with Government

#### 5.1 Social Issues Committee

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

Mrs Emma Penzo (Chair)	Dr Chase Kuhn
Dr Megan Best	Mr Darren Mitchell
The Rev Dr Andrew Ford	Dean Kanishka Raffel
Mrs Patricia Jackson	The Hon John Ryan AM

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

Since the last Synod, the SIC has met 7 times and has devoted the bulk of its time to the further development of the Gender Identity Report received by Synod in 2017. The Report was circulated in revised form in November 2017 for comments and feedback. The period for comments and feedback ended on 31

April 2018. Since then, the SIC has revised the Terms of Reference of its Gender Identity subcommittee (GISC) and refreshed its membership for the purposes of –

- (a) finalising the Initial Principles of Engagement, and
- (b) the development of Pastoral Guidelines for matters relating to Gender Identity.

The refreshed GISC now comprises of the following –

Bishop Peter Hayward (Chair)	The Rev Barry McGrath
Ms Maryanne Davis	The Rev Dr David Sandifer
Mrs Patricia Jackson	Dr Claire Smith
Dr Chase Kuhn	

The following are advisors to the GISC –

The Rev Joe Wiltshire  
Mrs Lorrae Sampson

Through formal correspondence the Committee has been engaged in advocacy relating to the Voluntary Assisted Dying Bill 2017 (NSW). The SIC also prepared a letter on behalf of the Archbishop to Members of the NSW Legislative Assembly regarding the Public Health Amendment (Safe Access to Reproductive Health Clinics) Bill 2018.

Submissions have been provided to –

- (a) The NSW Parliamentary Working Group on Assisted Dying regarding the Draft Voluntary Assisted Dying Bill NSW 2017,
- (b) The Federal Government's Senate Community Affairs References Committee Inquiry into Science of mitochondrial donation and related matters, and
- (c) The South Australian Law Reform Institute regarding a suitable regulatory framework for surrogacy in South Australia.

The significance of the Gender Identity work and the refreshment of the SIC has delayed the SIC's response to resolutions of the 2016 Synod in respect to reports on 'Diversity and Inclusion' (16/16) and 'Consumerism' (30/16). The Committee now expects this work to be provided to the 2019 Synod.

In its 2017 report to the Synod, the SIC indicated it had taken initial steps to partner on a research project, 'The Experiences of People with Disability in the Sydney Diocese of the Anglican Church'. Ultimately, this project did not proceed.

The SIC acknowledged and expressed deep gratitude to members retiring during the year – Dr Karin Sowada (Chair) who served the committee faithfully over 24 years, including many years as Chair, and the Rev Dr Michael Jensen who served faithfully for 4 years.

## 5.2 Religious Freedom Review

We approved a submission prepared by the Religious Freedom Reference Group on behalf of the Standing Committee for lodgement with the Ruddock Religious Freedom Review Panel.

## 5.3 Review of the Australian Charities and Not-for-Profits Commission legislation

We authorised the submission of a report prepared by the Religious Freedom Reference Group regarding the review of Australian Charities and Not-for-Profits Commission legislation.

# 6. The International, National and Provincial Church

## 6.1 17<sup>th</sup> Session of the General Synod in 2017

The 17<sup>th</sup> session of the General Synod was held at the Novotel Twin Water Resort, Maroochydore, Queensland on 3 – 8 September 2017. Last year we provided a report on the proceedings of the General Synod and promoted a number of Bills to the Sydney Synod to adopt canons made at the General Synod session.

This year, we agreed to promote a further two Bills to the Sydney Synod to adopt or assent to canons made at the General Synod session in 2017. An updated report about the General Synod legislation, as well as two Bills and accompanying explanatory material are printed separately.

## 6.2 18<sup>th</sup> Session of the General Synod in 2020

We noted that the next General Synod will be held from 31 May to 5 June 2020, and that the Primate's Mandate issue date, which determines the number of representatives from each diocese, is anticipated to be 1 October 2019.

### **6.3 GAFCON Primates Communiqué April 2018**

We noted the communiqué of the GAFCON Primates Council following their meeting in Uganda in April 2018. We also noted that the Archbishop attended this meeting.

### **6.4 GAFCON Assembly 2018**

We authorised the printing for the Synod of a suitable form of the Letter to the Churches from the GAFCON Assembly 2018 and asked that a motion be moved at this Synod regarding the letter, and a further motion be moved regarding the contribution to GAFCON of the Most Rev Dr Peter Jensen.

### **6.5 Participation in References to the Appellate Tribunal**

We reported last year that in August 2017, references were made to the Appellate Tribunal concerning our *Affiliated Churches Ordinance 2005*, and the participation of the Archbishop and other Australian bishops in the consecration of a bishop of the Anglican Church of North America (ACNA).

The matter related to the *Affiliated Churches Ordinance 2005* is ongoing. The proceedings on the reference related to the participation of the Archbishop and other Australian bishops in the consecration of a bishop of the ACNA were discontinued as at 7 December 2017.

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

We approved an allocation from the Synod Fund and requested the Property Trust to provide an equal amount, to meet the needs of the Royal Commission Steering Committee as it continues to monitor and advise regarding matters related to the Royal Commission and Redress.

### **6.7 New Zealand General Synod Motion 29**

Following a series of changes to the canons of the Anglican Church in Aotearoa, New Zealand and Polynesia which enabled, among other things, clergy to conduct services blessing same gender relationships, we conveyed to the three Primates of the Anglican Church in Aotearoa, New Zealand and Polynesia that we –

- (a) noted with deep regret that the Anglican Church in Aotearoa, New Zealand and Polynesia has amended its Canons to allow bishops to authorise clergy to bless same-sex unions,
- (b) noted with regret that this step is contrary to the teaching of Christ (Matt 19:1-12) and is contrary to Resolution I.10 of the 1998 Lambeth Conference,
- (c) expressed our support for those Anglicans who have left or will need to leave the Anglican Church in Aotearoa, New Zealand and Polynesia because of its abandonment of biblical teaching, and those who struggle and remain, and
- (d) prayed that the Anglican Church in Aotearoa, New Zealand and Polynesia will return to the doctrine of Christ in this matter and that impaired relationships will be restored.

We subsequently noted the Archbishop's *Proposal for the Anglican Church of Aotearoa, New Zealand and Polynesia* (available on [www.sydneyanglicans.net](http://www.sydneyanglicans.net)), which he delivered during his meeting with Church leaders in New Zealand on 23 August 2018.

### **6.8 Uniting Church in Australia**

We noted with deep regret that on 13 July 2018 the Uniting Church in Australia's National Assembly adopted an additional statement of belief allowing ministers of the Uniting Church to conduct same-sex marriages, and wrote to the President of the Uniting Church in Australia Assembly to –

- (a) advise of our disappointment with the Assembly's decision to adopt the additional statement of belief, and
- (b) ask the National Assembly, when they next meet, to repent of this decision, and remove the additional statement of belief that allows ministers to bless and to marry same-sex couples.

We also respectfully requested that the Archbishop write to the President of the Assembly of Confessing Congregations to inform him of this motion and express our prayerful support.

### **6.9 Matters relating to the Diocese of Bathurst**

We agreed in principle, and subject to several conditions, to promote an ordinance to the Synod which will enable the provision of significant financial support for the Bishop of Bathurst and his Registrar.

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

## 7. Sydney Synod Matters

### 7.1 6/15 Purpose and nature of episcopal leadership

By resolution 6/15, the Synod requested the Sydney Diocesan Doctrine Commission to prepare a report on the purpose and nature of episcopal leadership.

The report of the Doctrine Commission is printed separately.

### 7.2 34/16 Opening, closure, merger or takeover of Schools Corporation schools

By resolution 34/16, among other things, the Synod requested that –

- (a) we review the Anglican Schools Corporation Ordinance, especially regarding the interaction between the Corporation Board, individual school councils and broader stakeholders regarding the opening, closure, merger or takeover of Corporation schools, and
- (b) the Schools Corporation Board review its internal processes and procedures regarding consultation and the sharing of information concerning the opening, closure, merger or takeover of Corporation Schools (or other similarly major decisions) with broader stakeholders, including school councils and local parishes.

We noted revised Guidelines from Anglican Schools Corporation on opening, closure, merger or takeover of Anglican Schools Corporation schools, and urged the Board to conduct real and appropriate consultation with all those Anglican entities directly affected by the opening, closure, merger or takeover of such schools.

### 7.3 3/17 Coordinating the planting of churches

By resolution 3/17, among other things, the Synod requested us to consider –

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

The Committee we constituted to undertake this work has prepared a report along with a proposal to establish an Anglican Church Growth Corporation, having objects intended to address the request of paragraph (a) of the resolution. We have agreed in principle to the proposal, but have not yet resolved a number of matters relating to the proposed corporation.

Given the interrelation of paragraphs (a) and (b) of the resolution, we have agreed that changes requested in paragraph (b) of the resolution were best implemented in tandem with any recommendations regarding paragraph (a).

### 7.4 8/17 Statement of Anglican doctrine of marriage

By resolution 8/17, the Synod requested, among other things, that we appoint a committee of suitably qualified persons to consider as a matter of urgency 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.

The committee that we asked to address the request of resolution 8/17 has not yet completed its work.

### 7.5 14/17 Forum of Synod

By resolution 14/17, the Synod requested us to review the arrangements for the Diocesan Synod and report to the next Synod in relation to –

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

The committee we constituted to address the request of this resolution has not yet completed its work.

### 7.6 16/17 Implementation of the Domestic Abuse Response

At its session in 2017, the Synod noted the report 24/16 *Domestic Violence* (the 'Report') and adopted the *Provisional Sydney Anglican Policy on Responding to Domestic Abuse* (the 'Provisional Policy'), and among other things, asked us –

- (a) to bring to this session of Synod proposed amendments to the Provisional Policy, and
- (b) to consider and, if thought fit, act on the recommendations referred to in the Report.

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

### **7.7 20/17 General Synod – Safe Ministry to Children Canon 2017 Adopting Ordinance 2017**

At its session in 2017, the Synod adopted the *General Synod – Safe Ministry to Children Canon 2017* but delayed its implementation to enable us to promptly engage with the General Synod Standing Committee about changes that would make the standards in the canon more suitable and workable within the Diocese of Sydney.

By resolution 20/17, among other things, the Synod called upon us to –

- (a) prioritise the preparation, drafting and other work which it considers would make the standards set out in the canon 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.

We constituted a taskforce to address the requests in the resolution which has not yet completed its work.

### **7.8 22/17 Appointment of assistant ministers and stipendiary lay workers**

By resolution 22/17, among other things, the Synod requested us to appoint a committee to review and report to this session of Synod on the appropriate terms and conditions for appointment of assistant ministers and stipendiary lay workers to parishes and other church organisations including, inter alia, the following matters –

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

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

### **7.9 23/17 Gender Identity Initial Principles of Engagement**

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

By resolutions 23/17 and 24/17, among other things, the Synod requested us to bring to the Synod session in 2018 a revised form of the Initial Principles of Engagement with a view to the revised form being adopted as a policy of the Synod.

A report about this matter is printed separately.

### **7.10 27/17 Gender representation on Diocesan boards and committees**

By resolution 27/17, the Synod requested us to bring a report to the next session of Synod which outlines the composition of the various Diocesan boards, committees and councils in so far as they reflect the gender participation of those groups. Synod requested the report to include –

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

The Committee we appointed to address the request of the resolution has not yet completed its work.

### 7.11 33/17 Licensing of incumbents interim report

By resolution 33/17, the Synod requested us to undertake work in a number of areas. Each is listed below along with comments regarding our progress.

- (a) Synod asked us to amend the Ministry Training and Development (MT&D) Ordinance Objects to provide an approved accreditation system for clergy Professional Development. We have liaised with the Council of MT&D in order to determine a suitable form of amendment to its objects, but have not yet completed this work.
- (b) Synod asked us to amend the parish Prescribed Financial Statement (PFS) to include an expense line for Professional Development and to ask the Stipends and Allowances Committee to make a recommendation of an appropriate amount per clergy to be included in annual parish budgets for professional development. We approved a form of the Remuneration Guidelines for 2019 which recommends parish councils include an appropriate dollar amount each year for professional development expenses in their annual parish budget, having regard to the ongoing professional development of each member of the ministry staff (item 6-1300).
- (c) Synod asked us to determine how the concept of Voluntary Relinquishment of Incumbency (a mechanism to assist Rectors who are choosing, or being encouraged to leave a parish) could be implemented in this Diocese. A report about this matter is printed separately, along with a proposal for the adoption of a policy of Synod with regard to Voluntary Relinquishment of Incumbency.
- (d) Synod asked us to bring a bill to this session of 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'. A Bill to amend the *Ministry Standards Ordinance 2017* and an explanatory report is printed separately.

### 7.12 34/17 Proposal for a Property Receipts Levy

By resolution 34/17, among other things, the Synod requested us to pass an ordinance to implement a Property Receipts Levy with respect to property income from 2018.

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

### 7.13 43/17 Composition, purpose and role of Synod

By resolution 43/17, the Synod asked us to bring a report to the October 2018 session of Synod on the composition, purpose and role of Synod.

The committee we constituted to address the request of the resolution has not yet completed its work. It is anticipated that a report will be provided to the 2019 session of Synod.

### 7.14 44/17 Proposed review of the Standing Committee Ordinance 1897

By resolution 44/17, the Synod asked us to review the *Standing Committee Ordinance 1897* particularly in respect to the inconsistency between the definition of a "Regional Elector" in clause 1(1) and the definition of a "Qualified Lay Person" in clause 1(2)(b), and any other inconsistencies it may find in the Ordinance.

We asked for a report to be provided to a future meeting with a recommendation which addresses the specific inconsistency referred to in the resolution, and allowed opportunities for Standing Committee members to provide any comments or suggestions with regard to any further inconsistencies. We have not yet received the final report.

### 7.15 Principles for the scheduling of presentations at Synod

We requested that those responsible for the order of business for Synod operate according to the following principles regarding presentations, as far as practical, in order to maximise the amount of time available to directly advance the regular business of Synod via motions, ordinances, and questions, etc. –

- (a) Presentations should be ordinarily scheduled before 4:30pm, but not before the time for petitions, questions and answers, and notices of motion has concluded.
- (b) Presentations should not be considered for scheduling unless the intending presenter has indicated to the Secretary of Synod prior the August meeting of Standing Committee –
  - (i) what the missional importance of the presentation is,
  - (ii) what the proposed time limit is,
  - (iii) what action is desired from Synod members, and
  - (iv) why it is that Synod members need to receive the information this way, and not by some other means (for example, by regular notice of motion, or by SDS website access available to Synod members).

- (c) Presentations should be limited in time (including any prayers or ancillary comments) to no more than ten minutes and preferably to five or less.
- (d) No organisation should ordinarily expect to present to Synod two years in a row.

**7.16 Jesus is \_\_\_\_\_**

We asked that a motion be moved at the Synod regarding the recent “Jesus is \_\_\_\_\_” mission held throughout the Wollongong region.

**7.17 Resolutions made by the Synod in 2017 and not mentioned in this report**

Circulars were sent to parishes and organisations about the matters arising from the 2017 Synod session. Copies of Synod resolutions were sent to appropriate persons and organisations.

**7.18 Ordinances for this session**

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

For and on behalf of the Standing Committee.

DANIEL GLYNN  
*Diocesan Secretary*

30 August 2018

## Synod Funds – Amalgamated

### Annual Financial Report – 31 December 2017

Incorporating –

Fund 127	Work Outside the Diocese Fund
Fund 128	Mission Areas Fund
Fund 129	Synod Appropriation and Allocation Fund
Fund 130	Sydney Representative at General Synod Fund
Fund 131	Sydney Diocesan Synod Fund
Fund 132	Social Issues Committee Fund
Fund 133	Diocesan Research Fund
Fund 153	The Archbishop's Professional Standards Unit
Fund 189	Ordination Training Fund

#### Discussion and Analysis report for the year ended 31 December 2017

The Synod Funds' (the Fund) Discussion and Analysis report provides an overview of the Fund's financial activities for the year ended 31 December 2017. The Discussion and Analysis should be read in conjunction with the unaudited annual report for the same period, and the notes thereto, beginning on page 23.

The Fund is an amalgamation of the individual funds listed below. At 31 December 2017 the Synod Funds comprised of 9 funds (2016: 9 funds):

Fund 127	Work Outside the Diocese Fund
Fund 128	Mission Areas Fund
Fund 129	Synod Appropriation and Allocation Fund
Fund 130	Sydney Representatives at General Synod Fund
Fund 131	Sydney Diocesan Synod Fund
Fund 132	Social Issues Committee Fund
Fund 133	Diocesan Research Fund
Fund 153	The Archbishop's Professional Standards Unit
Fund 189	Ordination Training Fund

New fund, Fund 134 Synod – St Andrew's House (Fund 134) is not included in this amalgamated report. Fund 134 has been established to administer the Synod's interest in one undivided half of St Andrew's House Corporation (the Property). The St Andrew's House Trust Ordinance 2015 has been varied so that the Property be no longer held by the Diocesan Endowment (DE) but be held for the general purposes of the Anglican Church of Australia in the Diocese of Sydney. That transfer was effected on 1 September 2017. Reasons for not including Fund 134 in the amalgamated report include:

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

The main sources of funds during 2017 were distributions from the DE and various parish ordinances. A distribution from the DE of \$4,400,000 (2016: \$4,300,000) was made available to the Fund for spending in 2017. The amount distributed to the Fund by various parish ordinances totalled \$1,703,718 (2016: \$1,024,602). The Professional Standards Unit received \$563,000 (2016: \$350,000) as proceeds of claims from the ACPT Church Insurance Fund 0799. The Fund also received contributions under the Parochial Cost Recoveries (PCR) Ordinance to support the Professional Standards Unit, the Safe Ministry program and the costs associated with membership of the Anglican Church in Australia, the Province of New South Wales and the NSW Council of Churches. Interest is earned on surplus cash held on deposit with the Glebe Administration Board and the Diocesan Cash Investment Fund.

The Fund's total revenues increased by \$1,013,270 or 15% to \$7,748,854 (2016: \$6,735,584). Parish/ACPT distributions were up \$679,116 (66.3%), due to resumption of distributions from St James King Street, now received via ACPT fund 400 with a year's delay, and under the Hunters Hill (Woolwich Land Sale) ordinance. Other income was also up due to an insurance receipt in Synod Fund 0131, and

claim proceeds received from the ACPT Insurance Fund for the Care and Assistance program being higher by \$213,000 or 60.8%.

The application of funds is divided between:

- grants appropriated by the Standing Committee in the Synod Appropriations and Allocations Ordinance 2015,
- grants as appropriated under the delegations of the various committees of the comprising funds, and
- administrative and Care and Assistance Scheme expenses of the Professional Standards Unit.

The Fund's total outgoings rose \$718,789 or 10.99% to \$7,258,734 (2016: \$6,539,585). This increase reflects a greater quantum of payments for professional standards matters through both the Care and Assistance Scheme and Synod Fund 131 than paid in 2016.

The Net Assets of the Fund increased by 31.69% to \$2,036,456 (2016: \$1,546,336) principally due to the parish/ACPT distributions. The assets of the Fund are composed mainly of cash and receivables. Liabilities of the Fund represent accrued expenses and provisions for staff leave entitlements.

Fund 131 will receive \$300,000 during 2018 from the Synod Appropriation Fund 129. As such Fund 131 will achieve the target equity of \$1,000,000, depending whether any settlements are paid.

There are no matters that have arisen since 31 December 2017 which are likely to have a significant effect on the Fund.

This report has been adopted at a duly constituted and convened meeting of the members of the Finance Committee of the Standing Committee of Synod on 12 April 2018.

# **Standing Committee of Synod - Synod Funds**

## **Income Statement for the 12 months ended 31 December 2017**

	Fund 127 Work Outside the Diocese Fund	Fund 128 Mission Areas Fund	Fund 129 Synod Approp. & Allocation Fund	Fund 130 Sydney Reps at General Synod	Fund 131 Sydney Diocesan Synod Fund	Fund 132 Social Issues Committee Fund	Fund 133 Diocesan Research Fund	Fund 153 Archbishop's Professional Standards Unit	Fund 189 Ordination Training Fund	Elimination	Total	Actual 12 Months ending 31 December 2016
	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
<b>Income</b>												
Distributions - Diocesan Endowment	-	-	4,400,000	-	-	-	-	-	-	-	4,400,000	4,300,000
Distributions - Anglican Church Property Trust - Refer to Note 2	-	-	1,324,897	-	-	-	-	-	-	-	1,324,897	1,024,602
Distributions - Hunters Hill (Woolwich Sales Proceeds)	-	-	378,821	-	-	-	-	-	-	-	378,821	-
Interest	1,745	1,988	6,242	616	15,059	361	67	647	708	-	27,433	18,215
PCR Contributions	-	-	-	-	-	-	-	906,510	-	-	906,510	981,581
Synod Grants	221,000	-	-	40,000	300,000	-	42,000	-	40,000	(643,000)	-	-
Other Income	392	-	-	-	100,000	-	-	738,285	1,120	(128,604)	711,193	411,186
<b>Total income</b>	<b>223,137</b>	<b>1,988</b>	<b>6,109,960</b>	<b>40,616</b>	<b>415,059</b>	<b>361</b>	<b>42,067</b>	<b>1,645,442</b>	<b>41,828</b>	<b>(771,604)</b>	<b>7,748,854</b>	<b>6,735,584</b>
<b>Expenses</b>												
Interest	-	-	-	-	-	-	-	171	-	-	171	-
Staff & Related	-	-	-	-	-	-	23,629	627,442	-	-	651,071	508,271
Professional Fees	-	-	119,195	-	7,434	-	520	114,138	2,066	(18,604)	224,749	279,094
SDS Fees	12,360	3,096	831,984	15,456	3,096	-	6,180	38,112	3,096	-	913,380	894,996
Computer & Software	-	-	-	-	-	243	-	55,138	-	-	55,381	2,493
Rent & Occupancy	-	-	-	-	-	-	-	28,352	-	-	28,352	27,988
Printing & Stationery	-	-	-	-	-	7	-	12,751	-	-	12,758	4,375
Entertainment & Travel	-	-	-	67,258	-	-	-	54,823	6,087	-	128,168	15,505
Depreciation	-	-	-	-	-	-	-	3,315	-	-	3,315	2,654
Advertising	-	-	-	-	-	1,000	-	12,574	-	-	13,574	9,480
Office	1,458	-	-	297	-	-	-	10,307	-	-	12,062	6,911

continued...

continued...	Fund 127 Work Outside the Diocese Fund	Fund 128 Mission Areas Fund	Fund 129 Synod Approp. & Allocation Fund	Fund 130 Sydney Reps at General Synod	Fund 131 Sydney Diocesan Synod Fund	Fund 132 Social Issues Committee Fund	Fund 133 Diocesan Research Fund	Fund 153 Archbishop's Professional Standards Unit	Fund 189 Ordination Training Fund	Elimination	Total	Actual 12 Months ending 31 December 2016
	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
Miscellaneous	-	-	14,527	339	-	1,595	-	48,856	229		65,546	36,277
Grants	154,048	13,092	4,691,494	-	400,000	-	-	612,239	32,334	(753,000)	5,150,207	4,751,901
Fund reserves	-	-	-	-	-	-	-	-	-	-	-	-
<b>Total expenses</b>	<b>167,866</b>	<b>16,188</b>	<b>5,657,200</b>	<b>83,350</b>	<b>410,530</b>	<b>2,845</b>	<b>30,329</b>	<b>1,618,218</b>	<b>43,812</b>	<b>(771,604)</b>	<b>7,258,734</b>	<b>6,539,945</b>
<b>Net surplus/(deficit)</b>	<b>55,271</b>	<b>(14,200)</b>	<b>452,760</b>	<b>(42,734)</b>	<b>4,529</b>	<b>(2,484)</b>	<b>11,738</b>	<b>27,224</b>	<b>(1,984)</b>	<b>-</b>	<b>490,120</b>	<b>196,359</b>
<b>Transfer from current year surplus/(deficit)</b>	<b>-</b>	<b>-</b>	<b>155,000</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>27,952</b>	<b>-</b>	<b>-</b>	<b>182,952</b>	<b>(360)</b>
<b>Net available surplus/(deficit) after transfer to reserve</b>	<b>55,271</b>	<b>(14,200)</b>	<b>297,760</b>	<b>(42,734)</b>	<b>4,529</b>	<b>(2,484)</b>	<b>11,738</b>	<b>(728)</b>	<b>(1,984)</b>	<b>-</b>	<b>307,168</b>	<b>195,999</b>

# Standing Committee of Synod - Synod Funds

## Balance Sheet as at 31 December 2017

	Fund 127 Work Outside the Diocese Fund	Fund 128 Mission Areas Fund	Fund 129 Synod Approp. & Allocation Fund	Fund 130 Sydney Reps at General Synod	Fund 131 Sydney Diocesan Synod Fund	Fund 132 Social Issues Committee Fund	Fund 133 Diocesan Research Fund	Fund 153 Archbishop's Professional Standards Unit	Fund 189 Ordination Training Fund	Elimination	Total	Actual 31 December 2016
	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
<b>Asset</b>												
Cash	108,457	158,349	668,803	33,478	933,563	31,813	20,404	125,344	50,119	-	<b>2,130,330</b>	1,659,003
Receivables	491	605	4,853	46	3,828	116	30	3,972	193	-	<b>14,134</b>	815
Fixed Assets	-	-	-	-	-	-	-	5,961	-	-	<b>5,961</b>	4,200
Other	10	-	1,564	-	-	-	-	1,463	140	-	<b>3,177</b>	2,341
<b>Total assets</b>	<b>108,958</b>	<b>158,954</b>	<b>675,220</b>	<b>33,524</b>	<b>937,391</b>	<b>31,929</b>	<b>20,434</b>	<b>136,740</b>	<b>50,452</b>	-	<b>2,153,602</b>	<b>1,666,359</b>
<b>Liabilities</b>												
Payables	10,635	-	14,428	-	-	1,000	-	21,762	3,466	-	<b>51,291</b>	65,891
Provisions	-	-	-	-	-	-	-	65,855	-	-	<b>65,855</b>	54,132
<b>Total liabilities</b>	<b>10,635</b>	<b>-</b>	<b>14,428</b>	<b>-</b>	<b>-</b>	<b>1,000</b>	<b>-</b>	<b>87,617</b>	<b>3,466</b>	<b>-</b>	<b>117,146</b>	<b>120,023</b>
<b>Net assets</b>	<b>98,323</b>	<b>158,954</b>	<b>660,792</b>	<b>33,524</b>	<b>937,391</b>	<b>30,929</b>	<b>20,434</b>	<b>49,123</b>	<b>46,986</b>	<b>-</b>	<b>2,036,456</b>	<b>1,546,336</b>
<b>Equity</b>												
Capital	-	-	-	-	985,000	34,186	-	-	-	-	<b>1,019,186</b>	1,019,186
Reserve	-	-	155,000	-	-	-	-	32,592	-	-	<b>187,592</b>	4,640
Accumulated Funds	43,052	173,154	208,032	76,258	(52,138)	(773)	8,696	17,259	48,970	-	<b>522,510</b>	326,511
Current year	55,271	(14,200)	297,760	(42,734)	4,529	(2,484)	11,738	(728)	(1,984)	-	<b>307,168</b>	195,999
<b>Total Equity</b>	<b>98,323</b>	<b>158,954</b>	<b>660,792</b>	<b>33,524</b>	<b>937,391</b>	<b>30,929</b>	<b>20,434</b>	<b>49,123</b>	<b>46,986</b>	<b>-</b>	<b>2,036,456</b>	<b>1,546,336</b>

## **Notes to the financial report for the year ended 31 December 2017**

### **1. Summary of significant accounting policies**

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

#### **(a) Basis of preparation**

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

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

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

#### ***Historical cost convention***

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

#### **(b) Revenue recognition**

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

#### ***Grants and donations***

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

#### ***Disposal of plant and equipment***

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

#### ***Distributions***

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

#### ***Interest***

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

#### **(c) Grants and donations expense**

Grants and donations are generally recognised upon payment.

#### **(d) Acquisitions of assets**

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

#### **(e) Cash and cash equivalents**

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

Cash includes an unsecured loan to the Diocesan Cash Investment Fund (DCIF). This loan is at call. DCIF pays interest quarterly.

**(f) Receivables**

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

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

**(g) Fair value estimation**

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

**(h) Plant and equipment**

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

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

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

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

**(i) Payables**

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

**(j) Provisions**

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

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

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

**(k) Reserves**

Appropriate reserves are created to enable PSU to meet projected Domestic Violence Task Force expenditure. A reserve within Synod Appropriation and Allocation Fund has been established in 2017 to part compensate for loss of income under St Matthew's Manly ordinance in 2018.

**(l) Employee benefits**

*Wages, salaries, annual leave and personal leave*

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

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

*Long service leave*

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

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

**(m) Goods and Service Tax (GST)**

The funds are members of the Sydney Diocesan Secretariat GST group.

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

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

**(n) Income tax**

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

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

	2017	2016
	\$	\$
Narellan (Elderslie) Land Sale Ordinance 1980	20,065	21,561
Ryde (Kirkby Gdns. & Archbold) Ordinance 2000	529,877	463,124
Sydney St Phillip (Resumption) Ordinance 19/1983	3,908	4,153
Church Hill Trust (No1 York Street)	247,964	243,854
Manly Leasing and Variation of Trusts Ordinance 2006	257,742	241,866
South Sydney Variation of Trusts Ordinance 50/97	5,682	6,050
Wollongong Parish Leasing and Licensing Property Fund	29,465	28,869
St James Hall	216,992	-
Surry Hills Trust	387	-
Retained net income from ACPT Fund 0400 for year ended 31/12/2015	12,815	15,125
	<b>1,324,897</b>	<b>1,024,602</b>

**3. Current liabilities – Provisions**

	2017	2016
<b>Current</b>	\$	\$
Employee benefits - annual leave	34,109	35,894
Employee benefits - long service leave	12,987	-
	<b>47,096</b>	<b>35,894</b>

**4. Non-current liabilities – Provisions**

	2017	2016
<b>Non-current</b>	\$	\$
Employee benefits - long service leave	18,759	18,238
	<b>2017</b>	<b>2016</b>
<b>Provisions</b>	<b>\$</b>	<b>\$</b>
Provisions - Current	47,096	35,894
Provisions - Non-current	18,759	18,238
Balance 31 December	<b>65,855</b>	<b>54,132</b>

## 5. Equity – Capital

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

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

## 6. Events occurring after the end of the reporting period

The members are not aware of any events occurring after the reporting period that impact on the financial report as at 31 December 2017.

The financial statements were authorised for issue on 12 April 2018 by the Finance Committee of Standing Committee.

## MEMBERS DECLARATION

The members of the Finance Committee of Standing Committee of Synod declare that the financial statements and notes set out on pages 23 to 29:

- (a) comply with the accounting policies summarised in note 1;
- (b) give a fairly presented view of the Fund's financial position as at 31 December 2017 and of its performance for the year ended on that date.

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

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

### Assurance Procedures

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

JAMES FLAVIN  
Member

NICOLA WARWICK-MAYO  
Member

12 April 2018

## Synod Funds Amalgamated

### Report of factual findings to the members of the Finance Committee of the Standing Committee

Agreed upon procedures for the following funds –

Fund 127	Work Outside the Diocese Fund
Fund 128	Mission Areas Fund
Fund 129	Synod Appropriation and Allocation Fund
Fund 130	Sydney Representative at General Synod Fund
Fund 131	Sydney Diocesan Synod Fund
Fund 132	Social Issues Committee Fund
Fund 133	Diocesan Research Fund
Fund 153	The Archbishop's Professional Standards Unit
Fund 189	Ordination Training Fund

We have performed the procedures agreed with you to report factual findings for the purpose of assisting you in assessing, in combination with other information obtained by you, the validity, accuracy and authorisation of the selected transactions for the entities listed in Appendix 1 and Appendix 2 below. The procedures performed are detailed in the terms of the engagement dated 20 November 2017 and described below Appendix 1 and Appendix 2 with respect to the validity, accuracy and authorisation of the selected transactions for the entities listed in Appendix 1 and Appendix 2. *[Appendix 1 and Appendix 2 not reproduced here.]*

**The responsibilities of the members of the Finance Committee of the Standing Committee of the Synod of the Anglican Church Diocese of Sydney for the procedures agreed**

The members of the Finance Committee of the Standing Committee of the Synod of the Anglican Church Diocese of Sydney ("the Finance Committee") are responsible for the adequacy or otherwise of the procedures agreed to be performed by us. You are responsible for determining whether the factual findings provided by us, in combination with any other information obtained, provide a reasonable basis for any conclusions which you wish to draw on the validity, accuracy and authorisation of the selected transactions for the entities listed in Appendix 1 and Appendix 2.

**Assurance Practitioner's Responsibility**

Our responsibility is to report factual findings obtained from conducting the procedures agreed. We conducted the engagement in accordance with Standard on Related Services *ASRS 4400 Agreed-Upon Procedures Engagements to Report Factual Findings*. We have complied with ethical requirements equivalent to those applicable to Other Assurance Engagements, including independence.

Because the agreed-upon procedures do not constitute either a reasonable or limited assurance engagement in accordance with AUASB standards, we do not express any conclusion and provide no assurance on validity, accuracy and authorisation of the selected transactions of the entities listed in Appendix 1 and Appendix 2. Had we performed additional procedures or had we performed an audit or a review of the entities listed in Appendix 1 and Appendix 2 in accordance with AUASB standards, other matters might have come to our attention that would have been reported to you.

**Factual findings**

The procedures were performed solely to assist you in evaluating the validity, accuracy and authorisation of the selected transactions for the entities listed in Appendix 1 and Appendix 2. Please refer to Appendix 1 and Appendix 2 *[not reproduced here]* for the procedures performed and the factual findings obtained.

**Restriction on Distribution and Use of Report**

This report is intended solely for the use of the members of the Finance Committee of the Standing Committee of the Synod of the Anglican Church Diocese of Sydney for the purpose set out above. As the intended user of our report, it is for you and other intended users to assess both the procedures and our factual findings to determine whether they provide, in combination with any other information you have obtained, a reasonable basis for any conclusions which you wish to draw on the validity, accuracy and authorisation of the selected transactions for the entities listed in Appendix 1 and Appendix 2. As required by ASRS 4400, distribution of this report is restricted to those parties that have agreed the procedures to be performed with us and other intended users identified in the terms of the engagement (since others, unaware of the reasons for the procedures, may misinterpret the results). Accordingly, we expressly disclaim and do not accept any responsibility or liability to any party other than the members of the Finance Committee of the Standing Committee of the Synod of the Anglican Church Diocese of Sydney for any consequences of reliance on this report for any purpose.

PricewaterhouseCoopers

FRANCOIS BRUDER  
Principal

Sydney  
5 April 2018

## Parish Funds – Amalgamated

### Annual Financial Report – 31 December 2017

Incorporating –

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

### Discussion and Analysis report for the year ended 31 December 2017

The Parish Funds' Discussion and Analysis provides an overview of the Parish Funds' financial activities for the calendar year ended 31 December 2017. The Discussion and Analysis should be read in conjunction with the unaudited annual report for the same period beginning on page 33.

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

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

At 31 December 2017 the Parish Funds amalgamation is comprised of 5 funds (2016: 5) –

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

The source of funds during 2017 were mainly from Parochial Cost Recoveries Charges on Parochial units as determined in the *Parochial Cost Recoveries and Church Land Acquisitions Levy Ordinance 2015* passed by the Synod of the Diocese of Sydney on 13 October 2015, and signed by the Archbishop of Sydney on 19 October 2015, and as amended by various Amendment Ordinances. Certain Diocesan organisations are also levied Long Service Leave and Stipend Continuance Insurance charges for ordained staff. A distribution is received from ACPT Fund Moorebank Estate for the purposes of the Clergy Removal Fund. Interest is earned on deposits held with the Diocesan Cash Investment Fund (DCIF). Significant monies are also received from the Long Service Leave Fund and Stipend Continuance Insurer in respect to individual claims.

The Parish Funds total revenues increased by \$175,330 or 1.03% to \$17,266,645 (2016 \$17,091,315). This reflects increased recoveries for the annual parish property and liability insurance program, clergy superannuation and Stipend Continuance Insurance.

Claims on insurers via the Stipend Continuance Fund were up \$1,626 or 0.13% to \$1,234,088 (2016: \$1,232,462). At 31 December 2017 there were 11 clergy receiving stipend continuance claims (2016: 11). LSL claims fell \$275,054 or 20.15% to \$1,089,751 (2016: \$1,364,805). Clergy with large LSL balances had been provided an incentive to use their entitlements during 2016 due to a change to the supplementary allowance component of LSL claims.

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

Under the *Parochial Cost Recoveries and Church Land Acquisitions Levy Ordinance 2015* parochial network costs during 2017 were principally comprised of –

- the property and liability insurance program,
- the parish risk management program,
- the parish related work of the Professional Standards Unit,
- the safe ministry training program,
- the Church Land Acquisition levy, and
- the contribution towards the costs of the Diocesan archives.

Funds were also applied to expenses such as Sydney Diocesan Secretariat administration fees. The Parish Fund total outgoings increased by \$450,536 or 2.67%, to \$17,351,810 (2016: \$16,901,274).

The Net Assets of the Parish Funds decreased by 4.2% (2017: \$1,943,559, 2016 \$2,028,727) due to the deficit within Fund 0952 Stipend Continuance Fund. Fund 952 Stipend Continuance Fund produced a 2017 deficit of \$102,956 (2016: Surplus \$153,859) due to an increase in the stipend continuance insurance premium. This fund is expected to return to a surplus or breakeven position as the increased premiums are included in the Parish Cost recoveries income. The assets of the Parish Funds are composed of deposits with DCIF and receivables. Liabilities of the Parish Funds represent accrued expenses and other payables.

The Equity of each Parish Fund represents accumulated surpluses from operations which are retained to provide working capital for the operations of each Fund. The principal component of working capital is in Fund 951. It is required to provide liquidity for the timing differences between payment of ministry costs (principally superannuation which is paid monthly) and receipts of Parish Costs Recoveries (PCR) monies (collected March to December).

Remaining unpaid as at 31 December 2017 was \$17,627 of the Parish Cost Recoveries invoiced to parishes, and \$21,569 of the fourth quarter Long Service Leave charges invoiced to organisations. By mid-January \$12,307 and \$19,478 had been received for PCR and LSL respectively. The amounts that remain outstanding are expected to be received.

The Stipend Continuance insurance premium is paid in advance based on estimates of the number of clergy eligible for cover and stipend rates. After the conclusion of the year the underwriter (AMP) calculates the premium due and an adjustment premium is invoiced. An amount of \$34,667 is accrued as a payable in anticipation of the premium adjustments for 2017.

There are no other matters that have arisen since 31 December 2017 which are likely to have a significant effect on the Funds.

This report has been adopted at a duly constituted and convened meeting of the members of the Finance Committee of the Standing Committee of Synod on 12 April 2018.

# Sydney Diocesan Parish Funds

## Amalgamated income and expenditure statement for the period ending 31 December 2017

	FUND 951 PARISH COSTS RECOVERY	FUND 952 STIPEND CONTIN- UANCE FUND	FUND 953 LONG SERVICE LEAVE	FUND 954 SICKNESS & ACCIDENT	FUND 955 CLERGY REMOVALS FUND	ELIMIN- ATIONS	TOTAL	Dec-16 TOTAL
	\$	\$	\$	\$	\$	\$	\$	\$
<b>INCOME</b>								
Parochial Network Costs recoveries								
PCR Variable Charge Recovery	3,881,957	-	-	-	-	-	3,881,957	3,705,999
PCR Professional Standards Unit Recovery	764,742	-	-	-	-	-	764,742	842,357
PCR Risk Management Recovery	225,623	-	-	-	-	-	225,623	221,353
PCR Safe Ministry Recovery	141,768	-	-	-	-	-	141,768	139,224
PCR Administration Fee	196,678	-	-	-	-	-	196,678	194,314
PCR Archives Recovery	67,888	-	-	-	-	-	67,888	68,109
PCR Relief or Remission Recovery	9,988	-	-	-	-	-	9,988	10,012
PCR Clergy Assistance Program	63,879	65,076	-	-	-	(63,879)	65,076	65,178
Parochial Network Costs recoveries Sub-total	5,352,523	65,076	-	-	-	(63,879)	5,353,720	5,246,546
Clergy Support Cost recoveries								
PCR Superannuation Recovery	5,381,678	-	-	-	-	-	5,381,678	5,291,818
PCR LSL Recovery	752,735	-	751,805	-	-	(751,805)	752,735	739,206
PCR LSL - Admin Fees	44,453	-	44,396	-	-	(44,397)	44,452	39,427
LSL - Organisations	-	-	146,664	-	-	-	146,664	140,511
LSL - Organisations - Admin Fees	-	-	8,661	-	-	-	8,661	7,544
PCR Stipend Continuance Recovery	886,121	886,121	-	-	-	(886,121)	886,121	725,901
PCR Stipend Continuance Admin Fees	43,224	43,224	-	-	-	(43,224)	43,224	38,487
Stipend Continuance Organisations	-	104,485	-	-	-	-	104,485	74,264
Stipend Continuance Orgs - Admin Fees	-	5,155	-	-	-	-	5,155	4,001
PCR S&A Recovery	61,664	-	-	61,664	-	(61,664)	61,664	61,602
Clergy Support Cost recoveries Sub-totals	7,169,875	1,038,985	951,526	61,664	-	(1,787,211)	7,434,839	7,122,761
PCR Church Land Acquisition Levy	2,091,430	-	-	-	-	-	2,091,430	2,024,630
AMP Stipend Continuance receipts	-	1,234,088	-	-	-	-	1,234,088	1,232,462
LSL - Buy-backs	-	-	18,121	-	-	-	18,121	60,347
LSL - Claims - Anglican LSL Fund	-	-	1,089,751	-	-	-	1,089,751	1,364,805
Interest on cash	16,465	607	2,563	3,901	810	-	24,346	17,658
Moorebank Estate - Distribution	-	-	-	-	20,350	-	20,350	20,850
Sundry Income	-	-	-	-	-	-	-	1,256
<b>TOTAL INCOME</b>	<b>14,630,293</b>	<b>2,338,756</b>	<b>2,061,961</b>	<b>65,565</b>	<b>21,160</b>	<b>(1,851,090)</b>	<b>17,266,645</b>	<b>17,091,315</b>
<b>EXPENSES</b>								
Parochial Network Costs								
PCR Insurance	3,893,583	-	-	-	-	-	3,893,583	3,700,000
Professional Standards Unit	764,742	-	-	-	-	-	764,742	842,357
Parish Risk Management Program	225,623	-	-	-	-	-	225,623	221,353
Safe Ministry Training Program	141,768	-	-	-	-	-	141,768	139,224
Accounting & Secretarial Fees	201,876	49,440	49,440	12,360	5,460	-	318,576	309,300
PCR Archives Charges	67,888	-	-	-	-	-	67,888	68,109
PCR Clergy Assistance Program	63,879	45,575	-	-	-	(63,879)	45,575	22,973
Parochial Network Costs Sub-total	5,359,359	95,015	49,440	12,360	5,460	(63,879)	5,457,755	5,303,316

continued...

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continued....	FUND 951 PARISH COSTS RECOVERY	FUND 952 STIPEND CONTIN- UANCE FUND	FUND 953 LONG SERVICE LEAVE	FUND 954 SICKNESS & ACCIDENT	FUND 955 CLERGY REMOVALS FUND	ELIMIN- ATIONS	TOTAL	Dec-16 TOTAL
	\$	\$	\$	\$	\$	\$	\$	\$
Clergy Support Cost contributions								
PCR Superannuation	5,379,811	-	-	-	-	-	5,379,811	5,291,818
PCR LSL	796,202	-	-	-	-	(796,202)	-	-
LSL - Payments to the Anglican LSL Fund	-	-	907,590	-	-	-	907,590	939,903
PCR Stipend Continuance	929,345	-	-	-	-	(929,345)	-	-
Stipend Continuance Insurance Expense	-	1,111,882	-	-	-	-	1,111,882	680,264
PCR S&A	61,664	-	-	-	-	(61,664)	-	-
Clergy Support Cost contributions Sub-total	7,167,022	1,111,882	907,590	-	-	(1,787,211)	7,399,283	6,911,985
Church Land Acquisition Levy	2,091,430	-	-	-	-	-	2,091,430	2,024,630
Claims Paid	-	1,234,088	1,089,781	48,911	12,833	-	2,385,613	2,639,755
Audit Fees	12,597	-	-	-	-	-	12,597	12,144
Bad Debts Expense	-	-	-	-	-	-	-	6,214
Consulting Costs	-	-	-	-	-	-	-	2,630
Operating Costs	341	567	-	-	-	-	908	600
Sundry Expenses	4,224	-	-	-	-	-	4,224	-
<b>TOTAL EXPENSES</b>	<b>14,634,973</b>	<b>2,441,552</b>	<b>2,046,811</b>	<b>61,271</b>	<b>18,293</b>	<b>(1,851,090)</b>	<b>17,351,810</b>	<b>16,901,274</b>
<b>NET SURPLUS/(DEFICIT)</b>	<b>(4,680)</b>	<b>(102,796)</b>	<b>15,150</b>	<b>4,294</b>	<b>2,867</b>	<b>-</b>	<b>(85,165)</b>	<b>190,041</b>

## Amalgamated Balance Sheet as at 31 December 2017

	FUND 951 PARISH COSTS RECOVERY	FUND 952 STIPEND CONTIN- UANCE FUND	FUND 953 LONG SERVICE LEAVE	FUND 954 SICKNESS & ACCIDENT	FUND 955 CLERGY REMOVALS FUND	ELIMIN- ATIONS	TOTAL	Dec-16 TOTAL
	\$	\$	\$	\$	\$	\$	\$	\$
<b>Assets</b>								
Cash	1,148,850	193,746	414,128	365,457	76,461	-	2,198,642	2,318,074
Fund 951 - Receivable	-	-	-	-	-	-	-	-
PCR Receivables - Parishes	17,627	-	-	-	-	-	17,627	-
Less: Provision for Doubtful Debts	-	-	-	-	-	-	-	-
Organisations Receivable	-	-	21,569	-	-	-	21,569	521
Prepayments	-	-	-	-	-	-	-	-
Other receivables	7,133	161	945	1,433	5,365	-	15,037	5,178
<b>TOTAL Assets</b>	<b>1,173,610</b>	<b>193,907</b>	<b>436,642</b>	<b>366,890</b>	<b>81,826</b>	<b>-</b>	<b>2,252,875</b>	<b>2,323,773</b>
<b>Liabilities</b>								
LSL Fund Payable	-	-	223,251	-	-	-	223,251	217,699
S&A Fund Payable	-	-	-	-	-	-	-	-
Stipend Continuance Fund Payable	-	-	-	-	-	-	-	-
Superannuation Clearing Account	6,876	-	-	-	-	-	6,876	-
Other Payables	12,623	66,089	477	-	-	-	79,189	77,347
<b>TOTAL Liabilities</b>	<b>19,499</b>	<b>66,089</b>	<b>223,728</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>309,316</b>	<b>295,046</b>
<b>Net Assets</b>	<b>1,154,111</b>	<b>127,818</b>	<b>212,914</b>	<b>366,890</b>	<b>81,826</b>	<b>-</b>	<b>1,943,559</b>	<b>2,028,727</b>
<b>Equity</b>								
Accumulated Surplus - Prior Year	1,158,791	230,614	197,764	362,596	78,959	-	2,028,724	1,838,686
Net Surplus/(Deficit) - Current Year	(4,680)	(102,796)	15,150	4,294	2,867	-	(85,165)	190,041
<b>TOTAL Equity</b>	<b>1,154,111</b>	<b>127,818</b>	<b>212,914</b>	<b>366,890</b>	<b>81,826</b>	<b>-</b>	<b>1,943,559</b>	<b>2,028,727</b>

## Notes to the financial report for the year ended 31 December 2017

### 1. Summary of significant accounting policies

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

#### (a) Basis of preparation

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

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

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

#### *Historical cost convention*

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

#### (b) Revenue recognition

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

##### *Grants and donations*

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

##### *Distributions*

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

##### *Interest*

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

##### *Recoveries*

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

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

Recognition is on an accruals basis.

#### (c) Grants and donations expense

Grants and donations are generally recognised upon payment.

#### (d) Acquisitions of assets

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

#### (e) Cash and cash equivalents

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

**(f) Receivables**

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

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

**(g) Fair value estimation**

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

**(h) Payables**

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

**(i) Provisions**

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

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

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

**(j) Goods and Service Tax (GST)**

The funds are members of the Sydney Diocesan Secretariat GST group.

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

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

**(k) Income tax**

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

**2. Events occurring after the end of the reporting period**

The members are not aware of any events occurring after the reporting period that impact on the financial report as at 31 December 2017.

The financial statements were authorised for issue on 12 April 2018 by the Finance Committee of Standing Committee of Synod.

## MEMBERS DECLARATION

The members of the Finance Committee of Standing Committee of Synod declare that the financial statements and notes set out on pages 33 to 37 –

- (a) comply with the accounting policies summarised in note 1;
- (b) give a fairly presented view of the Fund's financial position as at 31 December 2017 and of its performance for the year ended on that date.

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

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

### Assurance Procedures

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

JAMES FLAVIN  
Member

NICOLA WARWICK-MAYO  
Member

12 April 2018

## Parish Funds Amalgamated

### Report of factual findings to the members of the Finance Committee of the Standing Committee of the Synod of the Anglican Church Diocese of Sydney

Agreed upon procedures for the following funds –

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

We have performed the procedures agreed with you to report factual findings for the purpose of assisting you in assessing, in combination with other information obtained by you, the validity, accuracy and authorisation of the selected transactions for the entities listed in Appendix 1 and Appendix 2 below. The procedures performed are detailed in the terms of the engagement dated 20 November 2017 and described below Appendix 1 and Appendix 2 with respect to the validity, accuracy and authorisation of the selected transactions for the entities listed in Appendix 1 and Appendix 2. *[Appendix 1 and Appendix 2 not reproduced here.]*

### The responsibilities of the members of the Finance Committee of the Standing Committee of the Synod of the Anglican Church Diocese of Sydney for the procedures agreed

The members of the Finance Committee of the Standing Committee of the Synod of the Anglican Church Diocese of Sydney ("the Finance Committee") are responsible for the adequacy or otherwise of the procedures agreed to be performed by us. You are responsible for determining whether the factual findings provided by us, in combination with any other information obtained, provide a reasonable basis for any conclusions which you wish to draw on the validity, accuracy and authorisation of the selected transactions for the entities listed in Appendix 1 and Appendix 2.

### **Assurance Practitioner's Responsibility**

Our responsibility is to report factual findings obtained from conducting the procedures agreed. We conducted the engagement in accordance with Standard on Related Services *ASRS 4400 Agreed-Upon Procedures Engagements to Report Factual Findings*. We have complied with ethical requirements equivalent to those applicable to Other Assurance Engagements, including independence.

Because the agreed-upon procedures do not constitute either a reasonable or limited assurance engagement in accordance with AUASB standards, we do not express any conclusion and provide no assurance on validity, accuracy and authorisation of the selected transactions of the entities listed in Appendix 1 and Appendix 2. Had we performed additional procedures or had we performed an audit or a review of the entities listed in Appendix 1 and Appendix 2 in accordance with AUASB standards, other matters might have come to our attention that would have been reported to you.

### **Factual findings**

The procedures were performed solely to assist you in evaluating the validity, accuracy and authorisation of the selected transactions for the entities listed in Appendix 1 and Appendix 2. Please refer to Appendix 1 and Appendix 2 [*not reproduced here*] for the procedures performed and the factual findings obtained.

### **Restriction on Distribution and Use of Report**

This report is intended solely for the use of the members of the Finance Committee of the Standing Committee of the Synod of the Anglican Church Diocese of Sydney for the purpose set out above. As the intended user of our report, it is for you and other intended users to assess both the procedures and our factual findings to determine whether they provide, in combination with any other information you have obtained, a reasonable basis for any conclusions which you wish to draw on the validity, accuracy and authorisation of the selected transactions for the entities listed in Appendix 1 and Appendix 2. As required by ASRS 4400, distribution of this report is restricted to those parties that have agreed the procedures to be performed with us and other intended users identified in the terms of the engagement (since others, unaware of the reasons for the procedures, may misinterpret the results). Accordingly, we expressly disclaim and do not accept any responsibility or liability to any party other than the members of the Finance Committee of the Standing Committee of the Synod of the Anglican Church Diocese of Sydney for any consequences of reliance on this report for any purpose.

PricewaterhouseCoopers

FRANCOIS BRUDER  
Principal

Sydney  
5 April 2018

## Synod – St Andrew's House Fund

### Financial Report – 1 September 2017 to 31 December 2017

#### Statement of comprehensive income for the period 1 September 2017 to 31 December 2017

	Notes	2017 \$
Share of net profit of investments	3	1,521,985
<b>Surplus for the year</b>		<b>1,521,985</b>
<b>Other comprehensive income for the year</b>		<b>-</b>
<b>Total comprehensive income for the year</b>		<b>1,521,985</b>
<b>Transfer from current year surplus</b>		
Transfer to future rental costs reserve		(250,000)
Transfer to future non-sinking fund capital works reserve		(346,250)
Transfer to strategic projects reserve		(1,375,000)
<b>Net available (deficit) after transfer to reserves</b>		<b>(449,265)</b>

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

#### Statement of financial position as at 31 December 2017

	Notes	2017 \$
<b>ASSETS</b>		
<b>Non-current assets</b>		
Investment in St Andrew's House Trust	3	81,747,031
<b>Total assets</b>		<b>81,747,031</b>
<b>EQUITY</b>		
Capital	4	78,945,046
Reserves	5	3,251,250
Accumulated surplus		(449,265)
<b>Total equity</b>		<b>81,747,031</b>

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

**Statement of changes in equity for the period 1 September 2017 to 31 December 2017**

	Notes	Capital	Reserves	Accumulated surplus	Total
		\$	\$	\$	\$
Initial transfer of half share of SAHT		78,945,046	1,280,000	-	80,225,046
Surplus for the period held		-	-	1,521,985	1,521,985
<b>Total comprehensive income for the year</b>		-	-	<b>1,521,985</b>	<b>1,521,985</b>
<b>Transactions with beneficiaries:</b>					
Share of SAHT's movement in future rental costs reserve	5	-	250,000	(250,000)	-
Share of SAHT's movement in future non-sinking fund capital works reserve	5	-	346,250	(346,250)	-
Share of SAHT's movement in strategic projects reserve	5	-	1,375,000	(1,375,000)	-
		-	1,971,250	(1,971,250)	-
<b>Balance at 31 December 2017</b>		<b>78,945,046</b>	<b>3,251,250</b>	<b>(449,265)</b>	<b>81,747,031</b>

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

**Statement of cash flow for the period 1 September 2017 to 31 December 2017**

No cash transaction occurred in the period commencing with the initial transfer of the half share of SAHT on 1 September 2017, and ending 31 December 2017.

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

**Notes to the financial report for the year ended 31 December 2017****1. Purpose**

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

The purposes of the Trust are:

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

**2. Summary of significant accounting policies**

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

**(a) Basis of preparation**

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

*Historical cost convention*

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

### *Critical accounting estimates*

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

The material area of the financial statements where assumptions or estimates are used is the valuation of the beneficial interest in the St. Andrew's House Trust (refer note 3).

### **(b) Investment in St Andrew's House Corporation**

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

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

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

#### *(i) Lease income*

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

#### *(ii) Investment property*

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

#### *Valuation basis*

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

An independent valuation of the Tower, the St Andrew's House car park and Town Hall Square Arcade has been undertaken by Mr Richard Lawrie FAPI MRICS (valuer no. 3826) of Jones Lang LaSalle Advisory Services Pty Ltd as at 31 December 2017. For valuation purposes, St Andrew's House is considered to be a single asset and its separate parts not independently realisable. The values provided for the Tower, Car Park and Town Hall Square Arcade are notional assessments of the value of the separate parts of the building.

The capitalisation rates adopted by the valuer are as follows:

	<b>2017</b>
	<b>%</b>
Tower and Car Park	7.000
Town Hall Square Arcade	6.000

The valuation is as follows:

	<b>2017</b>
	<b>\$</b>
Tower and Car Park	123,500,000
Town Hall Square Arcade	42,000,000
	<u>165,500,000</u>

The fair value of the investment properties at 31 December 2017 includes the amortised cost of lease incentives and the impact of straight-lining rental income in accordance with Australian Accounting Standards.

**(iii) Sinking fund**

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

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

**(iv) Reserves**

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

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

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

**(c) Revenue recognition**

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

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

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

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

**(d) Income tax**

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

**(e) Acquisitions of assets**

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

**(f) Impairment of assets**

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

**(g) Cash and cash equivalents**

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

**(h) Receivables**

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

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

#### (i) Payables

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

#### (j) Goods and Service Tax (GST)

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

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

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

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

#### (k) Capital

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

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

	Notes	2017 \$
<b>Beneficial interest in the St Andrew's House Trust</b>		<b>81,747,031</b>
<b>Movements in carrying amounts of investment in associate</b>		
Initial transfer of half share in SAHT's capital and accumulated surplus as at 1 September 2017		78,945,046
Initial transfer of half share in SAHT's reserves as at 1 September 2017		1,280,000
Share of net profit of investments		1,521,985
Carrying amount at 31 December		<b>81,747,031</b>
<b>Comprised of:</b>		
Capital invested		4,714,615
Future rental costs reserve		760,000
Non-sinking fund capital works reserve		1,116,250
Strategic projects reserve		1,375,000
Accumulated surplus		<b>73,781,166</b>
		<b>81,747,031</b>

#### (a) Summarised financial information of associates

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

	Ownership	Synod - St Andrew's House's share of:			
	Interest	Assets	Liabilities	Revenues	Surplus /(Deficit)
	%	\$	\$	\$	\$
<b>2017</b>					
St Andrews House Trust	50	87,986,426	6,239,395	22,158,881	19,674,436

	<b>2017</b>
	<b>\$</b>
Share of capital commitments	<u>11,449</u>

#### 4. Capital

	<b>2017</b>
	<b>\$</b>
Balance 31 December	<u>78,945,046</u>

Capital has been contributed by variations of the trusts declared in the St Andrew's House Trust Ordinance 2015. New trusts were established by St Andrew's House Trust (Variation of Trusts) Ordinance 2017 so that the trust by which one undivided half of the SAHC property was held for the purposes of the Diocesan Endowment Fund were varied and such undivided half of the property is to be held for the general purposes of the Anglican Church of Australia in the Diocese of Sydney. The balance transferred as at 1 September 2017 represents a 50% share of the capital and accumulated surplus of SAHT as at 31 August 2017, while recognising the 31 December 2017 valuation as also applying to the 31 August transfer date. Also transferred at 1 September was a 50% share of the SAHT reserves, refer Note 5.

#### 5. Reserves

	<b>2017</b>
	<b>\$</b>
Share of SAHT's future rental costs reserve	760,000
Share of SAHT's future non-sinking fund capital works reserve	1,116,250
Share of SAHT's strategic projects reserve	<u>1,375,000</u>
	<u>3,251,250</u>

##### Movements:

##### Future rental costs reserve (a)

Initial transfer of half share of SAHT	510,000
Share of increase in SAHT's future rental costs reserve	<u>250,000</u>
Balance at 31 December	<u>760,000</u>

##### Future non-sinking fund capital works reserve (b)

Initial transfer of half share of SAHT	770,000
Share of increase in SAHT's future non-sinking fund capital works reserve	<u>346,250</u>
Balance at 31 December	<u>1,116,250</u>

##### Strategic projects reserve (c)

Share of increase in St Andrew's House Corporation's strategic projects reserve	<u>1,375,000</u>
Balance at 31 December	<u>1,375,000</u>

<b>Total Reserves</b>	<u><u>3,251,250</u></u>
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## **Nature and purpose of reserves**

### **(a) Future rental costs reserve**

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

### **(b) Future non-sinking fund capital works reserve**

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

### **(c) Strategic projects reserve**

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

## **6. Events occurring after the end of the reporting period**

The members are not aware of any events occurring after the reporting period that impact on the financial report as at 31 December 2017.

The financial statements were authorised for issue on 12 April 2018 by the Finance Committee of Standing Committee of Synod.

## **MEMBERS DECLARATION**

The members of the Finance Committee of Standing Committee of Synod declare that the financial statements and notes set out on pages 39 to 45 –

- (a) comply with the accounting policies summarised in note 2;
- (b) give a fairly presented view of the Fund's financial position as at 31 December 2017 and of its performance for the year ended on that date.

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

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

### **Assurance Procedures**

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

JAMES FLAVIN  
Member

NICOLA WARWICK-MAYO  
Member

12 April 2018

## Synod – St Andrew’s House Fund

### Report of factual findings to the members of the Finance Committee of the Standing Committee of the Synod of the Anglican Church Diocese of Sydney

Agreed upon procedures for the following fund –

Fund 134 Synod – St Andrew’s House Fund

We have performed the procedures agreed with you to report factual findings for the purpose of assisting you in assessing, in combination with other information obtained by you, the validity, accuracy and authorisation of the selected transactions for the entities listed in Appendix 1 and Appendix 2 below. The procedures performed are detailed in the terms of the engagement dated 20 November 2017 and described below Appendix 1 and Appendix 2 with respect to the validity, accuracy and authorisation of the selected transactions for the entities listed in Appendix 1 and Appendix 2. *[Appendix 1 and Appendix 2 not reproduced here.]*

#### **The responsibilities of the members of the Finance Committee of the Standing Committee of the Synod of the Anglican Church Diocese of Sydney for the procedures agreed**

The members of the Finance Committee of the Standing Committee of the Synod of the Anglican Church Diocese of Sydney (“the Finance Committee”) are responsible for the adequacy or otherwise of the procedures agreed to be performed by us. You are responsible for determining whether the factual findings provided by us, in combination with any other information obtained, provide a reasonable basis for any conclusions which you wish to draw on the validity, accuracy and authorisation of the selected transactions for the entities listed in Appendix 1 and Appendix 2.

#### **Assurance Practitioner’s Responsibility**

Our responsibility is to report factual findings obtained from conducting the procedures agreed. We conducted the engagement in accordance with Standard on Related Services *ASRS 4400 Agreed-Upon Procedures Engagements to Report Factual Findings*. We have complied with ethical requirements equivalent to those applicable to Other Assurance Engagements, including independence.

Because the agreed-upon procedures do not constitute either a reasonable or limited assurance engagement in accordance with AUASB standards, we do not express any conclusion and provide no assurance on validity, accuracy and authorisation of the selected transactions of the entities listed in Appendix 1 and Appendix 2. Had we performed additional procedures or had we performed an audit or a review of the entities listed in Appendix 1 and Appendix 2 in accordance with AUASB standards, other matters might have come to our attention that would have been reported to you.

#### **Factual findings**

The procedures were performed solely to assist you in evaluating the validity, accuracy and authorisation of the selected transactions for the entities listed in Appendix 1 and Appendix 2. Please refer to Appendix 1 and Appendix 2 *[not reproduced here]* for the procedures performed and the factual findings obtained.

#### **Restriction on Distribution and Use of Report**

This report is intended solely for the use of the members of the Finance Committee of the Standing Committee of the Synod of the Anglican Church Diocese of Sydney for the purpose set out above. As the intended user of our report, it is for you and other intended users to assess both the procedures and our factual findings to determine whether they provide, in combination with any other information you have obtained, a reasonable basis for any conclusions which you wish to draw on the validity, accuracy and authorisation of the selected transactions for the entities listed in Appendix 1 and Appendix 2. As required by ASRS 4400, distribution of this report is restricted to those parties that have agreed the procedures to be performed with us and other intended users identified in the terms of the engagement (since others, unaware of the reasons for the procedures, may misinterpret the results). Accordingly, we expressly disclaim and do not accept any responsibility or liability to any party other than the members of the Finance Committee of the Standing Committee of the Synod of the Anglican Church Diocese of Sydney for any consequences of reliance on this report for any purpose.

PricewaterhouseCoopers

FRANCOIS BRUDER  
Principal

Sydney  
5 April 2018

## Regional Councils' Annual Reports for 2017

(A compilation of the annual reports from the Regional Councils.)

### Key Points

- Under clause 9(2) of the *Regions Ordinance 1995* each Regional Council must present an annual report of its proceedings and the exercise of its general functions for inclusion in the Standing Committee's report to Synod for that year
- These reports are in addition to the annual reports prepared by the Regional Councils and tabled at the Synod under the *Accounts, Audits and Annual Reports Ordinance 1995*

### Background

1. Under clause 9(2) of the *Regions Ordinance 1995*, each Regional Council must present to the Standing Committee an annual report of its proceedings and the exercise of its general functions under clause 6 in sufficient time each year to enable the Standing Committee to include the report in the report for that year of the Standing Committee to Synod.
2. The general functions of the Regional Councils under clause 6 are –
  - (a) to carry out or assist in carrying out any resolutions passed by the Synod or the Standing Committee and referred to it for implementation;
  - (b) to develop ministry strategies in the Region;
  - (c) to assess applications for grants in the Region made or referred to it;
  - (d) to make grants or loans from money (consistent with any trusts on which that money may be held) available to it for distribution or for lending;
  - (e) to accept gifts and grants;
  - (f) to raise and expend money for any purpose connected with ministry in the Region;
  - (g) to employ persons for any purpose connected with ministry within the Region, and to dismiss any person so employed;
  - (h) to manage and control any endowment held for the Region as a whole;
  - (i) to discuss matters affecting the Region and to disseminate information in the Region;
  - (j) to make recommendations to the Archbishop about alterations to regional boundaries; and
  - (k) to exercise such other functions as the Synod or the Standing Committee may from time to time prescribe.
3. The following are the reports from the Regional Councils for 2017 for the purposes of clause 9(2). These reports are in addition to the annual reports prepared by the Regional Councils and tabled at the Synod under the *Accounts, Audits and Annual Reports Ordinance 1995*.

### Georges River Regional Council

4. The Regional Council had three meetings in 2017 plus a day conference and all were held in parishes within the Region. At the meetings, the Rector of the parish was invited to give a Bible study and then report on the activities within the parish. This gave the Council a good indication of the challenges facing the parish and highlighted that different strategies had to be implemented to face some of the challenges of a changing society.
5. Our meetings provided input and feedback on regional strategy and ministry within the region. Though not flushed with funds, the Council continued to think through the most strategic use of those funds and is also considering some asset re-alignment.
6. The Region continued to support the vital and unique ministry of the Rev Margaret Powell amongst women. We are thankful to God for the financial and prayer support given to Margaret Powell from Anglican Deaconess Ministries, parishes in the diocese and individual donors that support this work.

### Northern Regional Council

7. The Council met formally once during the year. Further urgent business was dealt with by circular resolution to which all members participated.
8. Our meetings enabled discussion of a range of matters relating to ministry strategies in the region, including consideration of ways the Council might assist parish ministry in line with the Diocesan Mission.

Following work commenced in 2015 and a survey of parishes undertaken by the Council in 2016, the Council continued to consider the implications of the survey report. In addition, the Council considered the results of the Bilton Report. These results were compared and contrasted to the NRC survey noting that the two exercises addressed different questions. NRC focusing more on enablers and inhibitors of ministry although responses showed some overlap. The Bilton Report often reflected resources shortages which were evident through the NRC report; shortages of resources (people, skills, property and finance) were highlighted.

9. In May, the Council hosted the Northern Region Conference at St Paul's Chatswood. Over 150 people attended, mostly clergy from the region. The conference covered a number of topics including the Diocesan Mission, whole life in ministry, safe ministry, use of NCLS data, and reflecting on what enables and detracts from effective ministry. Presenters included Archbishop Dr Glenn Davies, the Rev Bruce Clark, the Rev Neil Atwood, Sam Sterland (NCLS), the Rev Dr Keith and Sarah Condie (ADM) and Bishop Chris Edwards.

10. In accordance with its authority under relevant ordinances the Council approved the amalgamation of the parishes of Beacon Hill and Frenchs Forest.

### **South Sydney Regional Council**

11. The South Sydney Region comprises the area of the CBD of Sydney and is bordered by the Tasman Sea, Parramatta River, Cooks River and Rookwood Cemetery.

12. The Council met once during the year as well as consultation by email and phone.

13. In 2017, the main activities of the Council either by way of report or action was as follows –

- Review of NCLS and other statistical data and its implication for evangelism, church growth and future strategies for the region
- Safe ministry, ministry training & pastoral care of clergy with some additional funds approved for those in need but not covered by the Clergy Assistance Program
- Continued financial support for the Ministry of the Church of England on Norfolk Island (\$36,000) and Living Water (Indigenous Ministry - \$25,000)
- Consideration of conditions for and approval of the amalgamation of Waverley and Bondi Parishes
- Promotion of evangelism
- Progress on the appointment of clergy to vacant parishes
- Consideration of various property matters, including the sale of St Columba's Homebush West; the sale of Wentworth Memorial Church, the co-located of Living Water Indigenous Fellowship with the Maori Anglican Fellowship (Redfern), St Barnabas Broadway land transfer, Cathedral – Chapter House Renovations, St Nicholas Coogee – Christian Preschool, St Matthew's Botany – new hall.

### **Western Sydney Regional Council**

14. The main committees are the Executive Committee, the Ordinance Review Panel and the Architectural Panel.

15. The Council met on 1 occasion at St Peter's, Seven Hills. The main areas of consideration included Mission 2020, the Clergy Contact Persons program, the new Rectors program, pastoral difficulties in parishes, parish vacancies and new appointments, NCLS data, the Regional Conference and building projects in the region.

### **Wollongong Regional Council**

16. Bishop Peter Hayward and the Regional Council worked closely to further support ministry across the Region. This included –

- financial support for the ministries at Oran Park, Gregory Hills, Leppington and Wilton
- financial support with subsidised rectories at Sussex Inlet and Leppington
- financial support with subsidised demountable at Helensburgh and Denham Court
- meeting with and support of Mission Area leaders
- support for Rectors
- specific regional training for Rectors and Wardens
- 3 day Regional Ministry conference with David Helm as guest speaker
- Preparation for the 2018 *JESUS IS* Mission

- Support of the Gong Men's Day and SWITCH Women's Conference
- ongoing support for ESL English classes
  - ESL classes were delivered in 12 Parishes across the Region
  - Support through provision of office space for the Regional Anglicare ESL Coordinator, Mrs Sue Radkovic
- ongoing support for Indigenous Ministries
  - Pastor Michael Duckett linked with St Peter's Campbelltown in partnership with the SAIPMC.
  - Mr Phil Miles linked with All Saints Nowra in partnership with the SAIPMC.

17. During 2017 funding from the Region's assets was allocated to the specific ministry in the South West growth sector.

Ministry	Purpose	Allocation	Total
Oran Park	Housing Support	\$16,570	
Leppington	Church Plant	\$70,000	
Gregory Hills	Church Plant	\$10,000	
Wilton Junction	Ministry Support	\$40,000	\$136,570

18. The three day Wollongong Regional Ministry Conference continues to be a "high point" in the life of the Region. This enables clergy and lay parish staff to meet together for mutual fellowship and teaching. Various guest speakers and Diocesan organisations join in the conference.

19. The Council received reports from Bishop Hayward and the Assistant to the Bishop at each meeting. For and on behalf of the Standing Committee.

DANIEL GLYNN  
*Diocesan Secretary*

28 August 2018

## An Evangelical Episcopate

### 6/15 Purpose and Nature of Episcopal Leadership

(A Report of the Sydney Diocesan Doctrine Commission.)

#### Reference

1. Synod Resolution 6/15: Purpose and Nature of Episcopal Leadership:

Synod requests the Diocesan Doctrine Commission to prepare a report for the 1<sup>st</sup> Session of the 51<sup>st</sup> Synod on the purpose and nature of episcopal leadership, giving particular attention to the nature of episcopal and archiepiscopal ministry in a diocese such as ours where there are assistant bishops, and provide both a biblical and theological rationale as well as a practical description of the roles, responsibilities and priorities of bishops and archbishops.

#### Introduction

2. It is clear that leadership and pastoral care were exercised by recognised and authorised individuals within Christian congregations in the time of the New Testament, and a pastoral office in its various guises has been a feature of Christian ecclesial life ever since. In the undivided church of the first ten centuries, and in Catholic, Orthodox, Anglican and Lutheran streams in later centuries, the office of 'bishop' or 'overseer' has been particularly significant. From 1836 there has been a bishop (from 1897 styled Archbishop) leading Anglican Christians in Sydney. However, the second decade of the twenty-first century in Australia brings its own unique challenges. The Diocese of Sydney is presently served by an archbishop and five assistant bishops who operate in a context in which the diocesan synod and its standing committee have a role in the government of the Diocese and its churches, and where there are complex yet real relationships with those outside the Diocese including the Province of New South Wales, the Anglican Church of Australia, the Anglican Communion, and entities such as GAFCON and the Global South. The wider context is even more complex given the size of the city of Sydney and its environs, and an overtly post-Christian stance on the part of the city's legislators, judiciary, print and electronic media.

3. The approach of this report is to examine the biblical concept of 'oversight', to reflect upon the Anglican formularies, and in particular the Ordinal, to see how the biblical material was applied to the changed circumstances of the churches at the time of the Reformation, to sketch the development of the episcopal role in Sydney from the time of Bishop Broughton to the present day, and finally to deduce principles that might provide the biblical and theological rationale asked for by the synod reference.

#### Biblical Roots

4. The Greek nouns which we translate as 'bishop' or 'overseer' and the verbs we translate 'oversee' (*episkopos*, *episkopē*, *episkopeō*, *episkeptomai*, etc.) are found not only in the New Testament, but in both the Greek version of the Old Testament in use in Jesus' day (the LXX), and the wider Greek literature of the time.<sup>1</sup> In neither of these latter sources is it a technical term, nor is it specifically religious. For example, it could be used of state officials protecting the interests of Athens in the Attic league, or of builders erecting a public building. It could also be used of the benevolent care and patronage of the gods (Homer, *Iliad*, 22, 254f.).

5. In the LXX the word group's range of meaning includes 'to take interest in', 'to care for', 'to visit', 'to inspect', 'to investigate'. It mostly translates the Hebrew word-group *pqd*, whose range of meaning is similar. Which of these meanings is on view in any given case depends to a great extent on the identity and role of the overseer, whether it be God, a king, an ordinary citizen, etc.

6. The foundational use of the word group in the LXX is in relation to **God**. God is the quintessential 'overseer': the one who cares for his people (Zech 10:3), his land (Deut 11:11–12) and humanity in general (Ps 8:5); who sees and helps those in need (Gen 21:1; 50:24; Ru 1:6); and who, most commonly, visits judgment upon the wicked (Ex 32:34; Jer 10:15; Ps 59:5). God's anointed **king** was to shepherd the people on behalf of Yahweh, Israel's Shepherd. This involved healing the injured, feeding the healthy, bringing back the strays; and it also involved caring for the perishing (*episkepsomai*, see Ezek 34:4; Zech 11:16). Eleazar the **priest** was to exercise oversight of the oil, incense, grain offerings and furnishings of the tabernacle (*episkopē*, Num 4:16). Unit **commanders** designated as overseers of the army gave orders to the troops (*episkopos*, 2 Kings 11:15). The royal secretary gave money to **workmen** with oversight of the temple, who paid it out to the builders (*episkopos*, 2 Kings 12:11).

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<sup>1</sup> Throughout this section of the report the English translation 'overseer' will be used in an effort to avoid importing contemporary associations of the word 'bishop' into the discussion.

7. In these various contexts it might be one person who is the 'overseer' or there might be many 'overseers'. An 'overseer' was responsible to pay careful attention to their sphere of responsibility—whether that be a building, an army, the kingdom, or the whole of creation—in order to ensure that it was ordered properly, and to take appropriate action if it was not. The careful attention involved in oversight was not passive, but involved active investigation and the taking of action to ensure that what had to be done was done.

8. It is against this general backdrop that the New Testament makes use of the language of 'oversight' and 'visitation'. Perhaps unsurprisingly, there is an overarching divine reference which frames the application of the terms to Christians themselves. The New Testament echoes the Old Testament language of God visiting [*epeskepsato*] his people and bringing deliverance (Lk 1:68). James the elder even told the assembly of apostles and elders in Jerusalem that God had visited [*epeskepsato*] the Gentiles 'to take from them a people for his name' (Acts 15:14).

9. The most important development in the New Testament is that Christ is spoken of as 'the Shepherd and Overseer [*episkopon*] of your souls' (1 Pet 2:25). This is the only time the word is used with reference to Christ, yet the association with the idea of shepherd here (again echoing the Old Testament connection of the concepts) enables us to see references to Christ as 'the good shepherd who lays down his life for the sheep' (Jn 10:11) and as 'the chief shepherd' who is coming again (1 Pet 5:4), as relevant to this theme. This overseer and shepherd watches over his flock, guards it against predators, nurtures and cares for it, and directs it for its benefit. The extent of his care and provision is shown by his self-sacrifice for their salvation. As he arrives in Jerusalem at the climactic moment, Luke records that Jesus wept over the city and the judgment that will befall it 'because you did not know the time of your visitation [*ton kairon tē episkopē sou*]' (Lk 19:44). It is highly significant that in this context it is the coming of the Christ to Jerusalem that represents God's visitation.

10. There is a general usage of the terms when applied to human beings. Disciples are expected to visit [*episkeptesthai*] those in distress (Matt 25:36, 43; Jas 1:27). In this sense 'visitation' is a responsibility of the entire congregation. Watching over and providing care and support for the vulnerable among God's people is not limited to a particular group of people. However, in the light of the decision of Paul and Barnabas to 'return and visit [*episkepsōmetha*] the brothers in every city where we proclaimed the word of the Lord' (Acts 15:36), this could also be something more specific, arising not just from their membership of the congregation at Antioch, but from the role they exercised in evangelising and planting churches throughout the eastern Mediterranean.

11. The idea of an office of 'overseer' emerges rather early in the New Testament. What is more, the evidence is compelling that this office is identical to that of the 'elder' (Lightfoot, *Ministry*, 36–37). So the letter of Paul to the Philippians is addressed 'to all the saints in Christ Jesus who are at Philippi, with the overseers [*episkopoi*] and deacons' (Phil 1:1). The plural form is significant, indicating that there were a number of overseers in the Philippian congregation. Titus 1 begins by addressing the appointment of elders (v. 5) but moves to a discussion of the qualities of the overseer. Paul gathers 'the elders [*presbuteros*]' of the church in Ephesus' in Acts 20:17 — again plural — but when they arrive reminds them that they must pay careful attention to themselves and to all the flock 'in which the Holy Spirit has made you overseers [*episkopous*], to shepherd the church of God, which he obtained with his own blood' (Acts 20:28). The elders are overseers and there is no sense of Paul turning his attention from the elders he has gathered to a subset of this group. Paul explicitly connects oversight and pastoral care as he addresses those he has gathered, with the intensity of the care envisaged indicated by reference to the cost at which the church was purchased by God: 'with his own blood'.

12. The Pastoral Epistles and 1 Peter contain the most direct teaching on the office of overseer, indicating not only the qualifications for appointment but in some measure how the office is to be exercised. The lists of qualities in 1 Timothy for overseers and in Titus for elders and overseers are almost identical.

1 Timothy 3:2–7 (overseers)	Titus 1:5–6 (elders)	Titus 1:7–9 (overseers)
above reproach	above reproach	above reproach
husband of one wife	husband of one wife	not arrogant
sober-minded	children are believers	not quick-tempered
self-controlled	children not involved in debauchery	not a drunkard
respectable	children not insubordinate	not violent
hospitable		not greedy for gain
able to teach		hospitable

1 Timothy 3:2–7 (overseers)	Titus 1:5–6 (elders)	Titus 1:7–9 (overseers)
not a drunkard		a lover of good
not violent		self-controlled
gentle		upright
not quarrelsome		holy
not a lover of money		disciplined
manage own household well with dignity		holding firmly to the trustworthy word
keeping his children submissive		able to give instruction in sound doctrine
not a recent convert		able to rebuke those who contradict it
well thought-of by outsiders		

In Titus, the transition from the brief list of qualities for ‘elders’ to that which at first glance seems to be headed ‘overseers’ involves both the conjunction ‘for’ [*gar*] in verse 7 and a move from plural to singular. The initial use of the plural ‘elders’ [*presbuteros*] is explained by reference to there being ‘elders in each city’ [*kata polin*]. The ‘for’ introduces a reason or basis for what has just been said. I. H. Marshall explains.

The writer begins by affirming the need for elders to be blameless, and he then details the two areas of marriage and family life in which this must be true. Then he proceeds to explain *why* it is necessary. In his capacity as an overseer the candidate must be blameless inasmuch as he is acting on behalf of God in his household ... In fact, the logic of the connection demands the identity of the two offices. (*The Pastoral Epistles*, 149, 160)

What is abundantly clear is that a particular stress is placed on being beyond reproach (and by extension being well thought of by outsiders), on faithful domestic behaviour (husband of one wife, children who commend his leadership in the home), and on an ability to teach (both positively in terms of instruction in the truth and negatively in terms of recognising and rebuking error). There are also common warnings about drunkenness, violence, greed and quarrelsomeness. There is an exemplary dimension to oversight: providing an example which encourages the faithful discipleship of others. Almost all the qualifications listed are qualities of character, though managing their own household well and an ability to teach in accordance with ‘the trustworthy word as taught’ are skills or abilities.

13. What are we to make of the fact that Titus is charged to appoint [*katastēsē*] elders in each city (Tit 1:5)? At first glance this does look like a responsibility of oversight exercised beyond the congregation in which he, Titus, was an elder. However, the context indicates that the task given to Titus is to be done on behalf of Paul. That is, Titus is completing something that Paul had begun but had not finished when he had to leave Crete. Titus, then, is acting at Paul’s direction; Paul does not appoint him to an office of supra-congregational oversight (cf. Acts 14:23).

14. Peter highlights the example of Christ for the exercise of leadership among God’s people (1 Pet 5:1–4). In addressing elders, Peter connects the images of shepherding and oversight in a particular way. ‘Shepherding [*poimane*] the flock of God’ and ‘exercising oversight’ [*episkopountē*] are not two distinct activities but rather exercising oversight fills out what it means to shepherd. Of particular importance for Peter is the way this oversight is exercised: ‘not under compulsion, but willingly, as God would have you; not for shameful gain, but eagerly; not domineering over those in your charge, but being examples to the flock’ (vv. 2–3). The example of Christ, who gave himself willingly, did not seek his own advantage, and provided a model of service in contrast to the coercive leadership experienced in the world, is meant to shape the exercise of oversight among God’s flock. This is because it is Christ himself who is ‘the Chief Shepherd’ [*archipoimenos*] (v. 4).

15. Seven summary observations arise from the biblical teaching about ‘oversight’ among the people of God.

- a. The apostles and prophets are never called ‘overseers’ in the New Testament, though Peter does self-identify as a ‘fellow elder’ when exhorting the elders to whom he writes (1 Pet 5:1). The supra-congregational, itinerant ministry of the apostles and prophets is not automatically transferable to those appointed as ‘overseers’. An overseer, like any other elder, is an overseer *in a congregation*.

- b. There appears to be no biblical warrant for a distinction between a ministry of 'oversight' and a ministry of 'eldership'. This is seen particularly in Acts, in the qualification lists in the Pastoral Epistles, and in 1 Peter, where these appear to be different words for the same office, reflecting a fairly fluid situation in the early church.
- c. It would seem that in many places there was a plurality of overseers or elders within a given Christian congregation. This was most certainly the case in Philippi (Phil 1:1) and in Ephesus where Paul could speak of the 'council of elders' (1 Tim 4:14).
- d. We ought not to overlook the fact that Paul spoke to the Ephesian elders of how 'the Holy Spirit has made you overseers' (Acts 20:28). Like all the other gifts given by the ascended Christ (Eph 4:11), the ministry of oversight is recognised as a gift of the Spirit to the churches.
- e. In both the description of the work of the elders/overseers in Ephesus in Acts 20, and in the qualification lists in Timothy and Titus, the ministry of the word of God is prominent. The overseer is to be 'able to teach', to 'hold firm to the trustworthy word', to 'give instruction in sound doctrine', and to 'rebuke those who contradict it'.
- f. The qualification lists in the Pastoral Epistles all emphasise godly character. Elders/overseers are to be 'above reproach'. In their personal and public life they are to model godliness in a way which provides an example to other Christians and commends them to outsiders.
- g. The association of 'overseer' and 'shepherd' in 1 Peter 5 points to the importance of imitating Christ's self-sacrificial care of the flock (Acts 20:28). The overseer seeks the welfare of the church and its members, providing what otherwise might be labelled 'pastoral care'. The overseer is a pastor as well as a teacher who guards the church from the danger of false-teaching. Teaching the truth and driving away error are critical ways of providing this pastoral care, but so too is gentle compassion and self-sacrificial service.
- h. The overseer is accountable first and foremost to Christ, the 'chief Shepherd' (1 Pet 5:4).

In contrast to the Old Testament offices, all of which speak to us of the Christ to come, the first Christians borrowed everyday titles from the surrounding culture which best described the sorts of functions the church needs its leaders to perform. It is the function, not the office, that makes an overseer what he is. For this reason, there is no impediment to giving the name to a supra-congregational office with the same functions.

### The Pre-Reformation Catholic Episcopate

16. The biblical ministry of oversight in the congregation was quickly transformed into a distinct office of 'bishop' in the generation after the death of the apostles, sometimes in ways that do not sit comfortably with what we have seen in the New Testament. So Clement of Rome (ca. 35–99), at the end of the first century, spoke of how the apostles had appointed 'bishops and deacons', instructing that 'if these should fall asleep, other accredited persons should succeed them in their office' (1 *Clement*, 42, 44). Clement's particular concern was to challenge those in the congregation at Corinth who were rebelling against their bishop, urging his readers to 'make submission to the clergy' (1 *Clement*, 54, 57). Clement himself, acting as bishop in Rome, was intervening in a quarrel going on in a congregation in Corinth, something which in itself raises questions about how quickly a supra-congregational responsibility was being attached to the role. Clement's final admonition shows how seriously he took this responsibility: 'But if there are any who refuse to heed the declarations [Christ] has made through our lips, let them not doubt the gravity of the guilt and the peril in which they involve themselves' (1 *Clement*, 59).

17. Ignatius of Antioch (35–108) filled out this development of the office in terms of what some have seen as an embryonic 'threefold order' of ministry: 'Let the bishop preside in the place of God, and his clergy in the place of the Apostolic conclave, and let my special friends the deacons be entrusted with the service of Jesus Christ ...' (*To the Magnetians*, 6). Bishops, clergy, and deacons are distinguished and a pattern is already emerging of only one bishop in a city. 'Be as submissive to the bishop and to one another as Jesus Christ was to his Father', he wrote, and finished his letter with a reference to 'Polycarp, the Smyrnaean bishop' (*To the Magnetians*, 13, 15). In his letter to the Smyrnaeans, he famously wrote:

Where the bishop is to be seen, there let all his people be; just as wherever Jesus Christ is present, we have the world-wide Church. Nor is it permissible to conduct baptisms or love-feasts without the bishop. On the other hand, whatever does have his sanction can be sure of God's approval too. This is the way to make certain of the soundness and validity of anything you do. (*To the Smyrnaeans*, 8)

18. Irenaeus of Lyon (130–202) saw bishops as guardians of the faith and so successors of the apostles.

True knowledge is the doctrine of the apostles, and the ancient constitution of the Church throughout all the world, and the distinctive manifestation of the body of Christ according to the successions of the bishops [*successiones episcoporum*], by which they have handed down that Church which exists in every place, and has come even unto us, being guarded and preserved, without any forging of

Scriptures, by a very complete system of doctrine, and neither receiving addition nor suffering curtailment ... (*Against Heresies*, 4.33.8)

Bishops have a critical role in the Church according to Irenaeus. However, the evidence suggests that even as late as Irenaeus there was no clear and consistent distinction between the terms 'presbyter/elder' and 'overseer/bishop'. Irenaeus could speak of both 'bishops' and 'presbyters' as those who stand in the succession of the apostles (compare *Against Heresies* 3.3.1,2 and 4.26.2). In an intriguing sentence he even uses the terms interchangeably.

Such elders [*presbuteros*] does the Church nourish, of whom also the prophet says: 'I will give your rulers in peace and your bishops [*episkopous*] in righteousness ... (*Against Heresies*, 4.26.5)

19. It is Cyprian of Carthage (200–258), though, who most demonstrates the directions in which the episcopate had developed and which would lead eventually to papal primacy. 'Our Lord' he writes, 'whose precepts and admonitions we ought to observe, describing the honour of a bishop and the order of his Church, speaks in the Gospel, and says to Peter, "I say unto you, that you are Peter ..."' A hierarchical view of the church is clear in the lines that follow in that letter.

Thence, through the changes of times and successions, the ordering of bishops [*episcoporum ordinatio*] and the order of the Church is handed down; so that the Church is constituted by the bishops [*Ecclesia super episcopos constituitur*], and every act of the Church is directed by these same presiding officers. Since this has been established by divine law, I am astonished that certain persons have been rash and bold enough to choose to write to me in such a manner as to send their letter in the Church's name, when the Church consists of the bishop, the clergy, and all the faithful [*ecclesia in episcopo et clero et in omnibus stantibus sit constituta*] ... (Cyprian, *Epistle* 33.1)

20. So within just two hundred years, the exercise of oversight by a plurality of elders had developed into a distinct and principal office in an ecclesiastical hierarchy: bishop, clergy, people. This shift in practice may well have begun for sociological reasons, as 'a wise and effective way of ruling and shepherding the flock of God but with no doctrinal or theological significance' (Burkill), but very early on it was fleshed out in theological terms. Cyprian went so far as to insist that bishops constitute the church: they were no longer a wise and appropriate ordering of ministry for the welfare or well-being (*bene esse*) of the church; rather they were seen by Cyprian as necessary and critical for the very being (*esse*) of the church. Authority and dignity continued to accrue to the office, along with distinctive clerical dress. Following the Edict of Milan (313), which brought the recognition of Christianity within the Roman Empire, bishops became civic figures as well. The case of Leo I, the bishop of Rome who in 452 persuaded Atilla the Hun to turn back from his invasion of Italy, and who did all he could to cement the role of Rome as the chief patriarch (Pope) of the Western church, is illustrative of this fact. The trajectory towards the idea of a 'prince-bishop' was set very early in Christian history.

21. In succeeding centuries as the institutional structure of Roman Catholicism developed and a new political order in Europe emerged, the role of bishops continued to change. Bishops played a dual role as ecclesiastical leaders and as civic leaders. As one recent study paints the picture,

Every bishop was a successor of the Apostles and a prince of the Church, possessing both sacramental and jurisdictional powers, and with a solemn responsibility for the salvation of Christian souls. Moreover, most bishops were also princes of this world, whose duties demanded the combined talents of a politician, an administrator, and even sometimes ... a soldier. Many bishops bore the rank and title of prince or baron, and their bishoprics held vast lands and far-reaching powers of secular jurisdiction ... Belonging simultaneously to two governmental hierarchies, the bishop derived a portion of his jurisdictional and administrative powers from his monarch, although a portion of his powers was inherent within his ecclesiastical office. (Benson, pp. 3, 4).

22. By the eve of the Reformation in many places throughout Europe bishops were not only powerful in legal, political and sometimes even military terms, many were corrupt. Given the wealth, prestige and power associated with a bishopric, these were often bought from the papacy, which approved any episcopal appointment. A notorious example was Albrecht, Archbishop of Mainz in the early sixteenth century, who sanctioned the sale of papal indulgences in his diocese as a way of raising the money to pay his bankers, to whom he was in debt as the result of loan he had acquired in order to pay the Pope to allow him to procure this archbishopric when he was already a bishop elsewhere.

### **The Understanding of the Episcopate in the reformed Church of England**

23. At the time of the Reformation it was clear that the government of the church needed to be reformed but there was disagreement about what this meant for the office of bishop. In the Lutheran branch of the Reformation, the office was retained; in Geneva and Switzerland it was not, and governance of the churches was placed in the hands of a Company of Pastors and the Consistory. In England, where a key element of reform was to abolish only what needed to be abolished while retaining what could be retained

without compromise to the Christian gospel, the episcopate was preserved, since, according to the preface to the new Ordinal which Archbishop Cranmer published in 1550, 'It is evident unto all men, diligently reading holy Scripture, and ancient authors, that from the Apostles' time there have been these orders of Ministers in Christ's church, bishops, priests and deacons'. Notwithstanding this appeal to apostolic practice, and his even stronger statements about the divine institution of the order and ministry of priests and bishops in his *On the Order and Ministry of Priests and Bishops* (1538), Cranmer significantly remodelled the episcopate as part of a general 'evangelical renovation of holy orders' (Tong, 34; MacCulloch, 454). Among his chief concerns, according to the same preface, was that no one be admitted to any of these orders 'except he were first called, tried, examined, and known, to have such qualities as were requisite for the same'. However, the new Ordinal was not received well. Controversy erupted over the extent of the ceremonial elements that remained, in particular the retention of clerical vestments. When the *Book of Common Prayer* was reissued in a revised form in 1552, it had a revised form of the Ordinal attached.

24. In the examination of the new bishop in the 1552 Ordinal, after the first question about being called 'to this ministration according to the will of our Lord Jesus Christ and the order of this realm', the next three questions have to do with teaching and guarding the doctrine of Scripture in the churches.

Are you persuaded that the holy Scriptures contain sufficiently all doctrine required of necessity for eternal salvation through the faith of Jesus Christ? And are you determined with the same holy Scriptures to instruct the people committed to your charge, and to teach and maintain nothing, as required of necessity to eternal salvation, but what you shall be persuaded may be concluded and proved by the same?

Will you then faithfully exercise yourself in the said holy Scriptures, and call upon God by prayer for the true understanding of the same, so as you may be able by them to teach and exhort with wholesome doctrine, and to withstand and convince the gainsayers?

Are you ready with all faithful diligence to banish and drive away all erroneous and strange doctrine contrary to God's word, and both privately and openly to call upon, and encourage others to the same?

Both the positive and negative aspects of this guardianship role were emphasised: to instruct, teach, and exhort on the one hand; to withstand, banish and drive away on the other. The priority of this role is demonstrated in the service by the gift of a Bible as the instrument of ministry (the presentation of a 'pastoral staff' disappeared between the first and second forms of the Ordinal) accompanied by an exhortation rich in allusions to the Pastoral epistles and the call to 'think upon these things contained in this book, be diligent in them, that the increase coming thereby may be manifest unto all men'. Cranmer's bishops were to be learned men, gifted in teaching and diligent in private study, able to discern truth from error, and prepared to call God's people to a life of obedient discipleship under the word of God.

25. The next three questions have to do with character and demeanour.

Will you deny all ungodliness, and worldly lusts, and live soberly, righteously, and Godly in this world, that you may show yourself in all things an example of good works unto others, that the adversary may be ashamed, having nothing to lay against you?

Will you maintain and set forward (as much as shall lie in you) quietness, peace, and love, among all men? And such as be unquiet, disobedient, and criminous within your Diocese, correct and punish, according to such authority as you have by God's word, and as to you shall be committed by the ordinance of this realm?

Will you show yourself gentle, and be merciful for Christ's sake, to poor and needy people, and to all strangers destitute of help?

Here the issues are being beyond reproach in the world, being an example among God's people, and exercising mercy and compassion towards those in need. The teaching/guardianship role is exercised within the context of a life that commends what is taught, both inside and outside the churches.

26. The great apologists for the Elizabethan Settlement, John Jewel (1522–1571) and Richard Hooker (1554–1600), both wrote on the nature of episcopacy. Jewel, speaking in particular about the bishop of Rome, insisted 'except he do his duty as he ought to do, except he minister the sacraments, except he instruct the people, except he warn them and teach them, we say that he ought not of right once to be called a bishop' (*Defence of the Apology*, 308). Hooker's treatment is found in the seventh book of his *Laws of Ecclesiastical Polity*, which was only published in 1662. Hooker began with the antiquity and continuity of the office.

A thousand five hundred years and upward the Church of Christ hath now continued under the sacred Regiment of Bishops. Neither for so long hath Christianity been ever planted in any Kingdom throughout the world but with this government alone, which to have been ordained of God, I am for mine own part even as resolutely perswaded, as that any other kind of Government in the world whatsoever is of God. (*Laws*, VII.1.4)

The next question for him was whether the essentials of the reformed bishop's office and role could be compared with bishops as they operated in antiquity. This involved identifying the essentials of the office.

A Bishop is a Minister of God, unto whom with permanent continuance, there is given not onely power of administring the Word and Sacraments, which power other Presbyters have; but also a further power to ordain Ecclesiastical persons, and a power of Cheifty in Government over Presbyters as well as Lay men, a power to be by way of jurisdiction a Pastor even to Pastors themselves. So that this Office, common unto him with other Pastors, as in ministering the Word and Sacraments: But those things incident unto his Office, which do properly make him a Bishop, cannot be common unto him with other Pastors. (*Laws*, VII.2.3)

Three things are particularly notable here. Firstly, Hooker acknowledges much that is held in common between bishops and 'other presbyters' or 'other pastors', most importantly the administration of the Word and sacraments. Secondly, he identifies a particular distinction between the Bishop and others in the 'power to ordain Ecclesiastical persons'. The authorisation of others for public ministry in the churches is the peculiar responsibility of bishops. Thirdly, Hooker uses the expression 'a pastor even to pastors themselves'. The bishop has a special responsibility to care for those with whom he shares the ministry of the word and sacraments.

27. It is beyond doubt that in the Reformation period the English bishops had other administrative responsibilities. In an established church the bishops had an important role in public life as well as within the congregations in their diocese. A number of bishops sat in the House of Lords as 'the Lords Spiritual'. They very often had their own secretaries and theological advisors (so John Ponet's service to Thomas Cranmer before himself becoming Bishop of Winchester). Bishops presided over diocesan administrations of various sizes and levels of complexity. However, this dimension of their life and activity did not receive explicit attention either in the Ordinal or when the office and its function were considered by Elizabethan divines. Perhaps the closest we come to a recognition of these wider activities is the description of the office as 'government of the congregation of Christ' in the 1552 Ordinal.

### Thinking about Episcopacy in the Centuries Following

28. A more elevated view of episcopacy became a feature of the High Church Anglican stream of thought and practice which first gained prominence during the reign of James I (1566-1625). Lancelot Andrewes (1555-1626), Bishop of Winchester, in correspondence with Peter Moulin, at the time a Huguenot theological student, argued for a distinction between the office of bishop and that of presbyter and insisted that the office of bishop exists by divine right, having been constituted by the apostles (*Of Episcopacy*, I.3). Intriguingly, he made clear to Moulin that 'though our Government be by Divine Right, it follows not, either that there is no salvation, or that a Church cannot stand, without it' (*Of Episcopacy*, II). Archbishop William Laud (1572-1645) argued, with copious appeal to the writings of the early church fathers, that 'it is *traditio universalis*, the constant and universal tradition of the whole Church of Christ, which is of greatest authority next to Scripture itself, that Bishops are successors of the Apostles, and Presbyters made in resemblance of the Seventy Disciples' (*Liturgy, Episcopacy and Church Ritual*, 197). He went on to defend the involvement of bishops on the Council, in the Parliament, the Star Chamber, Embassies, and civil affairs more generally (200-216). He insisted that 'our office be from God and Christ immediately' (348).

29. Laud was executed in 1645 and the English episcopate was abolished a year later by the Long Parliament. When the monarchy was restored in 1660, so too was church government by bishops. Bishops were returned to the House of Lords, individual bishops, such as Gilbert Sheldon of London, exercised considerable influence on the new parliament, and the Savoy Conference of 1661-2 which resulted in the Act of Uniformity and the Great Ejection. However, dissenters and others still called for a more radically reformed episcopate. Richard Baxter reported the disdain for the argument of some for 'a bishop in every parish' (*Autobiography*, 260-1). Bishop James Ussher of Armagh (1581-1656) had authored *A Reduction of Episcopacy unto the form of Synodical Government received in the ancient church*, which was only published after his death. An important subtitle in the tract sets out its intention: 'How the Church might synodically be governed, archbishops and bishops being still retained' (*Reduction*, 534). Ussher argued that the most ancient form of church government was in fact a plurality of elders from which was chosen one to act as president, and later named bishop. Yet the president 'joined in the common government of the church' (*Reduction*, 532). Though long 'disused', Ussher argued it could and should be revived and he provided suggestions for synods to govern the church under episcopal leadership at the deanery, diocesan and provincial level. He even suggested that suffragans might be appointed 'conformed to the number of

the several rural deaneries' and they could then preside over the deanery synods (*Reduction*, 534–536). Ussher's proposal is an early form of the principle that Anglicans are 'episcopally led and synodically governed'. It was not taken up at the time in Britain.

30. The eighteenth century brought new challenges, particularly as the British colonial presence in places like India and America raised the prospect of appointing bishops to serve in those places. Timothy Cutler, the Rector of Yale University, wrote to the Society for the Propagation of the Gospel (SPG) in 1724: 'I speak not this as if our condition were easy without a Bishop, for we need such a one to guide us and protect us from the scorn, insults and hardships we are exposed to ...' (Perry, *Massachusetts*, 143). Many Anglicans in the colonies were keen for the guardianship and public advocacy of a bishop, particularly in the context of multiple religious groupings and denominations. The nominal oversight of the Bishop of London, exercised by commissaries, was judged insufficient. However, one difficulty, among others, was the requirement of unqualified assent to the 39 Articles and the customary oaths of allegiance as part of a bishop's consecration. The difference between the way a bishop might function in an established church (England) and in the context of multiple religious groupings and denominations (colonial America) presented a new challenge. It would not be until the 1780s, immediately after the cessation of the War of Independence, that the first American bishops were consecrated, first at the hands of nonjuring Scottish bishops and then at Lambeth with the aid of special legislation passed through the British parliament.

31. Notwithstanding the way political action had secured the ministry of bishops in America, the catalyst for the Tractarian movement in the early nineteenth century was political interference in the administration of the episcopate, this time in Ireland. This is what led to John Keble's famous assize sermon 'National Apostasy', delivered in Oxford in 1833. A number of the *Tracts for the Times* dealt with episcopacy in one way or another. John Henry Newman treated the idea of apostolic succession in *Tract 1* and the history and usefulness of employing suffragan bishops in *Tract 33*. A number of addresses by the High Church bishop, Thomas Wilson (1663–1755) were reprinted in the series under the title 'Bishop Wilson's Meditations on His Sacred Office' (1834–5). In what became *Tract 42* he spoke of the bishop as 'a Pastor set over other Pastors'. In *Tract 65* he commented, 'It being entirely at the Bishop's discretion, whether he will admit any one to the order of Priest or Deacon, and being not obliged to give any reason for his refusal, he will be more accountable to God, both for ordaining unfit persons, and for any prejudice against such as are worthy'.

### The Episcopate Comes to Sydney

32. It is in this context that the first Bishop of Australia was appointed in 1836. Since 1822, oversight of the Australian church was exercised by an archdeacon licensed to the Bishop of Calcutta. William Grant Broughton had succeeded Thomas Hobbes Scott as Archdeacon of New South Wales in 1829, so he had not been in England when the Tractarian movement had begun its work. Broughton began as a traditional High Churchman, thoroughly committed to the principles of the established Church in England, but quickly adopted Tractarian principles, such as the spiritual autonomy of the church, as he became acquainted with them. However, Broughton found his Tractarian sympathies resisted by many of the clergy of the Diocese. Throughout his episcopate, however, his was 'the only institution which had any legal authority in the Church of England in Australia' (Cable & Judd, 142), then known only as the United Church of England and Ireland.

33. In 1855 Frederic Barker became Bishop of Sydney and Metropolitan of Australia. Barker's convinced evangelicalism contrasted with the character of Broughton's episcopate but found more resonance with the older clergy in the Diocese. Barker himself had been strongly influenced at Cambridge by Charles Simeon (the leading evangelical clergyman of his day, who mentored generations of clergy and missionaries) and then by Bishop John Bird Sumner (who as Archbishop of Canterbury would gain notoriety by upholding the cause of the evangelical clergyman George Gorham against the High Church bishop, Henry Philpotts). The influence of Simeon and Sumner can be seen in the way the necessity of both proclaiming the truth of Scripture and defending it against all attacks remained central to Barker's practice of ministry both in the parish and as a bishop.

34. Barker maintained a punishing schedule of pastoral visitation, preaching and public representation. He toured the entire Diocese, enacted the provisions of Thomas Moore's will in order to establish a theological college, established the Sydney Church Society to help fund ministry in Sydney after the government indicated it would phase out financial support of the churches and both the SPCK and SPG signalled they were no longer able to do so, set up new dioceses in Goulburn (1863) and Bathurst (1869), defended church schools, and paved the way for a general church property trust (Maple, 25–6). Barker was a pastor first and foremost, and then a defender of Protestant doctrine. He engaged in public debate and political lobbying in the interests of the churches and its mission, and strongly opposed Catholic doctrine. Yet he was also an excellent administrator. He saw his administrative efforts, though, as extensions of his pastoral, theological and missionary concerns.

35. The question of synodical government in Australia had first been aired during Bishop Broughton's time. He had gathered a conference of bishops to consider the question of how the Church in Australia could better be organised back in 1850. However, there was no real progress in New South Wales until several years into Barker's episcopate. One significant change was the way Barker included laymen in the proposal. He invited the clergy of the Diocese 'to meet with lay representatives of the various parishes, for the purpose of considering the subject of synodical action' in December 1864. Two conferences were held in 1865 and the legal structures were put in place by *The Church of England Synod Act 1866*. The Constitutions annexed to this Act did, however, ensure a continuing role for episcopal leadership alongside synodical governance: '... no such ... Ordinance shall take effect or have any validity unless within one month after the passing of the same the Bishop shall signify to the Synod his assent thereto'. The first Sydney Diocesan Synod met on 5 December 1866. The place of synodical government and its relation to episcopal leadership has been reaffirmed in *The Church of England Constitutions Act 1902* (the constitution of the Anglican Church within the state of New South Wales is a schedule to that Act), which provided for a meeting of the diocesan synod at least annually 'by summons of the Bishop of the Diocese', the binding nature of ordinances of the synod, and the necessity of the bishop's consent in order for ordinances to come into effect.

36. Alfred Barry was the first Bishop of Sydney elected rather than appointed by the Crown, though the election involved the bishops of province of New South Wales as well as a committee of the Diocese. It would not be until 1909 that the Synod of the Diocese would have the unfettered right to elect its bishop. The Bishop of Sydney was styled Archbishop from 1897, as the result of Resolution 7 of the Lambeth Conference that year extending the title to all metropolitan bishops. This change in title recognised the role played by the metropolitan bishop in overseeing the work of the bishops in each of the dioceses of an ecclesiastical province. The change of title did not, however, alter the role or function of the Archbishop either in the Diocese or in the Province.

37. The first suffragan or bishop coadjutor, Gerard D'Arcy-Irvine, was consecrated in 1926. The Archbishop of Sydney was assisted by one suffragan until 1940 when William Hilliard joined Venn Pilcher in supporting Archbishop Mowll. By the end of Archbishop Mowll's time there were four suffragans (Pilcher, Hilliard, Kerle and Loane). These suffragans had no particular geographical base but supported the Archbishop in his teaching and leadership, as well as sharing in his pastoral and administrative load. However, in the late 1960s regions began to be formed within the Diocese of Sydney and the bishops coadjutor became regional bishops, beginning with Gordon Begbie in Parramatta. The regional bishops exercise pastoral responsibility with their region, assist with confirmations and ordinations in their region, chair the regional council, and in addition assist in the administration of the Diocese as a whole. In time each of the regions would also have their own archdeacon with particular administrative responsibilities within the region.

38. Over the last half a century, a distinctive ecclesiology has developed in Sydney which emphasises the priority of the local congregation of God's people over the central institutional structure of the denomination. This refinement of the prevailing Anglican view of church centred on the bishop or larger ecclesiastical structures arose from theological reflection upon the New Testament's use of the word *ekklesiā* and concept of church, and developed the definition of church given in Article 19 of the 39 Articles of Religion (Robinson, 'Church'; Knox, 'De-Mythologising'). The church is the gathering of God's people around God, present in his word and by his Spirit, in order to hear and respond to his word with repentance and faith and with the loving service of each other. However, this priority has never meant that there are no bonds or obligations of love and service beyond the local congregation (Knox, 31). The churches are united in a fellowship which serves the needs of the gospel mission and enables each to do what they would not be able to do on their own. The supra-congregational structures and offices serve that mission as well. In this context, Donald Robinson would write in 1988, 'We need to recover the model of the bishop as evangelist' (Robinson, 'Bishop', 87).

39. As the Diocese became more complex, the responsibilities of the Archbishop and the assistant or regional bishops increased. In 2009 the website of the Sydney Diocesan Secretariat described the role of the Archbishop of Sydney as follows:

... an ordained minister of the Word and Sacraments who has been consecrated a bishop and elected by the Synod. According to the Ordinal the central ministerial functions of a bishop are to instruct and teach, to correct false doctrine, to live a life that is an example to others, to maintain order, to ordain, to confirm baptised persons and to assist the poor and needy. He is the 'guardian of spiritualities' and he is sometimes called the 'Ordinary', meaning one who has jurisdiction in ecclesiastical matters within a diocese.

The Archbishop is also described as the one responsible for maintaining order in the Diocese through such functions as:

... appointing or licensing clergy to minister in parochial units and chaplaincies, licensing and consecrating churches, visiting and correcting the clergy, appointing a registrar, a chancellor and other office holders, and authorising lay ministry.

An indication of the complexity of the task in the contemporary setting is the observation that the Archbishop is 'a member ex-officio of about 25 diocesan organisations and appoints persons as members of many organisations. He is the President of the Synod and its Standing Committee, and of the Provincial Synod and its Standing Committee'.

40. From its very beginning, the office of the Bishop or Archbishop of Sydney has been a public office which has provided an important link between the churches and the wider community. The Archbishop has represented the interests of the Diocese, and the gospel mission to which it is committed, to Governors and the State Parliament and has acted as a public spokesman for the Diocese in matters of common concern. Christmas and Easter messages have been reported and broadcast. Bishop Barker was a very public advocate of the importance of Christian education for the good of the community as a whole and Archbishops Wright and Mowll played important roles in the community during the two World Wars. In the cultural and moral turmoil of the last quarter of a century Archbishops of Sydney have made key contributions to public debate. Though this public, representative role is not explicitly referenced in either the New Testament or in the Anglican Ordinal, it stands in continuity with the actual practice of bishops in the early church and at the time of the Reformation.

### Legal Responsibilities and Constraints

41. The Archbishop of Sydney is an ecclesiastical office which carries with it certain legal responsibilities and constraints. The Schedule to the 1902 Act insists that 'All ordinances of the Synod shall be binding upon the Bishop and the Bishop's successors and all other members of the Church within the Diocese' (section 2(2)). By the same Act, the president of the synod (which except in his absence is the Archbishop) is prevented from voting on any question or matter arising in the Synod (section 5(e)).

42. In addition to the ordinances of the Sydney Synod and the Acts of Parliament on which they rest, the Archbishop must also act within the Constitution of Anglican Church of Australia (1961) and its canons where they have been adopted by the Sydney Synod. That Constitution declares 'There shall be a bishop of each diocese who shall be elected as may be prescribed by or under the constitution of the diocese, provided that the election shall as to the canonical fitness of the person elected be subject to confirmation as prescribed by ordinance of the provincial synod' (para 8). The test of canonical fitness, as outlined by a General Synod canon of 1989 (amended in 1994) and adopted by the Diocese of Sydney in 1995, is threefold: (a) the person has attained at least 30 years of age; (b) the person has been baptised; and (c) the person is in priests' orders.

43. Various ordinances of the Sydney Synod have provided that the Archbishop is the President or a member of most diocesan bodies. While in practice each archbishop has selected which boards and committees he will attend personally, he retains the right to be present at each of those of which he is president or chair.

### The Contemporary Role of the Archbishop of Sydney

44. The biblical principles of oversight or *episkopē*, refracted through this history, have shaped the contemporary role and function of the Archbishop of Sydney. Sydney's episcopate is resolutely evangelical, in keeping with the Diocese it serves, and its archbishops have very largely been pastors and teachers, guardians and representatives of the Protestant faith, and able administrators. However, as Sydney has grown and as the structures of the Diocese and the denomination have developed, legal and institutional responsibilities have become more prominent. Nevertheless, the leadership of the Diocese of Sydney by its Archbishop, though very much personal and so influenced by the personality, gifts and special interests of each incumbent, has developed a discernible character. Our evangelical conviction demands that we ensure that the character of the archiepiscopal office, and by extension the regional bishops who assist him, faithfully reflects the biblical functions and priorities of oversight.

45. The first priority of the Archbishop of Sydney is to be a **guardian** of 'the faith that was once for all delivered to the saints' (Jude 3). This is the priority found in the New Testament and in the Anglican Ordinal. Through public proclamation and defence of the apostolic gospel, by his personal example and in all his pastoral and administrative activity, he is to do all in his power to ensure that the teaching of Scripture shapes and directs the life, ministry and mission of the Diocese. This requires the courage to speak the truth taught in Scripture when it is not popular, but equally to oppose deviation from that truth where it arises. It requires both teaching and the exercise of discipline. It requires making decisions on the basis of theological principles shaped by the biblical gospel. In this way the Archbishop of Sydney will, as Sir Marcus Loane once put it, 'share the heritage and tradition of this diocese, and will interpret it to others, and transmit it to posterity' (*Synod Presidential Address, 1966*).

46. A second priority of the Archbishop of Sydney is to **order the ministry** of the Diocese to the gospel of Christ and his mission. In many ways this is merely an extension of the first priority. Principally this involves the selection and authorisation of appropriate men and women for various ministries within the Diocese. Appointing people of godly character with theological clarity, pastoral sensitivity, and demonstrably in possession of the gifts and skills appropriate for the ministry under consideration, is a prime way the Archbishop can foster the health and gospel-mindedness of the Diocese. However, once again this must extend to dealing appropriately with those whose discharge of the responsibilities entrusted to them has been negligent in some fashion or contrary to the teaching of Scripture. Furthermore, the ordering of ministry to the gospel of Christ also involves encouraging and facilitating the reform of ministries where, for one reason or another, they no longer serve the mission of reaching the lost and building up believers.

47. A third priority is to exercise **pastoral concern and insight** as he provides advice and direction for gospel ministry in the Diocese. This has been the self-understanding of bishops throughout the twentieth century and this expression has been a regular feature in presidential addresses to election synods in the Diocese (Gunther 1909; Kirkby 1933; Barnett 2001; Forsyth 2013). This has not meant the Archbishop is expected to act as pastor to every Anglican in the Diocese, nor even to be the principal 'pastor to the pastors'. Rather, the Archbishop models pastoral care in all his interactions and so helps to encourage throughout the Diocese a commitment to thoughtful, caring relationships in which the spiritual welfare of the other person is of paramount concern.

48. A fourth priority is to **represent the Diocese**, in various national and international bodies, to the government, and generally to the community. As we have seen, this role arises from history rather than directly from the biblical text or the Ordinal. Nevertheless, it is another significant way in which the guardianship of gospel truth and mission is exercised by the Archbishop of Sydney and has been a feature of the office from its inception. This public role requires a humble confidence in the theological convictions and character of the Diocese of Sydney, since *this* is the Diocese that is being represented. In the denominational context, the Archbishop of Sydney ought to be a clear voice for an unambiguously biblical, evangelical Anglicanism, willing to stand alongside all who seek to live and serve in a way that is directed and disciplined by the word of God. In the rapidly changing context of Christian witness in this city and nation it requires a degree of mental agility and apologetic skill to handle opposition and even hostility with grace and humility and yet with the courage to present the truth of Scripture as it bears on the subject at hand.

49. A fifth priority is the **administration** of the Diocese in line with its mission. The diligent attention to administration is not to be seen as a distraction from ministry but rather serving the interests of ministry. The governance, policies and processes of the Diocese ought to facilitate its mission and a proper administration of them will direct them to this end. In a diocese with five assistant bishops, the administrative burden need not fall on the Archbishop alone, or perhaps even principally. One or more of the assistant bishops may be more able in this area and so able to shoulder much of the load. Yet faithful administration is itself a form of guardianship and the reason why bishops and the Archbishop play a key role on boards and committees of the Diocese is to ensure that all its organisations order themselves and their activities by the gospel and the commission we have received from Christ, reflecting the theological ethos and the priorities of the Diocese.

50. Ultimately, what will shape the Archbishop of Sydney more than any other single factor is his personal walk with Christ. His Christian character, his prayerfulness, his faithful obedience to the word of God, his loving care for both the lost and the redeemed, his courageous determination to proclaim the truth and to refute error, and possessing a keen sense of his accountability to the Chief Shepherd (1 Pet 5:4) are critical to the faithful and effective discharge of this responsibility. Under God's good hand, the history of this Diocese is full of bishops and archbishops who were exactly like this and whose ministry has furthered the mission of the gospel, brought blessing to God's people, and honoured the name of Christ.

On behalf of the Sydney Doctrine Commission

MARK D THOMPSON

*Chair*

10 August 2018

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## Global Anglican Future Conference 2018

(A report from the Standing Committee.)

### Purpose

1. To provide the Synod with a suggested motion regarding the Gafcon Assembly 2018 and a copy of the *Letter to the Churches from the Gafcon Assembly 2018*.

### Recommendation

2. Synod receive this report.

### Background

3. At its meeting on 23 July 2018, the Standing Committee –
  - (a) authorised the printing for the forthcoming session of the Synod of a suitable form of the Letter to the Churches from the Gafcon Assembly 2018 accompanied by the Synod motion in paragraph (b), and
  - (b) requested that the following motion be moved at the forthcoming session of the Synod “by request of the Standing Committee” –

‘Synod, noting the Letter to the Churches from the Gafcon Assembly 2018 –

    - (a) gives thanks for the gathering of 1950 Anglicans (316 Bishops, 669 other clergy and 965 laity) from 50 countries at the Global Anglican Future Conference held in Jerusalem 17-22 June 2018,
    - (b) welcomes the conference statement, ‘Letter to the Churches’, and commends it to the clergy and people of the Diocese for their study, encouragement and prayers,
    - (c) gives thanks for the establishment of nine strategic networks (Theological Education, Church Planting, Global Mission Partnerships, Youth and Children’s Ministry, Mothers’ Union, Sustainable Development, Bishops’ Training Institute, Lawyers Task Force, Intercessors Fellowship) to enhance fellowship and advance the work of the gospel across the Anglican Communion,
    - (d) gives thanks for the prayers and financial contributions of parishes, clergy and people providing bursaries for delegates to the conference who would not otherwise have been able to attend,
    - (e) commends Sydney delegates to the conference for their generous contribution in numerous and varied ways including as volunteers, presenters, and Networks facilitators,
    - (f) congratulates Canon Daniel Willis for his outstanding contribution as Conference Coordinator, and
    - (g) thanks the Archbishop of Sydney for his leadership at the conference including serving as Chair of the Statement Committee.’

4. Set out in the Schedule is the *Letter to the Churches from the Gafcon Assembly 2018*.

For and on behalf of the Standing Committee.

DANIEL GLYNN  
*Diocesan Secretary*

30 August 2018





## LETTER TO THE CHURCHES

### GAFCON ASSEMBLY 2018

*You will receive power when the Holy Spirit comes on you; and you will be my witnesses in Jerusalem, and in all Judea and Samaria, and to the ends of the earth. (Acts 1:8)*

Greetings from the land of the birth, ministry, death, resurrection and ascension of our glorious Lord Jesus Christ. The third Global Anglican Future Conference (Gafcon) was held in Jerusalem in June 2018, a decade after the inaugural Gafcon in 2008. Gafcon 2018, one of the largest global Anglican gatherings, brought together 1,950 representatives from 50 countries, including 316 bishops, 669 other clergy and 965 laity. A unanimity of spirit was reflected throughout the Conference as we met with God in the presence of friends from afar. We celebrated joyful worship, engaged in small group prayer and were inspired by presentations, networks and seminars.

We met together around the theme of "Proclaiming Christ Faithfully to the Nations". Each day began with common prayer and Bible exposition from Luke 22-24, followed by plenary sessions on God's Gospel, God's Church and God's World.

#### PROCLAIMING GOD'S GOSPEL

We renewed our commitment to proclaim the gospel of the triune God in our churches and in all the world. Our Chairman reminded us in his opening address: "God's gospel is the life-transforming message of salvation from sin and all its consequences through the death and resurrection of the Lord Jesus Christ. It is both a declaration and a summons: announcing what has been done for us in Christ and calling us to repentance, faith and submission to his Lordship." It involves the restoration and reaffirmation of God's original creative purposes. It is addressed to men, women and children and it is our only hope in the light of the final judgment and the reality of hell.

This is God's gospel, the gospel concerning his Son (Romans 1:1–3). The centre of the gospel message is this one person, Jesus Christ, and all that he has done through his perfect life, atoning death, triumphant resurrection and glorious ascension. In our daily expositions, we followed Jesus' path from the judgments by Pilate and the Jewish leaders, to his death for us on the cross, to his breaking the bonds of death on Easter morning and to his commission to the disciples to proclaim "repentance for the forgiveness of sins in his name to all nations" (Luke 24:47). The uniqueness of Jesus Christ lies at the heart of the gospel: "there is salvation in no one else, for there is no other name under heaven given to mankind by which we must be saved" (Acts 4:12). The gospel confronts us in the midst of our confusion and sin but it does not leave us there. It includes a summons to repentance and a call to believe in the gospel (Mark 1:15), which results in a grace-filled life. The ascended Christ gave his Spirit to empower his disciples to take this gospel to the world.

Yet faithful proclamation of this gospel is under attack from without and within, as it has been from apostolic times (Acts 20:28-30).

External attacks include superstitious practices of sacrifices and libations that deny the sufficiency of Christ's sacrifice. Some religions deny the unique person and work of Christ on the cross, and others are innately syncretistic. Secularism seeks to exclude God from all public discourse and to dismantle the Christian heritage of many nations. This has been most obvious in the redefinition of what it means to be human, especially in the areas of gender, sexuality and marriage. The devaluing of the human person through the advocacy of abortion and euthanasia is also an assault upon human life uniquely created in the image of God. Militant forms of religion and secularism are hostile to the preaching of Christ and persecute his people.

Internally, the “prosperity gospel” and theological revisionism both seek in different ways to recast God’s gospel to accommodate the surrounding culture, resulting in a seductive syncretism that denies the uniqueness of Christ, the seriousness of sin, the need for repentance and the final authority of the Bible.

Tragically, there has been a failure of leadership in our churches to address these threats to the gospel of God. We repent of our failure to take seriously the words of the apostle Paul:

“Keep watch over yourselves and all the flock of which the Holy Spirit has made you overseers. Be shepherds of the church of God, which he bought with his own blood. I know that after I leave, savage wolves will come in among you and will not spare the flock. Even from your own number, men will arise and distort the truth in order to draw away disciples after them” (Acts 20:28-30).

We dedicate ourselves afresh to proclaiming Christ faithfully to the nations, working together to guard the gospel entrusted to us by our Lord and his apostles.

## **REFORMING GOD’S CHURCH**

The gospel of God creates the church of God. Through the invitation of the gospel, God calls all people into fellowship with his Son, the Lord Jesus Christ. As the word of the gospel goes forth in the power of the Holy Spirit, they respond through the work of the Holy Spirit to repent, believe and be baptised, and are thereby joined to Christ’s body which is his church (Acts 2:37-44; 1 Corinthians 12:12-13). As members of Christ’s body, they are sanctified in him, called to live lives of holiness and to be salt and light in the world.

One Conference speaker reminded us: “In the councils of the church, we should not mimic the ways of the world but gather to pray, to praise (i.e., to be eucharistic), to consult, to decide, and if necessary to discipline. These gatherings should be properly conciliar in nature, decisive in moving the church forward in its mission and common life. There should be the will to exercise loving but firm discipline to bring sinners to repentance and restoration.” Likewise at the Communion level, there are times when the leadership must come together to exercise its responsibility to discipline an erring member province.

For some time, our Communion has been under threat from leaders who deny the Lordship of Christ and the authority of Scripture. In the late 20th Century, human sexuality became the presenting issue.

The 1998 Lambeth Conference by a huge majority (526 to 70) approved Resolution I.10 on Human Sexuality, which affirmed the teaching of Jesus in Matthew 19 that there are only two expressions of faithful sexuality: lifelong marriage between a man and a woman or abstinence. The resolution rightly called for pastoral care for same sex attracted persons. At the same time, it described homosexual practice as “incompatible with Scripture” and rejected both the authorisation of same sex rites by the Church and the ordination of those in same sex unions.

Lambeth Resolution I.10 reflected the rising influence of the Global South in the Communion. The ground for the Resolution had been prepared by the 1997 Kuala Lumpur Statement of the Global South Anglican Network. Our collaboration with the Global South Network has been ongoing, and its leaders took an active part in this Conference.

The subsequent rejection of Lambeth I.10 in word and deed by the Episcopal Church USA and later by some other Anglican provinces led to a “tear [in] the fabric of the Communion at its deepest level”, followed by ten years of futile meetings in which the four Instruments of Communion failed to exercise the necessary discipline. The Primates’ Meeting repeatedly called upon these provinces to repent and return to the faith. Yet their efforts were undermined by other Instruments of Communion, culminating in the failure of the Office of the Archbishop of Canterbury to carry out the clear consensus of the Primates’ Meeting in Dar es Salaam in 2007.

In the Jerusalem Statement and Declaration, the 2008 Global Anglican Future Conference took up the challenge of restoring biblical authority (and the teaching on human sexuality in particular) by affirming the primacy of the Bible as God’s Word written and going back to the other sources of Anglican identity – the Creeds and Councils of the ancient church, the 39 Articles, the 1662 *Book of Common Prayer* and the Ordinal. The Conference also constituted a Primates Council and authorised it to recognise Anglican churches in areas where orthodox Anglicans had been deprived of their church property and deposed from holy orders.

During the past twenty years, the Instruments of Communion have not only failed to uphold godly discipline but their representatives have refused to recognise our concerns and have chosen instead to demean Gafcon as a one-issue pressure group and accuse it of promoting schism, where in fact the schismatics are those who have departed from the teaching of the Bible and the historic doctrine of the Church. Slogans such as “walking together” and “good disagreement” are dangerously deceptive in

seeking to persuade people to accommodate false teaching in the Communion.

We grieve for the situation of our global Communion as it has been hindered from fulfilling its God-appointed task of reaching the world for Christ. We repent of our own failures to stand firm in the faith (1 Corinthians 16:13). But we do not lose hope for the future, and note that there is strong support for the reform of our Communion. Prior to Gafcon 2018, delegates overwhelmingly affirmed the following propositions:

- Lambeth Resolution I.10 reflects the unchangeable teaching of the Bible;
- the Gafcon movement should continue to be faithful to the Jerusalem Declaration;
- the Primates Council should continue to recognise confessing Anglican jurisdictions.

Over the past twenty years, we have seen the hand of God leading us toward a reordering of the Anglican Communion. Gafcon has claimed from the beginning: “We are not leaving the Anglican Communion; we are the majority of the Anglican Communion seeking to remain faithful to our Anglican heritage.” As Archbishop Nicholas Okoh stated in the inaugural Synodical Council: “We are merely doing what the Communion leadership should have done to uphold its own resolution in 1998.”

We give thanks for the godly courage of our Gafcon Primates in contending for the faith once for all delivered to the saints. We applaud their decision to authenticate and recognise the provinces of the Anglican Church in North America and the Anglican Church in Brazil, to recognise the Anglican Mission in England and to consecrate a Missionary Bishop for Europe. This has become necessary because of the departure from the faith by The Episcopal Church, the Anglican Church of Canada, the Episcopal Church of Brazil and the Scottish Episcopal Church. At Gafcon 2018, we heard many testimonies of faithful Anglicans who have been persecuted by those holding office in their respective provinces, merely because they would not surrender to, nor be compromised by, the false gospel that these leaders profess and promote. We also recognise the Gafcon Primates’ willingness to assist faithful Anglicans in New Zealand where the Anglican Church has recently agreed to allow bishops to authorise the blessing of same sex unions.

As the Gafcon movement matures, it has also seen the need for a more conciliar structure of governance. We endorse the formation of Gafcon Branches where necessary and of a Panel of Advisors, comprising bishops, clergy and lay representatives from each Gafcon Province and Branch, to provide counsel and advice to the Primates Council. Together with the Primates, the Panel of Advisors form a Synodical Council to bring recommendations to the Gafcon Assembly. The Synodical Council met for the first time at this Conference.

In light of the recommendations of the Synodical Council, we respectfully urge the Archbishop of Canterbury

- to invite as full members to Lambeth 2020 bishops of the Province of the Anglican Church in North America and the Province of the Anglican Church in Brazil
- and
- not to invite bishops of those Provinces which have endorsed by word or deed sexual practices which are in contradiction to the teaching of Scripture and Resolution I.10 of the 1998 Lambeth Conference, unless they have repented of their actions and reversed their decisions.

In the event that this does not occur, we urge Gafcon members to decline the invitation to attend Lambeth 2020 and all other meetings of the Instruments of Communion.

## REACHING OUT TO GOD’S WORLD

Our conference theme has been “Proclaiming Christ Faithfully to the Nations.” We have received the gospel through the faithful witness of previous generations. Yet there are still billions of people who are without Christ and without hope. Jesus taught his disciples: “this gospel of the kingdom will be proclaimed throughout the whole world as a testimony to all nations” (Matthew 24:14).

We repent for the times and seasons when we have only preached to ourselves and not embraced the difficult task of reaching beyond our own cultural groups in obedience to God’s call to be a light to the nations (cf. Acts 13:47). In faith and obedience, we joyfully recommit ourselves to the faithful proclamation of the gospel.

In order to expand our ability to proclaim Christ faithfully to the nations in both word and deed, we launched nine strategic networks.

Theological Education	To promote effective theological training throughout the Anglican Communion
Church Planting	To expand church planting as a global strategy for evangelisation
Global Mission Partnerships	To promote strategic cross-cultural mission partnerships in a globalised world
Youth and Children's Ministry	To be a catalyst for mission to young people and children of all nations so that they may become faithful disciples of Jesus Christ
Mothers' Union	To expand the potential of this global ministry to promote biblical patterns of marriage and family life
Sustainable Development	To establish global partnerships which work with the local church to bring sustainable and transformative development
Bishops Training Institute	To serve the formation of faithful and effective episcopal leadership throughout the Communion
Lawyers Task Force	To address issues of religious freedom and matters of concern to Anglican lawyers and Chancellors and to further the aims of the Jerusalem Declaration
Intercessors Fellowship	To inspire and develop globally connected regional and national intercessory prayer networks

In the world into which we go to proclaim the gospel, we shall encounter much which will need us to walk in paths of righteousness and mercy (Hosea 2:19; Micah 6:8). We commit to encouraging each other to give strength to the persecuted, a voice to the voiceless, advocacy for the oppressed, protection of the vulnerable, especially women and children, generosity to the poor, and continuing the task of providing excellent education and health care. As appropriate, we encourage the formation of other networks to assist in addressing these issues.

## OUR GLOBAL ANGLICAN FUTURE

To proclaim the gospel, we must first defend the gospel against threats from without and within. We testify to the extraordinary blessings on this Conference, which leads us to call upon God even more, that the Anglican Communion may become a mighty instrument in the hand of God for the salvation of the world. We invite all faithful Anglicans to join us in this great enterprise of proclaiming Christ faithfully to the nations.

*Now to him who is able to do immeasurably more than all we ask or imagine, according to his power that is at work within us, to him be glory in the church and in Christ Jesus throughout all generations, for ever and ever! Amen.*

Ephesians 3:20-21

## GLOSSARY

**Conciliar** – Working as a council of the church.

**Gafcon Branches** – A Branch may be established by application to the Gafcon Primates Council in a province whose Primate is not a member of the Gafcon Primates Council.

**Gafcon Primates** – Primates who have endorsed the Jerusalem Declaration and have been admitted to the Gafcon Primates Council.

**Gafcon Provinces** – Provinces whose House of Bishops or Provincial Synod have endorsed the Jerusalem Declaration and whose Primate is a member of the Gafcon Primates Council.

**Instruments of Communion** – There are four Instruments: The Office of the Archbishop of Canterbury, the Lambeth Conference, the Primates' Meeting and the Anglican Consultative Council. <http://www.anglicancommunion.org/structures/instruments-of-communion.aspx>

**Jerusalem Statement and Declaration** – The Statement agreed by the inaugural Gafcon Assembly in 2008. <https://www.gafcon.org/resources/the-complete-jerusalem-statement>

**Kuala Lumpur Statement** – approved by the Global South Anglican Network in 1997.  
[http://www.globalsouthanglican.org/index.php/blog/comments/the\\_kuala\\_lumpur\\_statement\\_on\\_human\\_sexuality\\_2nd\\_encounter\\_in\\_the\\_south\\_10](http://www.globalsouthanglican.org/index.php/blog/comments/the_kuala_lumpur_statement_on_human_sexuality_2nd_encounter_in_the_south_10)

**Lambeth Resolution I.10** – approved by the Lambeth Conference in 1998.  
<http://www.anglicancommunion.org/resources/document-library/lambeth-conference/1998/section-i-called-to-full-humanity/section-i10-human-sexuality>

**Panel of Advisors** – consists of one bishop, one clergy and one lay representative from each Gafcon Province and Gafcon Branch, who give counsel and advice to the Gafcon Primates.

**Primates' Meeting** – A meeting of Primates called by the Archbishop of Canterbury.

**Synodical Council** – Consists of the Panel of Advisors and the Gafcon Primates Council meeting together to make recommendations to the Gafcon Assembly.

## 23/17 Gender Identity Initial Principles of Engagement

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

(A report from the Gender Identity Subcommittee of SIC.)

#### Key Points

- The Gender Identity Initial Principles of Engagement have been reviewed in light of feedback and responses received in relation to Synod resolution 24/17.
- The Gender Identity Subcommittee, with the endorsement of the Social Issues Committee, recommend that the Initial Principles of Engagement (section 9.1 of the 'Gender Identity Report' received by Synod in 2017, revised November 2017), with a minor editorial change, be adopted by the Synod.

#### Purpose

1. The purpose of this report is to recommend the adoption of a final form of the Initial Principles of Engagement by the Synod, in accordance with the request of resolution 24/17.

#### Recommendations

2. Synod receive this report.
3. Synod, noting Synod resolutions 23/17 and 24/17, adopt the revised form of the Initial Principles of Engagement contained in this report at Appendix 1 as the framework from which the Gender Identity guidelines will be developed.

#### Background

4. At its session in October 2017, the Synod passed resolution 24/17 in the following terms –  
 'Synod commends the Gender Identity Report ('the Report') to all Synod members, Anglican schools and other agencies in the Diocese which are called upon to care for people with gender identity issues and asks the governing boards and councils, and the heads and chief executive officers of such schools and agencies, as well as Synod members, to –  
  - (a) provide comments and feedback to Standing Committee on the Initial Principles of Engagement approved in principle as a policy of the Synod at its session in 2017 by 30 April 2018, and
  - (b) ensure any policies, guidelines and procedures which they draft to address this issue are consistent with those Initial Principles of Engagement, and
  - (c) consult with the Archbishop about the final form of such policies, guidelines and procedures before they are published, and
  - (d) commit to reviewing such policies, guidelines and procedures in light of any revised form of policy adopted by the Synod following its session in 2017,
 and requests that the Standing Committee bring to the Synod session in 2018 a revised form of the Initial Principles of Engagement with a view to the revised form being adopted as a policy of the Synod.'
5. In order to respond to the request in the last paragraph of the resolution, the Social Issues Committee (SIC) in consultation with the Archbishop revised the Terms of Reference of its Gender Identity Subcommittee (GISC) and refreshed its membership in 2018 to be constituted of the following members –
  - Bishop Peter Hayward (Chair),
  - Ms Maryanne Davis,
  - Mrs Pat Jackson,
  - Dr Chase Kuhn ,
  - The Rev Barry McGrath,
  - The Rev Dr David Sandifer,
  - Dr Claire Smith,

and appointed the following as advisors to the GISC –

- Mrs Lorrae Sampson, and
- The Rev Joe Wiltshire.

### Review of responses

6. The GISC met on 1 August 2018 to review the four responses received over the six months given to reply (there were no late responses), and made the following observations –

- (a) One response was by a member of Synod who was very positive about the Initial Principles of Engagement (Initial Principles), but cautioned that we not give the subject so much attention as to become a contributor to curious experimentation.
- (b) The other three responses were submitted by various bodies corporate representing Anglican organisations. These submissions had substantial praise for the substance of the report, but expressed some concerns regarding the proposed development of pastoral guidelines and their implementation. Among these three responses, there was –
  - (i) a strong preference to write their own guidelines in order to address their particular circumstances,
  - (ii) a general nervousness about the response of non-Christians who are part of the broader Anglican community,
  - (iii) some lack of confidence that God's good plan is best for all (see 9.1.8(d) of the Report).
- (c) All responses have suggested in-service training for governance and senior executive staff (including heads of school, counsellors, pastors and the like).

7. In its review, the GISC noted in particular that none of the responses took issue with the tenet of “protecting the biologically sexed body that God has given” (9.1.1(g)), as a “psychosomatic unity” (9.1.1(g)). The GISC also noted that as this comes before Synod again, it needs to be looked at in the context of the entire Gender Identity Report (of which this is part, namely 9.1), and in the context of the Diocesan Doctrine Commission's report ‘A Theology Of Gender And Gender Identity’, which were both received by Synod in 2017 and are currently available to view on the secure Standing Committee section of the SDS website.

8. As a result of these submissions and the review, the GISC was of the view that only a minor editorial change was required. This amendment was proposed in the feedback received, and is as follows –

‘At 9.1.6, omit “Ministry” and insert instead “Church Ministry”’.

This amendment is shown in mark up in Appendix 1.

9. Although by resolution 24/17, the Synod asked the Standing Committee to bring to this session of the Synod a revised form of the Initial Principles of Engagement, with a view to the revised form being adopted as a policy of the Synod, the Committee is of the firm view, based on feedback and developments in this area in the past 12 months, that Synod should instead focus on developing Gender Identity guidelines based on the Doctrine Commission report and Gender Identity report already received by the Synod in 2017.

10. Accordingly, the Standing Committee recommends that the Gender Identity Initial Principles of Engagement, as revised in this report at Appendix 1, be adopted by the Synod as the framework from which the Gender Identity guidelines will be developed.

11. The Standing Committee authorised \$2,000 from Synod Fund Contingencies for the costs of convening meetings with related parties to develop such guidelines that are to be brought to Synod in 2019.

12. The GISC also formed the view that it would be helpful to provide in-services for school boards and staff to encourage them to adopt the guidelines.

For and on behalf of the Gender Identity Subcommittee of the SIC

BISHOP PETER HAYWARD

*Chair*

30 August 2018

*Extract from the Conclusion to Gender Identity Report to Synod 2017 (section 9), marked to show recommended change to 9.1.6.*

## 9 Conclusion

(219) Our churches, schools, and organisations should be places where those dealing with gender identity issues are welcomed, loved, and nurtured with generous care shaped by the love of Christ, and informed by the word of God. All those who have faith in Christ belong to the body of Christ, regardless of their personal trials and afflictions. It is our hope that those dealing first-hand with gender identity issues might find the love and support they need within our fellowship.

(220) This Report is the first step in a Diocesan response to gender identity issues. It seeks to provide the biblical framework and medical background for these issues and outlines the current Australian legal situation. A basis is thus provided from which to address the pastoral care of those experiencing gender non-conformity in an informed way, and to engage with developments in society.

(221) Our commitment to the good of all people also means we should be concerned for the welfare of all those with gender identity issues, not just those within our churches. Equipping Christians and churches to appropriately reach out with the gospel and love of Jesus to those who suffer gender identity issues requires further careful reflection.

(222) The next stage of this work entails the development of detailed policies and a pastoral care practice framework for entities within the Diocese. These entities include schools, community service organisations, and youth ministries. The task of caring for people – church communities, families, children and individuals – also requires sensitive consideration.

(223) In the meantime, the following Initial Principles of Engagement are offered, as an indicative response to the complex pastoral issues involved, taking into consideration the teaching of Scripture, medical and legal considerations, and personal responses from the mixed-methods study undertaken by the committee. These principles reflect the main contours of this report.

### 9.1 Initial Principles of Engagement

#### 9.1.1 General Principles

- (a) The promise of the gospel is that all who trust in Christ are assured of existential peace and wholeness in the resurrection life of the new creation.
- (b) All those who have faith in Christ are loved by God and belong to the body of Christ, including those whose personal trials and afflictions in this life include gender identity issues or gender incongruence.
- (c) Those who experience gender identity issues or incongruence deserve our compassion, love, and care.
- (d) In the beginning, God made humanity male and female, and, in his creative purposes, biological (bodily) sex determines gender.
- (e) Human nature was damaged and distorted by the Fall but not destroyed. All people continue to be made in the image of God. The experience of incongruence between objective biological sex and subjective gender identity is one consequence of that damage and distortion but in no way diminishes a person's full humanity.
- (f) God has compassion on the weak and vulnerable, and is able to bring healing to the experience of gender incongruence, however in his sovereign wisdom, that healing might not be fully experienced in this life.
- (g) The human person is a psychosomatic unity, where body and soul come into being at the same time and, in this life and the next, exist together. Embodiment is integral to human identity, and biological sex is a fundamental aspect of embodiment. Preserving the integrity of body and soul, and honouring and protecting the biologically-sexed body that God has given are necessary for human flourishing.
- (h) The binary distinctions of male and female are to be embraced and upheld in the lives of Christian men and women respectively, and expressed in culturally appropriate ways that conform to Scripture.

- (i) Churches, schools, and other Anglican organisations are to be places where all people, including those who experience gender identity issues and incongruence, are welcomed, loved and supported and helped to live in obedience to Christ.
- (j) Practical love of those experiencing gender identity issues and incongruence entails:
  - faithfulness to the teaching of the Bible
  - compassion, and active love, care, and support
  - rejection of all bullying, ridicule, mistreatment, and abuse of gender non-conforming people
  - evidence-based pathways for treatment, which are consistent with Scripture
  - ensuring that churches and organisations are adequately informed about gender identity issues and incongruence, and the relevant teaching of the Bible.

### 9.1.2 Those experiencing gender incongruence

You are made in the image of God and you will find your identity in Christ. Therefore, we encourage you:

- (a) to seek treatment options that aim for the integrity of psycho-somatic unity;
- (b) to seek regular Christian fellowship;
- (c) to share your struggles with some mature Christian people so you can receive Christian compassion and support, as well as accountability and encouragement;
- (d) to know that while gender dysphoria may be a lifelong battle for you, nothing can separate you from the love of God in Christ Jesus, and God will be patient with you, and his grace will sustain you; and
- (e) to fix your eyes on Jesus and look forward to wholeness and relief of suffering in the new creation.

### 9.1.3 Family and Friends of those experiencing gender incongruence

Family and friends are encouraged:

- (a) to be informed about and embrace the teaching of Scripture on sex and gender;
- (b) to be educated in the various aspects of gender identity and expression (biology, identity, orientation, roles) so you are able to distinguish between sexual orientation (same sex attraction, same sex behaviour) and gender identity (gender dysphoria, transgender) and the different responses each requires;
- (c) to demonstrate gospel grace by loving and caring for the person even if you do not approve or celebrate their behaviour or choices;
- (d) to be honest about your concerns;
- (e) if appropriate, to provide information about alternative treatment approaches to those which promote transitioning;
- (f) not to make your love conditional upon acceptance of your views;
- (g) to be patient and sensitive, and seek to alleviate the person's distress; and
- (h) to be committed in prayer for the person: their physical and psychological wellbeing, and their salvation (if not a Christian).

### 9.1.4 Christian parents

Christian parents are encouraged:

- (a) to be informed about and embrace the teaching of Scripture on sex and gender
- (b) to be educated in the various aspects of gender identity and expression (biology, identity, orientation, roles) so you are able to differentiate between sexual orientation (same-sex attraction, same-sex behaviour) and gender identity (gender dysphoria, transgender) and the different responses each requires;
- (c) to understand that your own identity is found in Christ and not in any other source, and make opportunities to explain this to your children;
- (d) to seek mature Christian counsel and pastoral care if your child has gender identity issues that cause you concern, and seek to support the child in their biological sex role;

- (e) to demonstrate gospel grace by loving and caring for your child even if you do not approve of or celebrate your child's behaviour or choices; and
- (f) to build support networks and be actively involved in your Christian community.

#### **9.1.5 Counsellors, teachers, doctors (those with secular professional relationships)**

Christian professionals are encouraged:

- (a) to be informed about and embrace the teaching of Scripture on sex and gender;
- (b) to be educated in the various aspects of gender identity and expression (biology, identity, orientation, roles) so you are able to differentiate between sexual orientation (same-sex attraction, same-sex behaviour) and gender identity (gender dysphoria, transgender) and the different responses each requires;
- (c) to understand the biblical view of personhood, and identity in Christ, both for yourself and your clients;
- (d) to differentiate between compassion for the person and understanding the distress of their situation/condition and agreeing with and validating a treatment protocol to transition; and
- (e) to build support networks for consultation, possibly including legal contacts.

#### **9.1.6 Ministry Church Ministry Staff**

Ministry Church Ministry staff are encouraged:

- (a) to be informed about and embrace the teaching of Scripture on sex and gender;
- (b) to provide public teaching about the Bible's instruction on these matters;
- (c) to have compassion for those who experience gender incongruence, and teach and model such compassion;
- (d) not to make insensitive or uncaring comments or jokes about gender nonconforming people;
- (e) to build a church culture where all people are actively welcomed, knowing that Jesus bids us all 'come as we are', but that he does not leave any of us 'as we are';
- (f) to encourage a church culture of openness that would allow a person to begin a conversation with ministry staff about their gender identity issues;
- (g) to listen carefully to the person, and not doubt, minimise or dismiss their experience;
- (h) to be concerned for the whole person, not just their gender issues;
- (i) to be patient and committed to the person long-term;
- (j) to respect the person and their family's privacy and confidentiality;
- (k) to ensure church facilities provide a public access uni-sex toilet;
- (l) to provide some non-gendered church activities, e.g., mixed Bible study groups ;
- (m) do not have rigid, unbiblical gender stereotypes, especially for children;
- (n) to encourage others to reach out with friendship and support, especially in children's and youth ministries.
- (o) to ensure that gender non-conforming children and youth are not bullied, teased, excluded, or abused; and
- (p) to consider the pastoral care needs of those close to the gender nonconforming person, especially family.

#### **9.1.7 Congregations**

Congregations are encouraged:

- (a) to be informed about and embrace the teaching of Scripture on sex and gender;
- (b) to show love, compassion, hospitality, and welcome to gender nonconforming people;
- (c) to be concerned for the whole person not just their gender issues;
- (d) to offer companionship to the person and their family;
- (e) to be patient and committed to the person and their family for the long-term;
- (f) to respect the person and their family's privacy and confidentiality;
- (g) not to stare, exclude or isolate gender nonconforming people;

- (h) not to bully, tease, exclude, mistreat, or abuse gender nonconforming people;
- (i) not to make the person into a celebrity or spectacle for their gender incongruence;
- (j) not to make jokes about gender nonconforming people;
- (k) to be aware that taking or displaying photos or images of a person with gender incongruence might cause them distress;
- (l) to avoid rigid and unbiblical gender stereotypes; and
- (m) to uphold the goodness of God's design of male and female, and provide healthy role models of living faithfully as Christian men and women.

#### **9.1.8 Public engagement**

Those participating in public engagement are encouraged:

- (a) to be informed about and embrace the teaching of Scripture on sex and gender;
- (b) to seek the common good of all people, through concern and involvement in public debate and policy formation;
- (c) to show grace, by being loving, gentle, courteous, wholesome, and humble, this may include recognising the good in our interlocutor's arguments;
- (d) to affirm what is true. God's truth is good, and applies to all people, whether or not they accept or recognise its wisdom. Cultural awareness and effective communication may shape how we express our viewpoint, but it cannot alter our adherence to biblical truth;
- (e) to show love, as public engagement is an expression of love for neighbour, and withdrawal from it may signify a failure to love;
- (f) to be informed about the different dimensions of the public debate, as there are those who promote transgender ideology, and those who suffer from gender incongruence, who are vulnerable members of our community, yet the needs and claims of the two groups are different, and must be considered in any public engagement on these matters;
- (g) to ensure that your presuppositions and expectations of the role of the state are informed by and consistent with the Scriptures; and
- (h) to be courageous, knowing that God is sovereign over all.

## General Synod 2017 Legislation

(A report of the Standing Committee.)

### Key Points

- It is recommended that this Synod –
  - (a) assent to the *Constitution (Appellate Tribunal) Amendment Canon 2017*,
  - (b) adopt the *Special Tribunal (Limitation Period) Canon 2017*,
  - (c) not adopt the *Canon Concerning Confessions (Revision) Canon 2017*,
  - (d) not adopt the *Canon Concerning Confessions (Vulnerable Persons) Canon 2017*.
- The *General Synod – Safe Ministry to Children Canon 2017 Adopting Ordinance 2017* has not yet commenced. A separate report will be provided regarding this matter.

### Purpose

1. The purpose of this report is to outline the Standing Committee's recommendations with respect to legislation passed by the General Synod in 2017.

### Recommendations

2. Synod receive this report.
3. Synod –
  - (a) assent to the *Constitution (Appellate Tribunal) Amendment Canon 2017*,
  - (b) adopt the *Special Tribunal (Limitation Period) Canon 2017*,
  - (c) not adopt the *Canon Concerning Confessions (Revision) Canon 2017*,
  - (d) not adopt the *Canon Concerning Confessions (Vulnerable Persons) Canon 2017*.

### Background

4. Under the constitution (Constitution) of the Anglican Church of Australia (set out in the Schedule to the Anglican Church of Australia Constitution Act 1961 – see [www.sds.asn.au](http://www.sds.asn.au)), the General Synod has power to make canons for the order and good government of the church. The General Synod also has power, by canon, to amend the Constitution.

5. Not all canons come into effect when they are passed. For example, where a canon affects the order and good government of the Church in a diocese, the canon does not come into effect in that diocese unless the diocese *adopts* the canon by ordinance. Further, a canon to amend the Constitution only comes into effect if the requisite number of diocesan synods report their *assent* to the canon. In the case of certain provisions of the Constitution the canon only comes into effect if it receives *assent* from all dioceses.

6. Where a proposed canon affects the ritual, ceremonial or discipline of the Church the usual procedure is that the canon is only passed provisionally. It then becomes known as a provisional canon. Under the Constitution, a provisional canon is referred to each diocese for *assent* or *dissent*. If all dioceses *assent* to the provisional canon then it becomes a canon. If a diocese *dissents*, the provisional canon must be reconsidered at a future session of General Synod.

- If at that future session the provisional canon is passed by a two-thirds majority of the members of each house of General Synod, it becomes a canon.
- If passed, but not by a two-thirds majority, it is again referred to diocesan synods for assent or dissent.

7. In any event if the provisional canon becomes a canon, the canon does not have effect in a diocese until the diocese by ordinance *adopts* that canon.

### 17th General Synod

8. The 17<sup>th</sup> General Synod was held in Maroochydore from 3-8 September 2017.

9. The 17<sup>th</sup> General Synod consisted of 259 members of whom 71 were from the Diocese of Sydney. Resolutions, canons and rules were passed at the session, and elections also took place for General Synod boards and committees. A report outlining these matters was provided to the Synod at its session in October 2017.

**Canons passed by the General Synod in 2017**

10. In 2017 the General Synod passed the following canons –

- Canon 01/17 - Appellate Tribunal Amendment (Qualification) Canon 2017\**
- Canon 02/17 - Constitution (Appellate Tribunal) Amendment Canon 2017*
- Canon 03/17 - Appellate Tribunal Amendment (Reserve List) Canon 2017\**
- Canon 04/17 - Safe Ministry to Children Canon 2017\*\**
- Canon 05/17 - Episcopal Standards (Child Protection Canon) 2017\*\**
- Canon 06/17 - Constitution (Jurisdiction of Special Tribunal) Amendment Canon 2017\*\**
- Canon 07/17 - Offences Amendment Canon 2017\*\**
- Canon 08/17 - Redress for Survivors of Abuse Canon 2017\**
- Canon 09/17 - Disclosure of Information Canon 2017\**
- Canon 10/17 - National Register Amendment Canon 2017\**
- Canon 11/17 - Special Tribunal Amendment Canon 2017\**
- Canon 12/17 - Special Tribunal (Limitation Period) Canon 2017*
- Canon 13/17 - Long Service Leave (Revision of Entitlement) Canon 2017\**
- Canon 14/17 - Long Service Leave (Notification of Participating Organisation) Canon 2017\**
- Canon 15/17 - Canon to Ratify the Amended New South Wales Provincial Synod Constitution\**
- Canon 16/17 - Canon Concerning Confessions (Revision) Canon 2017*
- Canon 17/17 - Canon Concerning Confessions (Vulnerable Persons) Canon 2017*
- Canon 18/17 - Holy Orders (Removal from Exercise of Ministry) Canon 2017\*\**
- Canon 19/17 - Canon Concerning Services Amendment Canon 2017\*\**
- Canon 20/17 - NATSIAC Amendment Canon 2017\**
- Canon 21/17 - Strategic Issues, Commissions, Task Forces and Networks Amendment Canon 2017\**
- Canon 22/17 - Missionary Dioceses (Amendment Canon) 2017\**

**Canons in force**

11. Several of the canons passed by the General Synod in 2017 have taken effect because they do not affect the order and good government or the church trust property of the Church in a diocese. These canons are marked with a single asterisk in the above list.

**Canons adopted or assented to by our Synod in 2017**

12. At its session in October 2017, the (Sydney) Synod adopted, or assented to, the following canons (also marked with a double asterisk in the above list) –

- Canon 04/17 - Safe Ministry to Children Canon 2017*
- Canon 05/17 - Episcopal Standards (Child Protection Canon) 2017*
- Canon 06/17 - Constitution (Jurisdiction of Special Tribunal) Amendment Canon 2017*
- Canon 07/17 - Offences Amendment Canon 2017*
- Canon 18/17 - Holy Orders (Removal from Exercise of Ministry) Canon 2017*
- Canon 19/17 - Canon Concerning Services Amendment Canon 2017*

**Canons recommended to be adopted or assented to by our Synod in 2018**

13. Of the remaining Canons passed by General Synod in 2017, the General Synod Relations Committee (the Committee) has recommended that the Synod assent to the *Constitution (Appellate Tribunal) Amendment Canon 2017* and adopt the *Special Tribunal (Limitation Period) Canon 2017*.

*Canon 02/17 – Constitution (Appellate Tribunal) Amendment Canon 2017*

14. Any canon which amends the Constitution does not come into effect until at least three-quarters of the diocesan synods (including all the metropolitan sees) have assented to the canon by ordinance (with all such assents to be in force at the same time).

15. The *Constitution (Appellate Tribunal) Amendment Canon 2017* provides a head of power in the Constitution to allow the General Synod to deal with part-heard matters. The amendment canon also removes the mechanism where members of the tribunal select replacements for members unable to sit on the tribunal, by providing for a reserve list membership.

*Canon 12/17 – Special Tribunal (Limitation Period) Canon 2017*

16. The *Special Tribunal (Limitation Period) Canon 2017* amends the *Special Tribunal Canon 2007* by deleting paragraph 4 of the First Schedule. This has the effect that the only offences subject to the limitation period of 12 months will be those that are set out in paragraphs 1, 2 and 3 of the First Schedule (breach of faith, ritual or ceremonial; drunkenness; wilful failure to pay just debts). Other offences will be exempt from that limitation period.

**Canons not recommended for adoption by our Synod**

17. The *Canon Concerning Confessions (Revision) Canon 2017* and the *Canon Concerning Confessions (Vulnerable Persons) Canon 2017* relate to issues regarding confidentiality and the circumstances in which confessions must be disclosed. The principal canon (the *Canon Concerning Confessions 1989*) which these canons amend, is not in force in the Diocese of Sydney. The Committee therefore recommends that the Synod not adopt these Canons.

**Safe Ministry to Children Canon 2017**

18. At its session in 2017, the (Sydney) Synod passed the *General Synod – Safe Ministry to Children Canon 2017 Adopting Ordinance 2017*, which has not yet commenced. Clause 3 of that ordinance (regarding commencement) provides –

‘Except for this clause, this Ordinance commences on a date determined by resolution of the Standing Committee or on a date to be determined at the next ordinary session of this Synod, if the Standing Committee has not resolved that the Ordinance should commence by that date.’

19. The Standing Committee has not yet determined by resolution a date for this ordinance to commence. A separate report about this matter is provided to the Synod.

For and on behalf of the Standing Committee.

DANIEL GLYNN  
*Diocesan Secretary*

28 August 2018

## Let's rediscover corporate worship and prayer

(A report from a member of the Synod.)

### Summary

*In Sydney we minister to a society where many thousands have deep spiritual yearnings that remain unfulfilled. Yet few are listening to our good news of God's redeeming love through Our Lord Jesus Christ. Why? While there must be many reasons, there's plenty of evidence that points to the content and quality of what we do in church on Sundays. In our typical gatherings/meetings/services the focus is now on an expository sermon, all else is peripheral. But modern seekers after faith want an experience of God rather than a set of doctrines to believe in. We want these seekers to be attracted to our churches and come back week-by-week to actually hear and experience our sound biblical preaching. So let's honour God and nourish souls by putting more emphasis on corporate prayer and worship – something that Anglicans have done so well in the past.*

1. It's an unfortunate fact that in Sydney no more than about 1% of the population still regularly attends Anglican churches. And between the 2011 and 2016 censuses, the percentage of people in Sydney declaring themselves to be Anglican dropped from 16.1 to 12.0 – below the national average of 13.3%. With numbers like these, how can we expect to be taken seriously in the public square? How can we even continue to be taken seriously among Anglican evangelicals on the world scene?
2. We pride ourselves on our evangelical credentials, on our biblical theology and the power of our preaching, but is anyone listening? The data speak for themselves (Table 1). The five years from 2011 to 2016 show a decline in church attendance to scarcely more than 1% of the population. Even the Church of England still does better than this.<sup>1</sup> (see Table 2)
3. Yet as a diocese we've made every effort to bring the Gospel of Our Lord Jesus Christ to the people of Sydney. We've seen the Diocesan Mission of 2002 which had the laudable aim of getting 10% of the population into "Bible-based churches" within the next decade. Then Connect09 – and now we're in the midst of Mission 2020.
4. Moreover, we serve Christ in a city that appears to be more "religious" than any other capital city in Australia.<sup>2</sup> And we serve Christ in a nation where social researcher Hugh MacKay tells us that 60% of the population have deep spiritual yearnings that remain unsatisfied.<sup>3</sup> This is in stark contrast to the Church of England which ministers to a much more godless society but achieves a regular 2% attendance at its churches (see Table 2).

**Table 1. Aggregate attendance at Sydney Anglican churches between 2011 and 2016**

Year	Aggregate church attendance <sup>a</sup>	Population of Greater Sydney (millions) <sup>b</sup>	Aggregate church attendance as a percentage of population
2011	53,162	4.39	1.21
2012	52,947	4.68	1.13
2013	53,297	4.76	1.12
2014	54,468	4.84	1.13
2015	55,025	4.92	1.12
2016	51,553 <sup>c</sup>	5.03	<1.13 <sup>d</sup>

<sup>a</sup> From the Archbishop's reply to a question asked by Mr Ken West at the 2017 session of Synod (11 October).

<sup>b</sup> Australian Bureau of Statistics. (But note that the ABS's definition of Greater Sydney does not coincide exactly with the boundaries of the Anglican Diocese of Sydney.)

<sup>c</sup> Provisional figure – some parishes had not provided their attendance statistics. At the time of writing (May 2018) the Diocesan Secretariat was unable to supply final data.

<sup>d</sup> Upper limit assuming that no more than 10% of parishes had failed to provide attendance statistics.

<sup>1</sup> See, for example, Church of England weekly attendance falls below 1m for the first time, *The Guardian*, Wednesday 13 January 2016.

<sup>2</sup> Census 2016: Sydney's bible belt is losing faith, *Sydney Morning Herald*, October 6 2017, <http://www.smh.com.au/nsw/census-2016-sydneys-bible-belt-is-losing-the-faith-20171004-gyuecs.html>.

<sup>3</sup> Hugh Mackay, *Beyond Belief*, Macmillan, 2016.

**Table 2. Comparison of Anglican affiliation and regular church attendance in Sydney and England**

	Population identifying as “no religion” (%)	Population identifying as “Anglican” (%)	Population regularly attending Anglican churches (%)
Anglican Diocese of Sydney	25 <sup>a</sup>	15 <sup>a</sup>	1.0
Church of England	53 <sup>b</sup>	15 <sup>b</sup>	2.0 <sup>c</sup>

<sup>a</sup> Australian Bureau of Statistics, 2016 census.

<sup>b</sup> British Social Attitudes Survey, 2016.

<sup>c</sup> Church of England, Statistics for Mission, 2016.

5. We are clearly failing in our key mission. Why?

6. No doubt there are many reasons, but there’s plenty of evidence that points to one in particular – the content and quality of what we do in church on Sundays. The prevailing Sydney view is that church on Sunday is a “gathering” rather than a time for worship. We are there primarily to hear an expository sermon and all else is peripheral.<sup>4</sup> And with a few notable exceptions this has now become the standard practice throughout the diocese – from Brooklyn to Lithgow to Ulladulla.

7. But our gatherings/meetings/services are our “shop window” – they’re what a newcomer to one of our churches immediately experiences. And we certainly have a distinctive style, radically different from other Anglican churches in Australia and the wider Anglican Communion. For example, the Wikipedia entry on the Sydney Anglican Diocese says about us (among other things):

*The term “meeting” is sometimes used interchangeably with “service”. Many meetings at Evangelical churches in the diocese do not use a prayer book or a liturgical form of service. A screen and projector may be used in place of books. In many parishes fermented communion wine has been replaced with grape juice.*<sup>5</sup>

8. Anecdotally I know that even deeply committed Anglicans are unhappy with these changes. A friend told me how he and his wife were reluctantly leaving the church where they’d worshiped and served the Lord faithfully for more than twenty years.

*We don’t have services any more, only meetings – and I go to enough of them during the week. What’s more, meetings with no agenda. No prayer book; only one Bible reading and a few perfunctory prayers – Holy Communion only once in a blue moon.*

9. Another friend told me recently (in a despairing tone of voice) that at her church the new rector had taken out the communion table, and when they had Communion something like a card table appeared.

10. And data presented to the 2017 session of Synod reveal an ongoing malaise in our churches. Speaking on behalf of the Strategic Research Group, Bishop Peter Lin compared data from National Church Life Surveys in 2011 and 2016. Metrics included desire to share the gospel and invite newcomers to church, prayerfulness and utilisation of gifts. Against most criteria, the overall numbers were largely static or featured slight decreases since 2011. Some of these decreases included reported time in prayer and Bible reading, inviting friends to church and retention of children of church members.<sup>6</sup>

11. Unfortunately, none of this is real news – but we seem to be in denial.

12. In 2011 (reporting in the *Briefing* on statistical research by Tim Sims), Tony Payne wrote<sup>7</sup>

*... we must face up to our failure to find new adult converts/attenders. ... As a whole Sydney Anglicans are not reaching the non-Christian adult population of our city.*

*Our ‘conversion rate’ is very low—that is, the rate at which newcomers or visitors find compelling reasons to stay at our churches and become regular attenders.*

<sup>4</sup> See, for example the Sydney Diocesan Doctrine Commission report on ‘A theology of Christian Assembly’ (2008). This report makes no reference to worship at all, and makes only passing reference to prayer. It seems that public worship and prayer are no longer the church’s concern!

<sup>5</sup> For similar comments, see Marcia Cameron, *Phenomenal Sydney*, pp 199-200.

<sup>6</sup> Ever optimistic, Bishop Peter Lin also pointed to an *increase* of 3 per cent in church membership by people from non-English speaking countries. But even this increase is illusionary in terms of population growth. The Australian Bureau of Statistics reported much the same increase in the overall percentage of people in Greater Sydney speaking a language other than English at home – from 32.4% to 35.8%.

<sup>7</sup> Tony Payne, *Why aren’t we growing*, *Briefing*, August 2011, <http://matthiasmedia.com/briefing/2011/08/why-arent-we-growing/>

13. The hard reality is that we're driving people away from our churches in droves. For every 100 people in our churches we gain 5.8 each year from people switching into our churches from other cities or denominations. But we *lose* more through people transferring out or drifting away from church (a total of 6.0 people on average).<sup>8</sup> Though our typical Sydney "meetings" clearly have appeal for some people, we're ignoring the spiritual needs of many more.<sup>9</sup> And we're compounding the problem with our one-size-fits-all approach.

14. When we call what we in the Sydney Diocese do on Sundays a "gathering" or a "meeting" we reflect a shift in our whole approach to public worship. Obviously it's not the intention to drive people out of our churches. But if our currently typical style of services/meetings is designed to attract 21<sup>st</sup> century Sydneysiders into our churches, as scientist I'd have to say that the experimental data don't support the theory – meaning that it's time to have a serious rethink.<sup>10</sup> And as a Christian I'd have to question whether God might be somewhat displeased with us – suggesting that it's time to repent.

15. It's instructive to look at the two styles of worship that *are* seeing significant growth – Pentecostalism<sup>11</sup> (such as Hillsong) and formal cathedral worship<sup>12,13</sup>. Both forms of worship contrast with the prevailing Sydney pattern by being more experiential than cerebral.

16. Hugh Mackay's research found that one of the most effective ways of discouraging people from attending church is to insist that they meet certain rigid requirements for 'becoming a Christian'.<sup>14</sup> Pentecostalism resonates with this trend for modern seekers after faith to want an experience of God rather than a set of doctrines to believe in.<sup>15</sup> And cathedrals seem to especially appeal to those who are sceptical about institutional religion but have a longing for the spiritual.<sup>16</sup> As English historian (and Anglican minister) Jane Shaw puts it

*First of all, the beauty of a cathedral draws people in; the strong emphasis on worship and music reiterates that sense of the aesthetic, reflecting the glory of God, prompting people to reach beyond themselves to the transcendent. This is one reason the arts are so important in cathedrals. Secondly, cathedrals allow anonymity. ... People can "test" out religion without someone grabbing them and putting them on the coffee rota the minute they enter the door. They are places for resting in the beauty, for exploring the transcendent at one's own pace.<sup>17</sup>*

17. This may seem a long way from our Sydney emphasis on the Word. But we do have to persuade spiritual seekers to actually come into our churches – and to come back, Sunday after Sunday – if they are going to truly hear the Word and respond to Christ's redeeming love. And even committed churchgoers need to be spiritually nurtured and fed as part of a worshipping community.<sup>18</sup>

18. God has set us the task of ministering to a society where there is still a significant residue of people who hanker after the consolations of religion, the confidence enjoyed by believers and the peace of mind they associate with women and men of faith.<sup>19</sup> A society where, according to Hugh Mackay,

*... our response to the age of anxiety is likely to see a growing number of people being prepared to take another look at Christianity, or 'spirituality' more broadly, in an attempt to find some deeper, richer, more nuanced approach to life than social-media chatter or the slogans of a glib fundamentalism can provide.<sup>20</sup>*

<sup>8</sup> Tony Payne, Why aren't we growing, *Briefing*, August 2011.

<sup>9</sup> It's also an unfortunate fact that not one of the people whom I have painstakingly invited to church has ever wanted to come back.

<sup>10</sup> The hard but just rule is that if the ideas don't work, you must throw them away: Carl Sagan.

<sup>11</sup> Christianity on wane in Australia but Pentecostal church bucks trend, *The Guardian*, 27 June, 2017, <https://www.theguardian.com/australia-news/2017/jun/27/christianity-on-the-wane-in-australia-but-pentecostal-church-bucks-trend>.

<sup>12</sup> See, for example, Deans discuss cathedral ministry among children, advocate adoption of national child safe standards, St Paul's Cathedral Melbourne, August 17, 2017, <https://cathedral.org.au/2017/08/07/deans-discuss-cathedral-ministry-among-children-advocate-adoption-of-national-child-safe-standards/>

<sup>13</sup> Bingham, J., *Daily Telegraph* (UK), 3 April 2012.

<sup>14</sup> Hugh Mackay, *Beyond Belief*, page 75.

<sup>15</sup> Hugh Mackay, *Beyond Belief*, page 162.

<sup>16</sup> Jane Shaw, The potential of cathedrals, *Anglican Theological Review*, 95, 137 (2013).

<sup>17</sup> Jane Shaw, The potential of cathedrals, *Anglican Theological Review*, 95, 137 (2013).

<sup>18</sup> What people are looking for in their local church, <https://www.eternitynews.com.au/australia/what-are-people-looking-for-in-their-local-church/>

<sup>19</sup> Hugh Mackay, *Beyond Belief*, page 124.

<sup>20</sup> Hugh Mackay, *Beyond Belief*, page 48.

19. We should be reaching out to these people. Are we failing in our mission through a misplaced obsession with doctrinal purity?<sup>21</sup> Worse, are we offending God through our neglect of corporate prayer and worship?

20. The Book of Common Prayer is perfectly clear about what we *should* be doing in church on Sundays. For example, in the preamble to the General Confession we read

*And although we ought at all times humbly to acknowledge our sins before God; yet ought we most chiefly so to do, when we assemble and meet together*

- *to render thanks for the great benefits that we have received at his hands,*
- *to set forth his most worthy praise*
- *to hear his most holy Word,*
- *and to ask those things which are requisite and necessary, as well for the body as the soul.*

21. Yes we must indeed “hear his most holy Word” – which necessarily includes a sermon<sup>22</sup> – but in a context of prayer and worship. Doctrinal purity is a wonderful and godly discipline. But should it be at the expense of evangelism and the spiritual nurture of our members? After all, there’s nothing in the Scriptures to suggest that our mental capacities are any less fallen than the other aspects of our humanity. Neither do the Scriptures suggest that the solution to our fallen state is to restrict ourselves to a particular sort of propositional rationality.<sup>23</sup>

22. The apostle Paul taught us not to conform to the pattern of this world,<sup>24</sup> but he also wrote about becoming all things to all men<sup>25</sup>

*To the Jews I became like a Jew, to win the Jews. To those under the law I became like one under the law (though I myself am not under the law), so as to win those under the law. To those not having the law I became like one not having the law (though I am not free from God’s law but am under Christ’s law), so as to win those not having the law. To the weak I became weak, to win the weak. I have become all things to all people so that by all possible means I might save some. I do all this for the sake of the gospel, that I may share in its blessings.*

23. Our Anglican forebears who cherished the Prayer Book knew a thing or two about prayer and worship – and human needs in relating to God through our Lord Jesus Christ. Are we really now so much wiser and better informed?

24. Bishop Paul Barnett has commented:

*I am concerned about what I will call the postmodern direction of church life in which the unifying realities of Prayer Book, Articles and Ordinal are at a discount. ... Clergy sign up to certain commitments that place them within certain boundaries. I’m not advocating, of course, a return to 1662 or some other Seventeenth Century prayer book expression. That would be ridiculous in my opinion. But those liturgies have effectively been revised and modernised over the years. Not perfectly, but adequately. I think they do represent our boundaries that we ought to proudly own and seek to understand better. Seek to teach people their value. So that we have in terms of the Cranmer vision gatherings of Christians where the Bible is central in terms of reading Old and New Testaments, Psalms, where the creeds are fundamental, where the collects are used. Prudent use of the church calendar is employed to continue to shape the direction of Christian life. It’s a great shame I think where it may all depend on the preaching and on the “music”.*

*I think in effect what we have is just series of undifferentiated Protestant community churches – they might be Baptist or Church of Christ or whatever, so far as we can see. ... I think we ought to rethink this whole thing very carefully. Church leaders ought to ensure it happens.<sup>26</sup>*

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<sup>21</sup> See, for example, Paul Oslington, The new normal? Pentecostalism overtakes evangelicalism in Sydney, ABC Religion and Ethics, 26 August 2016, <http://www.abc.net.au/religion/articles/2016/08/26/4527401.htm>.

<sup>22</sup> As Paul Oslington has commented, “Poor preaching often afflicts both Sydney Anglican and Pentecostal churches, but the Sydney Anglican attendee sitting through a lengthy, scripturally dubious and pastorally barren sermon is more to be pitied than the Pentecostal attendee for whom there are other possibilities in the meeting for engaging with God.”

<sup>23</sup> Paul Oslington, The new normal? Pentecostalism overtakes evangelicalism in Sydney, ABC Religion and Ethics, 26 August 2016, <http://www.abc.net.au/religion/articles/2016/08/26/4527401.htm>.

<sup>24</sup> Romans 12:2.

<sup>25</sup> 1 Corinthians 9:22.

<sup>26</sup> Bishop Paul Barnett quoted in Marcia Cameron, Phenomenal Sydney, p. 230.

25. He's right of course. We've cast aside our glorious Anglican heritage to become a series of undifferentiated Protestant community churches. Unfortunately the nondenominational community churches "do church" better than us – they're growing while we are shrinking.<sup>27</sup> Pentecostal church meetings are designed for the congregation to "do business with God." By contrast Sydney Anglican meetings are designed to transfer knowledge about God, which we are supposed to act upon later, perhaps in our daily quiet times. There seems little sense of immediacy or direct encounter with God in many of our Sydney Anglican church meetings. We engage our minds but not our emotions. In fact I sometimes find myself sitting in church wondering if Jesus actually bothers to attend our meetings.

26. I suggest it's time to repent and rediscover the inestimable value of corporate prayer and worship. Let's truly honour God by setting forth his most worthy praise, rendering thanks for the great benefits that we have received at his hands asking those things which are requisite and necessary, as well for the body as the soul.<sup>28</sup> And by honouring God we ourselves of course derive spiritual nourishment. Jesus said

*This is the bread that comes down from heaven, so that one may eat of it and not die. I am the living bread that came down from heaven. If anyone eats of this bread, he will live forever. And the bread that I will give for the life of the world is my flesh.*<sup>29</sup>

27. And in honouring God we might make our churches more attractive to 21<sup>st</sup> century spiritual seekers. Churchgoing, like most forms of human behaviour, isn't something people usually do for one reason: it is an expression of different needs – spiritual, aesthetic emotional, social. We are all different, with different needs. So it's just as well that, as Article 34 reminds us, 'It is not necessary that Traditions and Ceremonies be in all places one, and utterly like ...' As Bishop Paul Barnett said, "Church leaders ought to ensure it happens."

DAVID OAKENFULL

*Synod representative, Asquith/Mt Colah/Mt Kuring-Gai*

23 July 2018

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<sup>27</sup> Paul Oslington, The new normal? Pentecostalism overtakes evangelicalism in Sydney, ABC Religion and Ethics, 26 August 2016, <http://www.abc.net.au/religion/articles/2016/08/26/4527401.htm>.

<sup>28</sup> It might also be salutary to look at Article 34 which says, among other things, 'Whosoever through his private judgement, willingly and purposely, doth openly break the traditions and ceremonies of the Church, which be not repugnant to the Word of God, and be ordained and approved by common authority, ought to be rebuked ...'

<sup>29</sup> John 6:50.

## Ordinances passed by the Standing Committee

(A report from the Standing Committee.)

Bomaderry Trust Ordinance No 41, 2017  
Sickness and Accident Fund Ordinance 1969 Amendment Ordinance No 42, 2017  
Carlingford and North Rocks Trust Ordinance No 43, 2017  
Carlingford and North Rocks Mortgaging Ordinance No 44, 2017  
Manly Trust Ordinance No 45, 2017  
Manly Corso Property Ordinance 2013 Amendment Ordinance No 46, 2017  
Moore College (But-Har-Gra) Variation of Trusts Ordinance No 47, 2017  
Parramatta Land Sale Ordinance No 48, 2017  
Sydney Diocesan Superannuation Fund Ordinance 1961 Amendment Ordinance No 49, 2017  
The Oaks Land Sale Ordinance No 50, 2017  
Watsons Bay (Wentworth Memorial Church Sale Proceeds) Ordinance No 51, 2017  
Paddington Trust Ordinance No 1, 2018  
Parramatta North with Harris Park Trust Ordinance No 2, 2018  
Parramatta North with Harris Park Boundary Adjustment and Variation of Trust Ordinance No 3, 2018  
St James Sydney Phillip Street Mortgaging Ordinance No 4, 2018  
Anglican Church Diocese of Sydney Christian Education Building Fund Ordinance No 5, 2018  
Anglican Schools Ministry Ordinance 2016 Amendment Ordinance No 6, 2018  
Professional Standards Unit (Funding) Ordinance No 7, 2018  
St Andrew's House Trust Ord 2015 Amendment and Variation of Trusts Ord No 8, 2018  
Moss Vale Land Sale Ordinance No 9, 2018  
East Lindfield Trust Ordinance No 10, 2018  
Merrylands Trust Ordinance 2016 Amendment Ordinance No 11, 2018  
St Andrew's House Ordinance 1975 Amendment Ordinance No 12, 2018  
The Barker College Ordinance 1978 Amendment Ordinance No 13, 2018  
Cobbitty Trust Ordinance 2013 Amendment Ordinance No 14, 2018  
St James' Sydney Phillip Street Mortgaging Ordinance (No. 2) No 15, 2018  
Synod Fund Application Ordinance No 16, 2018  
Riverstone (Sale Proceeds) Application Ordinance No 17, 2018  
Moore Theological College Ordinance 2009 Amendment Ordinance No 18, 2018  
St James' Sydney Phillip Street Property Ordinance 1962 Amendment Ordinance No 19, 2018  
Sydney Anglican (National Redress Scheme) Corporation Ordinance No 20, 2018  
Mission Property (Rouse Hill) Variation of Trusts Ordinance No 21, 2018  
Christ Church Northern Beaches Trust Ordinance No 22, 2018

For and on behalf of the Standing Committee.

DANIEL GYNN  
*Diocesan Secretary*

30 August 2018

## Safe Ministry Board and Professional Standards Unit Annual Report 2017-2018

(A report from the Safe Ministry Board and Professional Standards Unit.)

### Introduction

1. This report is provided under the *Safe Ministry Ordinance 2001 (cl 17)*, the *Discipline Ordinance 2006 (cl 114)* and *Ministry Standards Ordinance 2017 (cl 86)* for the period 1 July 2017 to 30 June 2018 (reporting period).
2. The Diocese of Sydney has taken a multi-faceted approach to the issue of safe ministry and child protection. Broadly speaking the policy objectives are –
  - (a) to exercise careful selection and screening of all clergy and church workers;
  - (b) to provide clear requirements and expectations of behaviour through the Diocesan Code of Conduct, *Faithfulness in Service*;
  - (c) to provide regular and comprehensive training and support for all clergy and church workers;
  - (d) to make a timely and caring response to all who are affected by abuse; and
  - (e) to enact just procedures to deal with respondents and persons of risk.

### Safe Ministry Board

3. The Safe Ministry Board (SMB) was established under the *Safe Ministry Ordinance 2001*. The SMB is tasked with ensuring that safe ministry, child protection and child abuse issues are properly dealt with throughout the Diocese. This includes the development and review of policies in these areas. The functions of the Board are defined in clauses 5 and 6 of the Ordinance.
4. The members of the SMB over the reporting period were: the Rev Dr Keith Condie (Chair), Mrs Juliet Buckley (resigned June 2018), Dr Tim Channon, Ms Stephanie Cole, the Rev Steve Dinning, the Rev Steven Layson, the Rev David Mears (resigned December 2017), the Rev Gary O'Brien, the Rev Paul Sampson, the Rev Janine Steele, Dr Ruth Shatford AM, Mr Alex Trevena and Mrs Jenny Yung.
5. The SMB met 7 times in the reporting period.

### Professional Standards Unit (PSU)

6. There have been some changes to the PSU team over the reporting period.
7. Mr Steve Coleman joined the team on 19 February 2018 as Assistant Director of Professional Standards, bringing much experience to the role after practising as a barrister for many years.
8. The Rev Catherine Wynn Jones continues to serve as PSU Chaplain (Manager, Pastoral Support and Education), Mrs Kylie Williams as Training Consultant for Safe Ministry, the Rev Neil Atwood as Parish Consultant for Safe Ministry, Mrs Brenda Sheppard as Administrative and Safe Ministry support, Mrs Annelie Singh as Personal Assistant and the Unit's Administrator and Mr Lachlan Bryant as Director.
9. In practice much of the work of the PSU derives from the Safe Ministry Board, which has the overall responsibility to encourage all parishes and other units of the Diocese to be safe ministry and child protection aware, compliant and responsive.
10. The Director has overall responsibility for the PSU and is responsible for the day-to-day administration of the complaints and procedures regarding clergy and church workers (*Ministry Standards Ordinance 2017*) and the National Register (*General Synod National Register Canon 2007 Adopting Ordinance 2008*).
11. When the PSU receives a complaint alleging abuse by a member of the clergy or church worker, the Chaplain follows this up and provides a caring response to complainants and victims of abuse. The Chaplain provides pastoral support and coordinates the provision of counselling in each case. The Chaplain works closely with the PSU Contact Persons.
12. The PSU undertakes screening of all clergy appointments on behalf of the Archbishop. The screening includes a Working With Children Check through the Office of the Children's Guardian (**OCG**) and a National Register check. The PSU provides ongoing support and advice to office holders, parishes and organisations in this regard.
13. Anglicare's Case Manager for Pastoral Care and Assistance for Care Leavers provides a pastoral and caring response to former residents of the Church of England Homes and Sydney Anglican Home Mission Society Homes, who have complained of abuse or mistreatment during their time at these Homes.

The Case Manager, Ms Angela Ferguson, currently works from Anglicare's Telopea office, under the management of the Rev. Dr Andrew Ford, General Manager Mission and Partnerships.

### **The Royal Commission into Institutional Responses to Child Sexual Abuse (Royal Commission)**

14. The Royal Commission was announced by the Commonwealth Government in December 2012. Its terms of reference required the examination of institutional responses to the sexual abuse of children in the context of institutions throughout Australia including churches and their agencies. The Commission ran for five years, from 2013 to 2017, and its final report was published on 15 December 2017.

15. The Royal Commission represented an important opportunity for the Diocese to review both past and current practices from a 'best practice' perspective. Significant work was undertaken in PSU files relevant to the Royal Commission, including a major revision of PSU policies over the period.

16. A Steering Committee was appointed by Standing Committee in December 2012 to oversee the response of the Diocese to the Royal Commission and to provide the Director of the PSU with a point of reference for undertaking this work.

17. An independent review of the position of the Diocese with respect to the final recommendations of the Royal Commission was conducted by the legal firm Prolegis over the first half of 2018. The results of this work are being considered by the Steering Committee and the Safe Ministry Board over the coming months.

### **Review of the Safe Ministry Ordinance 2001**

18. In 2014 the SMB considered the *Safe Ministry Ordinance 2001* and formed the view that that some parts of the Ordinance have either never been used or have become outdated. The Ordinance has been referred to the Standing Committee for review, and a review Committee has been appointed. The work of the review Committee is ongoing.

### **Safe Ministry Policy Resolution 24/15**

19. The SafeMinistry.org.au website and the Safe Ministry Journey policy model were launched at Synod in 2015. Synod passed the following motion at that time (Resolution 24/15):

Synod –

- (a) affirms the following diocesan Safe Ministry Policy Statement adopted by the Synod in Motion 18/04 –

“The Anglican Church of Australia is committed to the physical, emotional and spiritual welfare and safety of all people, particularly within its own community. To ensure the safety of children and vulnerable people in our communities, the Church will –

- carefully recruit and train its clergy and church workers
- adopt and encourage safe ministry practices by its clergy and church workers
- respond promptly to each concern raised about the behaviour of its clergy and church workers
- offer pastoral support to any person who has suffered abuse, and
- provide supervision of and pastoral accountability to any person known to have abused a child or another vulnerable person.”;

- (b) encourages all parishes and organisations that have not adopted the diocesan Safe Ministry Policy Statement to do so;

- (c) recognises the SafeMinistry.org.au website as an important access point for survivors of abuse in the Diocese of Sydney for seeking information and support and for reporting abuse;

- (d) commends the SafeMinistry.org.au website to parishes in the Diocese of Sydney for safe ministry support, information and resources; and

- (e) recommends each parish adopt the Safe Ministry Journey policies for Parishes, and specifically the policy documents for those serving in the following roles –

- Ministers
- Safe Ministry Representatives
- Head of Youth Ministry
- Youth Ministry Leaders

- Head of Children's Ministry
- Children's Ministry Leaders.

20. Both the SafeMinistry.org.au website and the Safe Ministry Journey policy documents have been well received and are being well utilised. A circular was sent to all parishes (Rectors, Wardens and Safe Ministry Representatives) on 26 February 2016 bringing the Synod motion to their attention and encouraging them to adopt the new Safe Ministry Journey policy documents: <https://safeministry.org.au/safe-ministry-policies-website-circular-february-2016/>.

21. In terms of the SafeMinistry website, during the reporting period there were over 68,000 unique website visits, an average of 187 per day. We have seen a significant rise in visits to this site since launching online training – we believe this is due to the numerous links to resources on the site contained in the training.

22. The SMB encourages all parishes that have not yet accessed the SafeMinistry website and utilised the Safe Ministry Journey policy documents to do so as soon as possible.

### **Archbishop's Meetings with Survivors**

23. Throughout the reporting period the Archbishop has continued to make himself available to listen to complainants and relate to them pastorally. This usually includes the making of an appropriate apology on behalf of the Church. During the reporting period there were six apology meetings with survivors and their family members in PSU matters and two apology meetings with a Care Leaver.

24. These meetings are of immense value in almost all cases and survivors are appreciative of the effort made by the Archbishop and the PSU Chaplain to facilitate these apologies.

### **Screening of Lay Workers**

25. All paid lay church workers in the Diocese are required to apply for the Archbishop's authority. This involves their completing a comprehensive screening and disclosure Lifestyle Questionnaire with the applicable Regional Bishop or his representative.

26. All workers in 'child-related' employment (including licensed clergy or authorised lay ministers and unpaid volunteers) must undertake a Working With Children Check. In addition, it is recommended that parishes seek full disclosure of any relevant history and fully complete reference checks with prior supervisors or employers.

27. Persons with a criminal conviction for an offence listed in Schedule 2 of the *Child Protection (Working with Children) Act 2012* (including serious sexual offences and certain other offences involving children) cannot be appointed or elected as wardens, parish councilors, parish nominators or Safe Ministry Representatives.

### **The Working With Children Check**

28. In 2013 the NSW Government introduced laws that require all clergy and each person involved in child-related work in parishes (or organisations), to obtain a Working With Children Check (WWCC) number and to have this number verified online by the relevant parish or church authority.

29. A person's WWCC clearance generally expires 5 years after it was issued which means, with effect from mid June 2018, WWCC numbers have started to require renewal. The renewal process involves the same actions as when a WWCC clearance was first obtained. Reminder emails are provided 90 days prior to expiry and the Diocesan Registry also sends email reminders to those holding a licence or authority from the Archbishop. The renewals process is imposing significant additional work on Safe Ministry Representatives and Registry staff.

### **Screening of Ministry/Ordination Candidates, Clergy and Paid Lay Ministers**

30. All candidates for ordination by the Archbishop are required to complete a comprehensive screening and disclosure questionnaire. This is administered by Ministry Training and Development (**MT&D**) in consultation with the PSU.

31. Ordination/ministry candidates undergo extensive assessment and screening by way of reference-checking, general psychological testing, interviews, chaplaincy supervision reports and Moore College reports. A PSU record check and National Register check are also undertaken. The *Ministry Standards Ordinance 2017* provides a mechanism for pre-ordination disclosure and consideration of prior sexual misconduct or abuse.

**Training of Volunteer Lay Children's and Youth Workers – Safe Ministry Essentials/Refresher**

32. The Diocese is a member of the National Council of Churches' Safe Church Training Agreement. There are 37 independent churches and other dioceses who are members of the Safe Church Training Agreement across Australia.

33. The *Safe Ministry Essentials* course remains the mandated safe ministry training for the Diocese followed by the *Safe Ministry Refresher* course every 3 years.

34. The PSU took on full responsibility for the delivery of Safe Ministry Training across the Diocese from Youthworks on 1 April 2017. This coincided with commencement of online safe ministry training for the Diocese which had been approved by the SMB in late 2016 and developed over the course of 2017. Both the *Safe Ministry Essentials* and the *Safe Ministry Refresher* courses are available online (*Essentials Online* and *Refresher Online* respectively).

35. In February 2017 the PSU set up a new website as the place to go for all safe ministry training needs in the Diocese (<https://safeministry.training>). The website is now in its second major version. The first version provided general information and resources related to Safe Ministry Training, and from April 2017 served as the booking site for face-to-face training run by the PSU. During this period, the actual courses were run on a popular LMS (Learning Management System) called Moodle, which was hosted on a separate server specialising in that software. From October 2017, it was also the booking site for *Refresher Online* and then *Essentials Online* until 15 May 2018. The second version of the website was launched on 15 May 2018 to coincide with the release of version 2.0 of the online training. The new version represents a major rebuild of the site and registration/bookings functions from the ground up and has improved significantly on the first version by running all our online training courses within the same site and using a more versatile LMS called LearnDash. Soon after the launch of the second version, we moved the site to a much faster web host, which should meet our growing requirements in this area into the foreseeable future.

36. Over the first month the SafeMinistry.Training website had 4,829 unique visits, an average of 210 per day.

37. Apart from the website, the key contacts for safe ministry training inquiries are:

- Brenda Sheppard, Safe Ministry Training Administrator; email: [brenda@safeministry.org.au](mailto:brenda@safeministry.org.au).
- Kylie Williams, Safe Ministry Training Consultant; email: [kylie@safeministry.org.au](mailto:kylie@safeministry.org.au).

**Online safe ministry training**

38. Developments in online safe ministry training over the reporting period include –

- *Refresher Online* has been available online since October 2017. *Essentials Online* was launched in April 2018. Both courses involve online self-directed modules and a webinar.
- The Junior Leaders course for under 18 year olds is nearing completion and will be available in the coming months.
- Additional optional modules are planned to focus on equipping people for safe ministry when working with a variety of ministry groups, such as seniors, intellectually and physically disabled people, refugees, people with English as a second language.
- Complete translations into other languages are also planned.
- Face-to-face training remains available through regional events run by the PSU at various times throughout the year.
- A number of new roles have been created with the new training system including Webinar Presenters, Webinar Producers (managed by the PSU) and Local Safe Ministry Online Assistants (managed by the local church to assist their members with accessing online training).

39. The key messages for parishes at this stage are –

- The PSU continues to aim for accessible, affordable, quality training for leaders in our churches no matter what the platform.
- The online training platform will help equip people in our churches better than ever before to undertake ministry safely with a wide range of individuals and groups.

40. The PSU is also undertaking significant work to develop an online Protective Behaviours training module for those in our parishes which should be available later this year.

41. The numbers of people who completed online safe ministry training over the reporting period are as follows.

Online safe ministry training	
Essentials	1142
Essentials-Non Anglican	172
<b>Sub Total</b>	<b>1314</b>
Refresher	2068
Refresher-Non Anglican	160
<b>Sub Total</b>	<b>2228</b>
<b>Grand Total</b>	<b>3542</b>

42. Costs charged for online training are \$15 for Essentials and \$10 for Refresher for Anglicans and \$17 for Essentials and \$12 for Refresher for non-Anglicans.

43. Online safe ministry training has proven vastly more popular than face-to-face training over the reporting period. Face-to-face training was offered at 15 locations across the Diocese in November, March and June during the reporting period. The numbers of people who completed face-to-face safe ministry training during that time are as follows.

Face-to-face safe ministry training	
<b>Essentials</b>	225
<b>Refresher</b>	120
<b>Total</b>	<b>345</b>

44. Costs charged for face-to-face training are: \$50 for Essentials and \$25 for Refresher for Anglicans and \$60 for Essentials and \$30 for Refresher for non-Anglicans. These costs are comparable with the costs charged by Youthworks for face-to-face training prior to April 2017.

45. For more information please visit <https://safeministry.training>.

#### **Training of Ministry/Ordination Candidates and Clergy**

46. Eight Safe Ministry Modules have been developed and are being taught through Moore College, MT&D and Youthworks College as part of their courses and programs.

47. The minister of a parish and any assistant minister licensed to the parish must have satisfactorily completed safe ministry training within the last 3 years, or within 3 months after their licence being issued, and every 3 years thereafter while the licence continues.

48. All licensed clergy and church workers in the Diocese are required to attend "Faithfulness in Service" training seminars once every three years which are organised and paid for by the Professional Standards Unit. This training has been run across the Diocese since 2005 and is next scheduled for 2020.

#### **Safe Ministry Representatives (SMRs)**

49. The role of SMRs in parishes continues to be pivotal in ensuring parishes comply with safe ministry requirements. The Rev Neil Atwood, Parish Consultant for Safe Ministry, plays an invaluable role in supporting, resourcing and equipping SMRs in their role.

50. The PSU provides support and assistance to SMRs by telephone and email. There continues to be a significant level of direct enquiry from parishes and support given to them, particularly around the requirements of the WWCC renewal process.

51. Since 2008 it has been mandatory for each parish to nominate an SMR.

52. As at time of writing, almost all parishes have provided current SMR details to the Registry. There are currently 6 parishes that have not appointed an SMR. Parishes should ensure that the appropriate paperwork has been completed notifying the Registry of the appointment of their SMR.

53. During the reporting period:

- (a) 3 parish-based audit/training sessions were undertaken with SMR's and their Rectors; and
- (b) the use of PSU's centralised safe ministry database Safe Ministry Records Online (SaMRO) (which has been available to parishes through the SafeMinistry website from early 2016)

continues to increase, and at the end of the reporting period 54 parishes were using it (including 7 parishes from another Diocese in regional NSW).

### **The Taskforce on Resisting Pornography**

54. The PSU called together a Taskforce on Resisting Pornography in early 2013 to begin looking at the impact pornography has on the church and what can be done about this.

55. In June 2016 the Standing Committee encouraged the Archbishop to set up a three year Taskforce on Resisting Pornography to address this important issue.

56. The Archbishop's Taskforce consists of the Rev Marshall Ballantine-Jones (Chairman), Mr Lachlan Bryant (PSU Director), Ms Marilyn Buckley (social worker and educator), Mr John Burns (Senior School Counsellor and psychologist, Shore School), the Rev Dr Keith Condie (Co-Director of the Institute for Mental Health & Pastoral Care with Anglican Deaconess Ministries), the Rev Gary O'Brien (MT&D), Mr Greg Powell (psychologist), Ms Karen Triggs (counsellor and psychotherapist) and Dr Patricia Weerakoon (sexologist).

57. The Taskforce has been in hiatus over the reporting period pending some important consultation and research activities being conducted with a number of diocesan schools, which represents a primary stakeholder group in this area. At this stage the main work and legacy of the Taskforce will be the development of a website to help equip and resource parishes, schools, individuals and others in dealing with and responding to the issue of pornography, its use, and the challenges we face in the church, our schools and our other organisations as a result.

### **Safe Ministry Guidelines and Other Advice**

58. The PSU continues to receive inquiries about child protection and safe ministry issues from clergy and church workers in parishes. Such calls or emails are received on a daily basis with staff members receiving at least a dozen inquiries per week and sometimes many more than this.

### **Care of Survivors of Abuse and Complainants**

59. It is the role of the PSU Chaplain to care for complainants and survivors of abuse by clergy and church workers. The complaints process can be long and difficult for survivors and the Chaplain provides pastoral care and support to them throughout. This important role supplements counselling and other emergency assistance which are provided to survivors from PSU funds. A caring response is the first important step along the road of healing for survivors of abuse.

### **Tears and Hope Service**

60. Tears and Hope is a church service held each year for survivors of abuse, hosted by the Rev Ed Vaughan (Rector of St John's Darlinghurst) with the assistance of the PSU Chaplain, at which the Archbishop regularly offers an apology. In 2017 it was held on 20 November and was well attended.

### **Pastoral Care and Assistance Scheme**

61. The Diocesan Pastoral Care and Assistance Scheme has been established to provide financial assistance to survivors of abuse to meet their needs which arise from abuse or misconduct by clergy or church workers. The Scheme is an alternative to litigation which can be a protracted and harrowing process for survivors. The Scheme includes a mechanism for external assessment if necessary.

62. Currently there are two identical schemes, one for matters that fall largely within the responsibility of parishes and one for Care Leavers matters that are the responsibility of the Sydney Anglican Home Mission Society (**SAHMS**).

63. Between 1 July 2017 and 30 June 2018 there were six payments under the Diocesan scheme and nine payments were funded under the SAHMS scheme.

64. The Diocesan Pastoral Care and Assistance Scheme was reviewed following the release of the Royal Commission's Report on Redress and Civil Litigation on 14 September 2015 and an increased cap and updated assessment matrix have now been incorporated into the Scheme.

### **National Redress Scheme**

65. The National Redress Scheme (NRS) is the Commonwealth Government's response to the Royal Commission's recommendations for redress to survivors of institutional child sexual abuse and has the necessary support of all state and territory governments. The NRS commenced on 1 July 2018 and will run for a period of 10 years. The NRS is administered by the Commonwealth Department of Social Services but the costs of redress are borne by the responsible institutions which have 'opted in' to the Scheme (if any). The NRS is designed to meet the requirements of independence and consistency in redress responses for survivors across Australia by allowing claimants to apply for redress without having to approach directly the institution responsible for their abuse. The NRS offers three elements of redress being

a monetary payment of up to \$150,000, counselling support of up to \$5,000 and a direct personal response from the participating institution. Only one claim for redress may be made by a survivor under the NRS and once a redress offer is accepted the claimant must agree to forego any further claims in relation to the abuse by signing a Deed of release. Responsible institutions which chose to 'opt in' to the NRS may participate in the scheme as part of a Participating Group of institutions or in their own right. Institutions choosing to 'opt in' to the NRS must do so by 1 July 2020. The NRS includes provision of legal advice and counselling support for claimants in accessing the Scheme, and the applicable participating institution is broadly responsible for these costs including an administrative levy in each case. Any redress payments previously made to a claimant by the institution responsible for the abuse will be factored into and deducted from any payment to be made under the NRS.

66. The Diocese of Sydney committed to opting in to the NRS as part of a National Anglican Participating Group established by the General Synod. These arrangements are expected to be finalised over the coming months. The Diocese strongly encourages all diocesan institutions operating under the auspices of the Anglican Church which have provided ministry or services to children at any time, including Anglican Schools and diocesan organisations, to opt into the NRS as part of a National Anglican Participating Group. Benefits of opting into the NRS as part of a Participating Group include a joint release from liability for all members of the group once a redress claim has been finalised.

67. For more information about the NRS: <https://www.nationalredress.gov.au/> or call 1800 737 377.

68. For more information about the National Anglican Participating Group visit:

<https://www.anglican.org.au/national-redress-scheme>.

69. Opting into the NRS will not preclude the operation of the Diocesan Pastoral Care and Assistance Scheme which will continue to operate as an alternative option for survivors who wish to engage with the Diocese directly about redress into the future instead of going through the NRS.

#### **Abuse and Sexual Misconduct Complaints Protocol**

70. Since 1996 the Diocese has used an established protocol for receiving complaints and allegations of child abuse or sexual misconduct by clergy or church workers. All Contact Persons are trained counsellors who may be contacted through an abuse report line (1800 774 945 or [reportabuse@sydney.anglican.asn.au](mailto:reportabuse@sydney.anglican.asn.au)). The Contact Persons provide information and support to callers as they consider their options. The Contact Persons can then assist in the documenting and reporting of allegations or complaints of abuse or misconduct.

71. Any complainant identifying possible criminal behaviour is encouraged to make a report to the NSW Police. The Contact Person or another appropriate person from the PSU is able to assist the complainant in reporting the matter to the Police.

72. The five Contact Persons are Mrs Margaret Fuller (Illawarra), Ms Nicky Lock (Northern Beaches), Ms Rosemary Royer (Northern Suburbs), Mr Richard Elms (Western Suburbs) and Mr Rob Carroll (Southern Suburbs).

73. The Contact Persons meet four times a year with the Director and Chaplain for training and coordination of their roles.

#### **Discipline Ordinance and Ministry Standards Ordinance**

74. Up until 31 October 2017, the process for complaints regarding misconduct or child abuse by clergy or church workers was governed by the *Discipline Ordinance 2006*. The specific offences covered in the Ordinance were: child abuse, sexual abuse, unchastity, drunkenness, neglect of ministerial duty, non-payment of just debts, disgraceful conduct, conviction of a serious criminal offence, failure to report suspected child abuse, grooming, inappropriate pastoral conduct involving a child, and possession, production or distribution of child exploitation material.

75. The *Ministry Standards Ordinance 2017* was passed by Synod last year and commenced on 1 November 2017, replacing the *Discipline Ordinance 2006* for all complaints commenced after that date. The focus of the inquiry under the *Ministry Standards Ordinance* is on whether the member of clergy or church worker has engaged in misconduct that would call into question their fitness to hold or exercise an office, position or ministry in the Diocese. Misconduct under the *Ministry Standards Ordinance* may include, in addition to the matters referred to above, bullying, failing to report a serious indictable offence, and process failure, that is, failing to report, deal with or investigate sexual abuse or child abuse in circumstances where that is required by the Ordinance.

76. Where a complaint is received by the PSU that includes an allegation of criminal behaviour a report is made to the NSW Police if the complainant is not able to make that report.

77. The Director receives complaints against clergy and church workers of the Diocese and administers the complaints process under the *Ministry Standards Ordinance 2017*. Each matter usually involves a Contact Person taking an initial complaint, making a report and, if applicable, offering counselling to the alleged victim. The PSU then receives the report and a file is opened. The Chaplain contacts the complainant and remains in touch with them throughout the process. If the complaint is properly made under the Ordinance, the Director serves the complaint on the Respondent. Mediation may be offered in certain cases, should it be considered suitable, such as in some matters involving allegations of bullying.

78. If the Respondent is a member of clergy or paid church worker they are offered counselling, a support person and payment of pre-approved legal costs should they require advice in responding. Depending on the response an investigation is conducted and the matter then proceeds to the Professional Standards Committee for review and recommendations. Unresolved matters can be referred to the Professional Standards Board.

79. If the Respondent is an unpaid lay church worker they are offered counselling and a support person. Depending on the response, an investigation is conducted and it is then referred to an Adjudicator for recommendations and final determination. Unpaid lay respondents are responsible for their own legal costs if they require legal advice or representation.

80. The strongest sanction available for lay persons is a prohibition order that prevents a respondent from engaging in ministry or being appointed to any role in the church. A member of the clergy may be deposed from Holy Orders. There are also lesser sanctions and other recommendations available in appropriate circumstances. The Archbishop or relevant church authority (in the case of an unauthorised lay person) considers the final recommendations and takes action as may be required. The Archbishop is entitled to enquire as to progress of matters and the Director is obliged to keep him informed.

### **Complaints**

81. The Director received 11 new complaints under the (applicable) Ordinance during the reporting period.

82. The Director made four complaints under the (applicable) Ordinance during the reporting period.

83. The Professional Standards Committee met seven times and considered 16 matters in the reporting period.

84. No matters were referred to a Tribunal or the Professional Standards Board (as applicable) during the reporting period.

### **The Professional Standards Committee**

85. There are five members of the Professional Standards Committee. Under the provisions of the *Ministry Standards Ordinance 2017*, the Committee's function is to consider complaints and make recommendations to the Archbishop concerning these matters.

86. This Committee meets as required and is currently scheduled to meet every second month.

### **Adjudicator**

87. Eight matters concerning unpaid lay respondents were referred to an Adjudicator for determination during the reporting period.

### **Parish Recovery Teams**

88. Parish Recovery Teams (PRTs) are generally available to assist parishes where allegations of abuse or misconduct by clergy or church workers have arisen. A PRT works in a parish to deal with the complex pastoral issues that arise once these matters come to light. PRTs aid those members of the parish who are affected and work towards the healing of the parish as a whole.

89. Since 2007 Pastor Tim Dyer of John Mark Ministries has trained volunteers for our PRTs. There are currently 14 trained PRT consultants.

90. Two PRTs were deployed during the reporting period for new matters.

91. Following the commencement of the *Ministry Standards Ordinance* and a number of complaints alleging bullying-type conduct that the PSU is now dealing with, Tim Dyer has been training the PRTs in understanding the dynamics of bullying.

### **The Professional Standards Unit Oversight Committee**

92. The Standing Committee approved of the establishment of a Professional Standards Unit Oversight Committee (PSUOC) in November 2015 that monitors the finances and operations of the PSU, and receives and considers complaints made about the PSU, among other things.

93. There are five members of PSUOC and the Chair of the Committee is Bishop Peter Lin.
94. PSUOC is required to meet a minimum of four times a year.

### **Cooperation with NSW Government Agencies and Other Churches**

95. In August 2017 the PSU convened an inter-denominational Professional Standards Network for representatives of churches across NSW and ACT. The inter-denominational Network has met four times over the reporting period and its members comprise representatives from Seventh Day Adventists (South Pacific Division), Anglican Dioceses (NSW and ACT), Australian Christian Churches (NSW and ACT), Baptist Churches (NSW and ACT), Roman Catholic Dioceses (NSW and ACT), Churches of Christ, Presbyterian Church (NSW and ACT), The Salvation Army, and The Uniting Church Synod of NSW and ACT. Network meetings have been well attended and it has been encouraging for different denominations to share knowledge and ideas, and exchange policies and resources. Guest presenters at Network meetings have included Mr Steve Kinmond, Deputy Ombudsman of NSW, Mr Sam Burnett, solicitor with law firm Prolegis (who formerly worked with the Royal Commission), Ms Maureen O'Hearn and Ms Jo Isaac from Healing and Support, Zimmerman Services, Catholic Diocese of Maitland-Newcastle.

96. In early 2017 the NSW Ombudsman's office proposed the establishment of a NSW Child Safety Standing Committee for Survivor and Faith Groups to assist institutions to respond to the Royal Commission's final recommendations. The NSW Ombudsman's office has undertaken to provide administrative support to a Standing Committee, consistent with the Ombudsman's role to oversee independently the systems that relevant organisations have in place for preventing, detecting and responding to reportable conduct matters. We are optimistic about this initiative and the Archbishop and the Director will be participating in this Standing Committee and its work on behalf of the Diocese as required.

97. The National Network of Directors of Professional Standards from Anglican Dioceses across Australia meets together each quarter. The Director of the PSU attends these meetings regularly. The Network meetings are crucial for continuing cooperation and communication between Professional Standards Directors across the nation. The value of the Network is the depth of experience concerning professional standards matters across the group as a whole. This also means the Network is well positioned to make important contributions to developments and initiatives in these areas and to work towards maintaining best practice in processes across Dioceses.

### **Finance**

98. PSUOC receives and monitors accounting reports for the PSU. PSU accounts are reported in the Synod Funds reports provided to members of Synod.

99. Following detailed submissions to the Diocesan Resources Committee from the Chair of the Safe Ministry Board and Director of Professional Standards in 2015, it was recommended to Standing Committee that PSU costs be fully recoverable under the Parish Cost Recovery charge.

100. An additional increase in funding has been required as a result of the introduction of the *Ministry Standards Ordinance 2017*. The new ordinance has already led to an increase in the different types and volume of matters that come to the PSU. The SMB, PSC and PSUOC have all strongly supported an increase in PSU funding to the Diocesan Resources Committee comparable with its additional responsibilities. This funding will be meet increased staffing costs, and other additional expenses such as further Contact Person services, counselling, Alternative Dispute Resolution and investigation costs.

### **Conclusion**

101. As we enter the post-Royal Commission period and turn to working through, responding to and implementing its final recommendations we must be focused and vigilant to review and improve our existing systems and practices in professional standards. In this way we will not only learn from the mistakes of the past but ensure we create the conditions for a safe and vibrant future. To that end it is vital for the PSU to be fully and adequately resourced for the years to come.

On behalf of the Safe Ministry Board and Professional Standards Unit.

THE REV DR KEITH CONDIE  
*Chair*

Safe Ministry Board

23 July 2018

LACHLAN BRYANT  
*Director*

Professional Standards Unit

23 July 2018

## 2/05 Stipends, Allowances and Benefits for 2019

(A report from the Standing Committee.)

### Key Points

- Recommended minimum stipends increased 1.6% for 2019
- Standing Committee amended the policy adopted in August 2016 to allow two more years for the recommended minimum stipend to decrease to 75% of AWE
- The structure of remuneration package remains unchanged

### Introduction

1. By resolution 2/05, the Synod requested that the Standing Committee report its findings about stipends and allowances to the Synod each year.
2. The circular to ministers and wardens entitled “Guidelines for the Remuneration of Parish Ministry Staff for 2019” (the “Guidelines”) was published in August this year and provides details of the recommended stipends, allowances and benefits for ministers, assistant ministers and lay ministers for 2019.

### Recommended Minimum Stipends

3. The policy adopted in August 2016 which indicated the 2019 stipend would be set at 75% of Average Weekly Earnings would have required a small decrease in the stipend from the level applying in 2018.
4. Standing Committee therefore agreed to amend the policy to extend the period over which the policy seeks to reduce the recommended minimum stipend from 80% to 75% of AWE from 3 years to 5 years and agreed to set the recommended minimum stipend for 2019 at \$66,787, which is a 1.6% increase over the recommended minimum stipend for 2018 –

	% of Minister's Minimum Stipend	2019 Minimum Stipend \$ pa
Minister	100	66,787
Assistant Ministers, Lay Ministers & Youth and Children's Ministers (Theological degree or Advanced Diploma) –		
5 <sup>th</sup> and subsequent years	95	63,448
3 <sup>rd</sup> and 4 <sup>th</sup> year	90	60,108
1 <sup>st</sup> and 2 <sup>nd</sup> year	85	56,769
Youth and Children's Ministers (Diploma) –		
7 <sup>th</sup> and subsequent years	85	56,769
4 <sup>th</sup> to 6 <sup>th</sup> year	75	50,090
1 <sup>st</sup> to 3 <sup>rd</sup> year	65	43,412

### Remuneration Packaging

5. The maximum level of stipend sacrificed to a minister's expense account (“MEA”) remains set at 40%, with the member of the ministry staff able to set a lower percentage. Ministry staff may sacrifice an additional amount of stipend (over and above the 40%) to increase superannuation savings. Certain expenditure can be reimbursed to the minister from the MEA. Benefits received in this way are exempt from fringe benefits tax and income tax.

### Superannuation Contributions

6. Contributions on account of superannuation for ministers and assistant ministers are part of the parish ministry costs and will be funded through the *Parochial Cost Recoveries and Church Land Acquisitions Levy Ordinance 2018* due to be considered by the 2<sup>nd</sup> Session of the 51<sup>st</sup> Synod. Superannuation for lay ministers is paid separately. As for 2018, the amount of the superannuation contribution is generally set at 17% of the applicable minimum stipend, accordingly the annual contributions proposed for 2019 are –

	2019
Minister	11,354
Assistant Ministers, Lay Ministers & Youth and Children's Ministers (Theological degree or Advanced Diploma)–	
7 <sup>th</sup> and subsequent years	11,354
1 <sup>st</sup> to 6 <sup>th</sup> year	10,218

	2019
Youth and Children's Ministers (Diploma) – 7 <sup>th</sup> and subsequent years	9,651
1 <sup>st</sup> to 6 <sup>th</sup> year	8,515

### Travelling Allowances/Benefits

7. The diocesan scale for the travelling allowance to be paid to ministers, assistant ministers, lay ministers and youth and children's ministers for 2019 is calculated in accordance with the following scale –

- a fixed component of \$8,047 (2018 – \$8,047) per annum to cover depreciation, registration, insurance etc, plus
- a reimbursement at the rate of \$246 (2018 – \$246) for every 1,000 kilometres travelled by the person concerned on behalf of the church or organisation which he or she serves.

8. Travel benefits may be provided through an MEA in lieu of a travel allowance in accordance with the guidelines published in the Guidelines.

### Remuneration for Occasional Services

9. The recommended rates for clergy who take occasional services are –

	2019 \$
For 1 service	90
For 2 or more services in a half day	120
For a whole day	180

10. The following guidelines also apply in relation to remuneration for occasional services –

- If the total return journey of the person taking the occasional service is 75 kilometres or less, a travelling allowance of 80 cents per kilometre should be paid (2018 – 80 cents). If further kilometres are travelled, the travel allowance should be negotiated.
- Meals should be provided where necessary.
- As pension benefits may be reduced according to other income received, the recommended rates are open to negotiation.
- Where a minister is invited to take, or assist in, services in a church outside their parochial unit, any payment for services should be made to the parochial unit to which the minister is licensed, rather than to the minister.

### Acting Ministers, Locum Tenens and part time pastoral workers

11. Acting Ministers, Locum Tenens and part time pastoral workers should be remunerated with reference to the relevant full time stipend and benefits on a pro-rata basis (based on a 6 day working week). The worker should also be paid a travelling allowance at the rate of 80 cents per kilometre to cover any travel costs incurred while performing their duties (2018 – 80 cents).

12. Provision for ministry related expenses, superannuation, sick, annual and long service leave (on a pro-rata basis) should be provided where appropriate and agreed upon by the worker and parish council.

13. Part time pastoral workers must be included under the parish's workers compensation insurance policy.

### Male and Female Student Ministers

14. The recommended assistance for student ministers working one full day per week for 2019 is –

	% of Minister's Minimum Stipend	2019 \$ pa
Studying for a degree	12.5	8,348
Studying for a diploma	10.0	6,679

If a student minister works more than one full day then the rate payable is a pro-rata amount of the full day rate.

15. The following guidelines also apply in relation to the remuneration of student ministers –

- Transport costs (whether private vehicle or public) should be paid by the parochial unit. Where extensive travel is involved consideration should be given to paying for the travel time.
- Where a student minister serves for a half day in addition to a full day, account should be taken of the additional time and cost in travelling and care taken to ensure that the student minister is not disadvantaged by the additional expense.

- (c) Under the Fair Work Act 2009, since 1 July 2018 the national minimum wage for adults has been \$18.93 per hour. This means that the recommended stipend allows for no more than 8.5 hours work per week if studying for a degree, and 6.8 hours if studying for a diploma. The minimum wage will be reviewed next on 1 July 2019.
- (d) Arrangements should be made to ensure student ministers are provided with appropriate hospitality. For example, appropriate breaks should be provided especially in a long working day.
- (e) Preparation time adds to the total time incurred in service for the parochial unit and should be allowed for when the amount of payment is considered.
- (f) Superannuation contributions are payable if the remuneration exceeds \$450 per month.
- (g) Worker's compensation insurance cover must be arranged by the parish.
- (h) By arrangement with the student minister the parish may agree to pay college fees (tuition, boarding, etc) on behalf of the student minister in lieu of part of the normal remuneration. If such fees are paid they should be considered an exempt fringe benefit provided –
  - (i) the student is a ministry candidate, and/or holds the Archbishop's licence, or is an independent candidate undertaking the same course of study as required for a ministry candidate, and
  - (ii) the benefit is only applied to paying fees and the provision of accommodation/board.

For and on behalf of the Standing Committee.

JAMES FLAVIN

*Chair, Stipends and Allowances Committee*

28 August 2018

# Strategy and Research Group Annual Report 2018

(A report from Strategy and Research Group.)

## Key Points

- The Strategy and Research Group Terms of Reference have been revised, and the Group's name changed from 'Strategic Research Group', to give greater clarity to the purpose and breadth of responsibilities of the Group.
- The Strategy and Research Group has started background work for the next iteration of the Diocesan Mission, which has been a focus of the Group throughout the year.

## Purpose

1. The purpose of this report is to provide the Synod with an update on the work of the Strategy and Research Group during the past year.

## Recommendation

2. The Synod receive this report.

## Background

3. The Strategy and Research Group (SRG) comprises the following members –

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

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

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

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

## Discussion

6. The Standing Committee (at the SRG's request) revised the SRG's Terms of Reference, and also changed its name from 'Strategic Research Group' to 'Strategy and Research Group'. These changes are intended to give greater clarity to the Group's purpose and the breadth of its responsibilities.

7. The SRG typically meets quarterly for full day meetings. Since the last Synod, the SRG has met 5 times including a two-day Strategic Retreat at the start of the year with the senior Episcopal team to focus specifically on matters of high level vision, strategy and structure within the Diocese.

8. At the Retreat, the SRG started background work for the next iteration of the Diocesan Mission, which has been a focus of the Group throughout this year. This included consideration of –

- the attached Sydney Anglican Diocese funding diagram,
- a current 'Political, Economic, Socio-cultural, Technology, Legal and Environmental' (PESTLE) analysis of the Diocese of Sydney, and
- the Key Issues identified with the Bishops and Archdeacon from a 'Strengths, Weaknesses, Opportunities and Threats' (SWOT) analysis in the formulation and implementation of the Diocesan mission.

9. Following the Retreat, the SRG has decided that the originally planned M20 survey across a sample of the Diocese in 2019, using a selection of questions from NCLS, may not be warranted, given the next NCLS is due in 2021. Accordingly, the SRG is researching key strategic initiatives which, with the approval

of Synod, will enhance the effectiveness of Mission 2020, which could then continue until at least 2022, when its goals can be evaluated in light of the next NCLS. The SRG is also exploring ways in which such strategies might be implemented more quickly, given the triennial nature of Synod funding.

10. The SRG also partnered with Mission Area Leaders (MALs) for a joint conference on 2 May 2018. The conference with MALs has been held annually since 2015 and typically involves an update from the SRG regarding its work, and the MALs providing input and feedback from ministry in their Mission Areas to explore opportunities for collaboration. The most recent joint conference included a presentation by the SRG of the Key Issues regarding its background work on Mission 2020, and a brainstorming session with the MALs seeking their insight and perspective on the matter.

11. In addition to this work, the SRG has –

- (a) reviewed statistical analysis from the 2016 National Church Life Survey regarding Newcomers to church and a Spiritual Health Profile,
- (b) considered funding arrangements in the Diocese and possible arrangements for the future funding triennium from 2022 to 2024, and
- (c) examined ways to maximise existing networks for church growth and parish engagement with Diocesan organisations.

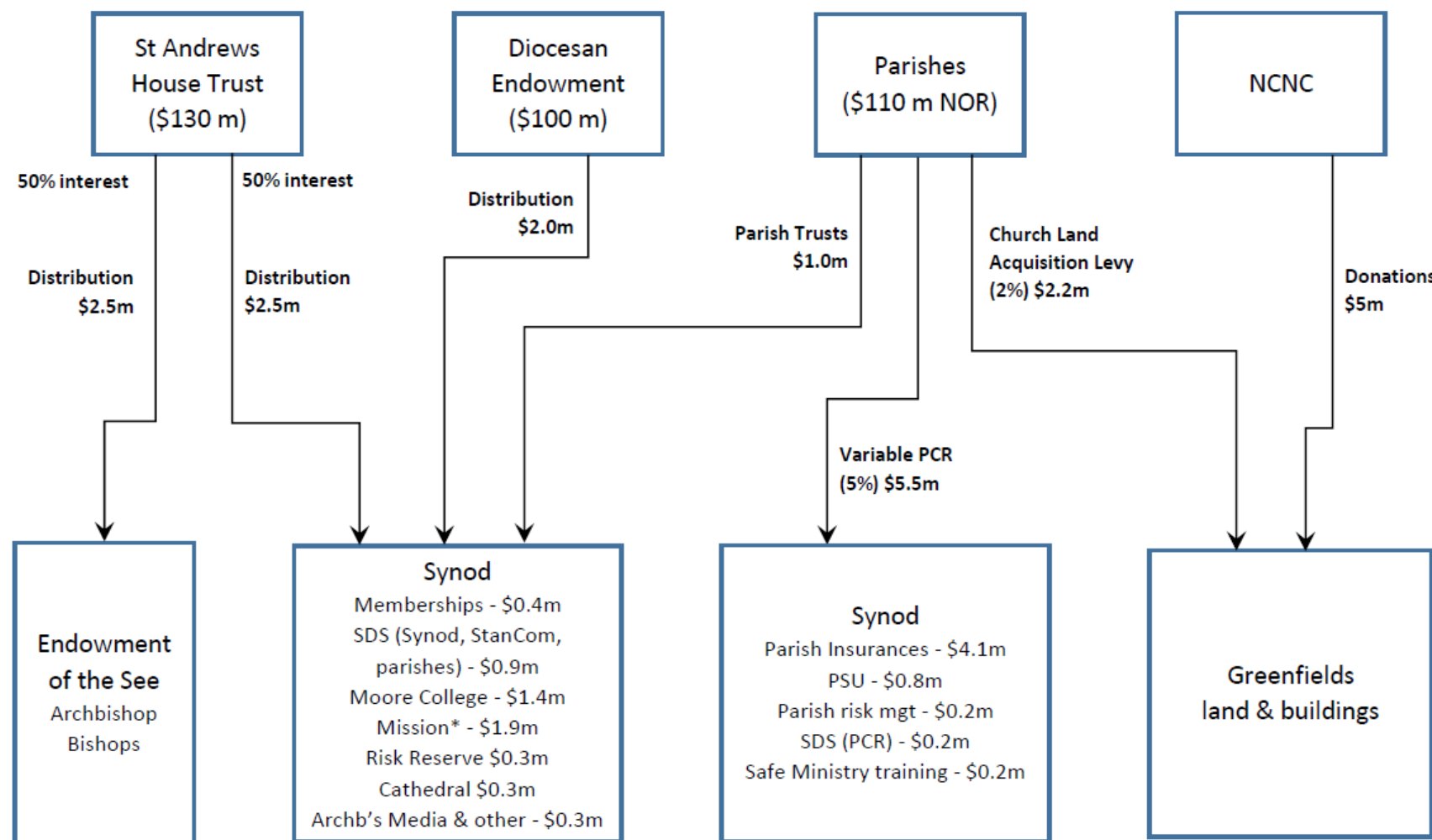
For and on behalf of the Strategy and Research Group

BISHOP PETER LIN

*Deputy Chair*

17 August 2018

## SYDNEY ANGLICAN DIOCESE FUNDING DIAGRAM – FEBRUARY 2018



\* Mission = AEC \$0.1m, AMC \$0.2m, ENC \$0.3m, TEMOC \$0.1m, Youthworks \$0.5m, Anglicare (research) \$0.1m, MTD \$0.4m, WOD \$0.2m

## Proposal to change the status of the provisional parish of Surry Hills to a parish

(A report of the South Sydney Regional Council.)

### Proposal

1. The proposal is to change the provisional parish of Surry Hills to the parish of Surry Hills.
2. The Parish of Surry Hills became a provisional parish in 1 January 1997 due to insufficient local revenue subsequently a congregation of Evangelism and New Churches called Vine Church met on the premises of St Michael's at Surry Hills. In 2015, the then Rector resigned and the leader of the ENC congregation was appointed as Rector of the Provisional Parish of Surry Hills. Consequently Vine Church and St Michael's merged resulting in the Parish seeing significant growth in both attendance and offertories. In addition, the Parish is also supported with an extremely strong balance sheet, which includes multiple investment properties that are managed by the wardens.

### Support of the South Sydney Regional Council

3. On 29 May 2018 the South Sydney Regional Council resolved to support the request that the Provisional Parish of Surry Hills be classified as a parish under the *Parishes Ordinance 1979*.

### Parish information

4. St Michael's is based in Surry Hills which has an estimated population of over 18,000 people, of which only 5% claim to have affiliation with the Anglican Church. The church serves an area that is increasing secular. Surry Hills, according to the 2016 census shows that 44% of population has no affiliation to a religion. 56% of the Surry Hills population falls between 25-44 year olds with 65% of the total population renting and 70% employed fulltime.
5. Vine Church at the time of the merger was 4 years old, and had grown from 16 people at the start, to over 150 on a weekly basis. St Michael's had a 160-year legacy and property assets, but a small congregation of less than 20. Since the merge, the provisional parish has grown to over 200 attendees (including 25 children), across two services, and now has 4 employed ministers including the Rector Toby Neal.
6. The provisional parish provides a range of other ministries including –
  - (a) Bread of Life, which feeds over 50 homeless individuals in Surry Hills every Sunday.
  - (b) Christianity Explored, which introduces over 30 people a year to Christianity.
  - (c) Community Groups, meeting weekly to study the bible in 17 different locations comprising over 180 people.
  - (d) In 2017 the church delivered over 2,000 cupcakes to women in local brothels.
  - (e) Over 25 children attend kid's church weekly, and in 2018 a youth group was started on Friday nights.

### Criteria for Parish Status (Section 6) as stated in the Parishes Ordinance of 1979

7. In accordance with Section 6 of the *Parishes Ordinance 1979*, the wardens certify as follows –
  - (a) Local revenue in 2017 exceeded minimum threshold.
  - (b) The Rector was paid the necessary stipends and allowances, and provided with a residence.
  - (c) All cost recovery charges were paid.
  - (d) A residence approved as suitable by the Archbishop is available for the Minister.
  - (e) There are buildings available in the parish for use by a congregation meeting for worship and other proposes.
  - (f) These buildings are in good condition and suitable for purpose, and title is vested in the ACPT.
  - (g) The parish is able to service all its debts.
  - (h) The parish is in a sound financial condition.

### Particulars of all church trust property

8. Details of property held by the Anglican Church Property Trust upon trust for the provisional parish are as follows, all which are in good condition –

Property	Value of Land	Value of Building (at IRV)	Value of Contents (at IRV)
Church	3,320,000	13,055,250	1,234,964
Church Hall		1,156,710	34,758
Rectory	2,170,000	1,122,812	4,790
14 Arthur St	1,200,000	383,272	1,560
16 Arthur St	1,200,000	362,672	1,560
22 Marcel Ave	1,230,000	355,385	1,337
196 Albion St		696,188	3,119
<b>Total</b>	<b>9,120,000</b>	<b>17,132,289</b>	<b>1,282,088</b>

\* All information taken from 2017 audited Financial Statements

### Summary of consolidated receipts and payments

9. A summary of the financial position over the past two years and budget for 2018. Note that Vine Church and St Michael's did not combine financial statements until the fiscal year 2016 –

	<b>2016</b>	<b>2017</b>	<b>2018 (budget)</b>
<b>Income</b>			
Offeratories and Donations	433,769	484,364	514,255
Grants	40,107		
Property Income	241,026	328,806	254,800
Finance Income	35,231	28,393	
Income from Trading	70,785	52,085	96,253
Other Income	2,887	5,855	24,840
<b>Total Income</b>	<b>823,805</b>	<b>899,503</b>	<b>890,148</b>
<b>Operating expenses</b>			
Ministry staff	504,656	440,502	611,731
PCR	34,371	27,798	30,000
Resources and Ministry	13,189	19,246	25,000
Parish Donations	14,696	56	
Parish Administration	132,765	131,886	64,028
Ministry Property Expenses	69,130	66,295	72,172
Leased Property Expenses	52,799	23,634	40,800
Trading Activity Expenses	820	948	
<b>Total Expenses</b>	<b>822,426</b>	<b>710,365</b>	<b>843,731</b>
<b>Surplus / (Loss)</b>	<b>1,379</b>	<b>189,138</b>	<b>46,417</b>

10. A summary of assets and liabilities as of end of fiscal year 2017 according to audited financial statements –

#### Assets

Total Current Assets	2,371,259
Total Non Current Assets	27,539,377
<b>Total Assets</b>	<b>29,910,636</b>

#### Liabilities

Total Current Liabilities	83,518
<b>Total Liabilities</b>	<b>83,518</b>

<b>Net Assets</b>	<b>29,827,118</b>
-------------------	-------------------

**Recommendation**

11. The South Sydney Regional Council recommends that the provisional parish of Surry Hills be reclassified as a parish with effect from 1 January 2018.

For and on behalf of the South Sydney Regional Council.

MICHAEL STEAD  
*Bishop of South Sydney*

11 July 2018

## 4/17 Workload Related Burnout

(A report from Ministry Training & Development.)

### Purpose

1. The purpose of this report is to respond to the request of Synod resolution 4/17, regarding workload related burnout.

### Recommendations

2. Synod receive this report.

### Background

3. At the 2017 Synod, MT&D was asked to investigate online self-assessment tools for church workers to measure their workloads to alleviate or prevent burnout. Motion 4/17 reads:

#### 4/17 Workload related burnout

This Synod –

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

### Discussion

4. This is a complex area.
5. There are many variables that impact a person's capacity to work in ministry without burning out. These include the following:
  - The number of hours worked
  - When the hours are worked
  - A person's capacity
  - The nature of the work and the gifts of the worker
  - The stage of life and health of the worker
  - The health and harmony in the worker's family
  - The health and harmony of the relationships in the ministry team of the worker
6. So, there is no simple measure.
7. There are however some online tools that can be used to help a person assess their current functioning in life and ministry to help determine their state of 'well-being' or 'burnout'.
8. These include:
  - Maslach Burnout Inventory (MBI-HSS) – [www.mindgarden.com](http://www.mindgarden.com)
  - Holmes and Rahe Stress Scale – [www.mindtools.com](http://www.mindtools.com)
  - DASS21 – <https://headspace.org.au/assets/Uploads/Resource-library/Health-professionals/Clinical-Toolkit/DASS-21-with-Scoring-Sheet.pdf>
  - Australian Unity/Deacon University well-being assessment tool – <https://www.australianunity.com.au/media-centre/wellbeing>

9. In addition to doing an online assessment we recommend the following:
- (a) If a person believes they are nearing burnout, they should seek professional help with a doctor, counsellor or psychologist to devise a plan to address the issue. Anglicare provides the Clergy Assistance Scheme, which provides free, confidential counselling for clergy and clergy spouses in the Diocese of Sydney –  
<https://www.anglicare.org.au/clergy-assistance-program> (02 4228 0283)
  - (b) Focusing on proactive strategies and practices that promote well-being in ministry. These include:
    - (i) Having a mentor, coach or pastoral supervisor.
    - (ii) Joining the Lifelong Ministry Development (LMD) process –  
<https://lmd.org.au>.
    - (iii) Looking at the LMD Development Package on “Resilience”.
    - (iv) Contacting the Centre for Ministry Development (CMD) and asking to do the workshop on “Resilience” and asking to do the “Well-being questionnaire” (part of the 360 Review package).
    - (v) Doing some reading on resilience and ‘well-being’ in addition to reading on ‘burnout’.
    - (vi) Reading a summary of Grant Bickerton’s Australian research on well-being –  
<https://www.buv.com.au/documents/item/182>

For and on behalf of Ministry Training and Development

THE REV GARY O'BRIEN

*Director*

24 April 2018

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# **2018 Session of Synod**

## **Book 2**

(Pages 201 to 270)

### **Supplementary Report of the Standing Committee and Other Reports and Papers**

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

## **2018 Supplementary Report of the Standing Committee**

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## Supplementary Report of the Standing Committee for 2018

The following material updates the Standing Committee's Report to the Synod and other material in the Synod Book 1 to take into account the work of the Standing Committee since that book was finalised and to make corrections.

### Page 5 – Item 1.3 Meetings and members

Delete '9' and insert '10'.

Insert a new second dot-point –

- A vacancy arose in the position of a lay person elected by the whole Synod upon the death of Dr Robert Mackay on 3 September 2018. A casual vacancy was declared at our meeting on 24 September 2018.'

### Page 6 – After item 1.8

Add –

#### **1.8A Death of Dr Robert Mackay**

We noted with sadness the death of Dr Robert Mackay, on 3 September 2018. Dr Mackay was the Chair of the committee responding to Synod resolution 3/17 (Coordinating the Planting of Churches), which proposed the establishment of the Anglican Church Growth Corporation. Dr Mackay had a long association with Crusaders ministries, served on the Council of The King's School since 1995 (ultimately chairing the Council until the time of his death), served since 1996 as a Nominated Lay member (Part 8) of Synod, chaired the Council of Robert Menzies College and was a member of the Northern Regional Council.

#### **1.8B Death of the Rt Rev Donald Robinson AO**

We gave thanks to God for the life and ministry of the late Donald William Bradley Robinson, who died on 7 September 2018. Born in November 1922, Donald studied at Sydney and Cambridge Universities and then had a significant impact as, first lecturer and then, Vice Principal of Moore College. In 1965 he became a Canon of St Andrew's Cathedral and in 1973 was consecrated to be Bishop in Parramatta. In 1979 he was awarded an honorary doctorate by the Australian College of Theology. In 1982 he was elected as Archbishop of Sydney and continued in this role until his retirement in January 1993. In June 1984 he was made an Officer of the Order of Australia. His service to the church and the community was supported by his wife, the late Marie Robinson (nee Taubman).'

### Page 8 – Item 3.4 Ordinances

Delete '27 August' and insert '24 September'.

In the table in the column headed '2018' delete '22' where twice appearing and insert '27'.

In the first paragraph below the table delete '9' and insert '14'.

Add the following new paragraphs at the end –

*'The Anglican Church Growth Corporation Ordinance 2018* constituted the Anglican Church Growth Corporation (the Growth Corporation) as a body corporate under the Anglican Church of Australia (Bodies Corporate) Act 1938. The Growth Corporation was established in response to Synod resolution 3/17 which, among other things, requested the Standing Committee to consider ways to facilitate appropriate coordination between the Mission Property Committee, Evangelism and New Churches, and New Churches for New Communities, in supporting church planting and revitalisation throughout the Diocese. See item 7.3.

The *Mission Property Ordinance 2002 Amendment Ordinance 2018* amended the *Mission Property Ordinance 2002* to reflect the role of the Anglican Church Growth Corporation in setting the strategy, policies and priority of the MPC in relation to the acquisition and development of property projects. The key changes were –

- (a) a new definition of “Specified Property” and a re-description of the real and personal property which comprises the Mission Property Fund,
- (b) it is now the Anglican Church Growth Corporation that establishes the priority of development projects, and MPC advice is now given “subject to any strategy or policies determined by the Corporation”,
- (c) the fundraising function of the MPC has been moved to the NCNC and the Anglican Church Growth Corporation, and
- (d) the responsibility for the reporting to Standing Committee moves from MPC to ACGS.

See item 7.3.

The *Anglican Youth and Education Diocese of Sydney Ordinance 1919 Amendment Ordinance 2018* amended the *Anglican Youth and Education Diocese of Sydney Ordinance 1919* (the Youthworks Ordinance) to make it consistent with the ‘*Governance Policy for Diocesan Organisations*’ in relation to membership, terms of membership, meetings and voting, the Chair and Deputy Chair, handling conflicts of interest, the appointment and responsibilities of the CEO, and the use of income and property, among others. The Youthworks Ordinance was also amended to include Youthworks’ new vision, “To see an effective youth and children’s ministry in every church” and new Mission Statement, “To support the work of the gospel in churches and schools to present children, youth and families mature in Christ”.

This ordinance also amended both the Youthworks Ordinance and the *Anglican Education Commission Ordinance 2006* to provide that both Youthworks and the Anglican Education Commission share responsibility for advocacy for the place of Special Religious Education in government schools.

The *Safe Ministry to Children Ordinance 2018* gave substantial effect to the *Safe Ministry to Children Canon 2017* in the Diocese of Sydney, except for those provisions that are not suitable or workable in our Diocese. A report about this matter is printed separately

The *Standing Committee Ordinance 1897 and Regions Ordinance 1995 Amendment Ordinance 2018* amended the *Standing Committee Ordinance 1897* and the *Regions Ordinance 1995* to provide that in both amended ordinances, a “Regional Elector” is consistently determined based upon the person’s parish, rather than their residence. This amendment was made in response to the request of resolution 44/17.

This ordinance made two further changes to the *Standing Committee Ordinance 1897* to improve consistency, the more significant being a provision to allow a ballot required as a result of the creation of a new region, to be conducted by electronic means (similar to an existing provision in 3(3A)). See item 7.14.’

#### **Page 11 – Item 3.14 Parochial cost recoveries for 2019-2021**

Delete the second paragraph and insert –

‘The Bill for the *Parochial Cost Recoveries and Church Land Acquisitions Levy Ordinance 2018* and the explanatory report provided as part of the Provisional release of Book 3 have been superseded by a revised form, provided in marked form in the supplementary release of Book 3.

A report about this matter is printed separately.’

#### **Page 11 – Item 3.16 Mission Property Committee Strategic Update**

Add a new paragraph to the end –

‘A further report from the MPC is printed separately.’

**Page 11 – Item 3.17 Mission Property Committee**

Add to the end of the item heading –

**‘provision of a relocatable building’**

**Page 16 – Item 6.9 Matters relating to the Diocese of Bathurst**

Delete the last paragraph and insert –

‘A report about this matter is printed separately.’

**Page 17 – After item 7.1**

Add –

**7.1A 34/15 Diocesan Doctrine Commission report on Human Sexuality**

By resolution 34/15, the Synod, among other things, thanked the Sydney Diocesan Doctrine Commission for its publication *Human Sexuality & the Same-Sex Marriage Debate*, and requested that the Standing Committee continue work developing pastoral guidelines for pastors as they minister to Christians experiencing same-sex attraction, their family and friends, and their churches; and that a committee be formed of sufficient size, breadth of experience, and expertise to accomplish this, to report to Synod in 2017.

A report with recommendations about this matter is printed separately.

**Page 17 – Item 7.3 3/17 Coordinating the planting of churches**

Delete ‘Mission Property Committee, Evangelism and New Churches,’ in subparagraph (a) and insert –

‘Mission Property Committee (MPC), Evangelism and New Churches (ENC),’

Delete the 2<sup>nd</sup> and 3<sup>rd</sup> paragraphs and insert –

‘At our meeting on 24 September 2018, we constituted the Anglican Church Growth Corporation (the Growth Corporation) as a body corporate, to address the requests of this resolution. The Growth Corporation has as its function to develop strategy and policy, provide advice and assist in the provision of resources for ministry growth initiatives involving the acquisition or development of real property in greenfield and existing urban areas, including by –

- (a) setting and reviewing strategy and policies for the MPC,
- (b) promoting and enabling strategic cooperation between the MPC, NCNC and ENC in relation to property initiatives,
- (c) facilitating communication about potential property initiatives among those organisations, relevant parishes and the relevant Regional Bishop, and other diocesan organisations,
- (d) providing an early point of reference for parishes seeking to pursue property initiatives,
- (e) providing advice to parishes in respect to strategy and fundraising related to property initiatives, and
- (f) coordinating the provision of people, property and financial resources in relation to property initiatives, and
- (g) facilitating constructive relationships between all involved in a particular property initiative.

The Growth Corporation may appoint an Executive Director, and must report at least every three months to the Standing Committee in respect to the pursuit of its purposes and functions.

We also amended the *Mission Property Ordinance 2002* to reflect the role of the Anglican Church Growth Corporation in setting the strategy, policies and priority of the MPC in relation to the acquisition and development of property projects.

See item 3.4’

**Page 17 – Item 7.4 8/17 Statement of Anglican doctrine of marriage**

Delete the last paragraph and insert –

‘A report about this matter is printed separately.’

**Page 18 – Item 7.6 16/17 Implementation of the Domestic Abuse Response**

Delete the last paragraph and insert –

‘A report about this matter is printed separately.’

**Page 18 – Item 7.7 20/17 General Synod – Safe Ministry to Children Canon 2017 Adopting Ordinance 2017**

Delete the last paragraph and insert –

‘A report about this matter is printed separately.’

**Page 18 – Item 7.8 22/17 Appointment of assistant ministers and stipendiary lay workers**

Delete the last paragraph and insert –

‘A report about this matter is printed separately.’

**Page 18 – Item 7.10 27/17 Gender representation on Diocesan boards and committees**

Delete the last paragraph and insert –

‘A report about this matter is printed separately.’

**Page 19 – Item 7.11 33/17 Licensing of incumbents interim report**

Add a new paragraph to the end –

‘A report about this matter (‘Licensing of Incumbents – Final Report’) is printed separately.’

**Page 19 – Item 7.12 34/17 Proposal for a Property Receipts Levy**

Delete the last paragraph and insert –

‘A report about this matter is printed separately.’

**Page 19 – Item 7.14 44/17 Proposed review of the Standing Committee Ordinance 189**

Delete the last paragraph and insert –

‘We amended the *Standing Committee Ordinance 1897* and the *Regions Ordinance 1995* to provide a consistent definition of the term. See item 3.4.’

**Page 20 – After item 7.18 Ordinances for this session**

Delete “30 August 2018” and insert “26 September 2018”.

**Page 82 – Ordinances passed by the Standing Committee**

Add to the end –

‘Anglican Church Growth Corporation Ordinance No 23, 2018  
Mission Property Ordinance 2002 Amendment Ordinance No 24, 2018

Anglican Youth and Education Diocese of Sydney Ordinance 1919 Amendment Ordinance No 25, 2018  
Safe Ministry to Children Ordinance No 26, 2018  
Standing Committee Ordinance 1897 and Regions Ordinance 1995 Amendment Ordinance No 27, 2018'

Delete "30 August 2018" and insert "25 September 2018".

## **Anglican Church Property Trust Diocese of Sydney (ACPT)**

(Report to the 2<sup>nd</sup> ordinary session of the 51<sup>st</sup> Synod.)

As the Chair of the ACPT, and on behalf of the Board, I have pleasure in presenting the ACPT's 2018 annual report to the Synod.

As noted by the President and immediate past Chair of the ACPT in a previous annual report to Synod, the role of the ACPT from its constituent documents, an Act of the NSW parliament (1917) and an ordinance of the Synod (1965), has changed from a relatively passive trustee of church trust property to one responding to significantly more complex regulatory, legal, political and social environments. Board members may be exposed to potential personal liability under legislation such as that relating to heritage, construction and fire safety.

Complexity continues to increase for parishes and the ACPT. Examples include –

- obligations under the NSW Heritage Act (1977)
- ongoing compliance with ACNC legislation
- ongoing compliance with fire safety aspects of the Environmental Planning and Assessment Regulations (2000)
- operating in an increasingly litigious external operating environment and associated implications for insurance, reputation risk and personal liability
- changes to NSW planning instruments
- guidelines published by the Australian and New Zealand Governments Australian & New Zealand Counter-Terrorism Committee (ANZCTC) entitled *Australia's Strategy for Protecting Crowded Places from Terrorism*
- more complex administration of the various Local, NSW and Federal Government grant programs
- issues arising from the Royal Commission into Institutional Responses to Child Sexual Abuse.

Because parishes are unincorporated bodies there is a necessary interface with ACPT in parish church trust property matters. In passing ordinances concerning parish church trust property, the Standing Committee resolved in February 2014 –

*Standing Committee declares its view that the polity of this Diocese generally gives precedence to parishes over the affairs of the Diocese, including in relation to the management of property held for a parish and the benefit of income from such property.*

This intersection needs to be managed with consistency and having regard to the interests of parishes, the increased complexities noted above, the legal and fiduciary obligations of the ACPT and the potential personal liability that may be imposed upon its Board members.

Since Synod 2017, as in previous years, ACPT, as the corporate trustee of the Diocese, operated across the full spectrum of diocesan activities. Some notable outcomes include –

- *Exercising* oversight and/or providing guidance in relation to 20+ significant current and planned parish projects where the building costs for each project is anticipated to range from \$1m up to \$100m.
- Assistance with and management of over 40 parish projects supported by grants made by the NSW Government under its Community Building Partnership (CBP) 2016 program. All projects were delivered materially on time and within budget.
- Assistance with and management of some 60 CBP2017 grants supporting parish projects currently underway or about to commence shortly.
- *Concluding* the 2017 / 2018 diocesan insurance renewal at competitive rates which generally enhanced policy coverage, compared with the maturing policies and delivered cost economies to parishes and those diocesan organisations that participate in the Church Insurances Program through the use of long term agreements struck at very competitive historical premium rates accounting for 71% of the premium spend.
- *Approached* Ministers of the NSW Government to advance the cause of several parishes in relation to specific local parish matters.

- *Partnered* with the Mission Property Committee to complete a ministry centre at the Leppington Growth area and obtain development consent for new church buildings at Stanhope Gardens, Wilton and Riverstone.
- *Concluding* a review of the methodology on which the ACPT management fee is calculated that is being reviewed by the Standing Committee for consideration of a new methodology that would allocate the cost more equitably from 1 January 2019.
- *Negotiated* a \$220,000 transaction fee outside the terms of the formal transaction documentation from the outgoing head lessee of the 1 York Street, Sydney office tower, by agreeing to meet a very tight documentation and settlement deadline over the recent Christmas / New Year period that delivered material financial benefits to the parish of Church Hill and the Synod.
- *Managed* the refurbishment of and tenanting of a property given under the Will of a generous ex parishioner of St Andrew's Cathedral to be held beneficially for the Cathedral so that rental proceeds can be delivered to ameliorate the significant cost to the Cathedral associated with maintaining the fabric of an iconic NSW State Heritage Listed item.

I take this opportunity to thank parish councils, senior clergy and the SDS team that supports the Board, especially recognising the contribution made, often in the face of intensive workloads, to deliver lasting and meaningful ministry outcomes.

I also take this opportunity to acknowledge the contribution made to the efficient functioning of the Board through the critical skills provided by all members of the Board.

As at 31 December 2017 the Board comprised the following members –

Name	Title, Description	Institution/ Industry
Canon Christopher Allan	Sub Dean, St Andrew's Cathedral, ex project manager, Lend Lease Corporation.	Ministry
The Rev Andrew Schmidt	Rector, parish of Randwick and ex solicitor, Clayton Utz	Ministry
Mr Roger Collison	Investment Consultant	Finance/Investment
Mr Glynn Evans	Architect, retired partner, Allen Jack + Cottier	Building
Dr Glenn Davies	Archbishop of Sydney	Ministry
Mr Richard Neal	Partner, Teece Hodgson & Ward Solicitors	Law
Mr David Nelson	Registered Valuer, David Nelson & Partners	Property
The Rev David Ould	Rector, parish of Glenquarie and former Chartered Accountant	Ministry
Mr Peter Rusbourne	Partner, Watkins Tapsell, Solicitors	Law
Dr Robert Tong AM	Solicitor	Law
Mrs Melinda West	Manager, Pascoe Whittle, Accountants	Accountancy

The Board extends its appreciation to Mr Wayne Bramley (previously a senior executive at the specialist insurance broking firm, Marsh Pty Ltd) and Mr Ian Pike (a former Board member, and previous Head of Business Credit at BankWest) who both provide specialist advisory assistance to the ACPT's investment, insurance and finance sub committee (IIFC). Earlier this year, the Board also welcomed Ms Michelle Lim, (currently a director of KPMG with a banking and strategic advisory background) as a further advisor to the IIFC. Additionally, we thank the staff of SDS who faithfully and diligently serve the Board.

In closing, I would like also to acknowledge with gratitude, the enormous contribution that my immediate predecessor, Dr Robert Tong AM made to the ACPT during the term of his chairmanship of the ACPT over the previous 15 years. As the President has acknowledged, Dr Tong brought sage advice, wise counsel and where needed, gentle chastisement to the Board and we are delighted that Dr Tong continues as a Board member, so that his contribution as a trustee might continue for some time to come.

A summary of the year's work by ACPT from the Head of Parish Property, Mr Greg Ellem follows as Attachment 1. I commend this report to the Synod.

MR RICHARD NEAL  
Chair, Anglican Church Property Trust Diocese of Sydney

June 2018

## **Summary by the Head of the Parish Property, Mr Greg Ellem**

My colleagues, Judi Harrington, Penny Barletta, Scott Lincoln, Lyndon Tam, Sally Satya and Cindy Wong and I appreciate the assistance provided by the Board, Senior Clergy and critically, parish volunteers, as we partner parishes in a variety of property and insurance matters as they continue to undertake front line Christian ministry across the Diocese.

We serve the Board as its executive management team and relate to the Board in accordance with several service level standards that are annually negotiated with the Board and reviewed twice a year.

In this ACPT report to Synod you will find –

1. an Executive Summary
2. an explanation of how the ACPT is constituted / its purpose
3. details of major activities undertaken since Synod 2017 (some of the major activities of the ACPT in more detail)
4. contact details of the insurance and parish property services team.

### **1. Executive Summary**

During the period since Synod 2017 the ACPT (as trustee for parishes and some diocesan organisations) –

- *Received*, reviewed, signed and processed over 400 documents for parishes (including development applications, building contracts, leases, licence agreements, contracts of sale, applications for grant funding, insurance claims, etc.). This compares to 273 documents processed in the 12 months to Synod 2017.
- *Co-ordinated* the submission of NSW Government CBP grant applications that led to grants of \$1,148,827\$ for 62 parishes (taking the total grants by the NSW Government under the CBP program to \$11,309,663 (2010 - 2017 inclusive)).
- *Arranged* and placed insurance cover for a comprehensive suite of insurance products, for over 300 diocesan entities (parishes & numerous diocesan organisations) at competitive premium rates.
- *Prepared and issued* ten circulars to parishes about a range of policy/procedure matters such as the quarterly performance of ACPT's Long Term Poling Fund and the GAB Diocesan Cash Investment Fund, grant funding, NSW, Local and Federal, security training workshops, Client Alert CGU, using Anglican Halls as polling places for parishes, as well as the quarterly "About Your Invested Funds" circular to parishes and diocesan organisations on whose behalf the ACPT invests funds.
- *As noted by the Chair*, ACPT representatives met with the staff and elected members of the NSW Government and Local Councils, in relation to several specific parish building, sale and heritage projects.
- *Co-ordinated* meetings of the Christian Church Property Network (CCPN), comprising most Protestant Denominations and the Roman Catholic Church, to ensure a co-ordinated and cohesive approach on matters of mutual concern to the relevant government bodies. A highlight during the review period was to confirm that the ACPT approval process for major developments and ACPT building contingency policy is in accordance with best practice

### **2. Constitution and Purpose**

The ACPT is an incorporated body constituted by the *Anglican Church of Australia Trust Property Act 1917* (1917 Act). The *Anglican Church Property Trust Diocese of Sydney Ordinance 1965* regulates the functioning of ACPT. Pursuant to the 1917 Act, ACPT is the legal owner and trustee of church trust parish property within the Diocese of Sydney. As owner, ACPT is required to be involved in a wide range of parish property transactions, including but not limited to insurance, leases, licences, property sales / purchases, building contracts and administration of estates.

### 3. Major Activities – some of the major activities of the ACPT

#### a) *Strategic Land Acquisition and Construction on behalf of the Mission Property Committee (MPC)*

On behalf of the MPC, the ACPT –

- Concluded construction and fitout of the existing buildings at 30 Heath Road, Leppington to make them suitable for occupation as a worship space seating 100 persons with associated amenities and car parking areas.
- Undertook planning and design and obtained development consent for future ministry centres at Stanhope Gardens, Wilton and Riverstone greenfields sites that have been purchased via the parish acquisition levies. Development applications were also lodged for future ministry centres at Leppington in the south west growth corridor and Marsden Park in the north west growth corridor.

#### b) *Insurance*

Pursuant to the terms of the *Church Insurances Ordinance 1981* the ACPT effects insurance on behalf of parishes and some diocesan organisations under the Church Insurances Program (CIP).

The annual renewal date of the diocesan insurance policies is 31 August. There is an annual insurance premium of approximately \$2.8 million, to insure circa 1,100 parish buildings and property of many diocesan organisations under the church insurances program (CIP).

The ACPT Manager, Insurance Services begins the renewal process early each calendar year by collecting key insurance data from parishes and diocesan organisations to facilitate negotiations with various investment grade insurance counterparties for suitable insurance cover for parishes and many diocesan organisations. Significant time is invested in reviewing the adequacy and extent of existing cover for those diocesan organisations that participate in the CIP (Anglican Youthworks, Glebe Administration Board, Finance and Loans Board, Mothers Union, St Andrew's House Corporation Council and Sydney Diocesan Secretariat) as well as the diocesan insurance broker, Marsh Pty Ltd (Marsh).

With the assistance of Marsh, insurance policies are established for a suite of insurance products with a spectrum of insurance counterparties, all of whom are ascribed an "investment grade" external counterparty credit rating by the recognised international insurance Credit Rating Agencies.

Since 2007, the ACPT Board has contracted rolling fixed rate agreements with the buildings and contents (industrial special risk) insurer to "lock in" premium rates. This strategy was expanded to the Public Liability insurance policy during 2016.

Through effectively fixing the variable cost (premium rate) of two key insurance products, the budgeting for PCR cost is able to be streamlined. Following the fixing of the premiums rate of the Public Liability insurance policy in addition to the ISR to premium rate, 71% of the annual insurance premium component of PCR has been set in advance.

Insurance related enquiries are dealt with by the Manager, Insurance Services (Cindy Wong), who, with funding having been made available by the Board, is now assisted by Ms Sally Satya, Insurance Assistant. Sally's appointment brings the staff support for the CIP closer to the levels provided by other Protestant denominations in NSW. The enquiries handled by Cindy and Sally include day-to-day insurance enquiries and issuance of Certificates of Currency which enable parishes to conduct on site activities.

#### c) *Investment, Insurance and Finance Subcommittee of the ACPT Board (IIFC)*

In addition to the insurance responsibilities outlined previously, the IIFC, currently comprising the Subcommittee Chair, Mrs Melinda West (who is the deputy chair of the Board) along with board members Mr Richard Neal, Mr Roger Collison and the Rev David Ould. As noted by the chair, these members are supported by Mr Wayne Bramley, Ms Michelle Lim and Mr Ian Pike, who provide advice to the Board in respect to the oversight of the Long Term Pooling Fund (LTPF) as well as reviewing and developing policy and procedures for adoption by the full ACPT Board in relation to the 275+ investment funds that the ACPT manages as trustee on behalf of parishes and diocesan organisations.

The Investment Objective for the LTPF is to achieve a real rate of return of 4% pa over rolling 5 year periods (after external investment management fees and tax effects) subject to:

- i. preserving the real value of a unit in the LTPF over a rolling year period (commencing 1/7/2010); and
- ii. adopting a distribution policy that is consistent with the Investment Objective.

The real rate of investment return generated by the LTPF over the period 1/7/2010 to 31/12/2017 was 10.07% pa compared to an average inflation rate over the same period of 2.09% pa, thereby generating a real rate of return of 7.98%pa over the period. During 2017 distributions aggregating \$2.4 million were made to beneficiary parishes and diocesan organisations.

**d) NSW Community Building Partnership (CBP) Grant Programs**

Since the initial CBP grants were announced in 2009, the ACPT has promoted, facilitated and administered all CBP Grant Programs. The process includes –

- assisting parishes construct applications and liaising with local MPs
- reviewing documentation and grant conditions applicable to each successful parish
- responding to enquiries from parishes about various aspects of the CBP Grant Program
- responding to enquiries from the NSW CBP Office and NSW Government Members of Parliament about successful parish projects
- receiving and distributing grant funds to each successful parish
- reporting to the NSW State Government in accordance with grant funding criteria
- following up incomplete acquittal information from grantees to satisfy NSW Government CBP Grant Program audit procedures and ensure that parishes are given a fair opportunity to share in future CBP Grant Programs.

A summary follows of the extent to which parishes have successfully participated in the CBP Grant Programs –

<b>Year</b>	<b>No. of successful Parishes</b>	<b>\$ Grant amount (rounded)</b>
CBP 2009 (I)	33	900,000
CBP 2010 (II)	97	2,800,000
CBP 2011 (III)	68	1,600,000
CBP 2012 (IV)	61	1,250,000
CBP 2013 (V)	53	930,000
CBP 2014 (VI)	64	1,313,000
CBP 2015 (VII)	37	537,000
CBP 2016 (VIII)	42	830,836
CBP 2017 (IX)	62	\$1,148,827
<b>Total</b>	<b>517</b>	<b>\$11,309,663</b>

#### **4. Property and Insurance team**

The SDS parish and property services team (who support the ACPT) look forward to continuing to serve parishes and diocesan organisations. In last year's Synod report I mentioned that following the departure of a long serving member of the team in December 2016 we had appointed Ms Penny Barletta to provide interim support for parishes pending a permanent replacement being identified. I am pleased to report that over the course of 2017 the Board authorised the appointment of Mrs Barletta to a 3 day a week permanent part-time role and the recruitment and appointment of Mr Lyndon Tam to the vacant full-time position. As mentioned previously, Ms Barletta is well known to many parishes, particularly in the Northern and Western regions. Mr Tam joins us with a property and finance background, having worked most recently with Mirvac Ltd as a project manager.

The Parish Property Services team can be contacted as follows –

<b>Greg Ellem, Head of Parish Property</b>	<a href="mailto:gxe@sydney.anglican.asn.au">gxe@sydney.anglican.asn.au</a>	02 9265 1546
<b>Penny Barletta, Manager, Parish Property (Northern Region)</b>	<a href="mailto:pxb@sydney.anglican.asn.au">pxb@sydney.anglican.asn.au</a>	02 9265 1561

<b>Judi Harrington, Associate</b>	<a href="mailto:jxh@sydney.anglican.asn.au">jxh@sydney.anglican.asn.au</a>	02 9265 1578
<b>Scott Lincoln, Manager Parish Property (Western Region)</b>	<a href="mailto:sxl@sydney.anglican.asn.au">sxl@sydney.anglican.asn.au</a>	02 9265 1633
<b>Lyndon Tam, Manager, Parish Property (Georges River, South Sydney &amp; Wollongong Regions)</b>	<a href="mailto:lmr@sydney.anglican.asn.au">lmr@sydney.anglican.asn.au</a>	02 9265 1562
<b>Sally Satya, Insurance Assistant</b>	<a href="mailto:ssatya@sydney.anglican.asn.au">ssatya@sydney.anglican.asn.au</a>	02 9265 1557
<b>Cindy Wong, Manager, Insurance Services</b>	<a href="mailto:cpw@sydney.anglican.asn.au">cpw@sydney.anglican.asn.au</a>	02 9265 1679

GREGORY M ELLEM  
*Head of Parish Property*

31 August 2018

## 22/17 Appointment of Assistant Ministers and Stipendiary Lay Workers

(A report from the Standing Committee.)

### Purpose of the report

1. The purpose of this report is respond to Synod resolution 22/17 in respect to the appropriate terms and conditions for the appointment of assistant ministers and employment of stipendiary lay workers.

### Recommendations

2. Synod receive this report.
3. Synod –
  - (a) encourage rectors to undertake training in staff management,
  - (b) request the Standing Committee to amend the *Assistant Ministers Ordinance 2017* by –
    - (i) omitting the words “where a genuine and recorded performance management program or similar has been unsuccessful in resolving the issue or issues” in clause 3(3)(b)(i),
    - (ii) inserting a new clause to state that if the Parish requires the Assistant Minister to live in a certain location, that the housing arrangements for the Assistant Minister must be approved as suitable by the Archbishop,
    - (iii) inserting a new clause to require rectors to consult with the Regional Bishop before making a communication to the parish about the termination of the appointment of an Assistant Minister licensed to the Parish, and
  - (c) request the Archbishop-in-Council to consider approving under clause 7 of the *Assistant Ministers Ordinance 2017*, the attached guidelines with respect to terminating the appointment of Assistant Ministers, and
  - (d) request rectors and wardens to use the standard-form letters issued by SDS for the employment of Lay Ministers and the appointment of Assistant Ministers.

### Background

4. At its session in 2017, the Synod passed resolution 22/17 in the following terms –

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

  - (a) the applicability of a probationary period,
  - (b) circumstances where a fixed term contract may apply,
  - (c) appropriate review mechanisms for performance,
  - (d) appropriate mechanisms for transition from being a Deacon to a Presbyter in the case of assistant ministers,
  - (e) terms and conditions for the appointment of assistant ministers and stipendiary lay workers,
  - (f) terms and conditions in relation to the termination of assistant ministers and stipendiary lay workers,
  - (g) appropriate dispute resolution mechanisms in the event of a breakdown in relationship between the Senior Minister and the Assistant Minister or the stipendiary lay worker,
  - (h) comparison of these matters with any relevant employment legislation, and such other matters as the Committee may consider appropriate for consideration by Synod.”
5. At its meeting on 26 March 2018, the Standing Committee appointed a Committee (the Committee) to undertake the work requested in resolution 22/17. The Committee is comprised of Bishop Chris Edwards (Chair), the Rev Chris Holding, Mr Luke Scandrett, Mr Mark Streeter, Mrs Belinda Whitfield, the Rev Paul Grimmond, Ms Yvette McDonald, the Rev Raj Gupta, and the Rev Susan An. The Committee was also given power to co-opt additional members. None were co-opted.
6. The Committee met three times, on 5 June 2018, 2 August 2018 and 10 September 2018.

7. The Committee acknowledges the contributions to its work made by the Centre for Ministry Development at Moore College (CMD) and also Ministry Training and Development (MTD).
8. This report substantially follows the structure of Synod resolution 22/17.

### Context

9. Employment arrangements in Australia have undergone significant changes in the last two decades. In 2005, the *Workplace Relations Act 1996* (Cth) was significantly amended as a result of the “WorkChoices” policies of the Howard Government. In 2009, “WorkChoices” was replaced by the *Fair Work Act 2009* (Cth). In all this time the Assistant Ministers Ordinance remained unamended.
10. Changes to the various Acts have affected the employment terms and conditions for Lay Ministers and other church workers. Assistant Ministers (clergy), who are exempt from the *Fair Work Act 2009* by virtue of the fact that they are office holders, have had few changes.
11. This has resulted in something of a mixed-economy when it comes to staff arrangements in some of our parishes. For instance Lay Ministers, serving alongside Assistant Ministers, having similar responsibilities as their clergy colleagues, have had to serve under terms and conditions that are quite different from those provided to the clergy. These differences can appear inequitable. They have certainly caused angst when parishes have determined remuneration and benefits packages and they have been particularly unhelpful for some when positions have been terminated. Such differences are not only felt by the individual with the role. The nature of parish ministry means their family is often also affected.
12. Some situations have not been helped by the lack of clarity around the role the Assistant Minister or Lay Minister is required to perform. Clear role descriptions are not common in our parishes and performance reviews have been too irregular to be helpful. Often added to this is a lack of clarity around who has responsibility for role descriptions and for conducting a staff member’s review. Is it the responsibility of the rector or the wardens?
13. Misunderstandings have often resulted. In some cases positions have been terminated. The lack of clarity around how a termination should be effected has resulted in some of these terminations causing severe distress to those involved.
14. All this has led us to the point where our policies and guidelines need to be reviewed and changes implemented so we can assist these relationships to be Christ honouring.

### Terminology

15. In this report the term “Assistant Minister” refers to a member of clergy licensed to the office of Assistant Minister or Senior Assistant Minister in a parish, and the term “Lay Minister” refers to a lay person employed as a member of staff in a parish and holding an authority under the *Authorisation of Lay Ministry Ordinance 2015*.
16. Synod resolution 22/17 refers to “other Church organisations” in addition to parishes. Assistant Ministers and Lay Ministers hold offices or positions within parishes. There may be clergy who are ordained as deacons who are appointed to “other Church organisations” (for example, as chaplains). They are not Assistant Ministers. This report therefore only deals with appointments in parishes.

### Assumptions

17. In undertaking its work, the Committee has operated on the basis of the traditional understanding that Assistant Ministers are officeholders under the law, and not employees. Notwithstanding this, some Assistant Ministers may also have contractual entitlements.
18. Lay Ministers perform duties as employees under a contract of service. The wardens of the principal or only church of a parish appoint and remove Lay Ministers with the concurrence of the rector. The typical arrangement in parishes is that the wardens are the employer and that under the terms of the employment contract, the rector directs the Lay Minister concerning their day to day duties.

### Vulnerabilities in the Assistant Ministers and Lay Ministers roles

19. Assistant Ministers and Lay Ministers experience certain vulnerabilities in their roles that should be recognised at the outset of this report. These include –
  - Appointments are not permanent and ongoing appointment may be dependent on factors that are not related to the performance of the Assistant Minister or the Lay Minister, such as ongoing funding being available and the strategic direction of the parish.
  - There is no one that an Assistant Minister or Lay Minister can appeal to who has any real authority over the rector, except in extreme cases where there is misconduct that can be dealt with under the *Ministry Standards Ordinance 2017*.

- Assistant Ministers (and often also Lay Ministers) are generally required to live in or near the parish, or if not required, the practical realities of the role make this necessary. An Assistant Minister moving to a new parish will often need to relocate to a new home and enrol their children in a new school, among other significant life changes.
- There is a limited pool of parish positions available, particularly if an Assistant Minister or Lay Minister has their appointment terminated mid-year.
- Rectors control the communication channels in a parish. A rector will often feel the need to justify their decision to terminate the appointment of an Assistant Minister or Lay Minister. This can affect the reputation and standing of Assistant Ministers.

20. These vulnerabilities give rise to a significant power imbalance between rectors, who have tenure, and Assistant Ministers, who do not.

21. Notwithstanding this, to some extent these factors are part of the inherent cost of parish ministry, and mission generally. To some extent, they are also factors that are common with people in many lines of work.

22. The Committee does consider that more regard should be given to these vulnerabilities when appointing Assistant Ministers and Lay Ministers, and when making decisions that may adversely affect them. The Committee has sought to take these vulnerabilities into account in making its recommendations.

### **Probationary Periods**

#### *Lay Minister*

23. Probation periods are designed to determine whether an employee is suitable for ongoing employment. The length of the probation period is determined by the employment contract. Typically, the period of notice to terminate the employment contract is shorter in the probation period for both the employer and employee.

24. Under the *Fair Work Act 2009*, a terminated employee is not able to make an application for unfair dismissal within the first 6 months of employment, or 12 months in the case of an employer with fewer than 15 employees (the qualifying period). However, potentially there are other avenues a terminated employee can pursue if they believe they have been treated improperly.

25. In view of the qualifying period for unfair dismissal, it is not strictly necessary to include a probationary period in the employment contract. However having an express period of probation can be helpful in setting expectations.

26. The standard employment contract for Lay Ministers recommended to parishes by SDS contains a probation period of 6 months.

27. Best practice Probation Management Programs include the opportunity for feedback, performance improvement and regular coaching before a termination decision is taken and communicated.

#### *Assistant Ministers*

28. An Assistant Minister is unable to seek a remedy in relation to termination of their appointment under the *Fair Work Act 2009*.

29. Currently, under the *Assistant Ministers Ordinance 2017*, an Assistant Minister can be terminated with 3 months' notice (or longer in the case of a Senior Assistant Minister), subject to the process set out in clause 3(3) of the Ordinance having been followed.

30. Given the notice period, and noting the significant investment of an Assistant Minister (and potentially their family), the Committee does not consider anything would be gained by introducing a probation period for an Assistant Minister by ordinance.

### **Recruitment processes**

31. Good recruitment processes reduce the need to rely on a probation period to determine if a person is unsuitable for ongoing employment. This should include prayer, and may include developing clear position descriptions prior to recruitment, appropriate advertising of positions, receiving of CVs, standardised, competency-based interviews, note taking during the interview, a panel of interviewers to gain multiple perspectives, reference checking, psychometric testing, making a formal offer and appropriate induction.

32. The Committee is aware that the Centre for Ministry Development has a training module on staff management in the parish context that includes a component on recruitment.

## Fixed Term Appointments

### Lay Ministers

33. The wardens and rector of a parish have flexibility to determine whether a Lay Minister position should be offered on a fixed term basis.
34. SDS has produced a fixed term letter of employment for Lay Ministers that can be used by parishes.
35. A Lay Minister cannot exercise the office of lay minister in a church unless authorised to do so by an authority issued by the Archbishop under the *Authorisation of Lay Ministry Ordinance 2015*. The authority does not confer any rights on the lay minister, but acts as a permission for the Lay Minister to perform certain functions in ministry, having subscribed to the doctrines of the Anglican Church and received a clearance from the Professional Standards Unit.
36. Fixed terms may be useful in the following circumstances –
- Where funding for an appointment may not be ongoing. This sets an appropriate expectation that the role is for a limited time only and there is no expectation of a notice period on termination as the notice is clear from the outset of the appointment.
  - To cover a period of parental leave after the birth or adoption of a child.
  - To cover a period of Long Service Leave.
  - To provide flexibility for the changing needs and strategy of a parish.
37. The use of successive fixed term contracts should be avoided. Generally, an employee is unable to challenge the expiry of a fixed term contract under unfair dismissal laws. However the totality of the employment relationship should be considered. If an employee has been engaged on successive fixed term contracts and the employer fails to renew the contract, in some cases this decision can be construed as a dismissal at the initiative of the employer.<sup>1</sup>

### Assistant Ministers

38. Presently, licences to the office of Assistant Minister are generally not subject to any time limit, other than for the term of the appointment. This means that Assistant Ministers remain in office unless they resign or the appointment is terminated under the *Assistant Ministers Ordinance 2017*.
39. The terms of an Assistant Minister's licence and whether it should be issued subject to a time-limit is a matter for the Archbishop to determine.

## Performance Review

40. Presently, there is no mandatory requirement for performance reviews in relation to either an Assistant Minister or a Lay Minister. The standard letter of appointment for Lay Ministers produced by SDS makes general provision for an annual review of performance.
41. Generally there are two types of performance review: an annual review of performance (that considers strategy, the fulfilment of objectives, skills development, and leadership), and ongoing review of performance in relation to day to day duties (which often occurs in the context of regular "coaching" type meetings).
42. Both MTD and CMD have developed complementary resources for performance review. The training from MTD focuses on annual reviews, whereas the CMD training provides a more comprehensive framework for the cycle of staffing.

## Transition from Deacon to Presbyter

43. The application process for ordination as a presbyter is managed by MTD on behalf of the Archbishop. MTD undertakes a discernment process which looks at whether the Assistant Minister has the convictions, character and competencies to serve as a rector, with a particular focus on leadership.
44. The process involves the following steps –
- (a) Completion of the MTD application forms, including the Lifestyle Questionnaire.
  - (b) An initial interview with the Director of MTD.
  - (c) A clearance from the Professional Standards Unit.
  - (d) An interview with the MTD Panel
  - (e) If accepted as a presbyter candidate – the Assistant Minister devises a 2-year Presbyter Ministry Development Plan with their rector. This focuses on leadership skills.

<sup>1</sup> *Saeid Khayam v Navitas English Pty Ltd* [2017] FWCFB 5162

- (f) Mid-way through the two year plan, the Assistant Minister and their rector will be required to complete evaluation forms. The Director of MTD will visit the Assistant Minister to discuss the evaluations.
- (g) At the end of the two years, the rector and three lay-leaders complete further evaluation forms. The Panel interviews the Assistant Minister and their spouse again.
- (h) The Panel makes a recommendation to the Archbishop about the Assistant Minister's suitability to be ordained as a presbyter. The Archbishop notifies the Assistant Minister of his decision.
- (i) The Assistant Minister is then eligible for appointment as a rector in a parish.

45. The Committee notes that these processes have been determined after considerable due diligence undertaken by MTD, among others, and does not consider it is equipped to review the processes.

### **Terms and Conditions for Appointment**

#### *Remuneration – stipend, allowances and benefits*

46. Parish Councils are responsible for fixing the stipend or salary and allowances and benefits of both Assistant Ministers and Lay Ministers (with the consent of the Minister).<sup>2</sup>

47. The Standing Committee issues annual “Guidelines for the Remuneration of Parish Ministry Staff”. The Guidelines are recommended by the Stipends and Allowances Committee of the Standing Committee. The Subcommittee is comprised of clergy and lay people, and must include at least one wife of a member of the clergy in its membership.

48. It is not mandatory that a parish council follow these Guidelines in setting the stipend, allowances and other benefits of Assistant Ministers and Lay Ministers. However it is understood that they are generally followed by parishes.

49. The remuneration paid or provided to Assistant Ministers and Lay Ministers normally includes the following elements –

- the payment of a stipend;
- contributions to a superannuation fund;
- the provision of housing or a housing benefit, or the payment of a housing allowance;
- the provision of a fully maintained motor vehicle, or the payment of a travelling allowance; and
- the payment of a proportion of the utilities such as gas, electricity and water, telephone (including mobiles) and internet charges, hospitality expenses, professional development costs, computer and office equipment, and other expenses.

50. SDS encourages parish councils to adopt a Remuneration Policy, and has made a template available through the SDS website for this purpose.

51. The Guidelines provide for materially the same level of stipend, allowances and benefits for Assistant Ministers and Lay Ministers who have equivalent levels of experience and theological education.

52. The two main areas of difference between Assistant Ministers and Lay Ministers are in relation to long service leave and insurance.

#### *Long service Leave*

53. Assistant Ministers are entitled to long service leave under the *Long Service Leave Canon 2010*. This provides for 10 weeks leave per 10 years' service (and pro rata each 5 years thereafter). The service may be non-continuous. Lay Ministers are entitled to long service leave under the *Long Service Leave Act 1955 NSW*. This provides for 2 months (8.67 weeks) leave per 10 years' service (and pro rata each 5 years thereafter). The service must be continuous. However service with different Anglican employers in the Diocese (including parishes) is strung together for the purposes of continuity under the *Long Service Leave Ordinance 1973*.

#### *Insurance*

54. Assistant Ministers are provided with stipend continuance insurance, which is a form of income protection insurance. Parishes pay for this insurance through the Parish Cost Recovery charge. The insurance provides for benefits to be paid to parishes if an Assistant Minister is totally or partially disabled and cannot perform their duties. Since Assistant Ministers hold an office and do not work set hours, they are entitled to continue to be paid their stipend, allowances and other benefits irrespective of whether or

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<sup>2</sup> Rule 3.4(1)(b) Schedule 1 and 3.3(b) Schedule 2 of the *Parish Administration Ordinance 2008*.

not they can perform their duties. The insurance payments are therefore made to the parish. Ultimately, if an Assistant Minister cannot return to their duties and agreement is usually reached with the insurer for a lump sum payment to be made to the Assistant Minister and the appointment is terminated.

55. Lay Ministers who are unable to perform their work duties on medical grounds can utilise their accumulated personal (or sick) leave entitlement. Thereafter they would cease to have an entitlement to be paid. However Lay Ministers are covered under the NSW workers compensation scheme and have entitlements under this scheme to the extent an injury or illness arises in the course of their employment.

56. The table in Attachment 2 provides a more comprehensive comparison between the terms and conditions of Assistant Ministers and Lay Ministers.

### *Housing*

57. The Committee is aware of instances where Assistant Ministers and Lay Ministers have been provided with inadequate housing arrangements.

58. Presently it is a requirement that the Archbishop (or Regional Bishop under delegation) approve the housing arrangements for the rector as being suitable.<sup>3</sup> There is no equivalent requirement in relation to Assistant Ministers or Lay Ministers.

59. The Committee recommends that it be a requirement that the housing arrangements for an Assistant Minister or Lay Minister be approved as suitable by the Archbishop (or Regional Bishop under delegation) if a Parish requires an Assistant Minister or Lay Minister to live in a certain location or region. This may require each Region to develop standards for the housing of Assistant Ministers and Lay Ministers so that parishes are clear about the housing they are expected to provide.

### **Terms and Conditions for Termination**

60. The appointment of an Assistant Minister is terminable in accordance with the *Assistant Ministers Ordinance 2017*. In summary this requires that –

- the decision be made by the rector, with the concurrence of the wardens,
- at least 3 months' notice of termination be given (or longer, up to 9 months in the case of a Senior Assistant Minister),<sup>4</sup>
- the termination be due to –
  - (i) unsatisfactory conduct, performance or capacity on the part of the assistant minister, or
  - (ii) the parish council determining that the office held by the assistant minister or senior assistant minister will no longer be funded, or
  - (iii) other reasons determined by the rector having regard to the ministry needs of the parish, and
- the Assistant Minister be given particulars of the reason for the proposed termination, given a reasonable opportunity to respond and have that response taken into account before the decision is made.

61. Clause 7 of the *Assistant Ministers Ordinance 2017* provides for the Archbishop-in-Council to issue guidelines for the termination of appointments under the Ordinance. The Committee considers that Guidelines should be issued to assist rectors and wardens by giving more detail on what is expected of them to ensure that a fair and proper process is undertaken. The Committee has prepared the draft Guidelines set out in Attachment 1 for consideration by the Archbishop-in-Council for approval.

62. The Committee considers that the Guidelines should be seen as setting out minimum standards that should be followed, and supplemented by staffing training and the resources available from SDS.

63. Termination of the employment of a Lay Minister is subject to the law of employment (principally the *Fair Work Act 2009*) and the employment contract. Generally a dismissal must not be "harsh, unjust or unreasonable" (unfair dismissal), there must be for a proper reason (not discriminatory or because the employee has exercised a workplace right) and the required amount of notice must be given before the termination takes effect (or there is payment in lieu thereof). However the notice required for an Assistant Minister is considerably longer than that for a Lay Minister.

<sup>3</sup> It is a requirement for parish status under the *Parishes Ordinance 1979* and to retain nomination rights under the *Nominations Ordinance 2006*.

<sup>4</sup> The period can be less, by agreement with the Assistant Minister in writing.

*Performance Management Program*

64. An amendment was made to the *Assistant Ministers Ordinance 2017* on the floor of Synod to insert the words “where a genuine and recorded performance management program or similar has been unsuccessful in resolving the issue or issues” at the end of clause 3(3)(b)(i). The amendment confuses the grounds for issuing the termination notice with the process to be followed in reaching a decision, which, in part, is set out in other provisions within the same clause.

65. The Committee considers that the amendment should be deleted, particularly if Guidelines are issued under clause 7 of the *Assistant Ministers Ordinance 2017* which are required to be considered as part of any termination process. Training and resources are also available from SDS, MTD and CMD to assist rectors in this area.

*Communications following the termination of an Assistant Minister*

66. As identified in paragraph 13, an Assistant Minister is vulnerable to announcements or other communications concerning the termination of their appointment. Rectors may be under pressure to explain and justify the termination to the parish.

67. The Committee considers that it would be beneficial if rectors were required to consult with their Regional Bishop before making a communication to the parish about the termination of the appointment of an Assistant Minister. The Regional Bishop will be in a position to consider the proposed communication from a neutral standpoint and determine its likely impact. The Regional Bishop can also facilitate advice from the SDS Legal Counsel if they have concerns about aspects of the proposed communication.

**The resolution of disputes between Assistant Ministers and rectors**

68. Disputes are most constructively resolved when significant investment has been made upfront to build good relationships within the staff team. As Christians, we should always seek to make our love and care for each other evident, and to resolve disputes through relational means. Usually disputes are best solved by issues being raised at an early point and being dealt with as close as possible to their source.<sup>5</sup>

69. Unfortunately, broken relationships and the power imbalance between the parties mean that direct resolution is sometimes not a feasible solution.

70. The Regional Bishop may be able to assist, by acting as an informal conciliator. The Diocesan policy for dealing with allegations of unacceptable behaviour sets out a procedure for local and diocesan resolution. The Policy is intended to deal with disputes in relation to allegations of unacceptable behaviour, and not general grievances or fractured relationships. However there will usually be allegations of unacceptable behaviour in most disputes.

71. At the more extreme end, there is the possibility of making a complaint under the *Ministry Standards Ordinance 2017*. This means is only available if there is an allegation that a church worker has engaged in conduct that may call their fitness for office or ministry into question (for example, bullying, harassment or abusive behaviour). There are protections in the Ordinance to prevent complaints about, what might be described as ‘reasonable management action’. For example, the definition of ‘misconduct’ in the Ordinance expressly excludes -

“refusing to appoint, correcting, disciplining, counselling, admonishing, transferring, demoting, suspending, retrenching or dismissing a person if done –

- (A) in good faith;
- (B) reasonably; and
- (C) in the normal and lawful discharge of the duties and functions”.

72. Similarly, the definition of “bullying” in the Ordinance expressly excludes lawful conduct carried out in a reasonable manner, such as –

- disagreeing with or criticising someone’s belief or opinions or actions in an honest and respectful way;
- giving information about inappropriate behaviour in an objective way to the person or persons concerned and to any other person with a proper reason for having that information;
- setting reasonable performance goals, standards or deadlines;
- giving information about unsatisfactory performance in an honest and constructive way;
- taking legitimate disciplinary action.

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<sup>5</sup> Policy Principles, *Diocesan policy for dealing with allegations of unacceptable behaviour*.

73. The Committee does not consider that the existing dispute resolution processes can be significantly improved without making fundamental changes to put rectors under higher levels of external accountability. This issue goes to the heart of tenure and church governance, and is not within the remit of the Committee.

74. Generally, the Committee considers that the place to start is through training and providing more guidance and resources to rectors, rather than through coercive means. This is already happening through the training initiatives of CMD. This will be strengthened through implementation of the other recommendations made in this report.

For and on behalf of the Standing Committee.

BISHOP CHRIS EDWARDS

*Chair of the Committee*

10 September 2018

## Guidelines proposed for adoption under clause 7 of the *Assistant Ministers Ordinance 2017*

*These Guidelines apply to the termination of appointments under the Assistant Ministers Ordinance 2017. Clause 3(3)(f) requires that the rector and wardens of a parish give due regard to these Guidelines before issuing a termination notice under the Ordinance.*

*These Guidelines address the termination of appointments on the basis of unsatisfactory conduct, performance or incapacity (**clause 3(3)((b)(i))**). These Guidelines do not apply in the case of serious misconduct.*

*The Ordinance also permits termination on the grounds that the position can no longer be funded or on the basis of other reasons determined by the rector having regard to the ministry needs of the parish (**clause 3(3)(b)(ii) and (iii)**). The stages set out below are not directly applicable to terminations on these grounds. However the principles of transparency and openness should be followed - in particular the Assistant Minister must be given an opportunity to understand the basis for the proposed decision, have a reasonable opportunity to provide a response and have that response taken into account before the decision is made.*

*Often termination scenarios can be avoided through well-developed practices in relation to recruitment, clarity around duties and goal setting, staff engagement, and training/development.*

*This information is a guide only and will not be an appropriate procedure to follow in all circumstances. If there is doubt, seek professional assistance.*

### Good communication is key

- Rectors should be openly communicating with their Assistant Ministers to provide continuous feedback and coaching. Don't delay, provide timely feedback.
- Feedback should be specific, fair and balanced. It should have the purpose of increasing the Assistant Minister's performance in their role.

### Improvement required

- If an Assistant Minister is demonstrating unsatisfactory conduct, underperformance or an incapacity to fulfil the duties of their office, the rector should organise a meeting with the Assistant Minister to formally put them on notice of their concerns.
- The matters should not come as a complete surprise at this stage. They should have been raised previously in an informal way during regular meetings.
- Be specific, give examples of the conduct or behaviour that needs modification. Explain how it impacts on the workplace/ministry of the parish, and why it is of concern. The Assistant Minister should not be left in any doubt about the problem and its impact. To this end, it may be helpful to put your concerns in writing to the Assistant Minister.
- At the meeting, identify the underlying reasons for the incapacity, underperformance or unsatisfactory conduct by asking questions. There may be reasons unrelated to the abilities of the Assistant Minister, for example:
  - Are the Assistant Minister's duties, goals and the required standards clear?
  - Is the expected workload reasonable?
  - Has appropriate coaching or training been provided?
  - Is the Assistant Minister experiencing any personal, health or family issues that are affecting their performance?
- Once the reasons are identified, devise a solution. This may include an improvement plan. If possible, do this together so that ownership is shared. Agree on timeframes, the resources required and the steps involved. Document the plan. Keep meeting to discuss the issues.
- Offer reasonable resources, training and coaching.
- Keep a confidential file note of the conversation.

- Note that if the Assistant Minister is experiencing personal, health or family issues, you should consider seeking professional assistance before initiating a process that may lead to termination.
- Generally, it would be inappropriate to invite the Assistant Minister to bring a support person to the first informal meeting at which concerns are raised since it escalates the seriousness of the matters too quickly. However if the Assistant Minister wishes to bring a support person, the rector should permit them to do so. The rector should consider having a support person of his own in such instance. A support person is there to be a support and witness. They are not an advocate and do not have an active role in the meeting. The rector should invite the Assistant Minister to bring a support person to the second and any subsequent meetings to discuss their conduct or performance.

### Ongoing incapacity, unsatisfactory conduct or underperformance

- If the incapacity, unsatisfactory conduct or underperformance is ongoing and the attempts to bring about improvement have been unsuccessful, the rector should brief the wardens and seek their views. It may be appropriate to involve one or more wardens at an earlier stage to act as a support person or to provide another perspective.
- If the wardens concur, notify the Assistant Minister that you are considering issuing a notice to terminate their appointment under the *Assistant Minister's Ordinance 2017*. Give the Assistant Minister a written statement containing particulars of the grounds or reasons for issuing the notice (**clause 3(3)(c)**).
- Invite the Assistant Minister to provide a written response to the statement of particulars (**clause 3(3)(d)**). Don't pre-judge the outcome. You should allow a reasonable period for a response. What is reasonable will depend on the circumstances. You should consider releasing the Assistant Minister from some or all of their responsibilities for this period of time.
- You should offer an opportunity for the Assistant Minister to meet to discuss the contents of the letter or clarify their understanding. You should invite them to bring a support person to any such meeting. At least one of the wardens should be present at the meeting in addition to the rector.
- The Assistant Minister's response must be carefully considered by the rector and the wardens in reaching a decision on whether to proceed to issue a notice to terminate the appointment (**clause 3(3)(e)**).
- The statement of particulars, the response from the Assistant Minister (if any) and any record of the rector's and wardens' consideration of the response should be provided to the Registrar (**clause 4**).

### Termination of the Appointment

- If you propose to issue a notice of termination, you must first notify the Regional Bishop (**clause 3(3)**).
- If a decision is made to terminate the appointment, this decision must be made by the rector with the concurrence of the wardens of the principal or only church of the parish (**clause 3(1)(b)**).
- A notice should be issued to the Assistant Minister confirming the decision and stating the period of notice that is given, which must not be less than 3 months after the date of the notice (or longer in the case of a Senior Assistant Minister – see clause 3(2)(b)(ii)). An Assistant Minister can agree to a lesser period of notice in writing (**clause 3(3)(2A)**).

### Finishing Well

- Generally an Assistant Minister should be farewelled in a positive way, publicly thanked for their service and prayed for. However there may be circumstances where this is not possible or appropriate or due to the previous conduct of the Assistant Minister.
- Any announcement about the termination should be factual in nature and not express negative opinions. The Regional Bishop should be consulted and consideration should be given to seeking legal advice.
- The rector and wardens should provide reasonable assistance to help the Assistant Minister to transition from their role in the parish.

## Comparison of terms and conditions between clergy (as officeholders) and lay ministers (as employees)

	Assistant Minister (clergy)	SLW (lay)
<b>Probationary periods</b>	Not applicable	Qualifying period for unfair dismissal: (Fair Work Act s 383) <ul style="list-style-type: none"> <li>• 12 mths - parish with less than 15 employees</li> <li>• 6 mths – parish with more than 15 employees.</li> </ul> Probationary periods are strictly no longer necessary post the FWA, but they can be helpful in establishing expectations. Probationary period would be set out in Letter of Appointment.
<b>Use of fixed term contracts</b>	Licensing is the prerogative of the Archbishop and is usually for the term of the appointment.  Appointments are terminable in accordance with the <i>Assistant Ministers Ordinance 2017</i> .	Fixed term option available.
<b>Performance review</b>	No requirement. MTD and CMD have recently developed training and resources.	The standard letter of appointment provides for an annual review of performance.  The MTD and CMD training and resources are equally applicable to Lay Ministers.
<b>Mechanism for transition from being a Deacon to a Presbyter</b>	Any deacon with a minimum of 12 months experience in pastoral ministry can apply via MTD to be a candidate for ordination as a presbyter.	Not applicable.
<b>Terms and conditions for appointment</b>	<p><i>Work Hours</i></p> <p>Not applicable. Clergy hold an office and do not have set work hours.</p> <p><i>Remuneration</i></p> <p>Annual Standing Committee <i>Guidelines for the Remuneration of Parish Ministry Staff</i>. Rates are generally equivalent with Lay Ministers.</p> <p>The Parish Council is responsible for fixing the stipend or salary and allowances and benefits of both clergy and lay ministers (with the consent of the minister): see rule 3.4(1)(b) Schedule 1 and 3.3(b) Schedule 2 of the <i>Parish Administration Ordinance 2008</i>.</p>	<p><i>Work Hours</i></p> <p>Maximum 38 hour week (avg), plus reasonable additional hours. (FWA s 62(1), also stated in Letter of Appointment)</p> <p><i>Remuneration</i></p> <p>Annual Standing Committee <i>Guidelines for the Remuneration of Parish Ministry Staff</i>. Rates are generally equivalent with AMs.</p> <p>The Parish Council is responsible for fixing the stipend or salary and allowances and benefits of both clergy and lay ministers (with the consent of the minister): see rule 3.4(1)(b) Schedule 1 and 3.3(b) Schedule 2 of the <i>Parish Administration Ordinance 2008</i>.</p>

	Assistant Minister (clergy)	SLW (lay)
	<p><b>Leave</b> Leave is strictly not a relevant concept for office holders.</p> <p>Annual leave: Provision is made by the <i>Annual Leave Ordinance 1983</i> as a protection against allegations of neglect of duty. The entitlement is: 4 weeks per year, plus additional leave if approved by wardens. Generally to be taken within 2 years of accrual.</p> <p>LSL: As per <i>Long Service Leave Canon 2010</i>. 10 weeks per 10 years' service (and pro rata each 5 years thereafter). Service may be non-continuous.</p> <p>Parental Leave: the <i>Parental Leave Ordinance 2016</i> sets out a model policy for adoption by parishes. The policy is not mandatory and can be amended if it is adopted. It provides for 52 weeks unpaid leave of women and up to 2 weeks paid leave for men.</p> <p>Generally will be eligible for up to 18 weeks concurrent Parental Leave Pay at the National Minimum Wage through Centrelink.</p> <p><b>Accommodation</b> Residence or housing allowance provided.</p> <p>If full-time member of ministry staff is not provided with a residence, parish should provide an accommodation benefit (as agreed between staff member and parish council): <i>Guidelines for the Remuneration of Parish Ministry Staff for 2018</i> (guideline 8.2)</p>	<p><b>Leave</b> Annual leave: 4 weeks. (FWA s 87) Accumulates.</p> <p>LSL: 2 months (8.67 weeks) every 10 years (and pro rata each 5 years thereafter). Must be continuous. Service with Anglican employers in the diocese is included for the purposes of continuity. (<i>Long Service Leave Act 1955</i> (NSW))</p> <p>Parental leave: 12 mths unpaid (potential for a further 12 mths). (FWA s 70, 76).</p> <p>Personal carers leave: 10 days paid leave per annum.</p> <p>Generally will be eligible for up to 18 weeks concurrent Parental Leave Pay at the National Minimum Wage through Centrelink.</p> <p><b>Accommodation</b> Residence or housing allowance provided.</p> <p>If full-time member of ministry staff is not provided with a residence, parish should provide an accommodation benefit (as agreed between staff member and parish council): <i>Guidelines for the Remuneration of Parish Ministry Staff for 2018</i> (guideline 8.2)</p>
<b>Termination</b>	<p>Protections – permitted grounds and required process is set out in clause 3(3) of the <i>Assistant Ministers Ordinance 2017</i>.</p> <p>Notice – 3 mths minimum (or longer for a Senior AM, can be up to 9 mths or as agreed) (clause 3(2)(b) of the <i>Assistant Ministers Ordinance 2017</i>)</p> <p>Termination procedures required by the <i>Assistant Ministers Ordinance 2017</i> in termination procedures (clause 3).</p>	<p>Protections – unfair dismissal, discrimination (subject to exemptions), general protections, breach of contract.</p> <p>Notice of termination or payment in lieu (for permanent position) – 1 week to 5 weeks depending on years of service and age (FWA s 117). May be longer if so provided in contract.</p> <p>Employment can be terminated summarily by ministers and wardens in a permanent or fixed term position for serious misconduct. Notice to be given. (Letter of Appointment)</p> <p>FWA s 387 – indicates steps that should be taken to ensure procedural fairness (e.g., notifying person of valid reason for dismissal, providing opportunity to respond).</p>

	Assistant Minister (clergy)	SLW (lay)
<b>Dispute resolution</b>	Limited. The <i>Diocesan policy for dealing with allegations of unacceptable behaviour</i> and/or the <i>Ministry Standards Ordinance 2017</i> may be relevant in some situations.  Work, health and safety laws relevant if dispute is giving rise to stress and mental health concerns and the parish is a “workplace” for the purposes of the Act.	Limited. The <i>Diocesan policy for dealing with allegations of unacceptable behaviour</i> and/or the <i>Ministry Standards Ordinance 2017</i> may be relevant in some situations.  Work, health and safety laws relevant if dispute is giving rise to stress and mental health concerns.  No explicit provision in letter of appointment, but implied duty of mutual trust and confidence would require efforts to be made at dispute resolution.
<b>Others</b>		
<b>Position Description</b>	Determined by the rector.  Duties of assisting rector can be set out in the Letter of Welcome for AM	Lay minister: Determined by rector. (see Note under rule 3.13A Schedule 1 and 3.12A Schedule 2 of the <i>Parish Administration Ordinance 2008</i> – minister retains control of the lay minister’s duties).  Main duties of the position listed in the Letter of Appointment
<b>Insurance</b>	Stipend Continuance – a form of income protection insurance.  Sickness and Accident Fund – covers some medical costs and the cost of a locum for the parish.	Workers compensation insurance.
<b>Remedies for Employee/ Officeholder for Employer breach of Terms and Conditions</b>	<i>Diocesan policy for dealing with allegations of unacceptable behaviour</i>  Non-binding, discretionary facilitation of the dispute.  Direct resolution; local resolution; diocesan resolution	<i>Diocesan policy for dealing with allegations of unacceptable behaviour</i>  Non-binding, discretionary facilitation of the dispute.  Direct resolution; local resolution; diocesan resolution  Redress for breach of contract with a breach of FWA: <ol style="list-style-type: none"> <li>1. Fair Work Commission</li> <li>2. Federal Circuit Court</li> <li>3. Federal Court</li> </ol> Orders available: <ol style="list-style-type: none"> <li>1. Compensation.</li> <li>2. Reinstatement.</li> <li>3. Penalties.</li> <li>4. Injunctions – orders which require the employer to do or stop doing certain conduct.</li> </ol> Redress for breach of contract in absence of FWA breach (such as underpayment of wages). <ol style="list-style-type: none"> <li>1. Local Court – up to \$100,000; or</li> <li>2. District Court</li> </ol>

## Consultation on Anglicare's delivery of welfare and support services

(A report from the Standing Committee.)

### Key Points

- Under clause 23A of the *Anglican Community Services Constitution Ordinance 1961* Anglicare is required to consult with the Standing Committee at least annually in respect to the pursuit of its object under clause 5(b), namely welfare and support services for the vulnerable, the marginalised, the disabled and those in necessitous circumstances
- The Ministry in Socially Disadvantaged Areas Committee (the MSDAC) has undertaken the 2018 consultation with Anglicare on behalf of Standing Committee
- Anglicare has continued to increase funding through its Community Services Division for its services towards socially disadvantaged people through its "own programs", with further increases in funding planned for following years
- Anglicare is beginning partner development work with Parishes that have high areas of social disadvantage
- Even with the sustained increased support of Anglicare, the need remains for Anglican Aid to continue to provide small amounts of grant money to ministries in socially disadvantaged areas

### Purpose

1. The purpose of this report is to provide Standing Committee with information on the consultation between the MSDAC and Anglicare pursuant to clause 23A of the *Anglican Community Services Constitution Ordinance 1961* (the Ordinance).

### Recommendations

2. Synod receive this report.

### Background

3. The MSDAC met with the Chief Executive Officer of Anglicare, Mr Grant Millard, and Anglicare's Chief Financial Officer, Mr Greg Muddle, to undertake the consultation required by clause 23A of the Ordinance. Clause 23A requires an annual consultation with Anglicare, concerning its pursuit of its object under clause 5(b) of the Ordinance which provides –

*The Body Corporate is established as a public benevolent institution to further the work of the Anglican Church of Australia, Diocese of Sydney by promoting and proclaiming the gospel of the Lord Jesus Christ while undertaking works of public benevolence that reflect the love of God as shown in Christ including –*

.....

- (b) *welfare and support services for the vulnerable, the marginalised, the disabled and those in necessitous circumstances;.....*

4. In undertaking this consultation, the MSDAC had regard to Synod resolution 2/16 by which the Synod approved of the merger between Anglican Retirement Villages and the old Anglicare. Paragraphs (b), (c) and (d) of resolution 2/16 specifically addressed the need for Anglicare to continue its work of public benevolence to those in necessitous circumstances following the merger. The terms of the resolution are –

Synod, noting the report of the Standing Committee in relation to the proposed merger of Anglican Retirement Villages Diocese of Sydney (ARV) and Sydney Anglican Home Mission Society (Anglicare) together with accompanying draft ordinances and other documents in relation to the proposed merger received at this session, approves in principle the merger of these two organisations on the basis that –

- (a) the indemnity provided by ARV to Anglicare is intended to ensure that survivors of child abuse have at least an equivalent level of recourse as if Anglicare had continued to operate in its own right,
- (b) the merged organisation will actively aim to continue to deliver services provided by Anglicare and ARV to socially disadvantaged people at an enhanced level,
- (c) the merged organisation will actively aim to continue the work undertaken by Anglicare with Aboriginal and Torres Strait Islander Peoples at an enhanced level,

- (d) the merged organisation will actively aim to continue to alleviate necessitous circumstances through the provision of education at an enhanced level,
- (e) the legal name of the merged organisation is “Anglican Community Services”,
- (f) consideration is given to making provision in both the Anglicare and ARV constituting ordinances for a gift fund for both entities,

and requests the Standing Committee to pass such ordinances and take such other action it considers necessary or desirable to give effect to the merger on this basis.

### Overview

5. Though Anglicare provides services to many in ‘necessitous circumstances’, such as its extensive Aged care Work, the focus of this report specifically relates to Anglicare’s work with disadvantaged and marginalised people (so called ‘welfare’ work).

6. Analysis of Anglicare’s proposed budget for the 2019 Financial Year demonstrates the commitment to continue to deliver services to socially disadvantaged people at an enhanced level.

### Process in Determining Funding

7. Anglicare has recently launched a new 10-year strategic plan that has three themes that will enable the organisation to grow and develop with purpose. They are – Christ Centred: honouring Jesus in all that is done; Customer experience: valuing every person; Community: enabling people to grow by belonging to community. These three themes will apply to socially disadvantaged people as Anglicare develops ministry at the margins of society, advocating for those in need and providing resources to serve and support those who are particularly vulnerable. Anglicare has a stated goal to ‘invest new services for vulnerable people, up to 5% of available capital”.

8. To enable Anglicare to have a greater flexibility in providing existing services as well as giving opportunity to deploy new services into the future, Anglicare aims to reduce dependency, over the next 10 years, on government contracts in the Community Services Division. Currently, in the 2018-19 financial year, Anglicare is budgeting \$28 million in government funding against a total budget of \$35 million.

9. The majority of Anglicare’s reach to socially disadvantaged people and areas is through the work of the Community Services division of Anglicare. As a matter of policy, Anglicare is aiming to increase expenditure in the ‘welfare’ area of Community Services work. The main priority is to direct resources to programs that have the capacity for self-funding. As an example the Mobile Community Pantry Program will in 2019 expand from three to four vans with an expectation that 40 churches across the Diocese will be involved.

### Distribution of Surplus Net Funds

10. The following table sets out the metrics Anglicare uses for delivering services to socially disadvantaged people. The surplus is the net surplus generated from all sources across Anglicare’s organisation.

Spending metrics	FY16	FY17	FY18B	FY19B
<b>Community Service resources</b>				
Amount spent (\$m)	4.3	5.4	7.0	<b>8.9</b>
Spending as a % of Net Surplus generated	18%	21%	31%	<b>36%</b>
Spending growth (3 year ave)				<b>27%</b>
<b>Pastoral Care &amp; Mission resources</b>				
Amount spent (\$m)	4.2	4.7	6.1	<b>6.9</b>
Spending as a % of Net Surplus generated	17%	18%	27%	<b>28%</b>
Spending growth (3 year ave)				<b>19%</b>

11. The additional budgeted \$1.9 million available in the next financial year will be allocated as follows: Food & Financial Assistance \$1.0 million; Transitional accommodation (‘SHIFT’) \$ 0.6 million; ESL \$0.1million; Syrian refugee \$0.1 million; NDIS expansion \$0.1million.

12. The 2017 Synod report indicated that Anglicare anticipated an additional \$1.6 million would be available in 2017 and 2018 to enable the delivery of effective and sustainable self-funded programs. It is pleasing to report that Anglicare is now able to commit \$3.5 million to these programs.

13. The key self-funded Anglicare programs are –

- Food and Financial Assistance ('FFA') which provides for both immediate and longer term needs of people in necessitous circumstances (food hampers, emergency relief vouchers, case work, electricity bill subsidies, financial counselling);
- Mobile Community Pantry program which supports churches in reaching out to those in need in our community with both affordable groceries and food as well as friendship and gospel opportunities;
- Annual Toys and Tucker program which brings together a network of volunteers and community groups and the Anglicare FFA team to share the love of Jesus to those in need at Christmas;
- English as a Second Language, or ESL, which support church ministry teams in providing much needed ESL classes, friendship and gospel sharing for people from the migrant, refugee and asylum seeker communities;
- Other refugee programs also working with local churches to care for both the Syrian and Iraqi refugee communities but also to extend ministry to the asylum seeker and refugee communities beyond ESL;
- Support work for churches in the areas of domestic violence and family skills to enable churches to better engage in these social challenges and build healthy ministries;
- The 'SHIFT' program, which provides support and housing for families in transition – particularly refugees and those fleeing domestic violence.

14. In addition to the programs above, Anglicare plans to continue the expansion of its Housing Assistance program, which provides affordable accommodation options and secure tenure to people at risk of homelessness. Anglicare will increase the number of dwellings from 82 in 2018-19 to 123 in 2019-20.

15. The other area that Anglicare is beginning is partner development work with Parishes that have high areas of social disadvantage. As a trial, in 2018 Anglicare is funding a Community Chaplain position in the Parish of Eagle Vale to work specifically in Claymore, the most disadvantaged area in Sydney Diocese. If the trial is successful, Anglicare will fund further Community Chaplains to work in other disadvantaged Parishes. Another example of the expansion of Parish Partnership is the 'Dementia Friendly Church' project aimed at resourcing, training and mentoring local churches to run dementia friendly services and to enable ministry to carers.

## Conclusion

16. Anglicare's work and ministry amongst the socially disadvantaged people and area of the Diocese continues to expand. The initial small increase in funding has continued to grow. MSDAC is confident that the financial benefits of the new Anglicare for this area will continue.

17. Anglicare have actively supported and helped facilitate the work of MSDAC in continuing and expanding, in a sustainable way, the ministry in Parishes and ENC churches that have a particular focus in disadvantaged areas. However, Anglicare remains convinced that it cannot participate as a grant funder to parishes or churches, due to the real risk that such funding will be seen (or could be construed) as distributions to members, prejudicing the legal status of the organisation.

18. MSDAC is convinced there remains a need for a small amount of annual funding to support ministry in disadvantaged areas. To this end, Anglican Aid's Community Care Program is imminently suited to provide this funding. Given the complexity of needs in highly disadvantaged areas across the Diocese there will continue to be a need for both Anglicare and Anglican Aid to be involved.

For and on behalf of the Standing Committee.

BISHOP PETER HAYWARD  
*Chair, Ministry in Socially Disadvantaged Areas Committee*

4 September 2018

## Ethical Investment Policy

(A report from the Glebe Administration Board and the Anglican Church Property Trust Diocese of Sydney.)

### Key Points

- The Glebe Administration Board (GAB) and the Anglican Church Property Trust Diocese of Sydney (ACPT) are to report to the Synod each year about compliance with the Ethical Investment policy (EIP).
- The GAB and ACPT are compliant with the EIP for the year ended 30 June 2018.

### Purpose

1. The purpose of this paper is to report about compliance with the EIP.

### Recommendations

2. Synod receive this report.

### Background

3. GAB as trustee of the Diocesan Endowment (DE) and the ACPT as trustee of the Long Term Pooling Fund (LTPF) adopted the EIP in May 2016. The Standing Committee of the Synod endorsed the EIP in May 2016.
4. Under the EIP, the GAB and ACPT are to report to the Synod each year about compliance with the EIP.

### Prohibited activities

5. Under the EIP, GAB and ACPT will not make an investment in an entity, being a managed fund, if –
  - (a) the fund holds securities (either directly or indirectly) in a *Prohibited Entity*, and
  - (b) the total value of the securities held in all *Prohibited Entities* exceeds 5% of the total value of all assets of the fund (the *Prescribed Percentage*).
6. For these purposes, a *Prohibited Entity* is a publicly listed entity which earns more than 10% of its revenue directly from one or more *Prohibited Activities*.
7. The following are *Prohibited Activities* –
  - (a) The manufacture or sale of abortifacient or abortifacient-like contraceptives, or alcohol, or armaments, or pornography or tobacco.
  - (b) Undertaking medical and/or surgical elective abortions.
  - (c) Undertaking stem cell research involving the destruction of embryos.
  - (d) Gambling.
8. As at the 30 June 2018 annual review date, all the funds for listed investment asset classes of the DE and the LTPF were below the 5% *Prescribed Percentage*.
9. Subsequent to the 30 June 2018 annual review date, the managers of the passive international shares asset class in the DE and LTPF portfolios divested exposures to any manufacturer of tobacco and armaments. This has further materially reduced exposures to *Prohibited Entities*.

### Carbon intensity

10. The EIP provides that where reasonably possible, GAB and ACPT will aim to achieve carbon intensity exposures below that of equivalent market benchmarks for their active managed funds that hold securities in listed companies.
11. For this purpose, the EIP requires GAB and ACPT to measure the overall carbon intensity of investments in all active managed funds that hold securities in listed companies, and work with their investment manager/s to reduce the carbon intensity of those investments compared to the carbon intensity of the relevant market benchmark for that asset class.
12. All listed active asset classes are below benchmark for carbon intensity, with the exception of Global Listed Property (GLP).
13. GLP is an approved asset class for the LTPF and has a current dynamic asset allocation weighting of 2%. The global listed property asset class by its nature has a low carbon intensity measure (for instance, 70%

lower than the carbon footprint of Australian shares). Nonetheless the ACPT has instructed Mercer to continue to engage with the underlying fund managers to implement strategies that will reduce its carbon footprint for GLP.

ROBERT WICKS

*Chief Executive Officer, Sydney Diocesan Secretariat*

18 September 2018

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

(A report from the Standing Committee.)

### Key Points

- The current representation of women on Diocesan boards has increased in recent years. However, there is potential for, and benefit in, further increasing the representation of women.
- The use of terms 'quotas', 'targets' and 'goals' causes confusion and produces strong responses when discussing gender participation. Gender quotas are not recommended for the Diocese of Sydney since tying down membership of boards too tightly by way of any personal characteristic (i.e., gender, race or age) rather than qualification may stifle the ability of those with gifts to serve.
- The levers of change are on the nomination side of the process, rather than goals and targets in the electing side.
- Increasing the participation of women on Diocesan boards needs to address both issues of opportunity and supply, and demand. Various recommendations to address these issues are contained within the report.
- A permanent subcommittee of the Standing Committee is proposed to be established to monitor gender representation on boards and implementation of recommendations.

### Purpose

1. The purpose of this report is to provide the Synod with a response to the request of Synod resolution 27/17 regarding Gender representation on Diocesan boards, committees and councils.

### Recommendations

2. Synod receive this report.
3. Synod noting the report *27/17 Gender representation on Diocesan boards and committees*, request the Standing Committee consider implementing the recommendations contained in the report.

### Background

4. At its session in October 2017, the Synod passed resolution 27/17 in the following form –  

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

Synod requests the report to include –

  - (a) the numbers and percentages of women and men on the Synod Diocesan boards, committees and councils,
  - (b) goals or targets that the Diocesan organisation could work towards to ensure greater balance of diverse representation of Diocesan boards, committees and councils,
  - (c) recommendations as to how to improve participation by women, and
  - (d) a summary of any theological considerations involved in reaching their decisions.'
5. At its meeting on 12 February 2018, the Standing Committee constituted a committee (the Committee) comprising Mrs Gillian Davidson, the Rev Nigel Fortescue, Dr Claire Smith and the Rev Zac Veron to undertake the work requested in resolution 27/17 and report to a future meeting of the Standing Committee.

### Analysis of gender balance on Diocesan boards

6. The Committee began its work with an analysis of the current gender representation on Diocesan boards and committees (hereafter, board or boards). In response to Resolution 27/17(a), the attached table provides numbers and percentages of women and men on Diocesan boards where at least some members are elected by the Synod (Appendix 1). The table illustrates the complexity of both measuring and changing gender representation on Diocesan boards. Almost every board has a different composition and many involve quotas for certain kinds of people (e.g., indigenous, region, lay, clergy, or clergy with certain years' standing). The Committee recognised this data was a starting point in understanding the gender composition of Diocesan boards. The Committee considered that this data needed to be refined and maintained.

7. In analysing this data, the Committee was encouraged by the current representation of women on some boards, the overall participation of women on boards, and an observed, albeit slow, increase in recent years. However, the Committee also agreed there was potential for and benefit in increasing the representation of women, for theological and pragmatic reasons (see below). It was recognised that there are other demographics that could be considered to increase the diversity of board representation (e.g., age and cultural background) but determined that these were beyond the remit of the Committee.

8. The Committee recognised that the use of terms 'quotas', 'targets' and 'goals' causes confusion and produces strong responses when discussing gender participation. The Committee was unanimous that we were not discussing or recommending quotas in this context (a quota being a mandated result which must be achieved). The Committee used the terms 'goals' and 'targets' interchangeably and recognised that they were aspirational outcomes, and adopted that terminology and definition as expanded in paragraph 14 below in our discussion.

9. The Committee considered a significant obstacle to greater participation of women appears to be that not enough women are being nominated to fill positions. That is, the Committee believed that if electors (i.e., Synod, Standing Committee) were given the opportunity to elect more women they would do so. This means that the levers of change are on the nomination side of the process, rather than goals and targets in the electing side.

10. The Committee is very grateful for the excellent work of the staff from the Sydney Diocesan Secretariat (SDS) who compiled and analysed the data in Appendix 1 for the consideration of the Committee.

### Goals and targets

11. In beginning this work, the Committee gave attention to the matter of goals and targets and engaged briefly with various reports and information from corporate Australia. The Workplace Gender Equality Agency (WGEA) Report *'How to set gender diversity targets'* encourages gender diversity but stops short of nominating an exact goal or target that it deemed as "best practice". Rather the encouragement is to "improve the gender diversity" of the Australian workforce. The reasons given for improving gender diversity are –

- gender diversity improves business performance, innovative creativity and agility.
- gender diversity is the "right thing to do".
- gender diversity policies and reporting are increasingly common.

12. In our context, the Committee supports the first reason offered wholeheartedly. A more demographically diverse board usually produces more dynamic and innovative results because a variety of people bring a variety of perspectives and ideas to be considered. The second and third reasons provided in the WGEA Report are less persuasive, in the way they are stated. Reliance on the demand of rights or peer group pressure for improving gender balance or setting gender targets and goals runs contrary to the shape of the gospel. Moreover, the Diocese of Sydney, and the organisations within it, are fundamentally different from a for-profit company or government agency where women have often been systematically denied opportunities for advancement, equal remuneration and career progression. We are a family of churches and organisations, an association of disciples of Christ, with different dynamics and foci from the secular world. Those who serve on boards do so as volunteers as part of their service of Christ. This is not to say that gender diversity is unimportant but that the motivation for it and the method of pursuing it in the church will be different from that in the world.

13. The WGEA report defined targets as 'achievable, time-framed objectives which organisations can set on a regular basis to focus their efforts on achieving improved outcomes'. The importance of achievable and measurable targets was clear in the literature and it was noted that targets can often have a negative impact on organisations and reduce motivation when not achieved.

14. In considering the request to include in this report goals or targets that boards could work towards, the Committee recognised that it was not appropriate to nominate either a number or percentage at this point in time for a number of reasons including –

- the very different nature of our boards,
- the different nominating provisions within the foundation or governing documents of the boards,
- the difficulty in obtaining and maintaining reliable data as to the current composition of boards, and
- changing people's attitudes or openness to participation is more complicated than setting goals or targets.

15. With these things in mind, the Committee set itself to consider how to improve participation by women on Diocesan boards beginning with some theological reflection.

### **Theological considerations**

16. It is clear from the Scriptures that men and women are created equally in the image of God with equal dignity and capacity to serve in a multiplicity of ways both inside and outside the church (Genesis 1:27-30; Romans 12:3-8; 1 Thessalonians 4:11). Men and women are not identical, and have been created to work together with complementary differences given by God, for our good and for the good of those we serve.

17. Scripture does not directly address the composition of boards. Neither does it describe boards that might provide examples for consideration. However for our purposes, it is significant that women are seen in gospel support roles throughout the New Testament. There are many instances of the support women provide to the ministry of Jesus (Matthew 27:55; Luke 10:44; John 12:2). Acts 16 describes Lydia as a generous gospel host who supports Paul's work. Romans 16 describes a long list of men and women who were benefactors and contributors to Paul's ministry, but they were not members of a committee. We might say that in addition to the 'vine' work of promoting the gospel, both men and women were involved in the 'trellis work' in the New Testament period.

18. Boards generally are not occasions of public worship, teaching or pastoral discipline. For this reason, the New Testament instructions about church leadership do not *directly* apply to board membership (cf. 1 Timothy 2:11-3:13; Titus 1:5-9). Boards are hubs for discussion and debate on governance and policy. Although itself concerned with public worship, Colossians 3:16 probably comes closest to addressing the mutual participation and instruction that may occur on boards, as members teach 'one another' informally from the Scriptures. Accordingly, there is no reason why both men and women ought not generally be welcomed onto boards. However, the Committee did note there may be some boards which, because of their responsibilities, may require incumbents or people of a particular biological sex and that the specific tasks of a board should be taken into account in any plan to increase gender representation.

19. There is a variety of views on board leadership found within the complementarian framework broadly adopted throughout the Diocese. Some would deem it inappropriate for a woman to lead a board despite its purpose being governance and policy. At the same time, there are several women in leadership positions of boards (e.g., chair) in the Diocese. This matter is considered beyond the remit of this Committee.

20. Besides mature Christian character and conviction, suitability for Christian leadership is a matter of competency or 'gifts'. Broadly speaking, we are to serve according to the gifts we have been given, and those gifts create a beautiful diversity in the body of Christ (Romans 12:3-8). God gives gifts to the church so that it may function well as the body of Christ for the common good (1 Corinthians 12:7). Not everyone has all gifts and it ought not be assumed that everyone in the church has the gifts to serve on boards. Among the gifts mentioned in the New Testament are *antilempsis* (perform helpful deeds) and *kubernesis* (govern or guide, administration) (1 Corinthians 12:28), indicating that it is God's provision that we might expect to find able persons who can serve on our boards in the body.

21. The encouragement of the Scriptures is that if one has a gift, they ought to use it for the common good and gospel benefit. 1 Corinthians 12 challenges those who either look down on some gifts or assume every Christian can do everything (12:11, 29). Rather, Christian people ought to be encouraged to determine the gifts God has given them and to serve using those gifts (1 Corinthians 12:12-26). While this is to happen in an orderly fashion (1 Corinthians 14:26-35), the only justification for barring someone with gifts from service where a need exists appears to be lack of godliness (1 Corinthians 14:36-40; 1 Timothy 3:1-13) or considerations related to the specific context in which those gifts would be used (1 Timothy 2:11-15). There is also a warning against stifling the gifting of the Spirit (1 Thessalonians 5:19).

22. The Committee concluded there are no real theological arguments either for or against targets. This Committee decided against setting specific targets because it considered tying down membership of boards too tightly by way of any personal characteristic (i.e., gender, race or age) rather than qualification may stifle the ability of those with gifts to serve.

### **Recommendations for improving participation by women**

23. Increasing the participation of women on Diocesan boards needs to address both issues of opportunity and supply (paragraphs 25-34) and demand (paragraphs 35-41).

### **Equipping women to serve**

24. *Build confidence*: Many women cite felt lack of confidence as a reason for not joining boards. Confidence grows when people experience success, and so graduated pathways of recruitment and service are needed (e.g., Bible study leader, parish councillor, regional councils, Synod). As women grow in their

knowledge, skills, and experience, they will be more aware of and have more confidence in their ability to contribute to Diocesan life. They will also have more to contribute.

25. *Provide encouragement:* Rectors and mentors can encourage women to consider how they might contribute to boards and in other roles within the Diocese. This can be done generally as part of the preaching/teaching program of the church, or specifically in personal conversation. Anecdotally, rectors can be reluctant to 'lose good people' to ministry outside the parish, so encouraging women in this way may require some sacrifice on the part of rectors and the local church community. Often the demands of board membership will impact a whole family, not just the individual member, so the encouragement and support of family is also a factor.

26. *Provide vision:* Many lay people, in particular, are not aware of the strategic value of boards to the work of the gospel. This vision can be provided by the 'centre' (e.g., *Southern Cross* or Synod), or by individual organisations (e.g., school newsletters, Moore College prayer diary). However, it also touches more broadly on the place of volunteerism, and the need for believers to have a ministry-mindset, which are best addressed through the preaching/teaching and discipleship programs at the parish level.

27. *Provide information:* There is little contact between and awareness of the operations of 'the Diocese' (including organisations and school boards) and regular congregation members. Providing information sessions for those interested (and possibly invited) might increase understanding, buy-in, and participation of both lay women and men. It is possible existing Synod members would also benefit from such events. We recommend that SDS commission an Educator/consultant within the Diocese to write a program that may be run in conjunction with Synod information evenings each year. There may be a one-off cost, but SDS would own the Intellectual Property and could run the program each year.

28. *Provide training:* Training women (and men) for board membership, would both build confidence and competence. Such training could be provided by SDS, or other groups. The cost of attending such training might be subsidised or discounted for women not in full-time employment, if the cost is to be borne by attendees.

29. *Provide models:* The adage is that 'you cannot be what you cannot see'. To this end, we need to provide examples of women serving on boards, in addition to those examples of women serving that are currently available. This might be done through *Southern Cross*, and the participation of women at Synod in various capacities.

### **Enabling women to serve**

30. *Address logistical barriers:* Anecdotally, many women decline nomination to boards because they are unable to attend meetings at times and in locations that conflict with their family or employment responsibilities. Arguably this is also an issue for lay men. Boards might need to reconsider the location and time of meetings. One way of assessing this would be for SDS to survey all Synod members about their preferences and logistical obstacles to their availability and participation. This could then be compared with a corresponding survey of the meeting times and places of boards. One member of the Committee did not consider such a survey was necessary.

### **Addressing supply issues**

31. *Articulate biblical factors for consideration:* As a Diocese, Scripture is to be our rule in all aspects of our life together, including structures and governance practices. There are biblical reasons for ensuring and increasing the current participation of women on boards that arise from the God-given equality and complementarity of the sexes. These reasons have been articulated above.

32. *Address gate-keeper issues:* As noted above, many rectors are reluctant to 'lose good people' to responsibilities beyond the local church. This is understandable, and there is a proper priority that should be given to ministry in the local Christian community. However, in doing so, rectors can intentionally or unintentionally discourage women from roles beyond the local church. Ideally rectors will be facilitators for the broader involvement of women in the life of the Diocese. Striking the balance will depend on the needs of the parish, and the gifts and needs of individual women. Assisting rectors to be facilitating gatekeepers could be addressed through the Centre for Ministry Development, Ministry Training & Development, at regional conferences, senior clergy in discussion with rectors, at Synod, and in *Southern Cross*. The Committee believes the role of rectors as gatekeepers is key to increasing the participation of women in boards, as they are best placed to know the character, competency, and availability of members of their congregations.

33. *Identify suitable women:* Given the size of the Diocese and the number of boards within it, it is difficult to be aware of lay women who may be qualified and willing to fill vacancies. The same could be said about lay men. Two ways of addressing this would be to survey/audit Synod members, and formally ask rectors

to identify suitable women within their congregations. This could happen during Synod with a simple paper survey to be filled out and returned, or a survey of Synod members by electronic means.

### **Addressing demand issues**

34. *Articulate biblical guidelines:* It is the view of this Diocese that Scripture teaches that men and women have different responsibilities within the church in regard to doctrinal and pastoral oversight, and discipline. While boards are not 'church', some boards exercise roles and authority that significantly affect the doctrinal and pastoral oversight, and discipline of churches (e.g., nomination board). Accordingly, the appropriate gender-mix of boards should be decided on a case by case basis, to ensure it is aligned with the biblical teaching.

35. *Create awareness of need:* Boards and those electing their members need to be aware of the need to recruit and appoint women to vacancies. This will be an ongoing task that needs to be addressed at various levels. Possible measures include the following: it could be required on the Standing Committee agenda that, where appropriate, vacancy notices and election motions provide details of the current gender balance; tracking of board membership (annually); boards could be actively encouraged to increase representation of women; and the Archbishop could be encouraged to fill appropriate 'Archbishop's appointments' with women.

36. *Consider gender composition:* Boards are to be encouraged actively to consider their current and ideal gender composition, and any constraints or requirements of the composition of that board regarding gender (e.g., a single sex school council might be rightly weighted towards the biological sex of the student body; the biblical constraints noted in paragraph 35). Boards should consider if current positions requiring an 'incumbent' might be filled by a 'clergy person'. The Committee encourages boards to provide detailed information to electors about all the above within the board's skills matrix, with the understanding that all information provided is considered when an election is held.

37. *Review long-term membership:* The common practice of re-electing sitting members to boards has the unintended effect of slowing the appointment of women, and raises broader questions about board renewal. If fixed term appointments are not desirable, boards could be encouraged to consider active steps to ensure board renewal.

38. *Review 'ideal' qualifications:* The career pathways of many women do not always track identically to those of their male counterparts. This can be due to child-rearing, family responsibilities, decisions to work part-time, and decisions to be involved in ministry. From a worldly perspective, these might not seem impressive on a CV, but Scripture and experience remind us that they are valuable, and would contribute a distinctive competency and perspective to the skills matrix of some boards. Accordingly, boards might review their 'ideal' qualifications for new members to determine if a vacancy could be filled by a suitable woman with the desired formal qualifications (e.g., degrees, professional membership), but without the career pathway that might be found in their male counterparts.

39. *Track board membership:* The Committee recommends that the data compiled for this report reviewing the gender composition and requirements of Synod elected positions on Diocesan boards be maintained and periodically updated by SDS.

40. *Subcommittee for board composition:* The Committee responsible for this report recommends that a permanent subcommittee of Standing Committee, the *Gender Representation Oversight Committee*, consisting of four Standing Committee members (comprised of 1 lay woman, 1 lay man, 1 clergy woman and 1 clergy man) appointed by the Standing Committee triennially with review at the end of term, be established to oversee the composition of boards. This new subcommittee would review the membership of boards (annually), ensure information about the gender mix of boards accompanied notices of vacancies and election motions on the Standing Committee agenda, consider the merit of other suggestions in this report and if desirable, ensure appropriate organisations implement them (e.g., training sessions on board membership; encourage rectors as gate-keepers). The subcommittee would not be responsible for identifying or recruiting individual women for vacancies or ensuring they are elected to particular boards. It would only review progress and the implementation and effectiveness of initiatives.

For and on behalf of the Standing Committee.

THE REV ZAC VERON

*Chair, Gender Representation on Diocesan boards and committees Committee*

27 September 2018

Gender composition summary table (as at 5 May 2018)

Council / Board	Org. Type	Appointing Organisation	Gender comp. actual numbers (female)	Gender comp. actual numbers (male)	% Females elected by Synod (regardless of reqs) (a)	# female only positions	# male only positions (b)	Org w reqs precluding women (incumbency, male only) (c)	% Females on seats open to either sex (d)	% Females elected or appointed to non-clergy positions (e)	% ABP appts (f)	# clergy female appted by ABP	# ABP clergy female appt as proportion of total # clergy females
Anglican Church Property Trust Diocese of Sydney	Diocesan Org	Synod	1	9	10%	0	0	0	10%	14%	0 out of 1	0	0 of 0
Anglican Community Services (Anglicare)	Diocesan Org	Synod	3	5	33%	0	1	1	43%	40%	1 out of 3	0	0 of 1
Anglican Education Commission	Diocesan Org	Synod	2	5	33%	0	0	0	29%	29%	0 out of 2	0	0 of 0
Anglican Media Council	Diocesan Org	S-C	2	5	20%	0	0	0	29%	29%	1 out of 2	0	0 of 0
Anglican National Superannuation Board	Diocesan Org	Synod	1	6	14%	0	0	0	14%	14%	0 out of 1	0	0 of 0
Anglican Schools Corporation	Diocesan Org	Synod	3	8	33%	0	0	0	27%	22%	0 out of 3	0	0 of 1
Arden Anglican School Council	Diocesan School	Synod	2	8	11%	0	0	0	20%	25%	1 out of 2	0	0 of 0
Blue Mountains Grammar School	Anglican School	S-C	3	3	50%	0	0	0	50%	50%	0 out of 3	0	0 of 0
Camperdown Cemetery Trust	Other	S-C	2	2	50%	0	0	0	50%	50%	0 out of 2	0	0 of 0
Council of Anglican Youth and Education Diocese of Sydney (Youthworks)	Diocesan Org	Synod	1	6	17%	0	0	0	14%	25%	0 out of 1	0	0 of 0
Council of St Catherine's School, Waverley	Diocesan School	Synod	4	4	57%	0	0	0	50%	50%	0 out of 4	0	0 of 1
Council of Tara Anglican School for Girls	Diocesan School	Synod	5	5	44%	0	0	0	50%	63%	1 out of 5	0	0 of 0
Council of Trinity Grammar School	Diocesan School	Synod	1	11	8%	0	6	1	17%	17%	0 out of 1	0	0 of 0

<b>Council / Board</b>	<b>Org. Type</b>	<b>Appointing Organisation</b>	<b>Gender comp. actual numbers (female)</b>	<b>Gender comp. actual numbers (male)</b>	<b>% Females elected by Synod (regardless of reqs) (a)</b>	<b># female only positions</b>	<b># male only positions (b)</b>	<b>Org w reqs precluding women (incumbency, male only) (c)</b>	<b>% Females on seats open to either sex (d)</b>	<b>% Females elected or appointed to non-clergy positions (e)</b>	<b>% ABP appts (f)</b>	<b># clergy female appted by ABP</b>	<b># ABP clergy female appt as proportion of total # clergy females</b>
Diocesan Retirements Board	Diocesan Committee	S-C	2	7	22%	0	0	0	22%	50%	0 out of 2	0	0 of 0
Endowment of the See	Diocesan Committee	S-C	2	4	33%	0	0	0	33%	33%	1 out of 2	0	0 of 0
Evangelism and New Churches	Diocesan Org	Synod	1	6	17%	0	0	0	14%	25%	0 out of 1	0	0 of 0
Georges River Regional Council	Diocesan Org	Synod	3	4	43%	0	3	1	75%	50%	0 out of 3	0	0 of 1
Macarthur Anglican School Council	Diocesan School	Synod	4	3	50%	0	0	0	57%	50%	1 out of 4	1	1 of 1
Ministry in Socially Disadvantaged Areas	Diocesan Committee	S-C	1	2	33%	0	0	0	33%	33%	0 out of 1	0	0 of 0
Ministry Training and Development	Diocesan Org	Synod	1	8	13%	1	3	1	0%	20%	0 out of 1	0	0 of 0
Mission Property Committee	Diocesan Committee	S-C	2	6	33%	0	0	0	25%	25%	0 out of 2	0	0 of 0
Moore Theological College Council	Diocesan Org	Synod	1	7	13%	0	3	1	20%	25%	0 out of 1	0	0 of 0
New College Limited	Anglican Org	S-C	2	4	33%	0	0	0	33%	33%	0 out of 2	0	0 of 0
Nomination Board	Diocesan Committee	Synod	0	6	0%	0	0	0	0%	0%	0 out of 0	0	0 of 0
Northern Regional Council	Diocesan Org	Synod	1	5	17%	0	2	1	25%	25%	0 out of 1	0	0 of 0
Panel for the Professional Standards Board	Diocesan Committee	S-C	4	4	50%	0	0	0	50%	60%	0 out of 4	0	0 of 1
Professional Standards Committee	Diocesan Committee	S-C	2	3	40%	0	0	0	40%	50%	0 out of 2	0	0 of 0
Robert Menzies College	Anglican Org	S-C	3	5	38%	0	0	0	38%	38%	0 out of 3	0	0 of 0
Safe Ministry Board	Diocesan Committee	S-C	5	4	33%	0	0	0	56%	80%	3 out of 5	1	1 of 1
SCEGGS Redlands	Anglican School	S-C	2	2	50%	0	0	0	50%	50%	0 out of 2	0	0 of 0
SCEGGS Darlinghurst	Anglican School	S-C	3	1	75%	0	0	0	75%	75%	0 out of 3	0	0 of 0

Council / Board	Org. Type	Appointing Organisation	Gender comp. actual numbers (female)	Gender comp. actual numbers (male)	% Females elected by Synod (regardless of reqs) (a)	# female only positions	# male only positions (b)	Org w reqs precluding women (incumbency, male only) (c)	% Females on seats open to either sex (d)	% Females elected or appointed to non-clergy positions (e)	% ABP appts (f)	# clergy female appted by ABP	# ABP clergy female appt as proportion of total # clergy females
South Sydney Regional Council	Diocesan Org	Synod	1	4	20%	0	3	1	50%	50%	0 out of 1	0	0 of 0
St Andrew's Cathedral Chapter	Diocesan Org	Synod	2	6	33%	0	0	0	25%	33%	0 out of 2	0	0 of 1
St Andrew's House Corporation	Diocesan Org	Synod	1	6	14%	0	0	0	14%	14%	0 out of 1	0	0 of 0
St John's Parramatta Endowment Fund	Diocesan Committee	Synod	1	4	20%	0	0	0	20%	20%	0 out of 1	0	0 of 0
St John's Regional Cathedral Parramatta Chapter	Diocesan Org	Synod	1	2	33%	0	0	0	33%	50%	0 out of 1	0	0 of 0
St Michael's Regional Cathedral Wollongong Chapter	Diocesan Org	Synod	1	3	25%	0	0	0	25%	50%	0 out of 1	0	0 of 0
Sydney Anglican Indigenous Peoples' Ministry Committee	Diocesan Committee	S-C	2	8	20%	0	0	0	20%	20%	0 out of 2	0	0 of 0
Sydney Anglican Loans Board	Diocesan Org	Synod	2	7	22%	0	0	0	22%	33%	0 out of 2	0	0 of 0
Sydney Church of England Grammar School Council (SHORE)	Diocesan School	Synod	3	9	25%	0	6	1	50%	50%	0 out of 3	0	0 of 0
Sydney Diocesan Secretariat	Diocesan Org	S-C	2	6	14%	0	0	0	25%	33%	1 out of 2	0	0 of 0
Tertiary Education Ministry Oversight Committee	Diocesan Committee	Synod	2	7	22%	0	0	0	22%	22%	0 out of 2	0	0 of 0
The Archbishop of Sydney's Anglican Aid	Diocesan Org	Synod	2	7	33%	0	0	0	22%	29%	0 out of 2	0	0 of 0
The Council of Abbotsleigh	Diocesan School	Synod	3	5	38%	3	5	1		43%	0 out of 3	0	0 of 0
The Council of Barker College	Diocesan School	Synod	3	5	38%	0	0	0	38%	25%	0 out of 3	0	0 of 2
The Council of the Illawarra Grammar School	Diocesan School	Synod	3	8	27%	0	4	1	43%	43%	0 out of 3	0	0 of 0

Council / Board	Org. Type	Appointing Organisation	Gender comp. actual numbers (female)	Gender comp. actual numbers (male)	% Females elected by Synod (regardless of reqs) (a)	# female only positions	# male only positions (b)	Org w reqs precluding women (incumbency, male only) (c)	% Females on seats open to either sex (d)	% Females elected or appointed to non-clergy positions (e)	% ABP appts (f)	# clergy female appted by ABP	# ABP clergy female appt as proportion of total # clergy females
The Council of the King's School	Diocesan School	Synod	1	9	10%	0	5	1	20%	20%	0 out of 1	0	0 of 0
The Mission to Seafarers, Sydney Port Committee	Diocesan Committee	Synod	0	3	0%	0	0	0	0%	0%	0 out of 0	0	0 of 0
Western Sydney Regional Council	Diocesan Org	Synod	1	5	17%	0	2	1	25%	25%	0 out of 1	0	0 of 0
William Branwhite Clarke College Council	Diocesan School	Synod	2	5	40%	0	0	0	29%	25%	0 out of 2	0	0 of 1
Wollongong Regional Council	Diocesan Org	Synod	2	9	18%	0	5	1	33%	33%	0 out of 2	0	0 of 0
					28%				31%	35%		2	2 of 11

#### Comments -

Summary table above of all current Synod/Standing Committee elected positions on Diocesan boards, committees and councils. The data, as at 5 May 2018, excludes appointments by the board itself and ex officio positions however does include Archbishop appointments.

(a) - total women elected by Synod (excl. Archbishop appointments).

(b) - men only positions across elections and appointments (eg incumbency).

(c) - "1" indicates that the organisation has any position which is effectively for men only (ie incumbents or "a man" or "clergy man").

(d) - the number of women in positions open to either sex (i.e. excludes positions only for women, and only for men).

(e) - any females appointed or elected to non-clergy positions, divided by total number of non clergy positions.

(f) - the number of Archbishop-appointed women out of the total number of women on the committee.

Actual number of female clergy elected or appointed to any committee (and # men for comparison): 11 female clergy across 13 appointments (2 women appointed to more than one committee); 98 male clergy across 123 positions.

*The Registrar's Department notes the complexity in calculating "total" number of female clergy rather than under a list of different categories.*

# Human Sexuality Pastoral Guidelines

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

(A report from the Standing Committee.)

### Key Points

- At its session in 2015, the Synod requested guidelines to be developed that would help people to care pastorally for those who are same sex attracted as well as for their family members and friends
- Guidelines developed in response to Synod's request are attached to the report
- Synod will be asked to encourage Rectors to share the guidelines to people involved in pastoral care in their parishes

### Purpose of the report

1. The purpose of this report is to respond to Synod resolution 34/15 in respect to pastoral guidelines for pastors as they minister to Christians (and their family and friends) experiencing same-sex attraction.

### Recommendations

2. Synod receive this report.
3. Synod, noting the report *Human Sexuality Pastoral Guidelines* –
  - (a) encourage rectors to provide the guidelines, *Same-Sex Attraction: A pastoral guide*, to people who are involved in pastoral care in their parishes, and
  - (b) request the Standing Committee to consider how the guidelines might be published in a form that would be helpful to a wider audience.

### Background

4. At its session in 2015, the Synod passed resolution 34/15 in the following terms –  
 'Synod thanks the Sydney Diocesan Doctrine Commission for its recent publication *Human Sexuality & the Same-Sex Marriage Debate* and commends it to the churches of the Diocese for the clarification and confirmation of the biblical theology of human sexuality and commits to pray for those in our community who identify as lesbian, gay, bisexual, trans or intersex (LGBTI).  
 Synod requests Standing Committee to continue its work of developing pastoral guidelines for pastors as they minister to Christians experiencing same-sex attraction, their family and friends, and their churches; and that a committee be formed of sufficient size, breadth of experience, and expertise to accomplish this, to report to Synod in 2017.'
5. In order to address the request of the resolution, the Standing Committee formed a committee chaired by Bishop Chris Edwards to develop the guidelines. The committee has met 15 times.
6. Developing guidelines that are helpful across the Diocese proved to be a difficult task. The committee reviewed similar guidelines from other organisations around the world, which often ran over 100 pages in length. While some of these had helpful ideas, most failed to provide succinct, simple suggestions for ways to provide pastoral care. Instead they presented theological opinions on the issue of same-sex attraction, oftentimes unhelpfully.
7. A first draft which ran to 50 pages was presented to the Standing Committee in 2017, but was returned to the committee for further work. It was considered that theological issues within the draft were not beneficial in the guidelines, and the document should be shorter and in a form that would be easy for use in a parish context.
8. The committee returned to the task, and among other things, considered the format of guidelines addressing pastoral care for people in other circumstances. The committee settled on the presentation in the schedule to this report. Its brevity and format are considered by the committee to be a helpful way of highlighting pertinent issues in a succinct manner.
9. The committee does not consider the format to be attractive in a visual sense but hopes the Standing Committee might consider how the guidelines might be published in a form that would be helpful to a wider audience.

For and on behalf of the Standing Committee.

BISHOP CHRIS EDWARDS  
*Chair of the committee*

14 September 2018

## **Same-Sex Attraction: A pastoral guide**

### **Theology**

- Know the key biblical texts that speak of homosexual sexual activity and develop a robust biblical theology of sex, gender and marriage, based on the wide sweep of biblical teaching and not just 'proof texts'.
- Know the arguments around the interpretations about the specific passages that refer to homosexual sexual activity.
- Differentiate theologically between same-sex orientation/attraction and same-sex sexual activity.
- How do you think theologically about same-sex 'orientation'? Are you consistent in the way you consider what is and isn't sin in this area compared to others?

### **Maturity**

- Be patient with each person as you listen to their struggles and gently guide towards maturity in Christ.
- Remember sexual attraction is only one facet of a person's life. Don't treat same-sex attracted (SSA) people as 'single issue Christians', encourage holistic maturity and sanctification.
- Each SSA person will approach their struggle differently. We need to help people think through God's guidance, singleness and marriage, celibacy, loneliness and more.
- Remind the SSA person that the gospel holds out both the hope of future glory, and the joys of life in Christ now.
- Many SSA Christians will have previously encountered "affirming theology" and may have found it emotionally engaging. How can you equip yourself well to respond to theologies like this?

### **History**

- The pastoral needs of a person who has grown up as a Christian and hasn't engaged in regular sexual activity, are very different to that of a person who has turned to Christ from previous sinful practice.
- A person's cultural background will likely affect how these issues are seen by their primary support network. For example, eastern and western cultures often view same-sex attraction differently.
- Where family dysfunction, abuse in formative years, or mental health struggles are present, there will need to be extra pastoral support.
- Be aware of the way SSA Christians have been treated in the past, and how that affects their perception of the present. This may mean some topics are of particular sensitivity, and understandably so. When might it be appropriate to apologise for past hurts the church has caused people?

### **Emphasis**

- Remember same-sex attraction and same-sex sexual activity are different. Struggling with a temptation towards a certain sin is not the same as engaging in the sin.
- Bear in mind in today's cultural climate SSA Christians (and those close to them) may feel a higher level of guilt and shame when compared with other Christians.
- Treat an SSA person and their issues of temptation and sin as you would a heterosexual person who is tempted to sin sexually or in other areas. For example some pastoral responses can feel heavy handed even if they are wise and well meant.
- When might you consider seeking advice or referring people to others?

### **Holiness**

- The key to holiness is pursuing identity, joy and satisfaction in Christ, along with the other benefits of the Christian life including church family and Christian friendships.

- Like all Christians, the fight for holiness is real. The SSA Christian ought to be encouraged to resist sin and temptation. Many SSA Christians will often have a deep awareness of these issues.
- Create a culture of strong friendships within the church, especially ones where people can be open, accountable and vulnerable about temptation struggles.
- While acknowledging that sexual orientation can be fluid for some, don't endorse so-called 'conversion therapies'. Holiness is the goal of the Christian life, not heterosexuality.
- Pornography is deeply unhelpful for any progress in Christian holiness. Accountability structures can be extremely helpful. Don't allow awkwardness to prevent you from recommending good practice. Computer software that restricts or reports pornographic material strengthens defences further. What other steps might someone take to help them guard against seeking satisfaction in anything or anyone other than Christ?

## Sin

- When a person sins, every attempt should be made to restore them gently, holding out that the Christian life is one of repentance and faith.
- Be aware of the greater level of shame the person caught in same-sex sin may feel.
- Facing up to sin is an opportunity for spiritual growth but which also involves complexity and pain. This is particularly the case if the sin involves a romantic/emotional relationship.
- Going through church discipline and restoration is potentially a time when someone will be most vulnerable to falling away. Make sure the person is linked with another Christian (perhaps yourself) for help and support.
- When would it be appropriate to withdraw someone from serving or leadership in ministry? Where have you seen pastoral responses to sin modelled well?

## Language

- Be quick to listen and slow to speak. Never use language that you know could be offensive.
- Assume and speak as though SSA people are in the room (church, Bible study, youth group etc). Be especially aware of your use of personal pronouns like 'they' and 'them.'
- Be careful in your use of terminology, because some terms in this area mean different things to different people.
- Make sure that you don't speak as if the goal of the Christian life is marriage. Consider the impact this way of speaking has on the celibate Christian.
- What words can helpfully be used to describe large church events, services? Would the SSA Christian who is committed to a life of singleness and celibacy feel included?

## Culture

- Make it clear that being same-sex attracted in itself is not an impediment to leadership within the church.
- Highlight illustrations, testimonies and examples of celibate SSA Christians active in church life. Their stories can be powerful examples of living for Christ. Foster a culture of listening to one another's stories, particularly to those who feel least heard.
- Promote hospitality, where life is lived and shared with others outside the modern western notion of a nuclear family.
- Think through the life of a celibate SSA person from age 20 to 80. What pastoral, relational and spiritual help would that person need at different points for which you could possibly establish structures in your church?
- Does your church have a written policy on leadership? Does it include a note on the need for holiness among leaders – and what holiness is like?

## 33/17 Licensing of Incumbents – Final Report

(A report from the Standing Committee.)

### Key Points

- In response to Synod's request in resolution 33/17 to 'develop and distribute resources to assist nominators who are involved in interviewing prospective rectors, that includes recommendations to discuss the prospective rector's future professional development', suggested questions have been developed for nominators aimed at encouraging a discussion about continuing professional development as part of the nomination process.
- Resolution 33/17 also envisaged a review of the draft *Healthy Parish Relationships Guidelines* noted at Synod in 2017. The Healthy Parish Relationship Guidelines have been developed to assist clergy, ministry staff and parish councils to understand their respective roles and responsibilities relating to their appointment or employment, in order to clarify expectations and assist in maintaining healthy parish relationships.

### Purpose

1. This report presents the Healthy Parish Relationships Guidelines and the suggested questions for nominators, and commends their use in the Diocese.

### Recommendation

2. Synod note this report, and –
  - (a) approve *Healthy Parish Relationships Guidelines* included as Attachment 1 to this report, and ask that these Guidelines be made available on a suitable website and promoted through –
    - (i) the Developing Rector's course,
    - (ii) a post-AGM circular to wardens (utilizing the contact details in Salesforce), and
    - (iii) online training delivered by agencies such as the Centre for Ministry Development and Ministry Training & Development, and
  - (b) ask the Registrar to include in the Guidelines for Nominators provided to parish nominators in accordance with clause 41 of the *Nominations Ordinance 2006* some possible questions about the matters raised in this report.

### Background

3. By resolution 33/17 Synod noted the Second Interim Report of the Licensing of Incumbents Review Committee and –
  - (a) by paragraph (b) of that resolution, "requested Ministry Training & Development to develop and distribute resources to assist nominators who are involved in interviewing prospective rectors, that includes recommendations to discuss the prospective rector's future professional development", and
  - (b) by paragraph (e) of that resolution, "noted the draft Healthy Parish Relationships guidelines, invited members to provide feedback to the Committee and endorsed the Committee's attention to this area".
4. By resolution 41/17 Synod noted the report Lifelong Ministry Development Guidelines and by paragraph (f) of that resolution "asked the Diocesan members of the Nomination Board, when considering a prospective rector, to discuss with the parish nominators the prospective rector's involvement in professional development".
5. The Licensing of Incumbents Review Committee (the Committee) comprised the Rev Andrew Bruce, Archdeacon Kara Hartley, Bishop Peter Hayward, Mr Peter Mayrick, the Rev Gary O'Brien, the Rev Gavin Poole, Dr Robert Tong and the Rev Phil Wheeler (Chair). The Committee met on 9 August 2018 to approve this further report of the work undertaken since the Synod last year to progress the matters identified in paragraphs (b) and (e) of resolution 33/17 and paragraph (f) of resolution 41/17.

## Discussion

6. A draft of the Healthy Parish Relationships Guidelines was included as Appendix 2 to the Second Interim Report of the Licensing of Incumbents Review Committee which was noted by Synod resolution 33/17.

7. One member of Synod provided quite detailed feedback on the Healthy Parish Relationships Guidelines and the Committee considered this feedback along with other suggestions from a number of senior clergy before settling on the revised form of the Healthy Parish Relationships Guidelines included as Attachment 1 to this report.

8. The Committee also considered the following suggestions for activities that would help promote culture change by referencing the Healthy Parish Relationships Guidelines in –

- (a) the Developing Rector's course,
- (b) a post-AGM circular to wardens (utilizing the contact details in Salesforce), and
- (c) online training delivered by agencies such as the Centre for Ministry Development and Ministry Training & Development.

9. A report responding to a separate resolution of Synod, *22/17 Appointment of Assistant Ministers and Stipendiary lay Workers*, has been promoted to Synod this year which includes recommended guidelines for the termination of appointments of Assistant Ministers. Accordingly the section in the attached guidelines regarding Termination of employment refers to the separate document, in anticipation of its adoption by the Archbishop-in-Council in some form.

10. A draft of the suggested questions for nominators was prepared by Ministry Training & Development and forwarded in April 2018 to Dr Robert Tong in his capacity as one of the lay persons elected by Synod to the Nomination Board.

11. The Committee has reviewed the draft suggested questions for nominators and a revised form of the suggested questions is included as Attachment 2 to this report.

For and on behalf of the Standing Committee.

THE REV PHIL WHEELER

*Chair, Licensing of Incumbents Review Committee*

26 September 2018

## **Healthy Parish Relationships Guidelines**

### **1. Preamble**

Church leadership is an indispensable part of Christ's body. Men and women are gifts to the church to "prepare God's people for works of service so that the body of Christ may be built up until we reach unity in the faith and in the knowledge of the son of God" (Ephesians 4:12-13).

When the church's leadership and people work together, under the authority of Christ, the church flourishes and provides the best environment for gospel growth.

On the one hand, the people are to "respect those who work hard among you, who are over you in the Lord and who admonish you" (1 Thessalonians 5:12). On the other hand, leaders are not to lord it over them and, "whoever wants to become great among you must be your servant" (Mark 10:43). Servant leadership is the way of the Son of Man who "did not come to be served, but to serve, and to give his life as a ransom for many" (Mark 10:45).

In all our relationships, grace and love must prevail but particularly when it comes to ministers' relationships with each other and the church.

A proper understanding of expectations goes a long way toward healthy parish relationships. This document is designed to assist churches and ministers to work together. It focuses on the relationships of a) the Rector to the church and b) the Rector to staff members.

The Parish Council of each parish could consider moving something like the following motion at the beginning of each ministry appointment.

'The Rector, wardens and Parish Council –

- (a) give thanks for God's gifts to the church and strive to live at peace for the sake of the gospel;
- (b) agree to the Diocesan, "Healthy Parish Relationship Guidelines" and;
- (c) agree to pray for those whom the Lord has given to provide leadership, teaching and pastoral care.'

### **2. Other relevant documentation**

We strive to relate to each other by grace and not by law. That said, the law is often based on good principles and knowing the law can actually lead to mutual understanding and hence better relationships.

These guidelines act as an omnibus document to help church workers through the maze of diocesan legislation. It is intended to work alongside existing legislation.

Listed here are some of the relevant documents that govern the way we relate in the church.

#### **2.1. Anglican Diocese of Sydney, Employment Relations Guidelines for Parishes**

A very useful document which provides guidelines for all parish workers including employees, independent contractors, voluntary workers and Assistant Ministers. While Assistant Ministers are not technically 'employees' these guidelines provide some broad principles for healthy work place relationships.

#### **2.2 Remuneration guidelines**

Remuneration Guidelines for Parish Ministry Staff are published by SDS on the SDS website on an annual basis.

#### **2.3 Ordinances & Acts of Parliament**

##### **2.3.1 Anglican Church of Australia Constitutions Act 1902, Clause 3(4) of the Schedule**

An Act of the New South Wales Parliament which allows the Synod of each diocese in NSW to determine by ordinance the circumstances in which a clergy licence may be suspended or revoked.

**2.3.2 Parish Administration Ordinance 2008**

This Ordinance requires any person who preaches and conducts services to be licensed or authorised by the Archbishop or Regional Bishop respectively.

**2.3.3 Nomination Ordinance 2006**

This Ordinance outlines the procedure for forming a nomination board and making recommendations to the Archbishop.

**2.3.4 Parental Leave Ordinance 2016**

This Ordinance outlines parental leave entitlements for clergy.

**2.3.5 Assistant Ministers Ordinance 2017**

This Ordinance outlines the procedures for appointing an Assistant Minister and how that arrangement may be terminated.

**2.3.6 Parish Disputes Ordinance 1999**

This Ordinance can be used by Parish Council in cases of dispute involving a church worker, which may involve mediation.

**2.3.7 Parish Relationships Ordinance 2001**

If a 65% majority of a Parish General Meeting determines that there is a relationship breakdown between the Rector and parishioners, in certain circumstances, a licence review process may be invoked.

**2.4 Statutory law**

Stipendiary lay workers will be subject to various Commonwealth and New South Wales employment laws. Although these do not usually directly apply to licensed clergy, they provide helpful information for reference.

**2.5 The Ordinal and Solemn Promises Ordinance 2011**

Clergy make important promises at their ordination. Anglicans take these very seriously and in some jurisdictions may even be legally binding.

**3. Church relationship with staff****3.1 Rector****3.1.1 Employment status**

The Rector is considered an officeholder, not an employee. He is licensed to a parish by the Archbishop of Sydney.

This is an unusual “employment” status and doesn’t directly correspond with other secular employment arrangements. Clergy licensing is governed by the Constitution and various ordinances of the Synod.

Since the ordained ministers (Rectors and Assistant Ministers) are regarded as officeholders, the Sydney Diocese Employment Relations Guidelines recommends that care be taken not to enter into an employment contract.

**3.1.2 Nomination process**

The nomination process is governed by the *Nomination Ordinance 2006*. The process can be onerous for the parish representatives and can take many months, but it is an essential exercise to find the right candidate for nomination to the Archbishop.

Once a Rector is nominated and appointed by Archbishop, there is no going back. It can be difficult to remove a Rector, therefore choose wisely.

The parish elects five nominators at the annual general meeting. These people should be godly, prayerful, mature Christians, well known and committed to act in the parish's interest to see the gospel advance in the parish and beyond. In most years the nominators will be inactive however, careful thought and prayer should be applied every year as though they will become active.

Nominators should have a clear idea of the type of Rector that the parish needs. They should have ongoing discussions with the wardens. They should prepare a parish profile, in consultation with the Parish Council, and leaders across the church, outlining the ethos of the parish. The wardens prepare a parish vacancy form covering property and finances.

An important question is whether the parish needs a culture change for the sake of the gospel or ongoing improvement to the current culture. Nominators should seek a candidate who will lead such change or improvement.

Before the first meeting of the Nomination Board the regional bishop meets with the nominators to explain the process and offer advice as he will chair the Nomination Board (though does not have a vote). Parish nominators in consultation with the other members of the Nomination Board will commonly filter all available clergy to come up with a preferred list.

Narrowing down the preferred list of candidates will involve speaking to referees, relevant people (like their regional bishop) listening to recorded sermons and attending the candidate's current church (bearing in mind the sensitivity involved for that church).

The nominators must interview short listed candidates more than once. They should work hard to explain the uniqueness of their church and understand the candidates' strengths, weaknesses and characteristics, to determine a good fit. It is important to get beyond initial niceties. The nominators should consider the candidates they are pursuing and imagine any potential areas of conflict. This may direct their discussion with the candidates.

The candidates should make a careful study of the parish profile along with other research. They should communicate clearly to the nominators any significant cultural change that they believe may need to take place. It is disingenuous to surprise the nominators once in the position, as it is disingenuous to surprise the candidate as to the true nature of the health of the parish.

Seeking God's wisdom in prayer should undergird the nomination process at every step and the parish likewise should be encouraged to be regularly in prayer for an outcome that will honour God. Resources to assist nominators are available through the regional bishop, Ministry Training & Development and the diocesan Nomination Board members.

### **3.1.3 Rector's responsibilities**

Rather than a "job description" it would be appropriate to come to an advance agreement of the expectations the nominators (and parish) have for the Rector. The various responsibilities and expectations of the Rector are set out in the Ordinal. These should be phrased in terms of ministry outcomes, rather than specific duties. For example, it is better to state, "The Rector will be responsible for training volunteers for SRE ministry" rather than "The Rector will visit each SRE class on a frequent basis".

The Schedules to the *Parish Administration Ordinance 2008* state, "The minister has general responsibility for the spiritual welfare of the parish and each church in the parish and for this purpose has powers, rights and duties in accordance with his licence and authority from the Archbishop."

The agreement should not contradict or repeat that already stated in the *Parish Administration Ordinance 2008*. However, it may include agreement as to how this is practised within the uniqueness of a particular parish.

According to the Schedules to the *Parish Administration Ordinance 2008*, the main financial function of the wardens are, "to ensure the proper management, security and financial administration of all money and other property of the church (except money or other property for which the wardens are excluded from exercising this function by the trusts on which such money or other property is held)". They may also appoint certain paid workers, with the concurrence of the Rector and the parish council. While the Rector determines the duties performed by ministry staff, the wisdom of the wardens and other lay leaders will invariably be helpful in setting out responsibilities and duties of staff as they serve the congregations.

Wardens are also responsible to keep order in each church property and its grounds.

Put simply, the Rector is responsible for the “spiritual welfare” of the parish and the wardens and parish council for “temporal matters”. In reality it is not quite that simple. The temporal matters can be managed in a way that facilitates the spiritual welfare of the church, so it is important for the Rector and wardens to work closely together. The Rector should consult the wardens and parish council on matters regarding spiritual welfare and vice versa. If the two do not work well together, disagreement and discord can easily result. The Rector should meet with wardens at least monthly, in addition to a monthly parish council meeting.

### **3.1.4 Rector’s entitlements**

A Rector should have access to normal entitlements, however, given the uniqueness of his position, flexibility is required. For example, a Rector may need to perform ministry duties during public holidays. He is responsible for his own time management, ensuring that he has sufficient rest with minimal disruption to the parish. It is not appropriate for a Rector to accrue leave in lieu of unused public holidays.

A parish should encourage professional development by budgeting for it. Such a budget may include locum payments during study leave.

A Rector should give ample notice for leave. He may negotiate with the wardens additional study leave when it is considered to benefit the ministry of Rector to the parish.

Any arrangements made between the Rector and wardens should be documented for the sake of clarity (e.g., minutes of wardens’ or parish council meetings, email confirmation, etc). It is important that current wardens understand and respect agreements made between the Rector and previous wardens. Wardens often change and it can be frustrating for the Rector to have to remind, educate and sometimes renegotiate agreements made in the past. If conditions have changed, wardens may want to renegotiate an agreement with the Rector. It is not acceptable simply to ignore a previous agreement. For example, 10 years ago the Rector negotiated with wardens that a housing allowance would be indexed in line with rental prices in the local area. This agreement was ignored by subsequent wardens and parish councils who failed to budget for an increase in his housing allowance.

Where possible, the wardens should ensure that benefits and entitlements are provided so that the Rector can personally flourish and grow, for the sake of the gospel. In cases of uncertainty, it is better to err on the side of reasonable generosity.

### **3.1.5 Professional Development**

It is important for the Rector to be involved in ongoing Professional Development (PD). Ministry Training & Development administer a program to help ministers in the types of PD they should undertake and gives accreditation.

The Lifelong Ministry Development (LMD) guidelines requires (a) A ministry development plan, (b) A minimum of 30 hours LMD activities per year and (c) Journal entry for each hour of LMD activity. The LMD approved PD activities allow much scope for the Rector to develop a PD plan suited to his and the parish’s needs.

### **3.1.6 Regular review**

It is recommended that a review be conducted with the wardens on a regular basis. This should include an open and honest discussion about the things the Rector is doing well and the areas in which he could improve, preferably based on a previously agreed set of objectives.

It should be two way and the Rector may make certain requests of the wardens in order to facilitate and encourage the ministry.

Resources are available through the Centre for Ministry Development and Ministry Training & Development to assist with such reviews.

### **3.1.7 Disagreements**

It is expected that most disagreements will be dealt with personally and directly within the church following biblical principles. The Schedules to the *Parish Administration Ordinance 2008* state, 'The policy of the Anglican Church of Australia in the Diocese is that any dispute between the Rector and any of the members of this Church should be solved in a prayerful and pastoral manner, having regard to the rights and duties of those persons, rather than by legal decision.'

Occasionally a disagreement may escalate to a formal dispute requiring the Bishop or action pursuant to an ordinance. If this is the case the parties should refer to the *Ministry Standards Ordinance 2017*. In the case of personal disputes, it may be necessary to use a mediator that both parties approve.

Conflict resolution can be time consuming and sometimes feels like a distraction to ministry. Conflict resolution requires careful communication and patience. If done properly, it may consume much time but will ensure that ministry flourishes. Many disputes escalate because they were not addressed early and bitterness, misunderstandings and hurt take root. Application of the biblical virtues of courage, humility, repentance, forgiveness and forbearance must constantly be practiced by all leaders and members.

The *Diocesan policy for dealing with allegations of unacceptable behaviour* provides helpful guidelines when a disagreement involves a church worker.

## **3.2 Rector and Staff**

### **3.2.1 Purpose**

Paul writes to the Philippians *"I thank my God every time I remember you. In all my prayers for all of you, I always pray with joy because of your partnership in the gospel from the first day until now, being confident of this, that he who began a good work in you will carry it on to completion until the day of Christ Jesus."* Phil 1.3-6

This section of the guidelines is designed to help staff teams of paid and voluntary workers serve together in a healthy gospel partnership that brings joy to each other and advances the work that God is doing in each parish of our Diocese.

They should be discussed in each parish and applied to the circumstances of each staff team and the context where they serve. Resources are available through the Centre for Ministry Development and Ministry Training & Development to assist staff teams work well together.

### **3.2.2 Appointment**

The appointment of any staff member is a long and complex matter and needs considerable care to ensure that there is real clarity on the ministry partnership that is being entered into. It is important to understand the fundamental difference between a lay staff member (who will be an employee and therefore subject to certain provisions of the Fair Work legislation) and an Assistant Minister (who will be an office holder licensed to the parish). The Employment Relations Guidelines available on the secure SDS website is designed to assist in this process and cover many important areas for the Rector (with the wardens and parish council) and staff member to discuss, agree on and document.

### **3.2.3 Clear role description**

A written role description outlining the primary and secondary responsibilities of each team member brings clarity for each member of the team. It allows each member to be focused in their work, avoids confusion and potential conflict, and provides a basis for being able to assess how each member is performing. It is also a good place to document expectations around flexible working arrangements, location, hours and any special conditions. This role description should be negotiated and agreed on before a position is offered and accepted. It is helpful for a discussion to take place every year in the review process (below) about how the role description matches the reality of what is being done. Changes in the functioning of the staff member or the role description can be discussed and agreed on at this point. (See Appendix A for a pro-forma).

### 3.2.4 Regular review

It is expected that the Rector should meet regularly one-on-one with all staff to coach, disciple and review.

It is also recommended that a more significant annual review for each staff member involving their “review team” be used to set goals for each year and then assess how they are going in achieving those goals, what additional resources or help might be needed or what changes need to be made to the goals. A review team could consist of the team member (and their spouse where appropriate), the Rector, a warden and one or two members of the church selected by the staff member.

Ministry Training and Development offer a workshop explaining a Pastoral Review Process. The Centre for Ministry Development also offer a workshop on People Management

### 3.2.5 Termination

The formal procedures that need to be followed in the termination of a clergy person is the *Assistant Minister Ordinance 2017*, and in the case of a layperson, the *Fair Work Act 2009*.

There may be a whole range of factors that lead a Rector to decide to terminate a staff member’s appointment or employment in the parish. Sometimes the role may become redundant due to the changing financial situation or needs of the parish. In the case of a redundancy the Rector needs to be mindful of the minimum community expectations applicable to employees (particularly to the Fair Work calculator). At other times the need for a termination may be performance related or result from the unsuitability of the staff member to carry out the ministry needed. With a performance related termination the Rector should be aware of wider community expectations relating to reviews, goal setting, warnings and the importance of proper process, including the opportunity for appeal. Whether the proposed termination is a redundancy or performance related it would be wise for the Rector to seek legal advice from the SDS legal team to ensure that all the appropriate steps have been taken and the action planned satisfies both secular law and diocesan ordinances.

All our relationships as Christian co-workers should be marked by love, openness and honesty. A regular review process should provide the mechanism for open discussion on how a staff member is fulfilling their role in the parish. If a Rector is not happy with a staff member’s conduct, performance or capacity in the ministry it is essential that this is discussed openly with a view to addressing those concerns. This is best formally documented and confirmed by both Rector and staff member so there is an objective record of what reviews and discussions have occurred. It should not come as a “surprise” to the assistant minister if the Rector has issues with their performance and a termination is discussed. The staff member needs to understand the Rector’s concerns and be able to share their perspective with a view to agreeing on a way forward.

Under clause 7 of the *Assistant Ministers Ordinance 2017* the Archbishop-in-Council may issue guidelines with respect to the termination of appointments made under that ordinance. It is anticipated that for this purpose, Synod may request the Archbishop-in-Council to consider approving guidelines which accompany the report, *22/17 Appointment of Assistant Ministers and Stipendiary lay Workers*, promoted to Synod this year.

### 3.2.6 Task and relationships

Ministry is not done in isolation - there are many tasks to be done. However, as we see in the passage above, ministry is also a partnership. Care must be taken to develop loving relationships within the staff team. This takes time and will involve opportunities to share, pray and read the Scriptures together.

### 3.2.7 Regular meetings

1. Staff team – Organised parish ministry requires weekly team meetings to coordinate and plan. These meetings also provide an opportunity to develop relationships within the staff team as you meet over a meal, read Scripture, share and pray for each other.
2. Days away – Sometimes the pressing matters of each week can dominate the weekly staff meeting and there is little time to discuss new ideas. Going away once or twice a year, as a staff team, for two or three days allows opportunity for a more extended time to discuss the ‘big picture’, new ideas of how ministry might be done as well as providing time to relax together.

3. One to one with Rector – a regular meeting (monthly – six weekly) one to one, between the Rector and each staff member, provides an opportunity to discuss matters in the team member's areas of responsibility and to provide feedback on how they are going personally and in their role.

### **3.2.8 Team covenant (how we work together)**

Developing a team covenant or agreement on how the team functions together can contribute significantly to team harmony. An agreement can cover things like how the staff team meet, how they function when members' responsibilities overlap, how to respond to other staff members' children or spouse if they serve in another staff member's ministry area, how to appoint leaders and how to resolve conflicts. Regarding team communication, it helps to clarify what things can be communicated via email and what would be better discussed in face to face conversations. An example of the sort of questions to be considered is attached as Appendix B. Further, if there is a church office which provides working space, clarify expectations for the proportion of time spent working in that space and time spent working at home.

### **3.2.9 Professional development**

Each staff member needs to continue to develop their convictions, character and competencies to enable them to continue to be fruitful in their ministry. The Rector and parish council need to agree on how much time each staff team member can devote to professional development and what financial support is available. This would cover conferences, courses of study, books and fees for mentors/courses and pastoral supervision.

Ministry Training & Development has established a professional development process called Lifelong Ministry Development (LMD) to provide an intentional, self-directed and accountable approach to help ministers maintain their zeal and fervour in serving the Lord (Rom 12:11). This provides a very helpful structure for professional development and provides accreditation. More details are available on the Ministry Training & Development website.

### **3.2.10 Outside ministry**

Each staff member needs to be committed to serve in ministry in their local church and is also encouraged to make a contribution to the wider church, through participation in diocesan boards and committees, beach missions, camps or missions. Staff members may have much to contribute here and in turn find encouragement and source new ideas from serving in other places. Furthermore, they may be able to take and train church members. The Rector and parish council need to agree on a policy.

### **3.2.11 Holidays, days off and time in lieu**

Annual leave is an entitlement to both lay-workers and clergy but public holidays are for lay workers only. Rectors with parish councils need to determine their own policy around public holidays for clergy staff. It is also important to agree on what the expectations are on days off for each staff member and how many nights are staff expected to be doing parish ministry. Also, following particularly busy periods provision should be made for time-off in lieu.

### **3.2.12 Stipend, allowances and other benefits**

The Guidelines for the Remuneration of Parish Ministry Staff are produced annually and are available on the SDS website. These guidelines provide detailed information on many different areas, however many of the provisions are guidelines only and need to be negotiated between the Rector (with the approval of the parish council) and staff member. This needs to be negotiated before an appointment is made, included in the letter of appointment and discussed in the annual review each year.

### **3.2.13 Socials**

Some opportunities for staff team members to socialise together, as well as with their spouse and children, can contribute significantly to building healthy relationships and team harmony.

#### 4. Concluding Remarks

The guidelines outlined in this document do not have legal force and cannot contravene State or Commonwealth legislation or diocesan ordinances.

It is expected that in most situations there will be gospel unity and peace involving church workers.

“Make every effort to live in peace with all men and to be holy; without holiness no one will see the Lord. See to it that no one misses the grace of God and that no bitter root grows up to cause trouble and defile many.” Hebrews 12:14

## Sample Position Description

# Position Description

Title	
Name	

## RELATIONSHIPS

Key Internal Relationships	Key External Relationships

## PRIMARY PURPOSE

In one or two paragraphs, state the main purpose of the role – use action words to define WHAT is done and WHY it is done.

## SCOPE & AUTHORITY

<i>Financial</i>	<i>Technical</i>	<i>People</i>

## KEY RESULT AREAS / KEY RESPONSIBILITIES

**KRA's** Clearly describes the major area of responsibility or activity, which is the focus of performance in this role.

**KR's** Are the key accountabilities / functions performed under each KRA. They describe what is to be achieved for each KRA (are not necessarily written as individual tasks)

- 
- 
- 
- 
- 
- 
-

**CAPABILITY PROFILE**

•

•

•

**AUTHORISATION – Position Description****Minister and Wardens**

[insert names]

**Signature**

Date:

**Employee**

[insert name]

**Signature**

Date:

## **A Ministry Team Covenant – How we serve together**

Having clarity on how a team functions together can help reduce misunderstandings and promote good working relationships. Below are some areas to talk about and document in a 'Team Covenant'.

### **Meetings**

- When do we meet?
- What is the purpose of our meetings?
- What is the format?

### **What types of meetings do we have?**

- Weekly staff?
- One to one?
- Quarterly / vision / planning?
- Staff retreats?
- Socials?

### **Responsibility to make changes**

- What authority does each staff member have to make changes in their ministry area?
- Who needs to be consulted? How?

### **Appointing ministry leaders**

- What is the process of appointing ministry leaders?
- Who is consulted?

### **Leading other staff members spouse or children**

- How do team members relate to other staff member's family members who serve in their area of ministry?
- What is there is a difficult conversation needed?

### **Difficult conversations and conflicts**

- How are differences on the staff team to be resolved?
- Who needs to be consulted?
- When is the rector to be involved?
- What if the issue is with the rector?

### **Communication**

- What is the agreed way to communicate with each other?
- With other ministry leaders?

## Suggested Ministry Development Questions for Parish Nominators

### Introduction

There are many areas that need to be explored as nominators interview a prospective Rector. One suggested area is the ministry development of the candidate.

All Rectors or potential Rectors have undergone rigorous theological training at College. However, what have they done since then? How have they stayed fresh and what are they doing to continue to develop personally and in their abilities to lead a congregation well? Their responses to the four questions below will give you a helpful insight into the mindset and potential of the candidate you are interviewing.

### Questions

1. We are obviously interested in how our Rector is developing and growing personally and in their ministry abilities. What have been the big lessons you have learned over the last couple of years?
2. Are you involved in the Lifelong Ministry Development (LMD) process offered by the Diocese through Ministry Training & Development? What are your current development areas?
  - ☐ If they are not involved you might ask them what is their ministry development practice
  - ☐ Are they reflecting on their life and ministry and intentionally seeking to develop?
3. What are your current “focus areas” that you are seeking to develop in?
4. Where do you think you would like to develop in the future?

## Mission Property Committee

(A progress report from the Mission Property Committee.)

### Key Points

- Development applications (DAs) have been approved for three new church buildings
- Construction is to commence on the Stanhope Gardens church building in December 2018.
- Construction is underway to deliver a relocatable church building at Wilton and ministry residences at Riverstone by December 2018.

### DAs approved for new church buildings

1. The Mission Property Committee (MPC) obtained DA's for new church buildings at Stanhope Gardens, Leppington and Riverstone. Each building will comprise a 250 seat church auditorium and associated hall facilities and car parking areas. Approval has also been obtained to allow future expansion for up to 500 seats in the coming decades.
2. In February 2018 a DA was also lodged for a new church building at Marsden Park with approval anticipated by December 2018.
3. These new church facilities are required to provide for the growth of church plants in these high growth areas which each are to serve a forecast population of over 50,000. Stanhope and Marsden Park congregations currently rent facilities, with the Leppington and Riverstone congregations rapidly out growing current church facilities.
4. Stanhope Gardens is the first of these four new churches to be constructed. The detailed design has been completed and tenders are being sought from builders to allow commencement of construction in December 2018.



**New church construction to commence in December 2018**

*MPC Stanhope Gardens site*

5. The construction of the Stanhope Gardens building is being funded by the Archbishop's New Church for New Communities (NCNC) in partnership with the MPC. The provision of these church sites was materially funded by all parishes across the Diocese through the Synod approved greenfields Land acquisition levy ordinance (the Ordinance). The MPC supports a proposal for Synod to continue this levy to allow acquisition of lands in areas of rapid population growth across the Diocese. New churches are required to meet population growth at Wilton Junction, Box Hill/Oakville, West Dapto and St Marys ADI.

6. A relocatable church building with capacity for 150 seats and 4 Sunday school rooms and associated amenities and car parking is under construction for location at the Wilton church site. With new families moving into the Wilton Junction area, the congregation has outgrown the existing heritage church building with a capacity of 40 seats. It is anticipated that the building will be completed by December 2018. The MPC will also continue the search for a new church site to be acquired to meet the long term growth of the Wilton Junction area. The relocatable building will accommodate growth over the next 5+ years after which it is planned to relocate to an alternative greenfields growth corridor.

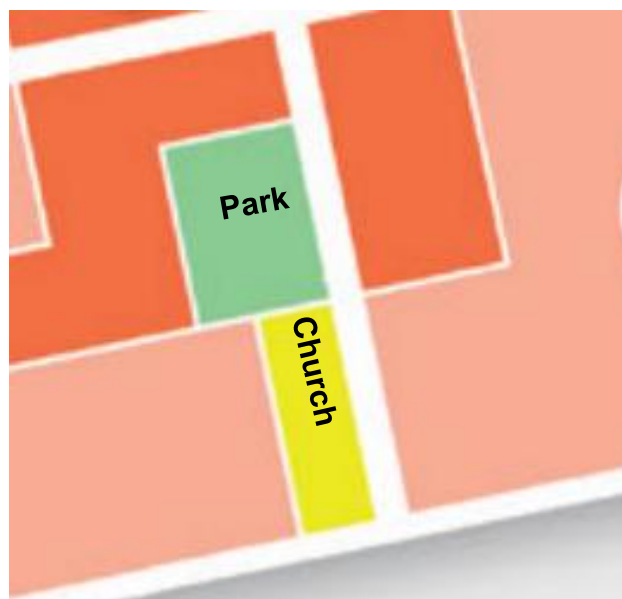


**Wilton Relocatable church building**

7. The MPC has commenced construction of ministry residences in partnership with Riverstone parish. These are to facilitate growth of the congregation while awaiting the construction of a new church building.

8. The MPC has partnered with the parish of Huskisson with Sanctuary Point to acquire a strategic greenfield site at Vincentia. This will facilitate the parish masterplan to sell the Huskisson and Sanctuary Point church sites and construct a new church building on the more centrally located Vincentia site.

9. The strategic location of a number of our future church sites has been recognised by the NSW Government in the release of its most recent planning controls. The lands at Bringelly and Rossmore are located within the Badgerys Creek Airport Aerotropolis and population growth corridors. The Marsden Park site is proposed to be located next to a new park and on a high profile corner location of two collector roadways.



**Strategic location - Infrastructure and future town centre:**  
MPC Marsden Park site

10. MPC continues to address priority property issues in support of the *Diocesan Mission 2020* and our 5 strategic objectives –



For and on behalf of the Mission Property Committee

TREVOR RATCLIFF

*Chair*

12 September 2018

## Proposal to financially support the Diocese of Bathurst

(A report from the Standing Committee.)

### Purpose

1. The purpose of this report is to outline a proposal to provide financial support to the Diocese of Bathurst to enable gospel ministry in its Anglican formation to continue in Western NSW.

### Recommendations

2. Synod receive this report.
3. Synod pass the following motion –  

“Synod, noting the report Proposal to financially support the Diocese of Bathurst, agrees in principle to provide financial support of \$250,000 per year towards the costs of a Bishop and his registrar for the Anglican Diocese of Bathurst for a period of six years, subject to the Bishop of Bathurst during that time having the written support of the Archbishop of Sydney.”
4. Synod include in its Synod Appropriations and Allocations Ordinance a line item of \$250,000 for the purposes outlined below.

### Discussion

5. Australia's first bishop was William Broughton, whose title 'Bishop of Australia' was changed in 1847 to become 'Bishop of Sydney and Metropolitan of Australasia'. In that year the mainland was divided up into four separate dioceses, namely Adelaide, Melbourne, Newcastle and Sydney (Tasmania had become a separate diocese in 1842). In 1870, the Diocese of Bathurst was formed, after the Bishop of Sydney considered the reach of Western NSW was too far for effective episcopal oversight. For the past 130 years this diocese has sought to grow Anglican churches across its vast geographic area through gospel proclamation under the leadership of its bishop.

6. In recent years, Bathurst has fallen on hard times. This has been in part due to the flow of people from the bush to the city, especially among young people, and the lack of employment opportunities in many parts of the State. Drought and bushfire have added to the woes of rural NSW. However, the poor administration of the diocese this century through its ill-advised spending beyond its means, most notably highlighted by its mounting debt with the Commonwealth Bank, plus the scandal of historical cases of child sexual abuse by church workers in the diocese, has brought the diocese to its knees, both spiritually and financially. The diocese is no longer able to pay for its Bishop or its Registrar from central funds, nor can it call upon its parishes to increase the significant contribution they currently make to fund these central services.

7. In February 2018 Bishop Ian Palmer met with the Archbishop and the Diocesan Registrar to talk frankly about the situation, knowing that the Diocese of Bathurst would be unable to fund his successor. From these frank discussions a level of trust developed, which enabled a plan to be developed. The overriding concern of the Archbishop and Registrar, endorsed by the Standing Committee, is that we do not want to see the demise of Anglican ministry in Western NSW. Bishop Barker's vision was to see the gospel expand and grow, with churches committed to Christ and proclaiming Christ in fellowship with their bishop. However, for this to take place, it is necessary that a bishop has the leadership skills and evangelistic passion suitable to foster the spiritual health of each and every parish, which in turn would restore the financial health of the diocese. To this end, it was suggested and agreed that if the Diocese of Bathurst were willing to elect a new bishop, with the approval of the Metropolitan, then this would be a tangible expression of partnership between our two dioceses, breaking down the symbolic 'Great Dividing Range', whereby we would reciprocate by investing in the funding of the Bishop of Bathurst and Registrar for a period of six years.

8. This arrangement requires the approval of both Diocesan Synods. The Sydney Standing Committee has indicated its in principle support of the proposal; and the Synod of the Diocese of Bathurst has enthusiastically expressed its support by resolution and ordinance at its recent session. It is an expensive proposal for the Diocese of Sydney. However, it is a proposal worthy of consideration, as it is probably the only proposal that will enable gospel ministry in its Anglican formation to continue in Western NSW. We have an obligation to our brothers and sisters in the Diocese of Bathurst, and indeed to those who live in rural NSW who are yet to hear the claims of Christ. There are many ways to spend money, but not all are strategic uses of such money. For the sake of the gospel, this proposal comes to the Synod.

### Proposed arrangement

9. The proposed arrangement is as follows –
  - (a) the Diocese of Sydney will provide \$250,000 pa to fund the episcopal and registry functions of the Bathurst Diocese or a period of 6 years, starting 1 January 2019,

- (b) the Diocese of Bathurst has amended its Bishop Election Ordinance 2006 to require that a person may only be elected Bishop if that person has the written support of the Metropolitan (the Archbishop of Sydney) and that the Metropolitan is able to nominate candidates for the position (along with several other related and consequential amendments).

10. The Diocese of Bathurst will continue as an autonomous diocese, retaining its existing structures and hence will continue to be solely liable for claims for redress and/or damages in legal proceedings, which will be met from the assets of the Diocese of Bathurst.

#### **Endorsement of the proposal at the Bathurst Synod**

11. Archbishop Davies was invited to attend the Bathurst Synod, held 14-16 September 2018, but was unable to attend due to prior commitments. Bishop Stead attended the Bathurst Synod on Saturday 15 September at the invitation of the Bishop of Bathurst, and participated in the Synod discussion in relation to the support proposal. Another member of Standing Committee, Mr Malcolm Purvis, attended as an observer but did not participate in the discussion.

12. On Saturday 15 September, the Synod of the Diocese of Bathurst unanimously passed (with no abstentions) the following motion –

‘This Synod –

- (a) Commits to proclaiming Jesus Christ as Saviour and Lord and through the Anglican Church in Central and Western NSW.
- (b) Recognises that sustainable Gospel ministry in our Diocese cannot continue without outside financial help.
- (c) Signals its willingness to accept the proposed financial support from the Diocese of Sydney, for the office of the Bishop and Registrar, of \$250,000 per year for six years to help revitalise Gospel Ministry in the Diocese.
- (d) Understands that this financial support is contingent on the Bishop Election Ordinance being amended so that nominees for the position of Bishop of Bathurst must have the support of the Metropolitan, but also understands that the Diocese of Bathurst will retain its independence, identity and integrity.’

13. Following the passing of this resolution, the Bathurst Synod then passed the Bishop Election Ordinance 2006 (Diocese of Bathurst) Amending Ordinance 2018. This was also passed unanimously with no abstentions. Specifically, clause 17 of the ordinance now allows the Metropolitan to nominate one or more candidates for consideration and clause 22(1) ensures that only those nominees who have the written support of the Metropolitan can become the Bishop of Bathurst. Clause 22(1) states –

‘22(1) The names of any persons nominated as candidates shall only proceed to a vote with the written support of the Metropolitan, provided that there must be at least 2 candidates who have the written support of the Metropolitan in order for voting to proceed.’

14. It is worth noting that the mechanism to elect a Bishop in Bathurst is quite different to that in Sydney. Whereas in Sydney, nominations are brought to the Synod and voted upon until an Archbishop is elected by the Synod, in Bathurst, a Bishop’s Nomination Board (consisting of 12 people elected by the Synod and one ex-officio member) elect the bishop.

15. On the final day of the Synod, Bishop Ian Palmer announced his intention to resign as Bishop of Bathurst on 27 April 2019. This will mean that an election for the next Bishop of Bathurst will take place during 2019.

#### **Commitment from the Diocese of Sydney**

16. The Synod of the Diocese of Sydney is being asked to consider a motion intended for the first night of Synod, which if passed would express support for the proposed arrangement. The Bill for the Synod Appropriations and Allocations Ordinance 2018 (the Budget Bill) includes a provision of \$250,000 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 the person who holds office from time to time as Bishop of Bathurst does so with the written support of the Archbishop of Sydney acting in his capacity as Metropolitan.’

17. The Budget Bill is intended to be considered on the second night of Synod, with the expectation that it be passed in a form consistent with the resolution from the first night.

## The Rationale for Sydney to make this commitment

### Ministry in Bathurst

18. The Diocese of Bathurst covers approximately 1/3<sup>rd</sup> of NSW, having 33 parishes, served currently by 17 full time (4 days per week or more) and approximately 8 part-time clergy, led by the Bishop.

19. The Diocese has a population of over 275,000 people, 67.3% (185,000) of whom identify as Christian, with 23.3% (64,000) identifying as Anglican and 16.2% (44,550) identifying as another Protestant denomination.

20. The percentage of “Census Anglicans” (23.3%) for Bathurst Diocese is almost double the percentage of Census Anglican in Sydney Diocese (12.1%). It is more than three times the percentage of Melbourne Census Anglicans (7.7%).



21. The NSW geographical region of “Central West & Orana District” more-or-less corresponds with the region of Bathurst Diocese, and is projected to grow from 285,500 people in 2016 to 308,950 people in 2036.<sup>1</sup>

### Ministry opportunities

22. The average population per parish in Sydney Diocese is 18,100. This means that the population of the Bathurst Diocese is approximately equivalent to the population of 15 Sydney parishes. This is an opportunity to invest for 6 years in gospel ministry that (we pray) will bear fruit for the Kingdom for decades to come.

23. As a Diocese, we invest \$2,000,000 pa towards the purchase of “greenfields” sites for future parishes in expanding areas of Sydney. For each new parish, we are prepared to spend in excess of \$5,000,000 in order to buy and build just one new church site. In contrast, an annual investment of \$250,000 for 6 years in Bathurst gospel ministry is a fraction of this amount, which has the potential to reach a far greater number of people. The multiplier effect occurs because Bathurst Diocese already owns its land and church buildings.

24. As a Diocese, we have supported the Diocese of Armidale. The Bathurst Diocese has a population 37% larger than Armidale Diocese, and has comparable percentages of “Christians” and Non-religious persons, and a slightly lower proportion of census Anglicans. If it makes sense to support Anglican gospel ministry in Armidale, then it makes sense to support Anglican gospel ministry in Bathurst.

	<u>Bathurst</u>	<u>Armidale</u>
Population	275,690	201,007
Census Christians	67.30%	66.70%
Census No Religion	20.50%	20.70%
Census Anglicans	23.30%	28.70%

25. There is already a precedent for providing financial support to other dioceses. Through our Work Outside the Diocese (WOD) committee, Sydney Diocese currently provides almost \$100,000 annually to support evangelical ministry in the Diocese of Armidale, the Diocese of the Northern Territory, the Diocese of North West WA and the Diocese of Tasmania.

26. The numbers and statistics quoted here are intended to provide a greater sense of the size, need and opportunity of the Bathurst Diocese. But of course, the key reason why Sydney should be prepared to provide financial support to Bathurst Diocese is for the sake of the hundreds of thousands of people who live in this region, and their continuing need to hear the saving message of Jesus. If we do not provide this support, it is likely that Anglican gospel ministry will contract and ultimately collapse in Bathurst – one third of the State of NSW.

“Nineveh has more than a 120,000 people who cannot tell their right hand from their left, and many cattle as well. Should I not be concerned about that great city?” – Jonah 4:11

<sup>1</sup> Source: NSW Government Central West and Orana Regional Plan, <https://www.planning.nsw.gov.au/plans-for-your-area/regional-plans/~media/9C3DD0CC6D1F4E27A7A6B76AB47092C5.ashx>, p.5. The largest growth will be in the Regional Centres (Bathurst, Orange, Dubbo etc).

**The implications if Sydney does not provide financial support**

27. A recurring objection to the provision of this financial support is that \$250,000 could be spent on mission initiatives, either in Sydney or elsewhere. There is no doubt that there are other ministry opportunities which could be advanced. However, one compelling rationale for providing this funding to Bathurst is found in the long-term implications of not providing this funding. These implications are outlined below.

28. In order to properly consider this matter, the Standing Committee in July 2018 requested the Sydney Diocesan Secretariat (SDS) to undertake a detailed financial review the financial status of the Diocese of Bathurst. The results of that review concluded *inter alia*, that –

- (a) if Bathurst's annual income and expenses continue in the quantum it has reported over the last three years, it is likely to operate at a moderate deficit,
- (b) with an annual injection of \$250,000 from the Sydney Diocese, Bathurst should cover its costs and also have the ability to –
  - (i) sustain a reduction in contributions from its parishes, and
  - (ii) fund a modest increase in its administration support that its Bishop regards as necessary to assist in operation of the Diocese.

29. The financial review also highlighted a potential shortfall in the ability of the Bathurst Diocese to meet ongoing professional standards claims. It is clear that meeting these claims will continue to be a financial burden upon the Bathurst Diocese. As a result of the expected quantum of claims, it is anticipated that all of the remaining income-producing property in the diocese will need to be sold over time, and some churches and rectories will also need to be sold.

30. Without a significant injection of funds from Sydney or elsewhere, the Diocese of Bathurst will not be able to afford to pay the stipend and other costs of a Bishop as its operational funds will be required for redress claims. Bathurst therefore will not be able to appoint a stipendiary Bishop after the retirement of Bishop Palmer. Thereafter, there are three scenarios for the Diocese of Bathurst –

(a) *Long Term Administrator*

Upon the retirement of the Bishop, the Regional Archdeacon automatically becomes the Administrator of the diocese. The Administrator has the responsibility of convening the Nomination Board to elect the next Bishop, but if they are unable to pay the stipend, then they are precluded from being able to elect a bishop. In this scenario, the diocese will remain in long-term administration.

The Administrator in this scenario will still have the responsibility for running his own parish, and so will have competing claims on his time to provide leadership to the ministry strategy of the diocese as a whole. Given the particular pressures relating to claims for professional standards matters, the already struggling diocese is in particular need of strong leadership over many years. Its absence will likely lead to the slow collapse of the diocese, with a paralysis of ministry and a diminution of assets, without any rethinking and reshaping of gospel ministry. It will also require the regular assistance of bishops from other dioceses to perform episcopal functions in the diocese (ordinations, confirmations, consecrations etc).

Sydney Diocese may still need to step in 'ten years' down the track, but with far fewer resources remaining in Bathurst to be able to do anything constructive.

(b) *Unfunded Part-time Bishop*

If, after a period of time, the Nomination Board is unable to elect a Bishop because of funding constraints, it may be necessary to convene a special synod to change the Bishop Election Ordinance so that a Rector in the diocese can be appointed as an unfunded part-time bishop.

Similar to option (a), the focus of such a bishop will be split between parish and the diocese, and is not likely to lead to the kind of strategic leadership and direction that the diocese desperately needs. This is also likely to lead to a paralysis of ministry and a diminution assets, and may still require Sydney's assistance 'ten years' down the track.

(c) *Bathurst "Surrenders" its property to Sydney (or another Diocese)*

Section 45 of the Constitution provides for a mechanism for a diocese to surrender its territorial jurisdiction to its 'mother' diocese (or another diocese). In the case of Bathurst, the Bathurst Synod

would need to pass an ordinance authorising the territorial surrender, and the Sydney Synod would need to pass an ordinance to accept the territorial expansion.

According to the Constitution, Bathurst would not automatically revert into Sydney Diocese if it becomes bankrupt, and the Sydney Synod would have the legal capacity to resist assuming responsibility for Bathurst's territory. However, in the event of the collapse of Bathurst (and assuming the likely scenario that no other Diocese was willing to take on Bathurst's territory), Sydney may feel strong moral pressure to prevent the collapse of the diocese, because that would leave survivors of sexual abuse with no avenue for redress.

Because of the historic mother-daughter relationship between Sydney and Bathurst, Sydney may feel particular responsibility for Bathurst, rather than being able to share the responsibility with the other 21 dioceses. This is especially so because Section 45 of the Constitution is the mechanism included in the Constitution for dealing with an unviable diocese, and envisages such a diocese surrendering its territory back to the mother diocese.

In the event that Sydney Diocese did accept the surrender of territory, the parishes of Bathurst would be incorporated into Sydney Diocese, its incumbents and lay representatives would become members of our Synod.

31. These three scenarios indicate that there is no expectation of a good outcome for gospel ministry in the Diocese of Bathurst without support from Sydney. Moreover, these three alternatives all illustrate the likely detrimental impact on the Sydney Diocese in the future if we do not act now, while there is still capacity in the diocese to rejuvenate ministry.

For and on behalf of the Standing Committee.

MICHAEL STEAD  
*Bishop of South Sydney*

18 September 2018

## Proposal to reclassify the status of the provisional parish of Rouse Hill to a parish

(A report of the Western Sydney Regional Council.)

### Proposal

1. The Proposal is to change the Provisional Parish of Rouse Hill to the Parish of Rouse Hill.

### Details of Meeting

2. A meeting of the Western Sydney Regional Council held on Thursday 14 June 2018 considered the proposal under clause 5 of the *Parishes Ordinance 1979*.
3. The Western Sydney Regional Council certifies that all procedural requirements under clauses 4 and 6 of the *Parishes Ordinance* have been complied with, and recommends that Synod raise the status of the provisional parish to parish.

### Parish Information

4. Anglicans have been meeting in Rouse Hill since 1862. Christ Church Rouse Hill was consecrated on the current church site in 1863. In the 1980's attendance dropped to the point of non-viability, and the assets of the Parish were transferred to the Parish of Kellyville. In 2004, in response to the significant growth of population in North West Sydney, Bishop Ivan Lee deaconed church planter Martin Morgan for the purpose of planting a new Anglican congregation in Rouse Hill. Assisted by the Rev Stephen Covetz, the then Assistant Minister of Kellyville Anglican, a new congregation was planted in the Rouse Hill Anglican College.
5. In 2008, with the assistance of the Mission Property Committee and the Vincent Fairfax Foundation, a new Ministry Centre was opened on the Corner of Windsor & Mile End Rds Rouse Hill, on the site of Christ Church Rouse Hill (the original church building).
6. Since its inception in 2004 the new congregation has continued to grow.
7. In 2008 an evening congregation was begun, and in the same year a new church plant was sent out from Rouse Hill Anglican to Stanhope Gardens, under the leadership of the Rev Stephen Reimer.
8. The Provisional Parish of Rouse Hill is a healthy, growing, sending church.

### Attendance and Activities

9. In 2018 the Provisional Parish has a weekly attendance of 173 adults and 79 Children and Youth (across the two congregations).

Congregation	Adults	Children (under 18's)
10am	111	70
5pm	62	9

10. Initially (2004-2007) Sunday Children's ministry was supported by Northmead Anglican church who generously supplied Children's leaders. In 2018 our Children's and Youth Ministry leaders are all members of RHAC.
11. In 2012, with the assistance of a grant from the Mother's Union, a weekly Kids Club was begun by our Families Outreach Worker, Natalie Walker. In 2018 the Kids Club leaders are all "home grown"; many having come through the Kids Club themselves. There is on average 40 Youth and 25 Primary Aged Children attending the weekly Youth Group and Kids Club on Fridays.
12. In 2016 the church began running School Holiday Kids Clubs, and many local families have been contacted through these. Scripture is taught in 3 local schools.
13. At present there are 14 Growth Groups meeting weekly. Since 2015 a consecutive string of able Student Ministers from Moore College have focused on discipling our Young Adults, and in that time they have grown our Young Adults from 1 – 3 Growth Groups. These Student ministers have also co-led our Christianity Explored courses with the Senior Minister. Over the past 2 years we have seen 7 people turn to Christ through this and the Welcoming follow-up ministry.
14. In 2012 the Parish began offering ESL once a week. In 2015 this increased to twice weekly. In 2016 we had students from ESL start attending church and a few a now active members.
15. In 2017 Parish Council made the decision to increase our staff team by appointing a Full-time Assistant for the specific purpose of leading, equipping and training our congregations in Outreach and local Mission.

16. In 2018 the Provisional Parish employs –
- (a) a Rector,
  - (b) a Full-time Assistant (Mission/Outreach) (begun 2018),
  - (c) a Part-time Youth Minister (this position increased from 3 to 5 days pw in 2014)
  - (d) a Student Minister.
17. Additionally, the Church is blessed with two further voluntary/honorary Staff members: a Families Ministry Worker (since 2012) and Office Administration worker (since 2016).

### **Summary of receipts and payments**

18. A summary of the financial position over the past three years.

<b>Receipts</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>
Offertories	280,546	338,654	340,815
Rental income	11,990	12,685	20,703
Other receipts (incl. grants & interest)	30,784	26,496	30,159
<b>Total Income</b>	<b>323,320</b>	<b>377,835</b>	<b>391,677</b>
Expenses			
Stipends/Salaries	188,130	197,447	214,392
PCR	39,118	41,466	45,275
Property / Maintenance	49,616	46,790	37,902
Parish Admin	5,237	7,062	7,088
Ministry Expenditure	2,543	5,628	7,736
Other (equipment professional services, etc)	18,583	21,739	909
<b>Total Expenses</b>	<b>303,227</b>	<b>320,132</b>	<b>313,302</b>

### **Particulars of Church Property Held in Trust:**

19. The main church building was completed in 2008.
20. In 2016 with the assistance of the Mission Property Committee the Provisional Parish was enabled to acquire a rectory.
21. The Current property of the Provisional Parish:  
Church Complex, Church Hall & Contents, Rectory
22. Total Assets, including land: \$1,882,541.
23. There are loans totaling \$873,918 to the Mission Property Trust, relating to the Church Complex and Rectory. The repayments are fully serviced by congregational offertories, as per the arrangements with the MPC.
24. The Provisional Parish also has responsibility for a cemetery attached to the original/previous Parish of Rouse Hill. This responsibility is presently maintained by workers supplied by the Corrective Services Department.

### **Recommendation**

25. The Western Sydney Regional Council recommends that the Provisional Parish of Rouse Hill become a Parish from 1 January 2019.

For and on behalf of the Western Sydney Regional Council.

THE REV CANON MARK WILLIAMSON

5 September 2018

## **2/15 Tertiary Education Ministry Oversight Committee**

(A report from the Tertiary Education Ministry Oversight Committee.)

1. The Tertiary Education Ministry Oversight Committee (TEMOC) was formed in 2009 and is responsible for the distribution of funds allocated by Synod to ministries operating in Universities and Vocational Education and Training (VET) institutions. The Committee is committed to supporting the development of evangelical tertiary ministries within the Diocese in accordance with the statement of vision, strategic priorities and core principles detailed in its report to the Synod in 2010 (refer to Synod Book 2010). A short video illustrating examples of work supported by TEMOC is available at <https://m.youtube.com/watch?feature=youtu.be&v=kZT43tVDveQ>.

2. The priorities and principles of TEMOC are summarised below –

- (a) Vision (paragraph 9, Synod Book 2010): Our vision is to grow Bible-based ministries on each university and Vocational and Education and Training (VET) campus in the Diocese that are –
  - (i) evangelistic
  - (ii) preparing students for a life-time of Christian service
  - (iii) particularly concerned to raise up future generations of vocational Christian ministers.
- (b) Core Principles (paragraph 10, Synod Book 2010): In addition to the values in the vision above, we want these university and VET campus ministries to –
  - (i) serve churches in partnership through training and equipping their members
  - (ii) as far as possible, work as a single united team on campus
  - (iii) develop effective ministry across the whole campus, including segments such as commuters, international students, postgraduates, staff and residents
  - (iv) have (Anglican) chaplains who will serve in these ministries, be recognised by the campus administration and advocate for the ministry.
- (c) Funding Model (Paragraph 11, Synod Book 2010): TEMOC funds are –
  - (i) to help initiate new work on tertiary education campuses
  - (ii) to help resource campus based ministry traineeships to encourage the raising up of vocational Christian workers
  - (iii) not to be the sole funding source for any campus ministry.

Funds are available under two schemes (with the quantum of each grant declining over a 2 to 4 year trajectory) –

  - (i) theologically trained workers
  - (ii) ministry traineeships

3. The members of the Committee are Professor Christopher Bellenger (Chair), the Rev Patrick Benn, the Rev Richard Blight, the Rev Robert Copland, the Rev Stephen Gooch, Mrs Catherine Miers (Secretary), Associate Professor Boyo Ockinga, the Rev Lisa Thompson and Canon Mark Williamson. Three members retire at each session of Synod.

4. TEMOC arranged a meeting of all Anglican University Chaplains with Archbishop Davies on 21 September. The agenda allowed for discussion of a range of tertiary student ministry related matters. The Archbishop encouraged the chaplains in their work in secular tertiary institutions with insight from the Bible's use of Hebrews and Babylonian names for Daniel and his three friends. Hospitality was kindly provided by Robert Menzies College. TEMOC would like to repeat this meeting on a biennial basis.

5. Following the 2017 Synod, the Committee (having met on four occasions) has –

- (i) reviewed reports from 2016 and 2017 grant recipients,
- (ii) confirmed funding allocations for 2018,
- (iii) called for and provisionally assessed grant applications for 2019.

6. The Committee was responsible for overseeing the distribution of the Synod allocation of \$100,000 to support Tertiary ministry in 2018. As in previous years grant applications were received for projects valued at more than twice the funds made available by the Synod. The committee considered each of the applications in accordance with the statement of vision, strategic priorities and core principles.

7. For 2018 a total of 10 grants were distributed. All projects were initiated by Anglican ministries in consultation with evangelical student groups on campus. Continuing grants are assisting in the CVET ministry at Meadowbank TAFE, ministry trainees at 3 universities and trained male and female workers at

2 universities. New grants support ministry trainees at 2 universities, international and cross-cultural outreach workers and an expanded chaplaincy ministry.

8. Funds for 2018 were distributed as follows –

Tertiary Focus	Organisation	Project Contact	Scheme	Ministry Focus	Grant 2018
Macquarie University	Robert Menzies College	Rev Tim Mildenhall	Theologically Trained	Women's Chaplaincy	\$5,000
Meadowbank TAFE	West Ryde Anglican	Rev Mal York	Theologically Trained	Outreach to International Students	\$5,000
UNSW	Unichurch	Rev Carl Matthei	Theologically Trained	Commuter Ministry	\$20,000
UNSW	Campus Bible Study	Rev Carl Matthei	Ministry Trainees	Ministry Trainees	\$18,000
UNSW	Campus Bible Study	Rev Carl Matthei	New Ministry Trainees	Ministry Trainees	\$18,000
USyd	AFES	Rev Patrick Benn	Theologically Trained	Cross Cultural Outreach	\$10,000
UOW	AFES - Wollongong	Rev Rob Copland	New Ministry Trainees	Ministry Trainees	\$6,000
UOW	AFES - Wollongong	Rev Rob Copland	Ministry Trainees	Ministry Trainees	\$4,000
WSU Campbelltown	Campbelltown	Adam Richards	Ministry Trainees	Ministry Trainees	\$4,000
WSU Parramatta	Dundas Anglican and CBM Parramatta (AFES)	Rev Alistair Seabrook	Ministry Apprentice	Long Term Ministry Apprentice	\$10,000
TOTAL FUNDS					\$100,000

9. Several members of the Committee have direct involvement in student ministries on campus which from time to time are grant applicants and - on occasion and after due process - may also become grant recipients. The Committee maintains a Conflict of Interest Register and any member with a conflict of interest does not advocate for their application in committee or vote on its approval.

10. The Committee considered reports on all the projects funded in 2017. The reports confirmed the application of funds to the specified project and provided details of outcomes achieved from grant funding.

11. Reports from 2017 Grants also reinforced the impact these grants are making in expanding ministry to tertiary students and raising up a new generation of gospel workers.

12. Some quotations from our grant holders –

"Next year I am planning to go to bible college, to continue training in ministry and then possibly head towards mission. The skills I have learnt through my apprenticeship in student ministry will be beneficial in any area of ministry in which I work in the future."

"The TAFE students we are reaching are from a variety of cultural and religious backgrounds, often mature-aged, and most have been in Australia less than 5 years. Many have had no prior contact with Christians or evangelical churches."

"One of the highlights has been seeing an international student became a Christian after a long time counting the cost"

"I am hoping to go into further ministry working as a chaplain or support worker in schools"

"We recruited two new and capable trainees to work in the residential students ministry"

"I am interested in serving at university campuses after graduating from Moore Theological College – whether in Australia or overseas."

"One of the highlights was seeing students grow in their understanding of the Bible and their desire to reach their friends and their campus to share this understanding with them."

13. TEMOC continues to encourage new initiatives in TAFE and CVET ministry and members are available to consult with any parishes considering outreach in this underdeveloped field.

14. The committee has called for applications for new and continuing projects in 2019. A total of 11 applications requesting over \$392,000 have been received. Final decisions on grants will be made following the October meeting of Synod. In 2019 TEMOC has been asked to help fund as many as 36 young graduate ministry trainees. We would appreciate the prayers of members of our churches that these trainees will continue the wonderful work of our previous recipients and fruitfully serve the Lord Jesus either in vocational ministry or as life-long gospel partners in church, family and work here in Sydney and around the world.

For and on behalf of the Tertiary Education Ministry Oversight Committee.

PROFESSOR CHRISTOPHER BELLENGER

*Chairman*

5 September 2018

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# **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

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## 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;
- 10 (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*;
  - 15 (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 –
  - 20 (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;
    - 25 • 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;”
  - 30 (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;”
  - 35 (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;”
  - 40 (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, Prov.P, R.Church, Prov.R.C.	Region	Parochial Unit	2017 Net Operating Receipts	2019 Variable PCR charge for parishes with property	2019 Variable PCR charge for parishes without property	2019 Church Land Acquisition 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, Prov.P, R.Church, Prov.R.C.	Region	Parochial Unit	2017 Net Operating Receipts	2019 Variable PCR charge for parishes with property	2019 Variable PCR charge for parishes without property	2019 Church Land Acquisition 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, Prov.P, R.Church, Prov.R.C.	Region	Parochial Unit	2017 Net Operating Receipts	2019 Variable PCR charge for parishes with property	2019 Variable PCR charge for parishes without property	2019 Church Land Acquisition 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, Prov.P, R.Church, Prov.R.C.	Region	Parochial Unit	2017 Net Operating Receipts	2019 Variable PCR charge for parishes with property	2019 Variable PCR charge for parishes without property	2019 Church Land Acquisition 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, Prov.P, R.Church, Prov.R.C.	Region	Parochial Unit	2017 Net Operating Receipts	2019 Variable PCR charge for parishes with property	2019 Variable PCR charge for parishes without property	2019 Church Land Acquisition 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	Naremburn / 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, Prov.P, R.Church, Prov.R.C.	Region	Parochial Unit	2017 Net Operating Receipts	2019 Variable PCR charge for parishes with property	2019 Variable PCR charge for parishes without property	2019 Church Land Acquisition 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, Prov.P, R.Church, Prov.R.C.	Region	Parochial Unit	2017 Net Operating Receipts	2019 Variable PCR charge for parishes with property	2019 Variable PCR charge for parishes without property	2019 Church Land Acquisition 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 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
<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 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
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 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
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...

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	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
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. 1, 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).

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<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, Prov.P, R.Church, Prov.R.C.	Region	Parochial Unit	2017 Net Operating Receipts	2019 Variable PCR charge for parishes with property	2019 Variable PCR charge for parishes without property	2019 Church Land Acquisition 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, Prov.P, R.Church, Prov.R.C.	Region	Parochial Unit	2017 Net Operating Receipts	2019 Variable PCR charge for parishes with property	2019 Variable PCR charge for parishes without property	2019 Church Land Acquisition 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, Prov.P, R.Church, Prov.R.C.	Region	Parochial Unit	2017 Net Operating Receipts	2019 Variable PCR charge for parishes with property	2019 Variable PCR charge for parishes without property	2019 Church Land Acquisition 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, Prov.P, R.Church, Prov.R.C.	Region	Parochial Unit	2017 Net Operating Receipts	2019 Variable PCR charge for parishes with property	2019 Variable PCR charge for parishes without property	2019 Church Land Acquisition 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, Prov.P, R.Church, Prov.R.C.	Region	Parochial Unit	2017 Net Operating Receipts	2019 Variable PCR charge for parishes with property	2019 Variable PCR charge for parishes without property	2019 Church Land Acquisition 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, Prov.P, R.Church, Prov.R.C.	Region	Parochial Unit	2017 Net Operating Receipts	2019 Variable PCR charge for parishes with property	2019 Variable PCR charge for parishes without property	2019 Church Land Acquisition 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, Prov.P, R.Church, Prov.R.C.	Region	Parochial Unit	2017 Net Operating Receipts	2019 Variable PCR charge for parishes with property	2019 Variable PCR charge for parishes without property	2019 Church Land Acquisition 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

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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

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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.

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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

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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 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.

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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

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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 – <table style="margin-left: 20px; border-collapse: collapse;"> <tr> <td style="vertical-align: top; padding-right: 10px;">6-9###</td> <td>leases for a place of public worship</td> </tr> <tr> <td style="vertical-align: top; padding-right: 10px;">6-9###</td> <td>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</td> </tr> <tr> <td style="vertical-align: top; padding-right: 10px;">6-9###</td> <td>property insurance component of the Parish Cost Recovery ("PCR") charge.</td> </tr> </table>	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.
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 total	
				Property leased for income				Property used for ministry				
				#1 old hall	#2 shop	#3 old rectory	#4 other	#11 main hall	#12 church	#13 other		
Lease rental from commercial property		<i>Item No.</i>	4-3100	<i>to be analysed by property</i>					n/a	n/a	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	
Casual booking fees	(see Note 1)	4-3300	<i>to be analysed by property</i>					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	n/a	n/a	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	n/a	n/a	n/a	
<u>less</u> Principal repayments on loans relating to that property		movement in B/S item 2-2000	<i>to be analysed by property</i>					n/a	n/a	n/a	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**

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- 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**

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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**

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We uphold *Faithfulness in Service* as our diocesan code of conduct for clergy and church workers, specifically its affirmations in section 6:

- 1.3.1 Abuse of power is at the heart of many relationship problems in the Church and in the community. In essence, abuse is one person's misuse of power over another. Sometimes abuse will be a one-off event and at other times it will be a pattern of behaviour (6.2);
- 1.3.2 It is important for clergy and church workers to be good citizens and to obey the laws of the community, except where those laws conflict with Christian convictions (6.4);
- 1.3.3 You are not to abuse your spouse, children or other members of your family (6.6);

## 1.4 Domestic abuse requires a serious and realistic response

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- 1.4.1 All forms of domestic abuse cause damage to the victim and are wrong.
- 1.4.2 Domestic abuse can occur in all communities, including churches.
- 1.4.3 Domestic abuse, if witnessed or overheard by a child, is a form of child abuse by the perpetrator of the abusive behaviour.
- 1.4.4 Working in partnership with vulnerable adults and children, statutory authorities and specialist agencies is essential in promoting the welfare of any child or adult suffering abuse.
- 1.4.5 Clergy and lay ministers 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

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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

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In our words and public statements, we will:

- 1.6.1 **Clearly teach that domestic abuse is wrong** and that the Bible should never be 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

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- 1.7.1 **Safety First** – Ensure that those who have experienced domestic abuse can find safety and informed help as a first priority, 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

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- 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

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- 1.9.1 All human beings, both male and female, are created equal in the image of God, and are precious to him. As such their value and dignity rightly commands our respect and protection and should be upheld by all (Genesis 1:27; Psalm 82:3-4; Matthew 22:37-40).
- 1.9.2 Marriage is given by God as a good part of his creation for human wellbeing and should be honoured by all. It is intended as a lifelong union of a man and a woman. Healthy Christian relationships are characterised by servanthood and sacrifice, supremely modeled by Jesus Christ. Within a marriage relationship both husband and wife are to respond to one another by building each other up, which includes mutual love, nurture and respect. 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?**

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When a case of domestic abuse is reported in a parish or organisation of the Diocese of Sydney, it is right to act in accordance with the following priorities:

**Safety first** – for the victim(s)

**Accountability** – for the abuser

**Healing** – for the victim(s)

**Repentance, 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

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- 1.11.1 Clergy and church workers should cooperate with statutory authorities such as the Police, child protection services and domestic violence services.
- 1.11.2 Parish Councils should consider adopting and publishing a local domestic abuse policy (see Appendix 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> 24 <b>hour</b> national number for sexual assault, family and domestic violence counseling and advice.	1800 737 732 <a href="http://1800respect.org.au">1800respect.org.au</a>
<b>Anglicare Domestic Violence Adviser</b> Advice to clergy and lay ministers in the Anglican Diocese of Sydney especially for domestic abuse in a church-related setting.	0438 826 556 (business hours)
<b>Daisy App</b> 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 iPhone App Store & Android Google Play
<b>Child Protection Helpline</b> Contact this helpline if you think a child or young person is at risk of harm from abuse.	132 111 <a href="http://reporter.childstory.nsw.gov.au/s/mrg">reporter.childstory.nsw.gov.au/s/mrg</a>
<b>Lifeline</b> 24 hour telephone crisis line.	131 114 <a href="http://www.lifeline.org.au/get-help">www.lifeline.org.au/get-help</a>
<b>NSW Domestic Violence Line</b> 24 <b>hour number</b> for comprehensive information and referrals to nearby support services, for all categories of domestic violence.	1800 65 64 63 <a href="http://domesticviolence.nsw.gov.au/get-help">domesticviolence.nsw.gov.au/get-help</a>
<b>NSW Rape Crisis Centre</b> Counselling service for anyone in NSW – men and women – who has experienced or is at risk of sexual assault.	1800 424 017 <a href="http://www.nswrapecrisis.com.au">www.nswrapecrisis.com.au</a>
<b>No To Violence: Men's Referral Service</b> Telephone counselling, information and referral service for men using violence in families, male victims, and for their friends or relatives.	1300 766 491 <a href="http://ntv.org.au">ntv.org.au</a>
<b>Professional Standards Unit</b> Advice about abuse involving clergy or church workers in the Anglican Diocese of Sydney.	9265 1604 <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**

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- 2.3.1 **Dial 000** if you are witnessing a violent incident or if the person needs medical care.
- 2.3.2 **Call the Police** if the victim is in immediate danger. 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**

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- 2.4.1 **You are brave** – Acknowledge the victim's strength and courage it takes to have endured abuse and now to talk about it.
- 2.4.2 **Here are some options** – Give the victim choice in what the next steps are and the timing of those steps unless there is imminent risk of physical harm or mandatory reporting obligations.
- 2.4.3 **Here is where to find help** – Encourage them to seek professional help from a local domestic violence service who will be able to offer practical safety planning advice, even if they do not want to leave their home. In addition give information about specialist helplines and websites, as required. (See Flow Chart and page following the flow chart.)
- 2.4.4 **Are you in danger?** – Express concern for their safety and immediate welfare. Do they have somewhere to stay?
- 2.4.5 **Are children in danger?** – Ask about the children and their safety and welfare. You may need to persuade them to report any concerns to the child protection authorities. You have no option but to do so if you have received information that a child is at serious risk of harm.
- 2.4.6 **Do you have support?** – Be sensitive to people's backgrounds and cultures. Ask them how cultural issues may affect them. Ask them about what support is available to them from friends and family.

- 2.4.7 **Take care of yourself** – Encourage them to focus on their own needs, something they may not have been able to do since the abuse began but which is critical in helping them to change their situation.
- 2.4.8 **It's not your fault** – Reassure them that whatever the circumstances, abuse is not justified and not their fault.
- 2.4.9 **How can our church best help you?** – Ask them what they want from you and the parish. Offer help which is in response to their needs and preferences and which lets them keep in control, as much as possible.

## 2.5 Record keeping and follow up re. victims

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

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Every church has an important role to play in challenging inappropriate behaviour among its members. This can, however, lead to increased risks for both the victim and the person who challenges an alleged or known perpetrator. This needs to be done in an extremely careful way that does not place a victim at increased risk.

Factors to consider when responding to perpetrators:

- 2.6.1 **The victim comes first** – Ensure that the victim is at the highest priority in terms of safety and wellbeing, and that any action is centred on the victim. Action here includes giving the victim choice in what the next steps are and the timing of those steps unless there is imminent risk of physical harm or mandatory reporting obligations;
- 2.6.2 **Strength in numbers** – If meeting an alleged perpetrator, ensure that it is in a public place, and that there are others in the meeting;
- 2.6.3 **Be safe** – Maintaining an awareness of the danger that the alleged perpetrator may pose to you, and ensuring that you and others are safe;
- 2.6.4 **First 48 hours** – **Within 48 hours of the disclosure you ought to share the incident with someone who is qualified** in the area of domestic abuse, who can support you and help you to think through the issues. This may be a Police Domestic Violence Liaison Officer, the Anglicare Domestic Violence Adviser or via the 1800 RESPECT national domestic violence helpline;
- 2.6.5 **Get help** – If the alleged perpetrator threatens self-harm while talking with you, then they may require urgent support. Dial 000 if you are witnessing a violent incident or if the person needs urgent medical care. Otherwise you could refer them to their GP;
- 2.6.6 If the alleged perpetrator is in the same Church as the victim, you will need to review the safety issues. There may need to be a risk assessment and ‘memorandum of understanding’ (MOU) put in place. You are advised to consult the Safe Ministry website ([safeministry.org.au/for-parishes/safe-ministry-journey/safe-ministry-map/4-0/](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

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Please see the previous section on 'record keeping and follow up' in regards to a victim. What follows is additional guidance in relation to responding to alleged or known perpetrators.

- 2.7.1 **You can't promise confidentiality** – While you might respect an individual's right to confidentiality this cannot be guaranteed. In some circumstances you will be required to share information with statutory authorities, for example, when someone is being hurt, a serious criminal offence has been committed or a child or adult is at risk.
- 2.7.2 **Keep a record** – Always keep a record of your decision and the reasons why you decided to share or withhold information. If in doubt, contact the PSU, the Police or the child protection authorities.
- 2.7.3 In 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

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- 2.8.1 **Help** – Help the victim with any spiritual concerns.
- 2.8.2 **Be patient** – Accept that victims may choose to stay in their situation for a variety of reasons, including genuine spiritual concerns regarding a desire to keep promises and for reconciliation.
- 2.8.3 **Abuse is always wrong** – Emphasise that violence or other domestic abuse is always unacceptable in a marriage, whether Christian or otherwise.
- 2.8.4 **Remember the Lord** – Assure them of God's love and presence and pray with them.
- 2.8.5 **Don't rush to reconcile** – Do not encourage them to forgive the alleged perpetrator or take them back in the absence of persistent evidence of repentant attitudes and behaviour, especially without obtaining professional advice.
- 2.8.6 **Do not pursue couples' counseling/mediation with them and their partner if you are aware that there is abuse in the relationship.**
- 2.8.7 **Seek advice** – Where couples' counseling has been commenced for general marital difficulties and concern about abuse emerges, seek advice about whether it should be discontinued.

## 2.9 Responding spiritually to perpetrators

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- 2.9.1 **Be clear** – Address any spiritual rationalisations they may offer or questions they may have.
- 2.9.2 **No excuse** – Do not allow them to use theological excuses for their behaviour.
- 2.9.3 **Name the sin** – Name the abuse as *their* sin, not the victim's sin. Tell them that only they can stop it and that they need to seek help.
- 2.9.4 **Do not be easily swayed** – Do not be taken in by the perpetrator's 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

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The attitudes that underpin domestic abuse often have deep roots and are difficult to change. Some success has been achieved through Men's Behaviour Change programs for alleged or known perpetrators. These programs are conducted over an extended period of time and include one-on-one support as well as a group work program. 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

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- 2.11.1 **Consult the PSU** – There are complex issues for parishes where both parties continue to attend church. Parishes need to be aware of any legal restrictions around those accused of perpetrating abuse and ensure these are not undermined. As stated earlier (2.5.6), a risk assessment and MOU put in place may also need to be put in place. You are advised to consult with the PSU regarding any instance of a victim and an abuser (known or alleged) remaining in the same church. If a MOU cannot be agreed, the PSU can provide further advice about options. 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

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- 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**

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- 2.13.1 Clergy who are suspected of perpetrating domestic abuse must be treated in a similar way to any other alleged perpetrator (see section 2.6).
- 2.13.2 Bishops may consider appointing someone to offer pastoral support to an alleged perpetrator who is a member of the clergy.
- 2.13.3 Any allegations of domestic abuse committed against a member of the clergy should also be referred to the PSU (see section 2.12).
- 2.13.4 Domestic abuse 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**

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- 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.

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<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>

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<sup>3</sup> NSW Police, *Police Issued ADVOs: Summary of Changes to the Crimes (Domestic & Personal Violence Act)*, accessed 4 August 2017 at [http://www.police.nsw.gov.au/community\\_issues/domestic\\_and\\_family\\_violence](http://www.police.nsw.gov.au/community_issues/domestic_and_family_violence)

<sup>4</sup> NSW Government, *Crimes (Domestic and Personal Violence) Act 2007*, accessed 4 August 2017 at <https://www.legislation.nsw.gov.au/#/view/act/2007/80>

<sup>5</sup> NSW Government, "Apprehended Violence Orders (ADVOs)", *Domestic Violence* [website] accessed 2 August 2017 at <http://www.domesticviolence.nsw.gov.au/get-help/apprehended-violence-orders-avos>

<sup>6</sup> Women's Domestic Violence Court Advocacy Service, accessed 4 August 2017 at <http://www.wdvcasnsw.org.au/>

<sup>7</sup> Australian Law Reform Commission (2010), *Family Violence: A National Legal Response*, ALRC AReport 114, accessed 4 August 2017 at <http://www.alrc.gov.au/publications/family-violence-national-legal-response-alrc-report-114>

## Federal Family Law Act 1975<sup>8</sup>

In 2006, the Australian Government introduced legislative changes to the Family Law Act 1975, in order to increase parental cooperation and responsibility in the separation process and increase the focus on the child's best interests.<sup>9</sup> However, in 2011 amendments were made after research suggested that the co-operative parenting changes made in 2006 may have contributed to increasing rates of reports of family violence and child abuse around relationship breakdown. The main changes to the *Family Law Act* were as follows:

- Section 4AB, now provides that family violence is violent, threatening or other behaviour by a person that coerces or controls a member of the person's family (the family member), or causes the family member to be fearful. For clarity, a new sub-section 4AB(2) provides an open list of the types of circumstances that may constitute family violence under the Act;
- The definition of child abuse has been extended to include two new categories of behaviour. The new definition, at sub-section 4(1) provides that child abuse is physical or sexual assault, serious neglect, and now action causing a child 'serious psychological harm' and expressly including *subjection or exposure to family violence*. Exposure to family violence is explained further by example at sub-sections 4AB(3) and (4);
- Ensuring that the 'need to protect a child from harm' carries more weight than the 'relationship with parents' consideration;
- New provisions requiring the court, in every child-related case, to expressly ask the parties about whether they have any 'concerns' about family violence or child abuse;
- In section 60CG, courts must ensure that parenting orders are consistent with any family violence order; and do not expose a person to an unacceptable risk of family violence; 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.

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<sup>14</sup> Childstory Reporter, *Welcome to the ChildStory Reporter Community*, accessed 4 August 2017 at <https://reporter.childstory.nsw.gov.au/s/>

## **Appendix 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.

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Because the Prepare-Enrich questionnaires are so widely used among Anglican churches for marriage preparation and marriage enrichment, it is worth reporting briefly on research published by the Prepare-Enrich organisation, entitled, "Spouse Abuse & Marital System based on Enrich" by Shuji G. Asai and David H. Olson, both of the University of Minnesota<sup>1</sup>.

This was research based in the United States from a national sample of over 20,000 couples taking the Enrich questionnaire.

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<sup>1</sup> Source: <https://www.prepare-enrich.com/pe/pdf/research/abuse.pdf>, viewed 1 August 2017

Its literature review noted that one's background (e.g. family abuse in one's own past) and context (e.g. unemployment) can be correlated with higher rates of abuse. It noted that individual traits and behaviour can be significant with victims tending to have low self esteem and to be higher on avoidance. It also showed features of couple interaction, such as good communication and conflict resolution, can be associated with higher relational quality. Conversely, there is an association between family violence and unequal decision making power, with levels of violence higher for wives among husband-dominating patriarchal couples.

Based on self-reporting to the inventory question, "Have you ever been abused (verbally, emotionally, physically, or sexually) by your partner?", over 61% of couples in the study were classified as non-abusing, 16.8% as having the husband abusing, 13.4% having both partners abusing, and 8% having the wife abusing.

Using the Enrich Couple typology, 95% of Vitalised couple types, 88% of Harmonious couple types, and almost 80% of Traditional couple types were classified as non-abusing.

Conversely, less than 28% of Devitalised couple types were non-abusive.

In the middle, 52% of Conflicted couples types were non-abusive. So it was noted that about half of conflicted couples could maintain non-abusive relationships, even when there were significant difficulties reported. That is, unresolved conflict does not always make a marriage abusive.

Of the various Couple scales, the most significant predictors of abuse were lower scores for Positive Couple Agreement in the categories of 'Family and Friends', 'Personality Issues', 'Communications', and 'Conflict Resolution', along with lower rating of 'Couple Closeness'. Lack of 'Couple Flexibility' was also significant.

Couples with a more Egalitarian<sup>2</sup> approach to Role Relationships appeared to be less likely to experience abuse of the wife.

On individual Personality scales, non-abusive couples tended to display both partners scoring higher in self-confidence and assertiveness, and lower in partner dominance and avoidance.

Unsurprisingly, abusive couples have the abused partner tending to be high in avoidance and partner dominance and lower in assertiveness and self-confidence (although not so much with self-confidence in the case where husbands report abuse).

A strength of the research was its broad definition of abuse, including verbal, emotional, physical and sexual. A limit is its self-reporting nature, especially given the likelihood that abuse is underreported. The study sample group was predominantly Caucasian (85%), so results may be different in other ethnic groups.

Another limit would be in applying this to marriage *preparation* since the study only measured those who had already been married for some time, and were engaging in the Enrich inventory. So some caution would be needed in extrapolating findings of correlations to results of those doing the Prepare inventory, although there is intuitive expectation that similar correlations might be found.

Nevertheless, this research may give those engaged in marriage preparation some idea of particular measures to focus on as possible correlates for abuse being more likely as a possibility, especially where domestic abuse is expressed or suspected as a concern.

Steps taken to increase an individual's assertiveness and self-confidence and to develop skills in communication and conflict resolution may be worth considering in this context. But where a proneness to abuse or other serious relational difficulty is suspected, clergy and church workers should carefully consider referrals to trained counsellors or other professionals.

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<sup>2</sup> Note that 'Egalitarian' here in Prepare/Enrich is not defined primarily in theological terms.

## **Appendix 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)

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### **Extract: Domestic Violence – A Starting Point for Answers<sup>2</sup>**

#### **Is domestic violence an issue in our churches?**

Of course. Where there are people there is sin. Even as Christians we know we still sin. Domestic violence is an extreme expression of sin and sadly is present even in our churches. We mustn't be naïve about this. But at the same time, as we take steps to address this evil in our churches, we need to be careful not to make it *the* pastoral issue. There is a fine line we walk: the majority issues for marriage and family life will be more everyday struggles and strains, while at the same time there will be particular and more significant crises facing some couples and families, including infidelity, violence, and sickness. These must be handled with great care, and may require significant investment of time.

#### **Passages like Ephesians 5 encourage women to submit to their husbands, is there a risk these passages can be used to excuse domestic violence?**

Yes they may be used to justify sinful behaviour like domestic violence. Yet we must be clear, the instruction for women to submit to their husbands does not give license to men to exploit or abuse their wives. In fact, the wife's submission is voluntary. The truth is that as women are called to submit in Ephesians 5, husbands are instructed to love their wives as they love their own bodies, and in Colossians 3:19 Paul forbids them from being harsh with them. There is no place in Scripture for a husband exercising his biblical headship in a dominating, exploitive or self-serving manner. As the husband's role is modelled on Christ's loving, sacrificial leadership, so he lives that out for the benefit of his wife.

There is a lot of discussion at the moment suggesting there is a link between biblical teaching on submission and headship with the prevalence of DV in church. Some argue the existence of this teaching leads to domestic violence.

I believe this is mistaken for two reasons. Firstly, to create cause and effect at this point suggests that God's good word to us is wrong or mistaken. Also, taken to its logical conclusion, it would assume that churches that deny this teaching are free from DV which we know is untrue. Secondly, by making this the reason for DV means we fail to fully explore and understand the issue and that, I think, is an injustice to those involved.

Church leaders have a responsibility to teach this doctrine correctly, call out inappropriate and sinful misapplications, and care for those who have suffered at the hands of those who have (wickedly) twisted God's word to satisfy their own sinful behaviour.

#### **What are some helpful things to do if we think someone is a victim of domestic abuse?**

First and foremost: listen and believe. Then assess whether it is safe for the victim to return to the home. If there is evidence that a crime has taken place, then a report must be made to the police. If not, there are

<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 it starts a conversation or raises awareness, then I thank God for that. If it means that I or someone else might have a better chance of hearing and understanding what the Bible says on some of those more difficult passages, so much the better. That was my heart—I want to hear and learn, and sometimes I can’t because of what I’ve been through. I’m not alone in that.

I’ve been encouraged privately to reflect and share on the experience of coming forward in the church. I am profoundly grateful for the godly men and women who walked through it with me. My experiences were generally positive but there were moments that weren’t so positive as well, and moments which might have gone much, much worse but for the grace of God. I am somewhat unusual, from what I can gather, in that I didn’t meet with *anyone* (outside of my then-husband) who treated me with harshness or ungraciousness. Even those who weren’t helpful still tried to treat me with love. My heart aches for those who have not been met with grace and love.

Here are some things that I’ve been reflecting on about my own experience:

**1. Listening to me, and believing me were the biggest gifts anyone could give me.**

Those who listened and believed will have my everlasting gratitude and love. The first person I shared with was not a minister, but a friend who by the grace of God had walked this journey before. I didn’t realise that at the time because I didn’t actually know what was happening to me. I just knew my life was suddenly spinning out of control, and I was scared. She knew the value of listening and believing. She’d had experience. She knew what to do on every level: emotional, spiritual, practical. She validated what I told her—the first tentative forays into shattering the illusion I had been so carefully maintaining. I didn’t tell her the whole picture, just the part that was upsetting me the most at the time. She treated me with respect, grace and dignity. That led me to go further, to bring deeper wounds forward to see if perhaps—breathtakingly—they might meet with tenderness too. *She believed me, and she told me she believed me.*

**2. It was an incredibly scary thing to bring the leadership of my church into the picture.**

I knew them to be men of gentleness and compassion, but I had seen what I thought was gentleness and compassion turn into harshness and anger before. I was terrified of being dismissed. I was petrified of being told that I was in sin, that I needed to go back. I didn’t know what I would do if they did. The weight of that possibility made it difficult to breathe. I thought I was going to have a heart attack from the mere thought of having to choose between going back or defying the leadership of my church. The choice *felt* like one between my life and sanity, and my very salvation. My salvation was never actually on the line but, battered and broken as I was, that is what it felt like. It was agony.

**3. Common sense isn’t really enough in these situations.**

The norms of relationships don’t apply. The nature of abuse makes all sorts of things impossible. I couldn’t do counselling with my then-husband. Any attempts to discuss the issues led to an escalation of abuse. When my pastor accidentally broke my confidence in discussion with my then-husband, I was placed in harm’s way, and again received a tirade of abuse that left me trembling

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<sup>1</sup> Source: <https://australia.thegospelcoalition.org/article/walking-through-it-a-family-violence-survivors-reflection>

and sobbing. Thankfully, my pastor learned from that and was very careful not to inadvertently break my confidence again. **He was also willing to listen to the advice of those who had more training in abuse than he did.** It is an area which requires knowledge and understanding, and I know that his willingness to listen and learn from his mistakes had positive outcomes for me.

4. **I needed professional help to recover.**

I drew near to God, and dug deep into my Bible, but I am indebted to the Christian counsellor I worked with for many years, and still work with today. Romans 12:2 talks of not being conformed any longer to the world, but renewing our minds, so that we can work out what God's will is. God used my counsellor mightily in that. So much in my thinking had been warped by abuse that I needed to re-evaluate everything I had ever learned or thought I knew about marriage, submission and headship. The process of sorting through what the Bible actually said and what had been twisted was long and arduous. The process still continues, and probably always will.

5. **I needed, and still need, clear and unambiguous teaching on these points.**

In renewing my mind, I didn't and don't want secular views to form the basis of my understanding. I don't want to abandon biblical teachings on headship, respect, submission or divorce. I want my views and understanding to be rooted in the Bible and nothing else. Marriage is God's good plan, and His intention and design for it are what I want and need to understand. Abuse is not part of His plan, and it has warped my understanding. My last letter was a plea for ministers to understand that they can help immensely in this. I want to hear from preachers who've thought, prayed and read deeply about abuse and marriage, and can steer me past the rocks and the pitfalls that abuse created, and for which my often faulty prior understanding laid the groundwork. The best help I have in my recovery is understanding what God actually says about me, about the way I was treated and about marriage in general.

6. **It was the compassionate and faithful teaching of a pastor which God used to begin open my eyes to the truth of my situation.**

I had no idea I was being abused, but I was hurting over what was happening in my marriage, and desperately wondering if the problem really was me. I wondered if I really was being called to submit to this, and what if anything, I could do to make things better. I wondered if this was normal. Over the years and months before I finally left my marriage, this pastor preached through various books of the Bible. Every single time something about marriage or the roles of men and women came up, he took the time to gently and compassionately point out what those passages *didn't* mean, as well as what they did. His was the sole voice of hope I heard, and it was powerful because he was an authority figure. Abuse is isolating. I was afraid to discuss my marriage with anyone else and afraid to read or research on the subject. God used the voice of this pastor to remind me that the way I was being treated wasn't His will, even though I was a long way from leaving or even understanding that it was abuse. His voice called me back to God, back to prayer and reading the Bible, rather than hardening me against God in my pain.

7. **The people who truly comforted me were okay with the mess and didn't try to fix it.**

My life was in tatters. My mental and physical health was breaking under the strain of what was happening, and the torrent of abuse that leaving unleashed. The people who truly gave me comfort loved me in the midst of that. They sat with me, they looked after me. They let me cry when I needed to, and listened to my doubts and fears and anger. They didn't see my anxiety and depression as a spiritual failure on my part, but as the direct and natural result of my experience. They encouraged me to seek help. They prayed with me, for strength and courage and reliance on God in the midst of the mess. They never gave me platitudes, and their faith was not rocked by my suffering. When they offered the occasional Bible verse, it was because it was something they had *lived*, and had helped them. In the manner of 2 Corinthians 1:3—4, they comforted me with the comfort they had been given and continually drew my eyes to the God of all comfort.

8. **Some people were really uncomfortable with my suffering and wanted to offer quick fixes.**

One woman listened sympathetically, and then told me that Romans 8:28 meant that God would put my marriage back together again. She couldn't conceive that the "good" God was working for was to make me more like Christ, and that didn't necessarily come with a fairy-tale ending. Another implied that I was giving way to negative thinking and outlined what I needed to do to win the battle of my

mind. The hearts of both were in the right place, and I loved them for their intent, but it wasn't at all helpful. I didn't need to be offered false promises that were a distortion of God's Word. I didn't need to feel blamed for my mental health crumbling under the strain, and feel like it was being attributed to some lack of discipline or sin on my part. The reality was, I was walking with God more closely than I ever had before, and I believed that the "good" Romans 8:28 promised could only be defined by God, not dictated human desires. I was clinging to that verse, but trusting God for what it would look like.

9. **I equally distrusted those who were willing to rewrite the Bible so that I wouldn't be hurt, and those who applied it rigidly and legalistically, without compassion.**

It was a very long time before I asked my leadership team if I could seek divorce. They never pushed me about it one way or another, but gave me space to ask when and if I was ready. I watched, and listened to everything they said, and every sermon they preached. I'd seen the way that they took care to show compassion while still preaching the truth. I didn't ask the question until I was certain that their desire for obedience to God was as strong as their compassion for His flock. I needed them to have both qualities in equal measure to feel safe asking. If they had told me I had to remain unmarried, I would have submitted to that, but I needed to know that they would understand what they were actually asking of me, and understood the pain it would cause. I needed to know they would be there if I had to live out that path. When I did ask, they gave me clear, reasoned answers from the Bible; answers that I will not detail here, as to do so would require more detail of my circumstances than is safe to give.

10. **The decision to walk away from my marriage was the most painful one I have ever made.**

I had prayed so hard over the years, and done everything I could do to have the quiet and gentle spirit that 1 Peter 3 talks about. I had wrestled with God over injustices and hurts, begged for change and railed at Him over the circumstances. I was repeatedly brought lovingly to my knees in repentance as He chose to deal with MY heart within the marriage. At the point when it became untenable and I left physically, I had long since learned that in my particular case God was going to deal with MY sinfulness with me, regardless of what my spouse was doing. He was going to make me like Christ, and I would need to trust Him in the journey, because He loved me. He would deal with my spouse in His time, not mine. It was hard, and I struggled with it often. When the crisis point came, I was taken by surprise.

11. **God is incredibly faithful.**

The more I reflect on my journey, the more I see His merciful provision to me, both in practical supports and emotional and spiritual ones. He drew close to me, and when I feared that I would lose absolutely everything I held dear, I learned that He is truly enough, and that His gift of salvation is the one thing that cannot be taken from me. Much in my life looks different than I had hoped, but the deep knowledge of His faithfulness and love is a gift beyond words.

### **Appendix 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.

**Wrong meaning: Doubt the victim's testimony.**

When someone says, "I was abused!", you should not believe them. You should only believe them if other people saw the abuse and agree to be witnesses.

**Correct meaning: Trust the victim's testimony.**

Moses gave this law for crimes that other people witnessed. When nobody saw a crime, Moses did not expect witnesses. Deuteronomy 22:25-27 shows that we may believe the word of an abused person when there are no witnesses.

**Conclusion**

The Bible is the good Word of a good God. Sadly, we can twist and misuse this good gift. So it is very important that the Bible is rightly understood and rightly applied to our lives. When it is wrongly understood and wrongly applied, it can damage people, destroy relationships and dishonour God. Rightly understood, the Bible condemns all forms of domestic abuse.

*Mark D. Thompson*

On behalf of the Diocesan Doctrine Commission

*6 September, 2018*

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# **2018 Session of Synod**

## **Book 4**

(Pages 501 to 579)

### **Principal Legislation and Other Background Materials**

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

**2018 Principal Legislation and Other Background Materials**  
**(proposed to be amended or otherwise considered)**

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## Conduct of the Business of Synod Ordinance 2000

(Reprinted under the Interpretation Ordinance 1985.)

The Conduct of the Business of Synod Ordinance 2000 as amended by the Conduct of the Business of Synod Amendment Ordinance 2002, the Conduct of the Business of Synod Amendment Ordinance 2005, the Archbishop of Sydney Election Amendment Ordinance 2009, the Conduct of the Business of Synod Ordinance 2000 Amendment Ordinance 2014 and the Conduct of the Business of Synod Ordinance 2000 Amendment Ordinance 2016.

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An Ordinance to make rules for the conduct of the business of the Synod of the Diocese of Sydney.

The Synod of the Diocese of Sydney ordains.

**1. Name**

This Ordinance is the Conduct of the Business of Synod Ordinance 2000.

**2. Adoption of new rules of procedure**

The rules for the conduct of the business of the Synod of the Diocese of Sydney are in the Schedule to this Ordinance.

**3. Repeal of previous rules**

- (1) The Standing Orders Ordinance 1968 is repealed.
- (2) Each reference in an ordinance (other than this Ordinance) to the Standing Orders Ordinance 1968 is changed to the Conduct of the Business of Synod Ordinance 2000.

**4. Commencement**

Clauses 2 and 3 of this Ordinance commence on the day next following the last day of the second session of the 45th Synod or on the day on which assent is given to this Ordinance, whichever is later.

**Schedule****Synod of the Diocese of Sydney****Rules for Conducting the Business of the Synod****Part 1 Meeting Time, President, Houses of the Synod and Quorum****1.1 Meeting time**

- (1) The Synod is to meet at 3.15 pm on each appointed day unless it decides to meet at another time.
- (2) No motion about a proposed ordinance may be considered before 4.30 pm apart from the unopposed introduction of a proposed introduction.

**1.2 President**

- (1) The Archbishop is the President.
- (2) In the absence of the Archbishop, the President is the person appointed by the Archbishop as his commissary under section 11 of the Constitutions in the Schedule to the 1902 Constitutions.

- (3) In the absence of the Archbishop and the commissary, the President is the person next in ecclesiastical rank who is licensed in the Diocese and is present at the meeting of the Synod.
- (4) If the person who is the President of the Synod is, for any reason, unwilling or unable (otherwise than by absence) to preside in respect of any business of the Synod, the President is the person next in ecclesiastical rank after that person who is licensed in the Diocese and is present at the meeting of the Synod.
- (5) Nothing in this rule amends the provisions of the Constitutions in the Schedule to the 1902 Constitutions concerning the giving of assent to an ordinance of the Synod. Accordingly, a person who is President of the Synod under rule 1.2(2) or (3) or (4) may not assent to an ordinance unless that person is authorised to do so under those Constitutions.
- (6) In this rule 1.2, the word “Archbishop” means, if the See is vacant, the person appointed under an ordinance of the Synod to administer the Diocese.

### **1.3 Houses of the Synod**

- (1) Each member of the Synod (other than the President) is a member of a House of the Synod.
- (2) A member who is ordained is a member of the House of Clergy.
- (3) A member of the Synod who is not ordained is a member of the House of Laity.

### **1.4 Quorum**

- (1) When a motion about a proposed ordinance is being considered, one fourth of the members of each House is a quorum.
- (2) Otherwise, 50 members of the House of Clergy and 100 members of the House of Laity is a quorum.
- (3) If at the time fixed for a meeting of the Synod or during a meeting of the Synod, a quorum is not present the President is to adjourn the Synod to a time determined by him. If a debate is interrupted as a consequence then, subject to rules 3.3, 3.4 and 3.5, the debate is to resume at the point where it was interrupted.

## **Part 2 Officers and Committees of the Synod**

### **2.1 Introduction**

The Synod elects several officers and committees to assist it in conducting its business. Those officers and committees are

- (a) the Secretary of the Synod
- (b) the Chair of Committees
- (c) the Deputy Chair or Chairs of Committees
- (d) the Committee of Elections and Qualifications
- (e) the Committee for the Order of Business
- (f) the Minute Reading Committee.

This Part sets out the functions of the officers and committees of the Synod.

### **2.2 The Secretary of the Synod**

- (1) One member is to be elected as Secretary of the Synod on the first day of the first session of each Synod and, subject to rule 2.8, is to hold office until the first day of the first session of the next Synod.
- (2) The Secretary of the Synod is to
- (a) prepare the business paper for each day after the first day of each session of a Synod, and
  - (b) take minutes of the meetings of the session, and maintain the minute book, and
  - (c) record the ordinances passed by the Synod, and
  - (d) prepare and publish the report of the session of the Synod.
- (3) With the permission of the President, the Secretary of the Synod may give notices to the Synod about any matter concerning the business of the Synod.
- (4) The Secretary of the Synod may approve any report or other material from a Diocesan Body or Organisation being made available to members.

### **2.3 The Chair of Committees**

- (1) One member is to be elected as the Chair of Committees on the first day of the first session of each Synod and, subject to rule 2.8, is to hold office until the first day of the first session of the next Synod.

(2) The Chair of Committees presides during meetings of the Synod in Committee and, when presiding, has the same authority as the President.

#### **2.4 The Deputy Chair or Chairs of Committees**

(1) One or more members is to be elected as the Deputy Chair or Deputy Chairs of Committees on the first day of the first session of each Synod and, subject to rule 2.8, is to hold office until the first day of the first session of the next Synod.

(2) The Deputy Chair of Committees presides during meetings of the Synod in Committee if the Chair of Committees is unable or unwilling to act, or if the Chair of Committees requests that a Deputy Chair of Committees act. When presiding, the Deputy Chair has the same authority as the President.

(3) If more than one Deputy Chair of Committees is elected, the person to preside in the place of the Chair of Committees is to be determined by the persons who have been elected as Deputy Chairs of Committees or, if they are unable to agree, by the President.

(4) If

(a) the Chair of Committees, and

(b) the Deputy Chair of Committees or each of the Deputy Chairs of Committees,

are unable or are unwilling to preside during a meeting of the Synod in Committee, the person to preside during that meeting is to be a member appointed by the Synod as a result of a motion without notice passed by the Synod. When presiding, that person has the same authority as the President.

#### **2.5 The Committee of Elections and Qualifications**

(1) The Committee of Elections and Qualifications is to consist of not more than 5 members elected on the first day of the first session of each Synod and who, subject to rule 2.8, are to hold office until the first day of the first session of the next Synod.

(2) The Committee of Elections and Qualifications is to investigate and report when required by rule 6.1.

(3) A person may not act as a member of the Committee of Elections and Qualifications in relation to a question referred by the Synod about

(a) the validity of the election or appointment of that person as a member of the Synod, or

(b) that qualification of that person to be a member of the Synod.

#### **2.6 The Committee for the Order of Business**

(1) The Committee for the Order of Business is to consist of

(a) the Secretary of the Synod, and

(b) not more than 5 members elected by the Synod on the first day of the first session of each Synod and who, subject to rule 2.8, are to hold office until the first day of the first session of the next Synod

(2) The Committee for the Order of Business is to review the business paper for each day of a session, other than the first day, and settle the order of motions appearing on the business paper.

#### **2.7 The Minute Reading Committee**

(1) The Minute Reading Committee is to consist of not more than 8 members elected on the first day of the first session of each Synod and who, subject to rule 2.8, are to hold office until the first day of the first session of the next Synod.

(2) Any 2 members of the Minute Reading Committee are to review the minutes of the proceedings of each day and certify their correctness, or otherwise, to the President.

#### **2.8 Casual vacancies**

(1) A casual vacancy in any office or in the membership of any committee elected under this Part 2 arises if the person holding the office or membership –

(a) dies,

(b) resigns by written notice given to the President, or

(c) ceases to be a member of the Synod.

(2) A casual vacancy in any office or in the membership of any committee held by a person elected under this Part 2 also arises if the Synod declares, as a result of a motion with or without notice passed by the Synod, the office or membership to be vacant.

(3) A casual vacancy arising under rule 2.8(1) or (2) may be filled by the Synod or, if the Synod is not in session, by the Standing Committee. A person who is elected by the Standing Committee to fill a casual vacancy holds office or remains a member of the committee until the next session of the Synod.

### **Part 3 The Order of Business of the Synod**

#### **3.1 Introduction**

This Part sets out the order in which the business of the Synod is to be conducted on each day of a session.

#### **3.2 Order of business for the first day of a session**

The order of business for the first day of a session of is as follows.

- (a) The President, or a person appointed by him, is to read prayers.
- (b) The President is to table a list of the members of the Synod.
- (c) The President may make a speech to the Synod.
- (d) The President is to table a document appointing a commissary.
- (e) The Synod is to consider any motion to declare a vacancy or vacancies among the membership of the Property Trust in accordance with the Anglican Church Property Trust Diocese of Sydney Ordinance 1965.
- (f) The President is to table a list of the results of uncontested elections and declare the persons concerned elected.
- (g) Where required under Part 2, the Synod is to consider motions for the election of
  - the Secretary of Synod
  - the Chair of Committees
  - the Deputy Chair or Chairs of Committees
  - the Committee of Elections and Qualifications
  - the Committee for the Order of Business
  - the Minute Reading Committee.
- (h) The minute book of the Standing Committee is to be tabled.
- (i) The President is to allow members to present petitions.
- (j) The President is to allow members to ask questions in accordance with rule 6.3.
- (k) The President is to allow members to move or give notice of procedural motions and is to invite members to give notice of other motions.
- (l) The President is to call the motions in the order in which they appear on the business paper in accordance with rule 4.5.
- (m) The Synod is to consider motions for the formal reception and printing of reports, accounts and other documents in the order in which they appear on the business paper.
- (n) The Synod is to consider motions for proposed ordinances which have been referred from a previous session of the Synod, or from a previous Synod, in the order in which they appear on the business paper, unless the Synod determines, by motion without notice, that those motions should be considered on a subsequent day.
- (o) The Synod is to consider motions to be moved at the request of the Synod or the Standing Committee in the order in which they appear on the business paper.
- (p) The Synod is to consider motions to be moved at the request of a regional council in the order in which they appear on the business paper.
- (q) The Synod is to consider motions received by the Standing Committee from members in accordance with rule 4.3(3) in the order in which they were received.

#### **3.3 Order of business for the second and third days of a session**

The order of business for the second and third days of a session is as follows.

- (a) The President, or a person appointed by him, is to read prayers.
- (b) The President, or a person appointed by him, is to read a passage from the Bible and apply it.
- (c) The minutes of the proceedings of the previous day are to be signed by the President as a correct record, or be otherwise dealt with.
- (d) Subject to rule 6.3(5), answers to questions asked on the previous day are to be given.
- (e) The President is to allow members to ask questions in accordance with rule 6.3.

- (f) The President is to allow members to move or give notice of procedural motions and is to invite members to give notice of other motions.
- (g) The President is to call the motions in the order in which they appear on the business paper in accordance with rule 4.5.
- (h) The Synod is to consider motions about proposed ordinances in the order in which they appear on the business paper.
- (i) The Synod is to consider other motions in the order in which they appear on the business paper.

### **3.4 Order of business for the fourth and subsequent days of a session**

The order of business for the fourth and subsequent days of a session of the Synod is the order specified in rule 3.3 except that no member may

- (a) ask a question, or
- (b) give notice of a motion,

except with the permission of the majority of the members then present.

### **3.5 Order of motions**

Motions are to be considered in the order in which they appear on the business paper. The Synod may determine, as a result of a procedural motion passed by the Synod,

- (a) to vary the order in which motions are considered, or
- (b) to fix a time for when a motion is to be considered.

## **Part 4 Resolutions**

### **4.1 Introduction**

The main way in which the Synod expresses a view on a matter is by the making of a resolution. Generally, a resolution is made in the following way.

- (a) A member of the Synod (referred to in these rules as the “mover”) moves a motion (referred to in these rules as the “principal motion”). Usually, the mover will have given notice of the principal motion on a previous day.
- (b) Except during a meeting of the Synod in Committee, a motion is to be seconded.
- (c) When called by the President, the mover will speak in support of the principal motion and the seconder may also speak in support of the motion.
- (d) Instead of making separate speeches in support of the principal motion, the mover and seconder may, by notice to the Synod, elect to make a joint presentation in support of the principal motion for up to the combined length of time the mover and seconder would otherwise be permitted to speak.
- (e) A speech or presentation referred to in paragraph (c) or (d) may, by arrangement with the Secretary of the Synod, be accompanied by overhead visual material.
- (f) If any member wishes to speak against the principal motion, or move a proposed amendment, debate will proceed.
- (g) If no member wishes to speak against the principal motion or move an amendment, the President is to ask the Synod to vote on the principal motion.
- (h) After debate has concluded, the President is to ask the Synod to vote on any amendments. After any amendments have been agreed to or rejected, the President is to ask the Synod to vote on the principal motion, as amended by any amendments which have been agreed.
- (i) If the principal motion, with or without amendments, is passed, it becomes a resolution of the Synod.

The remaining rules in this Part contain the details of this procedure, and the details of the special situations in which the general procedure is modified.

### **4.2 General rules**

- (1) A member may only address the Synod when called by the President to do so.
- (1A) A member who wishes to be called by the President to address the Synod is to stand in his or her place, or if directed by the President, to stand near a microphone. The President is to call from among those standing the member who may address the Synod.
- (2) The President may take part in debate.

- (3) If the President stands, all other members are to sit and remain seated until the President sits down.
- (4) Any member may speak to a question about procedure. A question about procedure is to be decided by the President whose decision is final unless immediately altered as a result of a motion without notice passed by the Synod.
- (5) The President is to confine each speaker to the subject matter being debated. A member may not interrupt a speaker, except with the permission of the President, or as a result of a motion without notice passed by the Synod.
- (6) A speaker may not make a remark which reflects adversely on the personality of any member or imputes an improper or questionable motive to any member. If a speaker makes such a remark, the President is to
  - (a) ask the speaker to withdraw the remarks and apologise and,
  - (b) warn the speaker against making such remarks in future.

If, having been asked, the speaker refuses to withdraw the remark and apologise, the member may be suspended from the Synod as a result of a motion with or without notice passed by the Synod, for the time specified in the motion.

- (7) A member may not act in a disorderly way. If a member acts in a disorderly way, he or she may be suspended from the Synod as a result of a motion with or without notice passed by the Synod, for the time specified in the motion.

#### **4.3 Notice of motions required**

- (1) The Synod is not to consider a motion unless
  - (a) notice of the motion was given on a previous day, or
  - (b) the Synod agrees to consider the motion.
- (2) Motions intended to facilitate the consideration of business are known as 'procedural motions'. Rule 4.3(1) does not apply to procedural motions and those other motions for which notice is not required by Parts 4 and 5.
  - (2A) Rule 4.3(1) does not apply to motions to amend a motion.
- (3) A member may send notice of a motion to the Standing Committee to be received at least 1 month before the first day of the session. Notice of such motion is to be printed on the business paper for the first day of the session. A member may not send notice of more than 2 motions.
- (4) If notice in writing is given to a Secretary of the Synod by 7.00 pm on the first day of a session then notice of the motion will be regarded as having been given on a previous day for the purposes of rule 4.3(1).

#### **4.4 Motions to be seconded**

- (1) No motion, or motion to amend a motion, is to be considered unless it is seconded.
- (2) Rule 4.4(1) does not apply to a motion moved in a meeting of the Synod in Committee.

#### **4.5 Calling the motions on the business paper**

- (1) At the time required by rule 3.2, 3.3 or 3.4, the President is to call the motions in the order in which they appear on the business paper, except those motions about a proposed ordinance or those motions to be considered at a time fixed by the Synod.
- (2) When a motion is called, the President is to ask for the motion to be formally moved and seconded unless 8 or more members call "object" or 1 or more members calls "amendment". If the motion is formally moved and seconded, the Synod is to vote on the motion without any speeches or debate.
- (3) If 8 or more members call "object" or 1 or more members calls "amendment"
  - (a) the President is to immediately call the next motion on the business paper to be called under this rule or, if there is no such motion, proceed to the next item of business, and
  - (b) any member who calls "amendment" is to
    - deliver a written copy of the proposed amendment to the Secretary of the Synod, and
    - make himself or herself available to discuss the proposed amendment with the mover of the motion on the day on which the call is made.

#### **4.5A Incorporation of amendments in principal motion**

If the mover of a principal motion (the 'Mover') notifies the Secretary of the Synod that –

- (a) having discussed a proposed amendment with the mover of the amendment, the Mover agrees to include the proposed amendment in the principal motion, or
- (b) the Mover wishes to move the principal motion in an amended form,

the motion in the amended form becomes the principal motion and is to be printed in a suitably marked form on the next day's business paper.

#### **4.6 Time limits for speeches**

- (1) The following time limits for speeches apply.
  - (a) For a motion that a proposed ordinance be approved in principle –
    - the mover may speak for up to 15 minutes, and up to 5 minutes in reply
    - other members may speak for up to 5 minutes.
  - (b) For other motions, except the motions referred to in paragraphs (c) and (d) –
    - the mover may speak for up to 10 minutes, and up to 5 minutes in reply
    - other members may speak for up to 5 minutes.
  - (c) For procedural motions and for motions to amend a motion, a member may speak for up to 5 minutes.
  - (d) For motions moved in a meeting of the Synod in Committee, a member may speak for up to 3 minutes.
- (2) A member, not being the speaker at the time, may, without making a speech, move a procedural motion for the speaker to continue for a nominated number of minutes.

#### **4.7 Number of speeches**

- (1) No member may speak more than once on the same motion except
  - (a) during a meeting of the Synod in Committee, or
  - (b) when invited to give an explanation, or
  - (c) when exercising a right of reply under rule 4.11.
- (2) A member who formally seconds a motion is not regarded as having spoken to the motion.

#### **4.8 After a motion has been seconded**

- (1) After a motion has been moved and seconded, the President is to ask a question to the effect "Does any member wish to speak against the motion or move an amendment?"
- (2) If no member indicates a wish to speak against the motion or move an amendment, the Synod is to vote on the motion without any debate.
- (3) If a member indicates a wish to speak against the motion or move an amendment, debate on the motion is to proceed.

#### **4.9 Amendments to motions**

- (1) A member may move a motion to amend a principal motion at any time before the close of debate. The motion to amend must be in writing and a copy handed to the President.
- (2) A member may move a motion to amend a motion to amend a principal motion. The motion to amend must be in writing and a copy handed to the President.
- (2A) A motion to amend is not to be irrelevant to the principal motion or give rise to an entirely different subject matter from or a direct negative of the principal motion.
- (3) A member may, with the permission of the Synod, withdraw their own motion to amend at any time before the close of debate.
- (4) If motions to amend have been moved, but not passed by the Synod, the motion to be put to the vote is the principal motion.
- (5) If motions to amend have been moved and passed by the Synod, the motion to be put to the vote is the amended principal motion.
- (6) If a member has moved a motion to amend and another member moves a motion for a different amendment or indicates an intention to move a motion for a different amendment, the President may
  - (a) put to the Synod questions about the principal motion and the proposed amendment to establish the mind of the Synod on the principle or principles of the motions, or
  - (b) nominate a person or persons to

- prepare a suitable form of words which expresses the mind of the Synod
  - report to the Synod,
- and adjourn the debate on the principal motion and the proposed amendments until the report has been received.

(7) If debate on a motion is adjourned under rule 4.9(6)(b), the Synod is to proceed to the next item of business.

(8) If the President considers that the strict application of rule 4.9 may cause confusion or prevent the Synod from expressing its mind, he may waive the application of this rule, or so much of it as he thinks fit.

#### **4.10 Putting a motion to the vote**

(1) If, during the time for debate on a motion, no further member indicates a wish to speak to the motion, the President may declare that the debate has ended, subject to the mover of the motion exercising or declining to exercise a right of reply under rule 4.11.

(2) If the President thinks that sufficient time has been allowed for debate on a motion but there remains one or more members indicating a wish to speak to the motion, the President is to ask the Synod a question to the effect

“Does the Synod consider that the motion has been sufficiently debated and should now be voted on?”

If the majority of the members present answer “Aye”, the debate on the motion will be regarded as having ended, subject to the mover of the motion exercising or declining to exercise a right of reply under rule 4.11. If the majority of members present answer “No” the President is to allow the debate to continue. Rule 4.10(1) and rule 4.10(2) apply until debate has ended.

#### **4.11 Right of reply**

(1) The mover of a motion has a right of reply after debate on a motion has ended unless the motion is

- (a) a procedural motion, or
- (b) a motion for an amendment, or
- (c) a motion moved in a meeting of the Synod in Committee.

(2) After the mover has exercised or declined to exercise their right of reply, the motion is to be voted on.

#### **4.12 Voting on a motion**

(1) A vote on a motion is taken by the President asking members present who are in favour of the motion to say “Aye” and then to ask those members who are against the motion to say “No”. Voting may also take place by a show of hands at the option of the President or if requested by a member. A motion is passed only if a majority of the persons present and voting vote in favour of the motion.

(2) If requested by 8 or more members, voting on a motion is to be conducted by ballot. If a ballot is requested, the Synod shall vote in accordance with the directions of the Secretary of the Synod.

(3) The members of the Synod are to vote collectively unless 8 members request that the vote be taken by Houses.

(4) If a vote is required to be taken by Houses, each House is to vote separately in accordance with the directions of the Secretary of the Synod, provided that the House of Laity is to vote first. The motion is passed only if a majority of persons present and voting in each House vote in favour of the motion. If a majority of the persons present and voting in the House of Laity do not vote in favour of the motion, the House of Clergy is not required to vote.

#### **4.13 Adjournment of debate**

(1) A procedural motion for the adjournment of either the Synod or a debate may be moved without notice at any time between speeches.

(2) If debate on a motion is adjourned, that debate takes precedence over all other business, unless these rules provide otherwise, or the Synod decides otherwise as a result of a motion without notice passed by the Synod.

#### **4.14 Not voting on a motion**

(1) If it is desired to avoid or postpone a vote on a motion, a member may move without notice the procedural motion

“That the motion not be voted on.”

(2) When this procedural motion is moved, the President is to immediately ask the Synod a question to the effect

“Does the Synod wish the debate on the principal motion to continue before the procedural motion is put to the Synod?”

(3) The question asked by the President in rule 4.14(2) may be debated but the debate is to be limited to that question until it is disposed of by vote of the Synod.

(4) If the majority of members present and answering answer “Aye” to the question asked by the President in rule 4.14(2), debate on the principal motion is to continue and the mover of that motion has a right of reply before the procedural motion is voted on. If the procedural motion is not passed, the principal motion, and any amendments, are to be voted on immediately without further debate.

(5) If the majority of members present and answering answer “No” to the question asked by the President in rule 4.14(2), the President is to immediately put the procedural motion without debate and without any right of reply.

(6) The procedural motion in rule 4.14(1) is not to be moved in a meeting of the Synod in Committee.

#### **4.15 Withdrawal of a motion**

A motion may be withdrawn at any time by its mover with the permission of the Synod.

#### **4.16 Motions previously voted on**

(1) No motion which has been considered by the Synod and voted on is to be debated again during the same session of the Synod.

(2) No motion which is substantially the same as one which has been voted on during the same session is to be considered. However a motion is not to be regarded as substantially the same as one which has been voted on during the same session if –

- (a) the motion is a direct negative of the one voted on, and
- (b) the one voted on was not passed.

(3) Any question about whether a motion is substantially the same as one which has been voted on during the same session is to be decided by the President whose decision is final unless immediately altered as a result of a motion without notice agreed to by the Synod.

#### **4.17 Synod in Committee**

(1) The Synod may, as a result of a procedural motion passed by the Synod, resolve itself into the Synod in Committee to consider any matter. A motion for the Synod to resolve itself into the Synod in Committee to consider the text of a proposed ordinance (see rule 5.6) is

“That Synod resolves itself into the Synod in Committee to consider [further] the text of the [name of proposed ordinance].”

(2) During a meeting of the Synod in Committee, the Chair of Committees or the Deputy Chair of Committees has the functions set out in rules 2.3 and 2.4.

(3) The Synod in Committee may, as a result of a procedural motion passed by the Committee, resolve to adjourn its meeting. A motion to adjourn a meeting of the Synod in Committee is

“That the Chair of Committees leaves the chair and reports progress.”

(4) On a motion to adjourn a meeting of the Synod in Committee being passed, the Chair of Committees is to report progress to the Synod.

(5) When the Synod in Committee has concluded consideration of the matter before it, the Chair of Committees is to report to Synod. Where the matter being considered was the text of a proposed ordinance, the Chair of Committees is to report in the manner referred to in rule 5.6(3).

(6) The rules of procedure in this Part 4, so far as applicable, apply to a meeting of the Synod in Committee.

(7) In a meeting of the Synod in Committee the same number of members constitutes a quorum as in the Synod itself. If a quorum is not present, the Chair of Committees is to leave the chair and report progress.

#### **4.18 Proposed policies of the Synod**

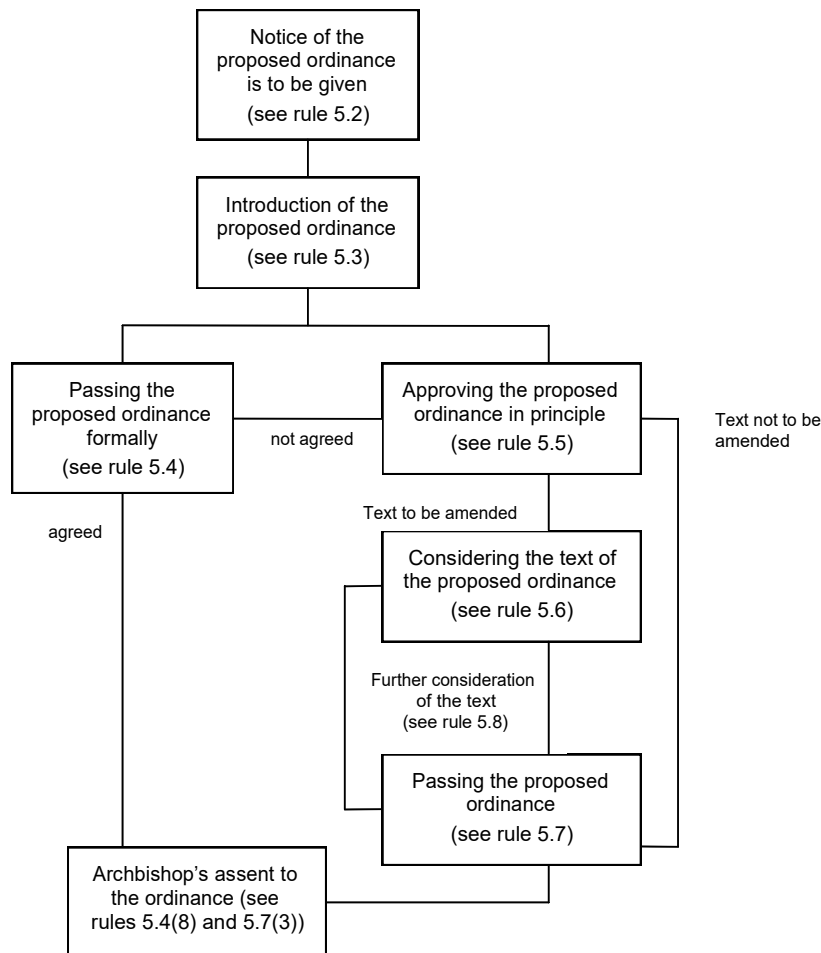
(1) The Standing Committee or the Synod may designate a written statement as a proposed policy of the Synod. A statement designated by the Standing Committee as a proposed policy of the Synod must be clearly marked as such.

- (2) The Synod may consider a proposed policy of the Synod only if a copy has been circulated to members present before consideration of the proposed policy commences in accordance with rule 4.18(3).
- (3) For the purposes of considering a proposed policy of the Synod, the procedures for the making of ordinances under Part 5 (from and including rule 5.5 but excluding rules 5.7(3)(b), 5.9 and 5.10) apply as if the proposed policy were a proposed ordinance.

## Part 5 Making of Ordinances by the Synod

### 5.1 Introduction

The general procedure for the making of an ordinance by the Synod is summarised in the following diagram.



The remaining rules in this Part contain the detail of this procedure, and the details of the special situations where the general procedure is modified.

### 5.2 Notice of the proposed ordinance is to be given

- (1) Notice of a proposed ordinance is to be given to members before the Synod may consider the proposed ordinance.
- (2) Except as provided by rule 5.2(3), notice will be regarded as having been given only if a copy of the proposed ordinance has been circulated to members present before a motion to introduce the proposed ordinance is moved.
- (3) If a proposed ordinance seeks
- to assent to a canon of the General Synod of the Anglican Church of Australia to amend the Constitution in the Schedule to the Anglican Church of Australian Constitution Act 1961, or
  - to amend rule 5.2,
- notice will be regarded as having been given only if

- (c) a copy of the proposed ordinance was sent to each member at least 3 months before the first day of the session at which the proposed ordinance is to be considered, or
- (d) 75% of the members present and voting permit the proposed ordinance to be introduced without notice, other than the notice provided for in rule 5.2(2).

### **5.3 Introduction of the proposed ordinance**

- (1) A proposed ordinance is introduced by a member moving a motion to the effect  
“That Synod permits the introduction of the [name of the proposed ordinance].”
- (2) If the motion to introduce the proposed ordinance is passed, the mover may immediately move a motion to the effect -  
“That Synod agrees to consider passing the proposed ordinance formally.”
- (3) If the motion to consider passing the proposed ordinance formally is passed, the procedure in rule 5.4 applies.
- (4) If
  - (a) the mover does not move a motion to the effect that the Synod agrees to consider passing the proposed ordinance formally, or
  - (b) such a motion is moved but is not passed,

the mover may immediately move the motion in rule 5.5(1). If the mover does not immediately move that motion, the mover is to move a motion to the effect –

“That Synod agrees to consider [at a specified time] a motion that the [name of the proposed ordinance] be approved in principle.”

### **5.4 Passing the proposed ordinance formally**

- (1) If the Synod agrees to consider passing a proposed ordinance formally, the mover may immediately make a speech for not longer than 3 minutes about the proposed ordinance.
- (2) At the end of the speech, the President is to ask a question of the Synod to the effect  
“Does any member have a question about the proposed ordinance?”
- (3) If a member indicates that he or she has a question, the President is to allow the question to be asked and rules 5.4(4), 5.4(5) and 5.4(6) apply. If no member indicates that he or she has a question, the time for questions will be regarded as having ended.
- (4) A question is to be answered by the mover or seconder unless the President allows another person to answer the question.
- (5) If, during the time for questions, no further member indicates that he or she has a question, the President may declare that the time for questions has ended.
- (6) If the President thinks that sufficient time has been allowed for questions but there remains one or more members indicating a wish to ask a question, the President is to ask the Synod a question to the effect

“Does the Synod consider that sufficient time has been allowed for questions?”

If the majority of members present answer “Aye”, the time for questions will be regarded as having ended. If the majority of members present answer “No”, the President is to allow the time for questions to continue. Rules 5.4(5) and 5.4(6) apply until the time for questions has ended.

- (7) Subject to rule 5.4(9), after the time for questions has ended, the mover is to immediately move a motion to the effect

“That the [name of the proposed ordinance] pass formally as an ordinance of the Synod.”

- (8) If the Synod passes the proposed ordinance formally as an ordinance of the Synod, as soon as possible the Secretary of the Synod is to send to the Archbishop for his assent, the original copy of the ordinance upon which

- (a) the Chair of Committees has certified the text of the ordinance, and
- (b) the Secretary of the Synod has certified that the ordinance has passed as an ordinance of the Synod.

- (9) If
- (a) prior to the motion in rule 5.4(7) being voted on, 8 members stand in their place to object to the proposed ordinance being passed formally, or
  - (b) the motion in rule 5.4(7) is not passed,
- the mover is to immediately move a motion to the effect
- “That Synod agrees to consider [forthwith or at a specified time] a motion that the [name of proposed ordinance] be approved in principle.”

### **5.5 Approving the proposed ordinance in principle**

- (1) At the time permitted by these rules, the mover of a proposed ordinance may move a motion to the effect

“That the [name of the proposed ordinance] be approved in principle.”

- (2) After this motion has been moved and seconded, and the mover and seconder have spoken, the President is to ask the Synod a question to the effect

“Does any member have a question about the proposed ordinance?”

- (3) If a member indicates that he or she has a question, the President is to allow the question to be asked and rules 5.5(4), 5.5(5) and 5.5(6) apply. If no member indicates that he or she has a question, the time for questions will be regarded as having ended.

- (4) A question is to be answered by the mover or seconder unless the President allows another person to answer the question. If, during the time for questions, no further member indicates that he or she has a question, the President may declare that the time for questions has ended.

- (5) If the President thinks that sufficient time has been allowed for questions but there remains one or more members indicating a wish to ask a question, the President is to ask the Synod a question to the effect –

“Does the Synod consider that sufficient time has been allowed for questions?”

- (6) If the majority of members present answer “Aye”, the time for questions will be regarded as having ended. If the majority of members present answer “No”, the President is to allow the time for questions to continue. Rules 5.5(5) and 5.5(6) apply until the time for questions has ended.

- (7) After the time for questions has ended, the President is to immediately ask the Synod a question to the effect

“Does any member wish to speak for, or against the motion, or to move an amendment to it?”

- (8) If a member indicates that he or she wishes to speak for, or against the motion, or to move an amendment, the President is to allow debate on the motion to proceed.

- (9) Upon a proposed ordinance being approved in principle, the President is to immediately ask the Synod a question to the effect

“Does any member wish to move an amendment to the text of the proposed ordinance?”

- (10) If a member indicates to the President that he or she wishes to move an amendment to the text of the proposed ordinance, rule 5.6 applies.

- (11) If no member indicates to the President that he or she wishes to move an amendment, rule 5.7 applies and the mover is to immediately move the motion in rule 5.7(1).

### **5.6 Considering the text of the proposed ordinance**

- (1) If upon the President asking the question under rule 5.5(9) a member indicates that he or she wishes to move an amendment to the text of the proposed ordinance, the Synod is to

- (a) immediately consider the text of the proposed ordinance in a meeting of the Synod in Committee, or
- (b) determine another time for such consideration.

- (2) When considering the text of a proposed ordinance in a meeting of the Synod in Committee, the Chair of Committees is to put each clause of the proposed ordinance separately in the order in which the clauses occur in the proposed ordinance, leaving the title and the preamble to be considered last, unless, in the opinion of the Chair of Committees, it is expedient to put 2 or more consecutive clauses together.

(3) When consideration of the text of the proposed ordinance has been completed by the Synod in Committee, the Chair of Committees is to report the proposed ordinance to the Synod, with or without amendments as the case may be.

(4) Upon the report of an ordinance with amendments being adopted by the Synod as a result of a motion without notice passed by the Synod, the mover of the proposed ordinance is to immediately move a motion to the effect

“That Synod agrees to consider [on a specified future day/on a specified future day and at a specified time] a motion that the [name of the proposed ordinance] pass as an ordinance of the Synod.”

(5) Upon the report of an ordinance without amendments being adopted by the Synod as a result of a motion without notice passed by the Synod, the mover of the proposed ordinance may move the motion under rule 5.7(1) unless 8 members object, in which case the mover is to immediately move the motion under rule 5.6(4).

### **5.7 Passing the proposed ordinance**

(1) When permitted by these rules, the mover may move a motion to the effect

“That the [name of proposed ordinance] pass as an ordinance of the Synod.”

(2) A motion that a proposed ordinance pass as an ordinance of the Synod is not to be moved until the Chair of Committees has certified the text on the original copy of the proposed ordinance.

(3) If the Synod passes a motion that a proposed ordinance pass as an ordinance of the Synod, the Secretary of the Synod is to

- (a) certify on the original copy of the ordinance that the ordinance has passed as an ordinance of the Synod, and
- (b) as soon as possible, send the original copy of the ordinance to the Archbishop to enable him to consider his assent.

### **5.8 Further consideration of the text of the proposed ordinance**

At any time before the Synod passes a motion that a proposed ordinance pass as an ordinance of the Synod, the Synod may, as a result of a motion with or without notice passed by the Synod, refer the proposed ordinance, or any clause of the proposed ordinance, or any amendment, to the Synod in Committee for consideration. Rules 5.6, 5.7 and 5.8 then apply, so far as they are relevant.

### **5.9 Reconsideration of the text of the proposed ordinance if assent is withheld**

If the Archbishop withholds assent to an ordinance then, ignoring rules 5.3, 5.4 and 5.5, the Synod may, as a result of a motion with notice passed by the Synod, refer the proposed ordinance, or any clause of the proposed ordinance, or any amendment, to the Synod in Committee for consideration. Rules 5.6, 5.7 and 5.8 then apply, so far as they are relevant.

### **5.10 Proposed ordinances referred from the Standing Committee**

If an ordinance proposed to be made by the Standing Committee is referred to the Synod then, subject to notice of the proposed ordinance being given in accordance with rule 5.2, consideration of the proposed ordinance by the Synod is to commence with a member moving the motion in rule 5.3(1).

### **5.11 Referral of ordinances by the Synod**

(1) The Synod may, as a result of a motion with or without notice passed by the Synod, refer a proposed ordinance at any point in the procedure concerning it

- (a) to the next session of the same Synod, or
- (b) to a session of the next Synod.

(2) Consideration of the proposed ordinance at the next session of the Synod or at a session of the next Synod, as the case may be, resumes at the point in the procedure reached when it was referred.

## **Part 6 Other Matters**

### **6.1 Questions about the election or qualification of a member**

(1) A question about

- (a) the validity of the election or appointment of a member, or
- (b) the qualification of any person to be a member,

may be referred by the Synod to the Committee of Elections and Qualifications for investigation.

- (2) The Committee of Elections and Qualifications
  - (a) may meet during a session of the Synod, and
  - (b) when investigating a question referred to it, may receive such evidence as is available, whether that evidence would be admissible in legal proceedings or not.
- (3) After completing its investigation, the Committee of Elections and Qualifications is to report to the Synod its findings about
  - (a) whether the relevant member was validly elected or appointed, or
  - (b) whether the person is qualified to be a member.
- (4) A member of the Synod may move, with or without notice, that the report of the Committee of Elections and Qualifications be adopted. The motion is to state whether the member who is the subject of the report has been validly elected or appointed or not, or whether the person is qualified to be a member.
- (5) If the Synod passes a motion to the effect that a person has not been validly elected or appointed, or that the person is not qualified to be a member, that person is not to thereafter take part in the proceedings of the Synod unless and until that person becomes duly elected, appointed or qualified, as the case may be.

## **6.2 Petitions to Synod**

- (1) This rule 6.2 applies to the petitions referred to in rule 3.2(i).
- (2) Petitions must be in writing and conclude with the signatures of the petitioners.
- (3) No petition is to
  - (a) be expressed in language which, in the opinion of the President, is disrespectful or offensive, or
  - (b) have been altered by erasure or interlineation.
- (4) A member presenting a petition is to
  - (a) be acquainted with the contents of the petition, and
  - (b) affix his or her name at the beginning of the petition, and
  - (c) state from whom it comes and its contents.
- (5) On the presentation of a petition, the only motion the Synod is to consider is a motion to the effect  
“That Synod receives the petition.”

## **6.3 Questions**

- (1) This rule 6.3 applies to the questions referred to in rule 3.3(e).
- (2) A question may be asked by any member. A member called on by the President to do so is to make a brief statement informing the Synod of the subject matter of the question and hand the full text of the question to the Secretary of the Synod to be printed in the business paper for the next day of the session.
- (3) A question is to relate to a matter connected with the business of
  - (a) the Synod, or
  - (b) any committee, board or commission of the Synod, or established by or under an ordinance, or by resolution of the Synod or the Standing Committee.
- (4) No question is to
  - (a) contain an assertion, or
  - (b) express an opinion, or
  - (c) offer an argument, or
  - (d) make any inference or imputation, or
  - (e) be expressed in language which, in the opinion of the President, is disrespectful or offensive, or
  - (f) seek a legal opinion.
- (5) An answer to a question is to be read orally to the Synod by the President on the next day or as soon as convenient after the next day without the question being asked again. As soon as possible a written copy is to be posted on a notice board in a prominent position in or near the building in which the Synod is meeting. A written copy is also to be handed to the member asking the question upon request made to the Secretary of the Synod.

(6) If the answer includes statistics or other detailed material, the answer may be supplemented with data projected on a screen or a document which need not be read orally.

(7) Each question and reply is to be recorded in the minutes of the Synod.

#### **6.4 Personal explanations**

With the permission of the President, a member may explain matters of a personal nature. These matters are not to be debated.

#### **6.5 Suspension of these rules**

Any rule of procedure may be suspended by motion

- (a) with notice, or
- (b) without notice unless 8 members object.

#### **6.6 Media**

(1) Unless the Synod otherwise determines as a result of a motion with or without notice passed by the Synod, the proceedings of the Synod are to be open to the media.

(2) With the permission of the President, the proceedings, or parts of the proceedings, may be televised, broadcast or photographed.

#### **6.7 Rules**

A rule which the Synod is authorised to make by the Constitutions set out in the Schedule to the Anglican Church of Australia Constitutions Act 1902 may be made by resolution, unless those Constitutions require the rule to be made by ordinance. No rule made by resolution is to be contrary to the terms of an ordinance.

#### **6.8 Application of business rules**

(1) Any question about the application of these rules, the form of motions and ordinances and the voting on motions and ordinances during a session of the Synod is to be decided by the President. The President's decision on all such questions is final unless immediately altered as a result of a motion without notice agreed to by the Synod.

(2) In making a decision under rule 6.8(1), the President may have recourse to the rules, forms and practice of the Legislative Assembly of New South Wales.

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#### **Table of Amendments**

Rule 1.2	Amended by Ordinance No 34, 2005.
Rule 2.1	Amended by Ordinance No 38, 2014.
Rule 2.2	Amended by Ordinance No 38, 2014.
Rule 2.3	Amended by Ordinance No 38, 2014.
Rule 2.4	Amended by Ordinance No 38, 2014.
Rule 2.5	Amended by Ordinance No 38, 2014.
Rule 2.6	Amended by Ordinance No 38, 2014.
Rule 2.7	Amended by Ordinance No 38, 2014.
Rule 2.8	New rule inserted by Ordinance No 38, 2014.
Rule 3.2	Amended by Ordinances Nos 61, 2002 and 38, 2014.
Rule 3.3	Amended by Ordinances Nos 61, 2002 and 38, 2014.
Rule 3.5	Amended by Ordinance No 38, 2014.
Rule 4.1	Amended by Ordinance No 44, 2016.
Rule 4.2	Amended by Ordinances Nos 26, 2009 and 38, 2014.
Rule 4.3	Amended by Ordinance No 38, 2014.
Rule 4.5	Amended by Ordinance No 38, 2014.
Rule 4.5A	New rule inserted by Ordinance No 38, 2014.
Rule 4.6	Amended by Ordinances Nos 61, 2002 and 38, 2014.
Rule 4.9	Amended by Ordinance No 38, 2014.
Rule 4.10	Amended by Ordinance No 61, 2002.

Rule 4.11	Amended by Ordinance No 38, 2014.
Rule 4.12	Amended by Ordinances Nos 61, 2002 and 38, 2014.
Rule 4.14	Amended by Ordinance No 61, 2002.
Rule 4.16	Amended by Ordinance No 38, 2014.
Rule 4.17	Amended by Ordinance No 38, 2014.
Rule 4.18	New rule inserted by Ordinance No 38, 2014.
Rule 5.3	Amended by Ordinance No 61, 2002.
Rule 5.4	Amended by Ordinances Nos 61, 2002; 38, 2014 and 44, 2016.
Rule 5.5	Amended by Ordinances Nos 61, 2002 and 44, 2016.
Rule 5.6	Amended by Ordinance No 38, 2014.
Rule 5.7	Amended by Ordinance No 38, 2014.
Rule 6.1	Amended by Ordinance No 38, 2014.
Rule 6.2	Amended by Ordinance No 38, 2014.
Rule 6.3	Amended by Ordinance No 38, 2014.
Rule 6.8	New rule inserted by Ordinance No 38, 2014.



## Assistant Ministers Ordinance 2017

(Reprinted under the Interpretation Ordinance 1985.)

### Long Title

An Ordinance to provide terms for the appointment of deacons and presbyters to assist rectors of parishes.

### Preamble

Whereas it is expedient to make further provision for the terms of appointment of deacons and presbyters appointed to assist rectors of parishes.

The Synod of the Diocese of Sydney ordains as follows.

### 1. Name

This Ordinance is the *Assistant Ministers Ordinance 2017*.

### 2. Definition of terms

(1) In this Ordinance -

“assistant minister” means a deacon or presbyter licensed by the Archbishop to the office of assistant minister in a parish and does not include a senior assistant minister;

“senior assistant minister” means:

- (a) a deacon or presbyter who has served:
  - (i) as an assistant minister in the Diocese; or
  - (ii) in an equivalent office in another Diocese, for a period of at least 4 years or periods, which in aggregate total at least 4 years, and who is licensed by the Archbishop, at the request of the rector and the parish council of the parish, to the office of senior assistant minister in the parish; or
- (b) a presbyter who has served:
  - (i) as a rector in the Diocese; or
  - (ii) in an equivalent office in another Diocese, who is licensed by the Archbishop, at the request of the minister and the parish council of the parish, to the office of senior assistant minister in the parish.

(2) Any terms appearing in the Schedule to the *Interpretation Ordinance 1985* are defined by reference to the meaning set out in that Ordinance.

### 3. Term of Appointment

(1) An assistant minister or a senior assistant minister holds office subject to:

- (a) the terms of his or her licence; and
- (b) where the assistant minister or the senior assistant minister is paid a stipend or is entitled to any other benefit or allowance, written notice of the termination of the appointment and the payment of such stipend and provision of such entitlement given by the rector with the concurrence of the wardens of the principal or only church of the parish in which the assistant minister or senior assistant minister holds office.

(2) For the purposes of clause 3(1)(b), notice is due notice if:

- (a) in the case of an assistant minister, the period of notice is at least 3 months; and
- (b) in the case of a senior assistant minister, the period of notice is the longest of:
  - (i) 3 months; or
  - (ii) the period of notice, to a maximum period of 9 months, calculated at the rate of one month's notice for each year (or part thereof) of continuous service as assistant minister or senior assistant minister, or both, in that parish; or
  - (iii) such other period of notice, if any, which, at the time the senior assistant minister was licensed as senior assistant minister, was agreed for the purposes of this clause between the senior assistant minister and -
    - (A) the Archbishop; and
    - (B) the rector of the parish; and
    - (C) the parish council.

(2A) Notwithstanding subclause (2), the assistant minister or senior assistant minister may choose to waive some of the period of notice and leave their office earlier, provided that they give written notice to the rector and wardens, and the rector and wardens agree to the earlier date in writing.

(3) Notice must not be given under clause 3(1)(b), unless:

- (a) the regional bishop of the region within which the parish is situated has been notified of the proposal to issue the notice; and
- (b) the notice is proposed to be given due to -
  - (i) unsatisfactory conduct, performance or capacity on the part of the assistant minister or senior assistant minister where a genuine and recorded performance management program or similar has been unsuccessful in resolving the issue or issues;
  - (ii) the parish council determining that the office held by the assistant minister or senior assistant minister will no longer be funded; or
  - (iii) other reasons determined by the rector having regard to the ministry needs of the parish; and
- (c) the assistant minister or senior assistant minister has been given a written statement containing -
  - (i) particulars of the grounds or reasons under clause 3(3)(b), and
  - (ii) in the case of unsatisfactory conduct, performance or capacity that is not serious misconduct: a warning that a notice may be issued under clause 3(1)(b) if the relevant conduct is not addressed; and
- (d) the assistant minister or senior assistant minister has been given a reasonable period in which to provide a written response to the statement of particulars; and
- (e) the rector and wardens have considered any response given by or on behalf of the assistant minister or senior assistant minister within the period; and
- (f) the rector and wardens have given due regard to any guidelines issued by the Archbishop-in-Council under clause 7; and

#### **4. Lodgement of material with the Registrar**

Any written statement issued under clause 3(3)(c), any response given under clause 3(3)(d) and any record of the consideration specified in clause 3(3)(e) must be lodged with the Registrar of the Diocese.

#### **5. Undertaking by rector**

Nothing in this Ordinance prevents the Archbishop from requiring an undertaking of the rector whom the assistant minister or senior assistant minister will assist concerning the work to be undertaken by the assistant minister or the senior assistant minister, as the case may be, or any other matter relating to the office to be exercised by the assistant minister or the senior assistant minister, as the case may be.

#### **6. Vacancy in office of rector and appointment of new rector**

Subject to clause 3, the term of office of an assistant minister or a senior assistant minister does not cease by reason of a vacancy occurring in the office of rector of the parish or upon a new rector being appointed to the parish and, in accepting an appointment to the parish, the new rector is taken to have:

- (a) adopted any obligation on the part of a former rector of the parish expressed in the assistant minister's or senior assistant minister's licence as if the new rector was named in the licence as the person subject to that obligation; and
- (b) adopted any agreement in relation to the office of the assistant minister or senior assistant minister made between the former rector and the assistant minister or senior assistant minister with the approval of:
  - (i) the Archbishop; and
  - (ii) the parish council.

#### **7. Guidelines**

The Archbishop-in-Council may issue guidelines with respect to the termination of appointments under this Ordinance.

#### **8. Commencement, repeal and transitional**

- (1) Except for this clause, this Ordinance commences on 1 January 2018.
- (2) The *Assistant Ministers Ordinance 1990* is repealed on 1 January 2018.

(3) Notwithstanding subclause (2) and subject to subclause (4), an assistant minister or a senior assistant minister will cease to hold office in accordance with the provisions of the *Assistant Ministers Ordinance 1990* as if that Ordinance had not been repealed if, before 1 January 2018:

- (a) a valid notice was issued under clause 3(1) of the *Assistant Ministers Ordinance 1990*, or
- (b) a new rector was licensed to the same parish to which the assistant minister was also licensed at the time and 90 days have not elapsed since the licence was issued to the rector.

(4) For the purposes of subclause (3), “office” means the office of assistant minister or senior assistant minister in a parish that was held by the member of clergy on 1 January 2018.



## Extract from the Constitution of the Anglican Church of Australia

### Chapter IX. - THE TRIBUNALS

57. (1) The Appellate Tribunal shall consist of seven members three of whom shall be diocesan bishops and four of whom shall be laymen.

The members shall be appointed by the General Synod as follows, that is to say, a bishop and a layman on the nomination of the House of Bishops, a bishop and a layman on the nomination of the House of Clergy and a bishop and two laymen on the nomination of the House of Laity.

A president and deputy president shall as often as may be necessary be chosen from among the lay members of the tribunal by the House of Bishops, or, if General Synod be not in session, by a meeting of the members of the House of Bishops.

A layman shall not be a member unless he is qualified to be a lay representative of a diocese, and is or has been a Justice of the High Court of Australia, a Justice of the Supreme Court of a State or Territory of Australia or a Justice or Judge of a Court prescribed by canon of the General Synod or is or has been a practising barrister or solicitor, of at least ten years' standing of the Supreme Court of a State or Territory.<sup>31</sup>

- (2) The members of the tribunal shall be nominated and appointed in such manner, hold office for such period and be subject to such disqualifications, and vacancies shall occur and be filled in such manner, as may be prescribed by or under canon of General Synod.

No party to an appeal shall be a member of the tribunal for any 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.

The Appellate Tribunal shall have jurisdiction to hear and determine appeals from any determination of the Special Tribunal and from any determination of any diocesan or provincial tribunal in any case in which an appeal lies there from to the Appellate Tribunal.

Every appeal to the Appellate Tribunal shall be by way of re-hearing.

Any person charged before a diocesan tribunal and aggrieved by any sentence recommended by it who has no right of appeal under this Constitution or under an ordinance of the diocesan synod may petition the metropolitan of the province or, if the diocese be not part of a province, the Primate that his case be reviewed and the metropolitan or Primate as the case may be may refer the same to the Appellate Tribunal for review and any case so referred shall be heard and determined as an appeal provided however that no such petition may be presented in respect of an order for costs only.

- (3) Unless otherwise prescribed by canon of General Synod, the Appellate Tribunal may hear and determine any appeal question or matter made or referred to it although all the members thereof be not present at such hearing or determination, provided that there be present at least two bishops and three laymen. And provided further that if during the hearing of any appeal a member attending the tribunal should die or become unable to continue with the hearing the appeal may proceed so long as the president two bishops and one other lay member or the deputy president two bishops and one other lay member be present provided further that if the number of those present on any appeal should be evenly divided on any question of evidence or procedure the president (or in his absence the deputy president) shall have a casting as well as a deliberate vote.



<sup>31</sup> Words inserted by Schedule Two of Canon 14, 1992 which came into effect on 25 June 1995.

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

(Reprinted under the Interpretation Ordinance 1985.)

### Long Title

An Ordinance to adopt Canon No 4, 2017 of the General Synod of the Anglican Church of Australia.

The Synod of the Diocese of Sydney ordains as follows.

### 1. Name

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

### 2. Adoption of Canon No 4, 2017

The Synod adopts Canon No 4, 2017 of the General Synod of the Anglican Church of Australia, the text of which is set out in the Schedule.

### 3. Commencement

Except for this clause, this Ordinance commences on a date determined by resolution of the Standing Committee or on a date to be determined at the next ordinary session of this Synod, if the Standing Committee has not resolved that the Ordinance should commence by that date.

## Schedule

Whereas –

- A. in 2004 the General Synod adopted the Safe Ministry Policy Statement which states that this Church is committed to the physical, emotional and spiritual welfare and safety of all people, particularly within its own community, and includes the commitments to carefully recruit and train its clergy and church workers, adopt and encourage safe ministry practices by its clergy and lay church workers, and provide pastoral support to and supervision of any person known to have abused a child or another vulnerable person,
- B. in 2014 the General Synod adopted the Charter for the Safety of People within the Churches of the Anglican Communion which includes the commitments to adopt standards for the practice of pastoral ministry by clergy and other church personnel, to assess the suitability of persons for ordination as clergy or appointment to positions of responsibility in the church, and to promote a culture of safety in parishes and church organisations by education and training:

now the General Synod prescribes as follows:

## PART 1 - PRELIMINARY

### Title

- 1. This canon is the Safe Ministry to Children Canon 2017.

### Object

- 2. The object of this canon is:
  - (a) to prescribe a code of conduct for safe ministry to children;
  - (b) to prescribe minimum standards and guidelines for safe ministry to children; and
  - (c) to implement the Protocol so far as it provides for obtaining and taking into account Ministry Suitability Information before authorising clergy and church workers to undertake ministry to children.

### Interpretation

- 3. In this canon, unless the context otherwise requires:
  - child** has the same meaning as in the National Register Canon 2007;
  - child abuse** has the same meaning as in the National Register Canon 2007;
  - Church authority** has the same meaning as in the National Register Canon 2007;
  - Church body** means any body corporate, organisation or association that exercises ministry within,

or on behalf of, or in the name of, the Church, and is controlled by a diocese or province or the General Synod;

**church worker** means a lay person undertaking any ministry to children:

- (a) who is licensed or authorised by the bishop of a diocese; or
- (b) who is employed by a Church body; or
- (c) who, for payment or not, holds a position or performs a function with the actual or apparent authority of a Church authority or Church body;

**clergy** means a person who is a bishop, priest or deacon in this Church;

**code of conduct** means a code of conduct for safe ministry to children;

**cogent** means clear, logical and convincing;

**contact** means physical contact, oral communication (whether face-to-face or by telephone), written communication or electronic communication (which includes email, instant messaging, social media and video chats);

**controlled by a diocese or province or the General Synod** has the same meaning as in the National Register Canon 2007;

**diocesan audit** means an audit as to whether:

- (a) any diocesan code of conduct containing additional standards of conduct for observance, and additional guidelines for conduct to be followed, is inconsistent with the standards of conduct and the guidelines for conduct contained in the prescribed code of conduct, or an equivalent code of conduct in respect of which the Standing Committee has made a determination under section 5(3);
- (b) a diocese has standards, and guidelines unless there are cogent reasons for not doing so, that give effect to the prescribed standards and guidelines;
- (c) a diocese has in place procedures which:
  - (i) effectively monitor observance by clergy and church workers in the diocese of the standards, and guidelines unless there are cogent reasons for not doing so, applicable to them that give effect to the prescribed standards and guidelines; and
  - (ii) provide for an appropriate response to instances of non-observance; and
- (d) the procedures in paragraph (c) have, in all material respects, been followed, and
- (e) any additional standards and guidelines for safe ministry to children prescribed by a diocese are inconsistent with the prescribed standards and guidelines, or equivalent standards and guidelines applicable to a Church body in respect of which the Standing Committee has made a determination under section 9(3);

**diocesan safe ministry authority** means a Church body with responsibility for safe ministry to children in a diocese, and where not established is the diocesan council;

**General Synod audit** means an audit as to whether:

- (a) any code of conduct that applies to clergy and church workers in a Church body in respect of which the Standing Committee has made a determination under section 5(3) gives substantial effect to the standards of conduct and the guidelines for conduct contained in the prescribed code of conduct as appropriately adapted to the context of the Church body;
- (b) the prescribed standards have been observed, and guidelines have been followed unless there are cogent reasons for not doing so, by the person or body appointing or electing clergy and church workers to a General Synod professional standards role or a General Synod safe ministry role;
- (c) any standards and guidelines for safe ministry to children that apply to clergy and church workers in a Church body in respect of which the Standing Committee has made a determination under section 9(3) give substantial effect to the applicable prescribed standards and guidelines as appropriately adapted to the context of the Church body;

**General Synod professional standards role** means a professional standards role to which a person is elected or appointed by the General Synod or the Standing Committee or the Primate or the General Secretary;

**General Synod safe ministry role** means a safe ministry role to which a person is elected or appointed by the General Synod or the Standing Committee or the Primate or the General Secretary;

**licence** means a licence, an authority, or a permission to officiate, issued by the bishop of a diocese;

**ministry to children** means work of a kind where a person:

- (a) is required to hold a working with children check, or a working with vulnerable people check by reason that the person has contact with a child as part of engaging in a regulated activity; or
- (b) exercises a pastoral ministry which has direct, regular and not incidental contact with children; or
- (c) provides services to children that are ancillary to the exercise of a pastoral ministry within paragraph (b) which involve:
  - (i) contact with children during an overnight activity (such as camps and similar activities); or
  - (ii) close, personal contact with children (such as changing clothes, washing and toileting); or
- (d) supervises the ministry of a person within any one or more of paragraphs (a) to (c); or
- (e) performs a professional standards role; or
- (f) performs a safe ministry role;

**pastoral ministry** includes the provision of spiritual advice and support, education, counselling, medical care, and assistance in times of need;

**Person of Concern** is a person who is currently participating or wishes to participate in the life of a parish or congregation and whose presence constitutes a risk of harm from sexual abuse to others in the parish or congregation;

**prescribed code of conduct** means the code of conduct prescribed under this canon from time to time;

**prescribed standards and guidelines** means the standards and guidelines prescribed under this canon from time to time;

**professional standards process** has the same meaning as in the Episcopal Standards (Child Protection) Canon 2017;

**professional standards role** means a role in:

- (a) recommending or determining whether an action is to be taken; or
- (b) providing support to a person;

under a professional standards process;

**Protocol** means the Protocol for the disclosure of ministry suitability information between the churches of the Anglican Communion which the Anglican Consultative Council referred to in resolution 16.27 passed in 2016, and the text of which is set out in the Third Schedule;

**Safe Ministry Commission** means the Safe Ministry Commission established pursuant to the Strategic Issues, Commissions, Task Forces and Networks Canon 1998;

**safe ministry role** means a role:

- (a) in recommending or determining standards and guidelines for safe ministry to children or with Person of Concern; or
- (b) in recommending or determining or supervising safe ministry in a parish or congregation with a Person of Concern;

but excludes a role as a member of the synod of the diocese and, if a diocese has established a diocesan safe ministry authority separate from its diocesan council excludes a role as a member of the diocesan council;

**spiritual abuse** has the same meaning as in the National Register Canon 2007;

**standards for safe ministry with Persons of Concern** means the standards for safe ministry with Persons of Concern for clergy and church workers;

**standards of screening** means the standards of screening for clergy and church workers;

**standards of training** means the standards of training for clergy and church workers;

**working with children check** has the same meaning as in the National Register Canon 2007;

**working with vulnerable people check** has the same meaning as in the National Register Canon 2007.

## PART 2 - CODES OF CONDUCT

### Prescribed code of conduct

4. (1) The code of conduct is prescribed in the First Schedule.
- (2) The General Synod, or the Standing Committee by a two-thirds majority, may by resolution amend the First Schedule by:
  - (a) prescribing amendments to the prescribed code of conduct or a substituted code of conduct; and
  - (b) determining the date on which the amendments to the prescribed code of conduct, or the substituted code of conduct, shall come into force.
- (3) The Standing Committee prior to amending the First Schedule shall consult with the Safe Ministry Commission and diocesan safe ministry authorities as to the proposed amendments to the prescribed code of conduct or the proposed substituted code of conduct, and the date on which the proposed amendments to the prescribed code of conduct, or the proposed substituted code of conduct, shall come into force.
- (4) Any amendments to the prescribed code of conduct, or any substituted code of conduct, shall not deal with or concern the faith ritual or ceremonial of this Church other than in relation to the spiritual abuse of a child or the confession of child abuse.
- (5) Subject to section 5, clergy and church workers shall:
  - (a) observe the standards of conduct, and
  - (b) follow the guidelines for conduct unless there are cogent reasons for not doing so, contained in the prescribed code of conduct.

### Equivalent code of conduct

5. (1) In this section **Church body** does not include a diocese or a diocesan safe ministry authority.
- (2) The prescribed code of conduct shall not apply to clergy and church workers in a Church body which has a code of conduct applicable to them pursuant to:
  - (a) the laws of the Commonwealth or a State or Territory; or
  - (b) a requirement or condition for registration, approval or funding to provide services for children under the laws of the Commonwealth or a State or Territory; or
  - (c) a contract or arrangement with the Commonwealth or a State or Territory or an agency or authority of the Commonwealth or a State or Territory.
- (3) Subject to subsection (2), the prescribed code of conduct shall apply to clergy and church workers in a Church body unless the Standing Committee by a two-thirds majority, on application by a province or diocese, determines that the Church body has a code of conduct containing equivalent standards of conduct for observance, and guidelines for conduct to be followed, by its clergy and church workers as appropriately adapted to the context of the Church body that give substantial effect to the standards of conduct and the guidelines for conduct contained in the prescribed code of conduct.
- (4) The General Secretary shall publish on the General Synod website a list of all Church bodies that have been determined under subsection (3) to have an equivalent code of conduct, the date on which the determination was made, and if applicable the period during which the determination had effect.

### Additional code of conduct

6. A diocese may prescribe a code of conduct containing additional standards of conduct for observance, and additional guidelines for conduct to be followed, by the following persons, other than clergy and church workers in a Church body specified in section 5(2):
  - (a) in the case of clergy and church workers to whom the prescribed code of conduct applies, that are not inconsistent with the standards of conduct and the guidelines for conduct contained in the prescribed code of conduct; or
  - (b) in the case of clergy and church workers to whom a code of conduct specified in section 5(3) applies, that are not inconsistent with the standards of conduct and the guidelines for conduct contained in that code of conduct.

**Publication of prescribed code of conduct**

7. (1) The General Secretary shall publish the prescribed code of conduct on the General Synod website.
- (2) The General Secretary shall table at each ordinary session of the General Synod any amendments to the prescribed code of conduct, or any substituted code of conduct, prescribed by the Standing Committee since the preceding ordinary session of the General Synod.

**PART 3 - STANDARDS AND GUIDELINES****Prescribed standards and guidelines**

8. (1) Standards of screening, standards of training and standards for safe ministry with Persons of Concern are prescribed in the Second Schedule.
- (2) The General Synod, or Standing Committee by a two-thirds majority, may by resolution amend the Second Schedule by:
  - (a) prescribing amendments to the prescribed standards and guidelines or substituted standards and guidelines;
  - (b) prescribing further minimum standards for observance, and guidelines to be followed, for safe ministry to children; and
  - (c) determining the date on which the amendments to the prescribed standards and guidelines, or substituted standards and guidelines, or further standards and guidelines, shall come into force.
- (3) The Standing Committee prior to amending the Second Schedule shall consult with the Safe Ministry Commission and diocesan safe ministry authorities as to the proposed amendments to the prescribed standards and guidelines, or proposed substituted standards and guidelines, or proposed further standards and guidelines, and the date on which the proposed amendments to the prescribed standards and guidelines, or proposed substituted standards and guidelines, or proposed further standards and guidelines, shall come into force.
- (4) Any amendments to the prescribed standards and guidelines, or any substituted standards and guidelines, or any further standards and guidelines, shall not deal with or concern the faith ritual or ceremonial of this Church other than in relation to the spiritual abuse of a child or the confession of child abuse.
- (5) Subject to section 9:
  - (a) each diocese shall have standards, and guidelines unless there are cogent reasons for not doing so, that give effect to the prescribed standards and guidelines; and
  - (b) clergy and church workers in a diocese shall observe:
    - (i) the standards, and
    - (ii) the guidelines unless there are cogent reasons for not doing so, applicable to them that give effect to the prescribed standards and guidelines.
- (6) The prescribed standards and guidelines apply to clergy and church workers who perform a General Synod professional standards role or a General Synod safe ministry role.

**Equivalent standards and guidelines**

9. (1) In this section **Church body** does not include a diocese or a diocesan safe ministry authority.
- (2) The prescribed standards and guidelines shall not apply to clergy and church workers in a Church body which:
  - (a) is registered or approved or funded to provide services to children pursuant to the laws of the Commonwealth or a State or Territory; or
  - (b) provides services to children pursuant to a contract or arrangement with the Commonwealth or a State or Territory or an agency or authority of the Commonwealth or a State or Territory.
- (3) Subject to subsection (2), the prescribed standards and guidelines shall apply to clergy and church workers in a Church body unless the Standing Committee by a two-thirds majority, on application by a province or diocese, determines that the Church body has equivalent standards for observance, and guidelines to be followed, by its clergy and church workers for

safe ministry to children as appropriately adapted to the context of the Church body that give substantial effect to the applicable prescribed standards and guidelines.

- (4) The General Secretary shall publish on the General Synod website a list of all Church bodies that have been determined under subsection (3) to have equivalent standards and guidelines, the date on which the determination was made, the applicable prescribed standards and guidelines for which the Church body has equivalent standards and guidelines, and if applicable the period during which the determination had effect.

#### **Additional standards and guidelines**

10. A diocese may prescribe additional standards and guidelines for safe ministry to children, other than for a Church body specified in section 9(2):
  - (a) that are not inconsistent with the prescribed standards and guidelines; or
  - (b) in the case of a Church body specified in section 9(3), that are not inconsistent with the standards and guidelines applicable to that Church body.

#### **Publication of prescribed standards and guidelines**

11. (1) The General Secretary shall publish the prescribed standards and guidelines on the General Synod website.
- (2) The General Secretary shall table at each ordinary session of the General Synod any amendments to the prescribed standards and guidelines, or substituted standards and guidelines, or further standards and guidelines, prescribed by the Standing Committee since the preceding ordinary session of the General Synod.

### **PART 4 – AUDIT**

#### **Audit**

12. (1) In this section:  
**church worker** has the same meaning as in the National Register Canon 2007;  
**independent person** means a person who:
  - (a) is not a member of the clergy or a church worker; and
  - (b) has experience in undertaking audits of a similar nature to a General Synod audit and a diocesan audit.
- (2) The General Secretary shall appoint an independent person to undertake a General Synod audit and a diocesan audit of each diocese at intervals of three years or such lesser period as determined by the Standing Committee, and provide as soon as practicable after the completion of the audit:
  - (a) a report of the General Synod audit to the Standing Committee; and
  - (b) a report of the diocesan audit to the diocesan council of the diocese concerned, the diocesan safe ministry authority of that diocese and the Standing Committee.
- (3) The General Secretary shall consult with diocesan safe ministry authorities as to when the audit of each diocese shall be conducted.
- (4) The Standing Committee shall determine the scope of the General Synod audit and a diocesan audit.
- (5) The Primate and the General Secretary shall provide access to such of their records, the records of the General Synod and the records of the Standing Committee, and provide such information, as requested by the independent person undertaking the General Synod audit as is reasonably necessary to enable the General Synod audit to be undertaken.
- (6) Each diocesan safe ministry authority shall provide access to such of the records of the diocese, and provide such information, as requested by the independent person undertaking the diocesan audit as is reasonably necessary to enable the diocesan audit to be undertaken.
- (7) The General Secretary shall as soon as practicable after:
  - (a) the report of the General Synod audit has been provided to the Standing Committee, and
  - (b) the report of the diocesan audit has been provided to the diocesan council of the diocese concerned, the diocesan safe ministry authority of that diocese and the Standing

Committee,

publish the report on the General Synod website.

- (8) The General Secretary is authorised to provide:
- (a) the report of the General Synod audit to an agency or authority of the Commonwealth or a State or Territory with responsibility for child safe standards in institutions providing services for children; and
  - (b) the report of a diocesan audit to an agency or authority of the Commonwealth, or an agency or authority of the State or Territory in which the diocese is located, with responsibility for child safe standards in institutions providing services for children.

## PART 5 – GENERAL

### Diocesan safe ministry authority

13. (1) Each diocese shall have a diocesan safe ministry authority.
- (2) A diocesan safe ministry authority shall at the request of General Secretary promptly inform the General Secretary of the details of the screening and training of persons from the diocese who are being considered for appointment or election for a General Synod professional standards role or a General Synod safe ministry role.

## PART 6 – COMING INTO FORCE

### Coming into force of particular provisions

14. (1) Subject to this section, this canon will come into force on and from the date appointed by the President, being not later than one calendar month from the date on which the canon is passed.
- (2) The standards of screening, standards of training and standards for safe ministry with Persons of Concern prescribed under section 8(1) shall come into force on the date specified in the Second Schedule.
- (3) Section 12 shall come into force on 1 January 2019.
- (4) Section 13 shall come into force on 1 January 2018.

### Coming into force in a diocese

15. The provisions of this canon affect the order and good government of the Church within a diocese and shall not come into force in a diocese unless and until the diocese by ordinance adopts this canon.

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## FIRST SCHEDULE

### Interpretation

1. In this Schedule:

**Faithfulness in Service** means Faithfulness in Service: A national code for personal behaviour and the practice of pastoral ministry by clergy and church workers as tabled at the 17<sup>th</sup> ordinary session of the General Synod held in 2017.

### Code of conduct

2. The code of conduct is the standards and guidelines of Faithfulness in Service set out in:
- (a) section 3 (Putting this Code into Practice) so far as they relate to section 5 (Children), and
  - (b) section 5 (Children),
- when read in each case with section 1 (About this Code) and section 2 (Key Terms).
-

## Interpretation

1. In this Schedule, unless the context otherwise requires:

**accredited training** means:

- (a) training that:
  - (i) includes the course content in the Safe Ministry Training National Benchmarks so far as it relates to ministry to children, with reasonable adjustments for cultural, linguistic and ability diversity; and
  - (ii) is delivered by persons who are accredited, and/or online training which is accredited, by a diocesan safe ministry authority; or
- (b) training of another Church body or organisation that a diocesan safe ministry authority has determined is equivalent to the training in paragraph (a);

**church ministry assessment** means a reasonable endeavour made to obtain information about the person from the responsible authority, and if obtained consideration of that information;

**criminal history assessment** means consideration of a National Police History Check of the person;

**denominational authority** means a person or body of another denomination having authority to ordain, license, elect, appoint, dismiss or suspend a member of the clergy or a lay person of that denomination;

**diocesan authority** means a person or body of another diocese of this Church having authority to ordain, license, elect, appoint, dismiss or suspend a member of the clergy or a lay person of that diocese;

**information** means a written statement by a responsible authority which discloses:

- (a) whether or not there has been, and
- (b) if there has been, the substance of,

any untested allegation, charge, finding or admission of the commission of a criminal offence, or a breach of the rules in force in the applicable Province or diocese or denomination regarding the moral conduct of clergy and lay persons undertaking ministry, including rules relating to sexual conduct and conduct towards children and vulnerable adults;

**licensed clergy** means clergy issued with a licence;

**medical assessment** means consideration of a medical report of the person by a registered medical practitioner;

**National Register** means the National Register established under the National Register Canon 2007;

**national register assessment** means a check whether there is any information about the person entered in the National Register, and if so consideration of that information;

**Persons of Concern Policy** means the Policy for Safe Ministry in a parish where there is a risk of sexual abuse by a Person of Concern as tabled at the 17<sup>th</sup> ordinary session of the General Synod held in 2017;

**professional standards personnel** means clergy and church workers performing a professional standards role;

**Province** means a member church of the Anglican Consultative Council other than this Church and includes part of a Province;

**provincial authority** means the person or body in a Province having authority to ordain, license, elect, appoint, dismiss or suspend a member of the clergy or a lay person of that Province;

**psychological assessment** means consideration of a psychological report that includes an assessment of psychosexual maturity of the person by a registered psychologist;

**responsible authority** means:

- (a) a provincial authority; or
- (b) a diocesan authority; or
- (c) a denominational authority;

**risk assessment** means a risk assessment provided by the Department for Communities and Social Inclusion Screening Unit of South Australia;

**safe ministry assessment** means consideration of the person's completed Safe Ministry Check, and if applicable referees' completed Safe Ministry Checks;

**Safe Ministry Check** means a check that includes the applicable Safe Ministry Check as tabled at the 17<sup>th</sup> ordinary session of the General Synod held in 2017;

**safe ministry personnel** means clergy and church workers performing a safe ministry role;

**Safe Ministry Training National Benchmarks** means the Safe Ministry Training National Benchmarks as tabled at the 17<sup>th</sup> ordinary session of the General Synod held in 2017;

**screening authority** means:

- (a) in the case of a person to be ordained as a deacon, or a member of the clergy to be licensed, or a church worker to be licensed or authorised, the bishop of the diocese or his or her delegate; or
- (b) in the case of a member of the clergy to be elected or appointed as the bishop of the diocese, the electing or appointing body or its delegate; or
- (c) in the case of a church worker to undertake paid or voluntary ministry to children, the appointing person or body or their delegate; or
- (d) in the case of a professional standards personnel and safe ministry personnel, the electing or appointing body or its delegate.

## **PART 2 - STANDARDS OF SCREENING**

### **Application**

- 2. (1) This Part applies to all persons ordained as deacons, or licensed as clergy, appointed or elected as the bishop of a diocese, or licensed or authorised or appointed as church workers, after this Part comes into force.
- (2) This Part so far as it requires a working with children check, or a working with vulnerable people check by reason that the person has contact with a child as part of engaging in a regulated activity, or a criminal history assessment, or a risk assessment, applies to all persons licensed as clergy, appointed or elected as the bishop of a diocese, or licensed or authorised or appointed as church workers, when this Part comes into force.
- (3) This Part so far as it requires a national register assessment and a safe ministry assessment by the screening authority applies to all persons licensed as clergy, appointed or elected as the bishop of a diocese, or licensed or authorised or appointed as church workers, when this Part comes into force, except where the screening authority is reasonably satisfied this has previously been done, and where not so satisfied provided that these assessments are undertaken by 1 January 2021.
- (4) Subject to subclauses (2) and (3), this Part does not apply to persons ordained as deacons, licensed as clergy, appointed or elected as the bishop of a diocese, or licensed or authorised or appointed as church workers, when this Part comes into force.

### **Deacons**

- 3. The standards of screening for a person to be ordained as a deacon are:
  - (1) the person holds an unconditional working with children check, or an unconditional working with vulnerable people check by reason that the person has contact with a child as part of engaging in a regulated activity, where required by the laws of the Commonwealth or a State or Territory; and
  - (2) the following assessments by the screening authority:
    - (a) where a working with children check, or a working with vulnerable people check by reason that the person has contact with a child as part of engaging in a regulated activity, is not required by the laws of the Commonwealth or a State or Territory, a criminal history assessment or a risk assessment;
    - (b) a national register assessment;
    - (c) a safe ministry assessment;
    - (d) a medical assessment;
    - (e) a psychological assessment; and
    - (f) where the person was previously authorised for ministry in a Province or in another diocese of this Church or another denomination, a church ministry assessment, except where reasonably satisfied this has previously been done.

**Licensed clergy or the bishop of the diocese**

4. The standards of screening for a member of the clergy to be licensed, or to be elected or appointed as the bishop of the diocese, are:
  - (1) the person holds an unconditional working with children check, or an unconditional working with vulnerable people check by reason that the person has contact with a child as part of engaging in a regulated activity, where required by the laws of the Commonwealth or a State or Territory; and
  - (2) the following assessments by the screening authority:
    - (a) where a working with children check, or a working with vulnerable people check by reason that the person has contact with a child as part of engaging in a regulated activity, is not required by the laws of the Commonwealth or a State or Territory, a criminal history assessment or a risk assessment;
    - (b) a national register assessment;
    - (c) a safe ministry assessment; and
    - (d) where the person was previously authorised for ministry in a Province or in another diocese of this Church or another denomination, a church ministry assessment, except where reasonably satisfied this has previously been done.

**Licensed, authorised or paid church workers**

5. The standards of screening for church workers to be licensed or authorised or to undertake paid ministry to children are:
  - (1) the person holds an unconditional working with children check, or an unconditional working with vulnerable people check by reason that the person has contact with a child as part of engaging in a regulated activity, where required by the laws of the Commonwealth or a State or Territory; and
  - (2) the following assessments by the screening authority:
    - (a) where a working with children check, or a working with vulnerable people check by reason that the person has contact with a child as part of engaging in a regulated activity, is not required by the laws of the Commonwealth or a State or Territory, a criminal history assessment or a risk assessment;
    - (b) a national register assessment;
    - (c) a safe ministry assessment; and
    - (d) where the person was previously authorised for ministry in a Province or in another diocese of this Church or another denomination, a church ministry assessment, except where reasonably satisfied this has previously been done.

**Voluntary church workers**

6. The standards of screening for church workers, who are not professional standards personnel and safe ministry personnel, to undertake voluntary ministry to children are:
  - (1) the person holds:
    - (a) an unconditional working with children check, or
    - (b) an unconditional working with vulnerable people check by reason that the person has contact with a child as part of engaging in a regulated activity, or
    - (c) a conditional working with children check that authorises the voluntary ministry to be undertaken, or
    - (d) a conditional working with vulnerable people check by reason that the person has contact with a child as part of engaging in a regulated activity that authorises the voluntary ministry to be undertaken,

where required by the laws of the Commonwealth or a State or Territory; and
  - (2) the following assessments by the screening authority:
    - (a) where a working with children check, or a working with vulnerable people check by reason that the person has contact with a child as part of engaging in a regulated activity, is not required by the laws of the Commonwealth or a State or Territory, a criminal history assessment where a National Police History Check can be applied for by a volunteer or a risk assessment;
    - (b) a national register assessment; and

- (c) a safe ministry assessment.

**Professional standards personnel and safe ministry personnel**

7. The standards of screening for professional standards personnel, and safe ministry personnel, who have not otherwise been screened as a deacon, a licensed member of the clergy, the bishop of the diocese, or a licensed, authorized, paid or voluntary church worker, are a national register assessment by the screening authority.

**Creation and retention of records**

8. Accurate records of the screening of clergy and church workers are to be created and maintained in a secure manner.

**PART 3 - STANDARDS OF TRAINING****Application**

9. (1) This Part applies to all persons ordained as deacons, or licensed as clergy, appointed or elected as the bishop of a diocese, or licensed or authorised or appointed as church workers, or elected or appointed as professional standards personnel or safe ministry personnel, after this Part comes into force.
- (2) This Part applies to all persons licensed as clergy, appointed or elected as the bishop of a diocese, or licensed or authorised or appointed as church workers, or elected or appointed as professional standards personnel or safe ministry personnel, when this Part comes into force, provided that accredited training is undertaken by 1 January 2021.

**Accredited training**

10. The standards of training for clergy and church workers are satisfactory completion of accredited training:
- (1) (a) by the bishop of the diocese, within three years prior to his or her election or appointment, or in exceptional circumstances prior to his or her installation; or
- (b) by deacons, licensed clergy, and licensed, authorised, paid and voluntary church workers, within three years prior to being ordained, licensed, or authorised, or appointed to undertake ministry to children, except where the bishop of the diocese or his or her delegate is satisfied there are exceptional circumstances and in such case the training is to be completed as soon as practicable but not later than three months after being ordained, licensed, or authorised, or appointed to undertake ministry to children; or
- (c) by professional standards personnel, who are not a deacon, a licensed member of the clergy, the bishop of the diocese, or a licensed, authorised and paid church worker, within three years prior to election or appointment to a professional standards role; or
- (d) by safe ministry personnel, who are not a deacon, a licensed member of the clergy, the bishop of the diocese, or a licensed, authorised and paid church worker, within three years prior to election or appointment to a safe ministry role; and
- (2) by clergy and church workers in paragraph (a), at intervals of not more than three years after prior satisfactory completion of accredited training.

**Creation and retention of records**

11. Accurate records of the satisfactory completion of accredited training by clergy and church workers are to be created and maintained in a secure manner.

**PART 4 - STANDARDS FOR SAFE MINISTRY WITH PERSONS OF CONCERN****Standards**

12. (1) The standards for safe ministry with a Person of Concern in a parish are the actions required to implement the process specified in section 5 of the Persons of Concern Policy.
- (2) The standards for safe ministry with a Person of Concern in a congregation are the actions required to implement the process specified in section 5 of the Persons of Concern Policy as adapted by a diocesan safe ministry authority to apply to a congregation.

### Creation and retention of records

13. Accurate records relating to the implementation of the Persons of Concern Policy in respect of each Person of Concern are to be created and maintained in a secure manner.

### PART 5 - COMING INTO FORCE OF PARTICULAR PROVISIONS

14. (1) Parts 2 (except paragraph (b) of clause 6(2)) and 3 when read with Part 1 of this Schedule shall come into force on 1 January 2018.
- (2) Paragraph (b) of clause 6(2) when read with Part 1 of this Schedule shall come into force on a date determined by the Standing Committee.
- (3) Part 4 when read with Part 1 of this Schedule shall come into force on 1 January 2019.

## THIRD SCHEDULE

### Protocol for the disclosure of ministry suitability information between the churches of the Anglican Communion

#### Definitions

1. In this Protocol:
 

**Assessing Province** means the Province in which a Church authority is to assess whether the Church worker should be authorised for ministry;

**Authorising Province** means the Province or Provinces in which the Church worker is authorised, or has previously been authorised, to undertake ministry by a Church authority;

**Church authority** means the person or body responsible for authorising Church workers to undertake ministry in the Authorising Province or the Assessing Province;

**Church worker** means a member of the clergy or a lay person who:

  - (a) is authorised, or has previously been authorised, to undertake ministry by a Church authority of the Authorising Province; and
  - (b) has applied to undertake authorised ministry, or has been nominated for appointment to a position or office involving the undertaking of authorised ministry, in the Assessing Province;

**Ministry Suitability Information** means a written statement by a Church authority of the Authorising Province about the Church worker that discloses:

  - (a) whether or not there has been; and
  - (b) if so, the substance of;

any allegation, charge, finding or admission of the commission of a criminal offence, or the breach of the Authorising Province's rules regarding the moral conduct of clergy and lay persons undertaking ministry, including rules relating to sexual conduct and conduct towards children and vulnerable adults;

**Province** includes part of a Province.

#### System for the disclosure of Ministry Suitability Information by the Authorising Province

2. The Authorising Province will have and maintain a system for the disclosure of Ministry Suitability Information about a Church worker of the Province to the applicable Church authority of the Assessing Province that includes the following requirements:
  - (a) the applicable Church authority of the Province is to promptly deal with an application by the applicable Church authority of the Assessing Province for the disclosure of Ministry Suitability Information; and
  - (b) the applicable Church authority of the Province is to disclose the Ministry Suitability Information to the applicable Church authority of the Assessing Province.

#### System for assessing the suitability of a Church worker for authorised ministry in the Assessing Province

3. The Assessing Province will have and maintain a system for the assessment of the suitability of a Church worker to undertake authorised ministry in the Province that includes the following requirements:

- (a) the applicable Church authority is to make an application to the Authorising Province for Ministry Suitability Information;
- (b) the applicable Church authority is not to authorise the Church worker to undertake ministry in the Province unless and until it has carried out an assessment of whether the Church worker is a risk to the physical, emotional and spiritual welfare and safety of people that takes into account the Ministry Suitability Information disclosed by the Authorising Province; and
- (c) the applicable Church authority is to keep the Ministry Suitability Information confidential, except where its disclosure:
  - (i) is required by law; or
  - (ii) is reasonably believed to be necessary to protect any person from the risk of being harmed by the Church worker; or
  - (iii) is necessary for the purpose of undertaking the assessment of whether the Church worker is suitable to undertake authorised ministry in the Province or any disciplinary action against the Church worker.



# Ministry Standards Ordinance 2017

(Reprinted under the Interpretation Ordinance 1985.)

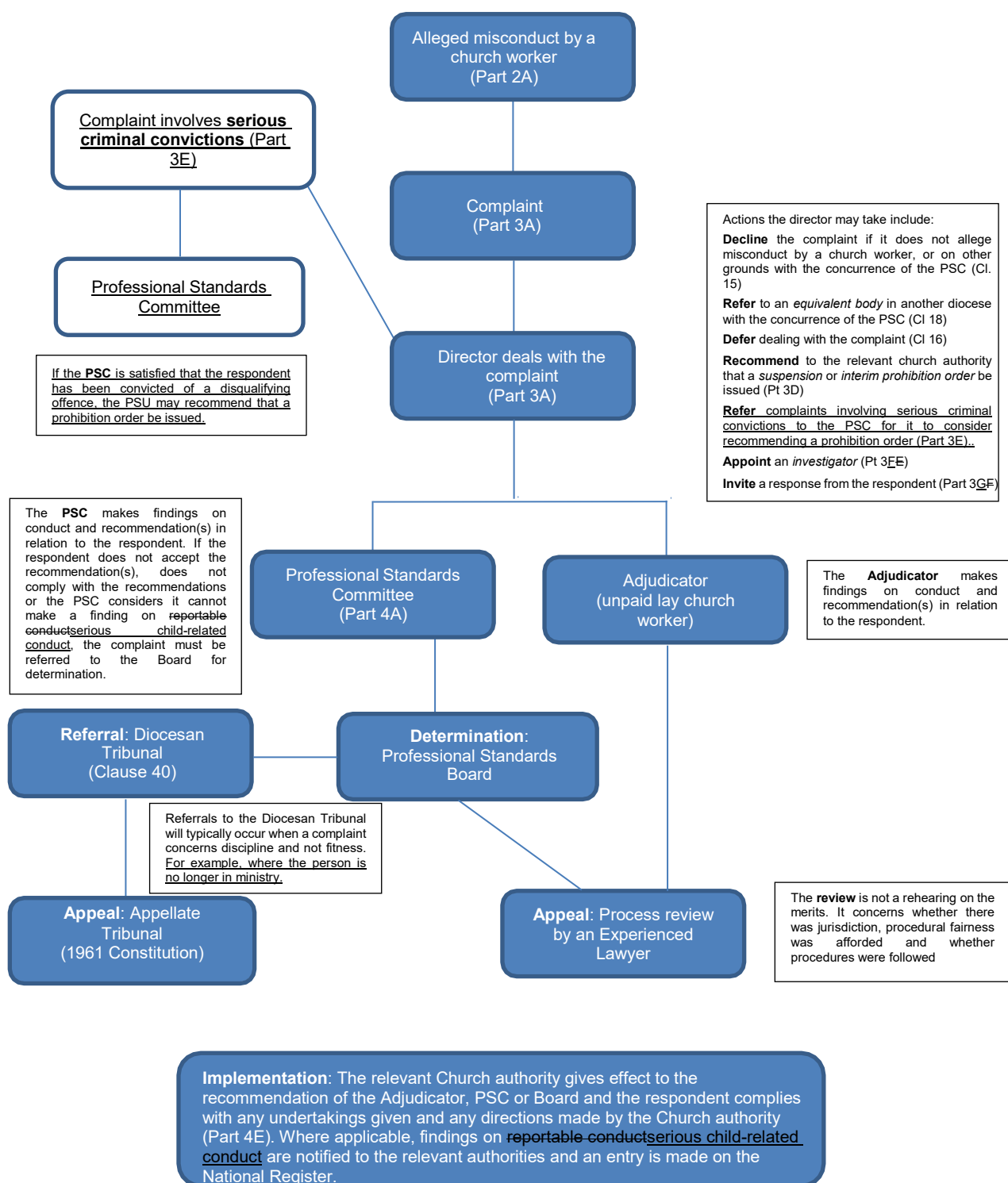
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## Diagrammatic Summary of the Complaints Process



**Please note:** This diagram is indicative only and does not set out all possible actions or steps that may be taken under the Ordinance.

**Long Title**

An Ordinance to make provision with respect to resolving complaints concerning the fitness of church workers.  
The Synod of the Diocese of Sydney ordains as follows.

**CHAPTER 1 – PRELIMINARY****1. Name**

This Ordinance is the *Ministry Standards Ordinance 2017*.

**PART 1A – PURPOSE AND APPLICATION****2. Overriding purpose**

- (1) The overriding purposes of this Ordinance are:
- (a) to uphold the standards of conduct expected of church workers in the Diocese;
  - (b) to protect the community;
  - (c) to provide a mechanism whereby complaints that church workers are not fit to hold office or ministry can be resolved; and
  - (d) to facilitate the just, expedient and efficient resolution of complaints.
- (2) The Director, the PSC, Adjudicators and the Board must each seek to give effect to these overriding purposes when exercising any power given by this Ordinance and when interpreting any provision of this Ordinance.

**3. Application**

- (1) This Ordinance applies only in respect of alleged misconduct by church workers:
- (a) resident, licensed or authorised in the Diocese, or engaged by a Church authority; or
  - (b) not resident, licensed or authorised in the Diocese nor engaged by a Church authority but whose misconduct is alleged to have occurred in the Diocese or when the church worker was resident, licensed or authorised in the Diocese or was engaged by a Church authority.
- (2) This Ordinance applies to misconduct wherever and whenever it is alleged to have been engaged in by a church worker, including misconduct that is alleged to have occurred before or after the commencement of this Ordinance.

**PART 1B - INTERPRETATION****4. Interpretation**

- (1) For the purposes of this Ordinance:
- “**Adjudicator**” means a person appointed under subclause 28(2);
- “**Appellate Tribunal**” means the Appellate Tribunal constituted by and under Chapter IX of the Constitution;
- “**Board**” means the Professional Standards Board established under Part 5C;
- “**ceremonial**” has the same meaning as that expression has in the Constitution;
- “**Chancellor**” means the person holding office from time to time as Chancellor of the Diocese;
- “**child**” means a person under the age of 18 years;
- “**child exploitation material**” means material that describes or depicts a person who is or who appears to be a child –
- (i) engaged in sexual activity; or
  - (ii) in a sexual context; or
  - (iii) as the subject of torture, cruelty or abuse (whether or not in a sexual context) in a way that a reasonable person would regard as being, in all the circumstances, offensive;
- “**child-related work**” has the same meaning as in the *Child Protection (Working with Children) Act 2012 (NSW)*;
- “**Church**” means the Anglican Church of Australia;
- “**Church authority**” means the Archbishop or a person or body having administrative authority of or in a Church body to license, appoint, authorise, dismiss or suspend a church worker;
- “**Church body**” means –
- (i) a parish, and

- (ii) any school, body corporate, organisation or association that exercises ministry within, or on behalf of, this Church in this Diocese –
  - (A) which is constituted by ordinance or resolution of the Synod,
  - (B) in respect of whose organisation or property the Synod may make ordinances, or
  - (C) in relation to which the Synod, the Standing Committee, the Archbishop or a body referred to in paragraphs (i) or (ii) elects or appoints a majority of the members of the governing body;

**“church worker”** has the meaning given in Part 2A;

**“Clergy”** means a person in holy orders;

**“Code of Conduct”** means *Faithfulness in Service* and any other code of conduct approved from time to time by the Synod or which operates in the Diocese pursuant to an ordinance of the Synod;

**“complainant”** means a person who makes a complaint;

**“complaint”** means a complaint made in accordance with Part 3A of this Ordinance;

**“Constitution”** means the Constitution of the Anglican Church of Australia;

**“Diocese”** means the Anglican Church of Australia in the Diocese of Sydney;

**“Diocesan policy for dealing with allegations of unacceptable behaviour”** means the policy of that name adopted by the Synod on 1 October 2015, as amended from time to time;

**“Diocesan Tribunal”** means the Diocesan Tribunal constituted for the Diocese in accordance with Chapter IX of the 1961 Constitution;

**“Director”** means the Director of Professional Standards appointed under Part 5A;

**“disqualifying offence”** means a criminal offence listed in Schedule 2 of the *Child Protection (Working with Children) Act 2012*;

**“doctrine”** has the same meaning as in the Constitution;

**“equivalent body”** means a body of another diocese exercising powers, duties or functions equivalent to those of the Director, the PSC the Board as the case may be, or where there is no such body, the bishop of the diocese;

**“experienced lawyer”** means a person who is or has been a judge or justice of an Australian, State or Territorial court or tribunal, or who has been admitted as an Australian legal practitioner for not less than 10 years;

**“faith”** has the same meaning as that expression has in the Constitution;

**“Faithfulness in Service”** means the code for personal behaviour and the practice of pastoral ministry by clergy and church workers adopted by the Synod in October 2004, as amended from time to time pursuant to an ordinance or resolution of the Synod;

**“information”** means information of whatever nature and from whatever source relating to alleged misconduct on the part of a church worker;

**“investigator”** means a person appointed by the Director to investigate a complaint;

**“member of the clergy”** means a person in Holy Orders;

**“misconduct”** has the meaning given in Part 2A;

**“national register”** means any national register established pursuant to a Canon of General Synod for the purpose of recording determinations of the Board and other equivalent bodies;

**“Professional Standards Committee”** or **“PSC”** means the Professional Standards Committee established under Part 5B;

**“Professional Standards Unit”** means the Professional Standards Unit of the Diocese;

**“prohibition order”** means an order prohibiting a church worker from holding a specified position or office in or being employed by a Church body or Church authority or from carrying out any specified functions in relation to any office or position in the diocese or in relation to employment by a Church body, and includes a variation of a prohibition order;

**“Registrar”** means the person appointed by the Archbishop under his hand and seal to be Registrar of the Diocese or in his absence the person appointed by the Archbishop to perform the duties of the Registrar either in his absence or as his deputy;

**“reportable conduct”** has the meaning given in Part 2A;

**“respondent”** means a church worker whose alleged conduct is the subject of a complaint;

**“ritual”** has the same meaning as that expression has in the Constitution;

**“Safe Ministry Board”** means the body of that name constituted under the *Safe Ministry Ordinance 2005*;

**“safety plan”** means the form of agreement developed by the Professional Standards Unit to regulate a person’s participation in the ministry activities of a church of the Diocese;

**“serious child-related conduct”** has the meaning given in clause 7;

**“suspension order”** has the meaning in clause 19;

**“under legal incapacity”** has the same meaning as in the *Civil Procedure Act 2005 (NSW)*; and

**“unpaid lay church worker”** means a lay church worker who does not hold a paid role, office or position in the Diocese at the time a complaint is made against them under this Ordinance.

(2) For the purposes of complaints dealt with by an Adjudicator under Part 3HG, references to the PSC and the Board in Chapters 1 to 3 of this Ordinance are taken to be references to the Adjudicator unless the context or subject matter otherwise requires.

(3) The diagram appearing before the Long Title and the notes in the footnotes of this Ordinance are for explanatory purposes only and do not form part of this Ordinance. The Diocesan Secretary is authorised to update the diagram and the notes when reprinting this Ordinance under clause 8 of the *Interpretation Ordinance 1985*.

## CHAPTER 2 – SCOPE OF THE ORDINANCE

## PART 2A – CHURCH WORKERS AND MISCONDUCT

**5. Who is a church worker?**

This Ordinance applies to fitness for office of church workers. Subject to clause 3, **church worker** means a person who:

- (a) is or has been a member of the clergy; or
- (b) holds or has held a position of leadership within the Diocese and without limiting the generality of the foregoing a position of leadership includes -
  - (i) an office, or
  - (ii) membership of a body incorporated by or under the *Anglican Church of Australia Bodies Corporate Act 1938*, or
  - (iii) membership of a body corporate following election or appointment by the Synod, Standing Committee, the Archbishop or a Church body, or
  - (iv) a warden, or
  - (v) membership of a parish council, or
  - (vi) membership of any other board, council or committee established by the Synod, the Standing Committee, a regional council or a parish council, or
  - (vii) a chief executive officer of an organisation constituted by an ordinance of the Synod or the Standing Committee, meaning the person who is responsible to the governing body of the organisation for the work of the organisation; or
  - (viii) an officer of a kind specified in the Parish Administration Ordinance 2008, or
  - (ix) an appointment or authorisation by a rector, warden or parish council or by any delegate or agent of such a person or body of persons,

but excludes a bishop who is subject to the jurisdiction of the Special Tribunal.

**6. What conduct is misconduct by a church worker?**

(1) **Misconduct** by a church worker means conduct which, if established, would call into question:

- (a) the fitness of the person to hold a role, office or position, or to be or remain in Holy Orders;
- (b) the fitness of the person, whether temporarily or permanently, to exercise ministry or perform any duty or function of the role, office or position; or
- (c) whether, in the exercise of ministry or in the performance of any duty or function, the person should be subject to any condition or restriction,

but does not mean –

- (d) any breach of faith, ritual or ceremonial,
- (e) any act or omission that involves:
  - (i) refusing to appoint, correcting, disciplining, counselling, admonishing, transferring, demoting, suspending, retrenching or dismissing a person if done –
    - (A) in good faith;
    - (B) reasonably; and
    - (C) in the normal and lawful discharge of the duties and functions; or
  - (ii) respectfully disagreeing with or criticising someone's beliefs or opinions or actions, except in the case of conduct which, if established, would constitute ~~reportable conduct~~serious child-related conduct, or
- (f) public statements, acts or practices made or done in good faith for a proper purpose that are within the standards and doctrines of the Church in the Diocese, or
- (g) exempt conduct to which Part 2B applies.

(2) Misconduct may include but is not limited to the following –

- (a) acts or omissions that would constitute the commission of an offence under the *Offences Ordinance 1962*, as amended from time to time,<sup>1</sup>

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<sup>1</sup> *Offences under the Offences Ordinance 1962 include:*

- (i) *unchastity;*
- (ii) *drunkenness;*

- (b) **abuse**, which means:
- (i) **bullying** (as defined below);
  - (ii) **child abuse**, which means bullying, emotional abuse, harassment, neglect, physical abuse, sexual abuse or spiritual abuse in relation to a child, and includes possessing, producing or distributing child exploitation material;
  - (iii) **emotional abuse**, which means acts or omissions that have caused, or could cause ~~emotional harm or lead to serious behavioural or cognitive disorders~~ significant harm to the wellbeing or development of another person, which 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;
  - (iv) **harassment**, which means unwelcome conduct, whether intended or not, in relation to another person where the person feels with good reason in all the circumstances offended, belittled or threatened;
  - (v) **neglect**, which means the failure to provide the basic necessities of life where a child's health and development are placed at risk of harm, which includes being deprived of food, clothing, shelter, hygiene, education, supervision and safety, attachment to and affection from adults and medical care;
  - (vi) **physical abuse**, which means any intentional or reckless act, use of force or threat to use force causing injury to, or involving unwelcome physical contact with, another person, but does not include lawful discipline by a parent or guardian;
  - (vii) **sexual abuse**, which has the same meaning set out in *Faithfulness in Service*;
  - (viii) **spiritual abuse**, which means the mistreatment of a person by actions or threats when justified by appeal to God, faith or religion;
- (c) **bullying** which means behaviour directed to a person or persons which:
- (i) is repeated;
  - (ii) is unreasonable (being behaviour that a reasonable person, having considered the circumstances, would see as unreasonable, including behaviour that is victimising, humiliating, intimidating or threatening); and
  - (iii) creates a risk to their health and safety.

Bullying can include:

- (i) making derogatory, demeaning or belittling comments or jokes about someone's appearance, lifestyle, background or capability;
  - (ii) communicating in an abusive manner;
  - (iii) spreading rumours or innuendo about someone or undermining in other ways their performance or reputation;
  - (iv) dismissing or minimising someone's legitimate concerns or needs;
  - (v) inappropriately ignoring, or excluding someone from information or activities;
  - (vi) touching someone threateningly or inappropriately;
- 
- (iii) *habitual and wilful neglect of ministerial duty after written admonition in respect thereof by the Bishop of the Diocese;*
  - (iv) *wilful failure to pay just debts;*
  - (v) *conduct, whenever occurring –*
    - (a) *which would be disgraceful if committed by a member of the clergy; and*
    - (b) *which at the time the charge is preferred is productive, or if known publicly would be productive, of scandal or evil report;*
  - (vi) *sexual abuse;*
  - (vii) *child abuse; or*
  - (viii) *conviction in New South Wales of an offence which is punishable by penal servitude or imprisonment for 12 months or upwards or the conviction outside New South Wales of an offence which, if committed in New South Wales, would be an offence so punishable; or*
  - (ix) *grooming,*
  - (x) *inappropriate pastoral conduct involving a child, and*
  - (xi) *possession, production or distribution of child exploitation material.*

- (vii) invading someone's personal space or interfering with their personal property;
- (viii) teasing someone, or playing pranks or practical jokes on someone;
- (ix) displaying or distributing written or visual material that degrades or offends;
- (x) cyberbullying which is a form of bullying that involves the use of information and communication technologies.

Bullying does not include lawful conduct of clergy or church workers carried out in a reasonable manner, such as:

- (i) disagreeing with or criticising someone's belief or opinions or actions in an honest and respectful way;
  - (ii) giving information about inappropriate behaviour in an objective way to the person or persons concerned and to any other person with a proper reason for having that information;
  - (iii) setting reasonable performance goals, standards or deadlines;
  - (iv) giving information about unsatisfactory performance in an honest and constructive way;
  - (v) taking legitimate disciplinary action;
- (d) **grooming** which means actions deliberately undertaken with the aim of engaging and influencing an adult or a child for the purpose of sexual activity; in the case of sexual abuse of a child, an offender may groom not only the child, but also those close to the child, including the child's parents or guardians, other family members, clergy and church workers; grooming can include providing gifts or favours to the child or their family. In the case of sexual abuse of an adult, an offender may groom not only the adult, but also those close to them, including their children, clergy and church workers;
- (e) **inappropriate pastoral conduct involving a child** which means engaging in a pattern of conduct involving a child or a group of children that is inconsistent with the standards and guidelines of *Faithfulness in Service*;
- (f) **process failure**, which means any of the following:
- (i) failure without reasonable excuse to comply with the laws of the Commonwealth or a State or Territory requiring the reporting of child abuse to the police or other authority;
  - ~~(i)~~(ii) a failure by a person licensed by the Archbishop, a person in holy orders resident in the Diocese or a person who holds an authority under the *Authorisation of Lay Ministry Ordinance 2015* for the purposes of paid work, without reasonable excuse, to make a report under clause 12 or a failure by that person to cooperate with an investigation of that conduct;
  - ~~(i)~~(iii) failure without reasonable excuse by a Church authority to deal with or to investigate in a reasonable or timely manner matters involving:
    - (A) abuse; or
    - (B) alleged inappropriate or unreasonable conduct of a church worker who had knowledge of conduct of another church worker constituting sexual abuse or child abuse;
 in circumstances where the Church authority has an obligation by law or under this Ordinance to deal with or investigate such conduct;
- (g) **safe ministry training failure**, which means a failure without a reasonable excuse to complete satisfactorily 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;
- (h) **sexual misconduct** which has the same meaning as in the *Child Protection (Working with Children) Act 2012 (NSW)*;
- (i) threatening or taking, or attempting to take, action against a person because they have made, or have been involved in, a complaint under this Ordinance;
- ~~(g)~~(j) attempts, by threat, intimidation or inducement to –
- (i) dissuade a person from making a complaint,
  - (ii) persuade a person to withdraw a complaint, or
  - (iii) persuade a person to consent to the withdrawal of a complaint;
- ~~(h)~~(k) failure without reasonable excuse by a respondent to cooperate with the investigation of a complaint under the Ordinance;
- ~~(i)~~(l) failure without reasonable excuse to comply with a condition imposed by a Church authority under this Ordinance;

- ~~(j)~~(m) failure without reasonable excuse to comply with an undertaking given to or a direction or order given by an Adjudicator, the PSC, Board or a Church authority; or
- ~~(k)~~(n) conduct that would constitute a breach of section 316 of the *Crimes Act 1900 (NSW)* with respect to the reporting of serious indictable offences.

## 7. What is ~~reportable serious child-related~~ conduct?<sup>2</sup>

~~Reportable conduct~~ Serious child-related conduct means conduct that is sexual misconduct committed against, with or in the presence of a child, including grooming of a child, or any serious physical assault of a child by a person:

- (a) when engaged in child-related work in the Diocese; or
- (b) who –
  - (i) is in child-related work in the Diocese at the time a complaint concerning their conduct is made, or
  - (ii) has performed child-related work in the Diocese at any time in the two years prior to the date that a complaint concerning their conduct is made.

## PART 2B – EXEMPT CONDUCT

### 8. Declaration of exemption following disclosure of past conduct

(1) If a person makes a full disclosure to the Archbishop in writing that the person has engaged in conduct that may be the subject of a complaint under this Ordinance in the following circumstances:

- (a) by a person prior to ordination by or on behalf of the Archbishop as a deacon; or
- (b) by a person who is not ordained prior to being issued with an authority under the *Deaconess, Readers and Other Lay Persons Ordinance 1981* or the *Authorisation of Lay Ministry Ordinance 2015* for the purpose of undertaking paid work; or
- (c) by a person who has been ordained, otherwise than by or on behalf of the Archbishop prior to being first licensed by the Archbishop where conduct was committed prior to ordination as a deacon;

the Archbishop, with the concurrence of the PSC, may declare that the conduct cannot be the subject of a complaint under this Ordinance.

(2) The Archbishop must not make a declaration under this Part:

- (a) in respect of a person who has been convicted of a disqualifying offence listed in Schedule 2 of the *Child Protection (Working with Children) Act 2012*.<sup>3</sup>; or
- (b) if the person has been refused a declaration in relation to the same or similar conduct in the previous 5 years.

(3) The Archbishop must not make a declaration under this Part in respect of the conduct of a person unless the Archbishop and the PSC consider that the person:

- (a) has made appropriate reparation for the conduct; and
- (b) is fit to be ordained, to be issued with an authority or to be licensed by the Archbishop, as the case may be; and
- (c) does not pose a risk to the safety of any person taking into account the following matters:
  - (i) the circumstances in which the conduct occurred;
  - (ii) the seriousness of the conduct;
  - (iii) the age of the person at the time of the conduct;
  - (iv) the age of the victim(s) at the time;
  - (v) the difference in ages between the person and the victim(s);
  - (vi) the person's criminal record, if any;

<sup>2</sup> ~~Section 35(1) of the Child Protection (Working With Children) Act 2012 (NSW) imposes a duty on a reporting body (which includes the Anglican Church in New South Wales, including organisations of dioceses) to notify the Children's Guardian of the name and other identifying particulars of any child-related worker against whom the reporting body has made a finding that the worker has engaged in sexual misconduct committed against, with or in the presence of a child, including grooming of a child, or any serious physical assault of a child.~~

<sup>3</sup> Note: Disqualifying offences in Schedule 2 of the *Child Protection (Working with Children) Act 2012* include the murder or manslaughter of a child, intentional wounding or committing grievous bodily harm to a child, abandonment of a child, serious sex offences, incest, bestiality and offences related to child pornography/child abuse material. In general, these are sex offences or offences involving children which are punishable by imprisonment of 12 months or more.

(vii) such other matters as are considered relevant.

- (4) If the Archbishop makes a declaration under this Part in respect of the conduct of a person:
- (a) the declaration has effect for the purposes of this Ordinance according to its terms; and
  - (b) no action is to be taken or continued under this Ordinance in respect of a complaint if the Director, with the concurrence of the PSC, determines that the whole of the conduct that is the subject of the complaint is exempt conduct.

**CHAPTER 3 – PROCESSING OF COMPLAINTS****PART 3A – MAKING COMPLAINTS****9. Who may make a complaint?**

Any person, including the Director, may make a complaint of misconduct in relation to a church worker.

**10. How to make a complaint**

- (1) All complaints must be made to the Director.
- (2) A complaint may be in any form, oral or in writing, whether by electronic means or otherwise.
- (3) Where a complaint is oral, the Director must make a written record of the complaint as soon as practicable after receiving it.
- (4) A complaint must include details of the misconduct complained about.
- (5) The Director must not make a complaint based only on information provided anonymously.
- (6) Non-compliance with this clause does not invalidate a complaint unless the Board determines otherwise.

**11. Director to explain the complaints process**

The Director must use reasonable endeavours to explain the processes set out in this Ordinance to the complainant prior to any investigation of the complaint.

**12. Obligation to report knowledge or reasonable belief of certain matters**

A church worker who knows or has reason to believe that another church worker has engaged in conduct which constitutes child abuse, grooming, inappropriate pastoral conduct involving a child or possession, production or distribution of child exploitation material must report to the Director, as soon as practicable, the name or a description of the other church worker and the grounds for believing that the other church worker has engaged in such conduct.

**13. Withdrawal of complaint**

- (1) Subject to subclause (2), a complaint is taken to have been withdrawn if the complaint does not allege ~~reportable conduct~~ serious child-related conduct and:
  - (a) the complainant gives written notice of the withdrawal of the complaint to the Director; or
  - (b) the complainant gives oral notice of the withdrawal of the complaint to the Director, and the Director provides the complainant with written confirmation of the withdrawal.
- (2) If the complaint has already been referred to the PSC at the time the notice of withdrawal is received by the Director, the complaint will only be taken to be withdrawn if the PSC consents to the withdrawal.

**PART 3B - HANDLING OF COMPLAINTS BY THE DIRECTOR****14. What can the Director do when dealing with a complaint?**

The Director must deal with the complaint as expeditiously as possible and must take at least one or more of the following courses of action:

- (a) decline to deal with the complaint under clause 15;
- (b) refer to the matter directly to the PSC and seek the concurrence of the PSC that the complaint be declined or deferred under clause 16;
- (c) ask the complainant to verify the complaint by statutory declaration;
- (d) ask the complainant to provide further details of the conduct that is the subject of the complaint;
- (e) recommend to the relevant Church authority that the respondent should be suspended from exercising the functions of office or employment by one or more Church bodies or that an interim prohibition order be made against the respondent under Part 3D;
- (f) if the respondent is an unpaid lay church worker, refer the matter to an Adjudicator under Part 3GH;
- (g) investigate, or appoint a person to investigate the complaint under Part 3EF;
- (h) invite a response from the respondent under Part 3FG.

**PART 3C – DECLINING, DEFERRING OR REFERRING COMPLAINTS****15. When must the Director decline a complaint?**

The Director must decline a complaint if the complaint does not allege any misconduct which may be the subject of a complaint under this Ordinance.

**16. When may the Director decline or defer a complaint with the concurrence of the PSC?**

(1) ~~Apart from complaints about reportable conduct, the~~ The Director may at any time, with the concurrence of the PSC, decline to deal with a complaint, or defer dealing with a complaint if:

- (a) the complainant has not provided further details or a verifying statutory declaration after being asked to do so and it is reasonable in the circumstances to conclude that the complainant will not do so; or
- (b) the complaint is false, vexatious or misconceived or the subject-matter of the complaint is trivial; or
- (c) there is insufficient reliable evidence to warrant an investigation or further investigation; or
- (d) the conduct that is the subject matter of the complaint can properly be dealt with by other means, ~~unless the conduct is serious child-related conduct 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;~~
- (e) the conduct which is the subject of the complaint is under investigation by some other competent person or body or is the subject of legal proceedings, or
- (f) there would be no utility in dealing with the complaint under this Ordinance having regard to:
  - (i) whether the respondent currently holds any position of leadership within the Diocese,
  - (ii) the length of time since the respondent has held any position of leadership within the Diocese,
  - (iii) the age of the respondent,
  - (iv) the health of the respondent, and
  - (v) any other relevant circumstance.

(2) The Director, with the concurrence of the PSC, must decline to deal with a complaint if the misconduct the subject of the complaint is not materially different from conduct already dealt with under –

- (a) this Ordinance, or
- (b) the Discipline Ordinance 2006, or
- (c) the Church Discipline Ordinance 1996, or
- (d) the Church Discipline Ordinance 2002, or
- (e) the Tribunal Ordinance 1962, or
- (f) a formal investigation or inquiry with the authority of the Archbishop which was commenced prior to the date of assent to the Church Discipline Ordinance 2002,

unless,

- (g) in the opinion of the Director, the complaint is supported by apparently credible evidence of fresh facts likely to lead to a different result; ~~or~~
- ~~(h) the complaint has only been dealt with under Part 3E, or~~
- ~~(h)(i) the complaint alleges reportable conduct~~ serious child-related conduct and the Director decides to deal with the complaint under this Ordinance in order to make a finding that the respondent has or has not engaged in the alleged ~~reportable conduct~~ serious child-related conduct in connection with –
  - (i) any requirement by law to notify a person or authority that a finding has been made that the respondent engaged in conduct the subject of any such requirement to notify; and
  - (ii) entering on the National Register the details of information required by the provisions of the National Register Canon 2007.

(3) In dealing with a complaint for the purposes of clause 2(h) above, any prior findings of fact made by a body exercising functions under any of the ordinances (or a formal investigation or inquiry with the authority of the Archbishop) listed in subclause (2) are conclusive.

**17. Notification of a decision to decline to deal with or defer a complaint**

(1) Subject to subclause (2), if the Director declines to deal with or defer a complaint under this Part, the Director must give the complainant and the respondent written notice of this decision, including reasons for the decision.

(2) The Director may, but is not required to, provide written notice to the respondent under this clause if the Director believes on reasonable grounds that the respondent is not aware of the existence of the complaint.

**18. When may a complaint be referred to an equivalent body?**

- (1) The Director may, with the concurrence of the PSC, if they think it appropriate to do so, refer a complaint, or the investigation of a complaint, to an equivalent body or bodies.
- (2) Without limiting the discretion of the PSC under subclause (1), it is appropriate to refer a complaint, or the investigation of a complaint, to an equivalent body or bodies if when the complaint is made the respondent –
  - (a) resides in another diocese or holds a licence or from a Church authority in another diocese; and
  - (b) neither resides in the Diocese nor holds a licence or permission to officiate or other authority from a Church authority in the Diocese.
- (3) When the PSC and an equivalent body or bodies have the power and duty to investigate information concerning the alleged misconduct of the respondent and the respective bodies cannot agree on –
  - (a) which body shall carry out the investigation or any parts of such investigation; or
  - (b) whether a complaint should be referred to the Board or to an equivalent body which has jurisdiction,

the PSC must refer the disagreement for decision by an independent person agreed upon by the PSC and the equivalent body or bodies who is to reach a decision within a reasonable time.

(4) In all matters affecting the operation of this Ordinance the PSC and the Director must co-operate with and assist an equivalent body and a person acting in the corresponding capacity of the Director in another diocese.

(5) In making a decision under subsection (3) the independent person will not be bound by the views or instruction of the PSC but shall take into account the most convenient course for all concerned and the proper and expeditious conduct of the investigation or referral as the case may be.

**PART 3D - SUSPENSION AND INTERIM PROHIBITION ORDERS****19. What can the Director recommend?**

At any time after a complaint is made the Director may recommend to the relevant Church authority that the respondent is suspended from being a church worker or may recommend that an interim prohibition order be made against the respondent, subject to the following:

- (a) the Director must give the respondent the opportunity to be heard in relation to the proposed recommendation or order; and
- (b) in deciding whether to make the recommendation or order the Director must take the following matters into account:
  - (i) the seriousness of the conduct alleged in the complaint;
  - (ii) the nature of the material to support or negate the complaint;
  - (iii) whether any person is at risk of harm; and
  - (iv) the likely effect on the respondent and on the relevant Church body.

**20. What is the effect of the Director recommending a suspension order?**

If the Director recommends that the respondent be suspended from being a church worker:

- (a) the relevant Church authority is authorised to do all such things as may be necessary to give effect to the recommendation;
- (b) ~~during a period of suspension~~ any period of suspension by the Church Authority, or during a period when a person voluntarily stands down from a position:
  - (i) the respondent is ineligible for appointment to any position or function covered by the suspension;
  - (ii) the relevant Church authority may fill the vacancy during the term of any suspension; and
  - ~~(iii) the person against whom the complaint is made is entitled to 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;~~
  - (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;

- (c) the respondent must comply with the terms of recommendation; and
- (d) the suspension ceases to have any effect:
  - (i) if the Director terminates the investigation without referring the matter to the PSC, or
  - (ii) upon any direction to that effect given by the PSC, or
  - (iii) upon the Church authority or the respondent (as the case may be) giving effect to the recommendation(s) of the Adjudicator, PSC or the Board.

## **21. What is the effect of the Director recommending an interim prohibition order?**

- (1) If the Director recommends that an interim prohibition order be made the Archbishop must give prompt consideration to the Director's recommendation and may make an Interim Prohibition Order.
- (2) If the Archbishop makes an Interim Prohibition Order:
  - (a) the respondent and any relevant Church authority must comply with the Interim Prohibition Order;
  - (b) the respondent is ineligible for appointment to any position or function covered by the order;
  - (c) the relevant Church authority may fill the vacancy caused by the order;
  - (d) the person against whom the complaint is made is entitled to whatever stipend, salary, allowances and other benefits that he or she would otherwise have received and which are to be met or reimbursed from funds under the control of the Synod.
- (3) An Interim Prohibition Order ceases to have effect:
  - (a) if the Director terminates the investigation without referring the matter to the PSC, or
  - (b) upon any direction to that effect given by the PSC, or
  - (c) upon –
    - (i) the respondent complying with all recommendation(s) (if any) of the PSC accepted by the respondent, subject to the respondent continuing to comply with the recommendation(s) within any period set out in the notice; and
    - (ii) the Church authority giving effect to the recommendation(s) (if any) of the Adjudicator, PSC or the Board.
  - (d) if the Archbishop suspends the respondent under section 61 of the 1961 Constitution.

## **PART 3E – COMPLAINTS INVOLVING SERIOUS CRIMINAL CONVICTIONS**

### **21A. Application of this Part**

This Part 3E applies in respect to complaints concerning respondents who have been convicted of by a court of a disqualifying offence listed in Schedule 2 of the *Child Protection (Working with Children) Act 2012*.

### **21B. Notification to respondent**

(1) If the Director is in possession of the reasons for judgment or other record from a court within Australia, a police history check, or a notification from a statutory authority, which indicates that the respondent to a complaint 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 it to determine whether to make a recommendation to the Archbishop that a prohibition order be issued in respect to the respondent, and
- (d) request the respondent to provide a response to the complaint within a period of not less than 21 days or such longer period specified by the Director.

(2) Following expiration of the period within which the respondent may provide a response under clause 23(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 by a court within Australia, the PSC may recommend to the Archbishop that a prohibition order be made against a respondent in terms recommended by the PSC. If the PSC is not satisfied that the respondent has been convicted of the relevant offence, this Part 3E ceases to apply to the complaint and the Director is to deal with the complaint in

accordance with the other provisions of this Ordinance.

### **PART 3FE - INVESTIGATION OF COMPLAINTS**

#### **22. Conduct of Investigation**

- (1) Subject to Part 3C, the Director may appoint a person to investigate a complaint, and such investigations are to be conducted as promptly as reasonably possible.
- (2) The Director may, by notice in writing, revoke the appointment of an investigator if the investigator fails or refuses to comply with the requirements of this Ordinance or any other reasonable requirements of the Director.

#### **23. Powers of the investigator**

- (1) For the purposes of an investigation:
  - (a) the investigator may obtain such statutory declarations, written statements, recorded conversations, reports, documents and other material as the investigator considers necessary or advisable;
  - (b) the investigator may require the person making the complaint to verify the complaint by statutory declaration if this has not already been done;
  - (c) if the investigator interviews a person, the investigator must:
    - (i) record the interview, subject to the interviewee giving their consent, and
    - (ii) allow the person to have another person present with them, being a person who is not a witness to the matters which are the subject of the complaint;
  - (d) the investigator may, by notice in writing, require the respondent –
    - (i) to respond to a question or series of questions within the time specified in the notice in relation to any matter relevant to the investigation, and
    - (ii) to otherwise assist in, or cooperate with the investigation of the complaint in a specified manner.
- (2) A person must answer truthfully any question put by or on behalf of the investigator in exercising the powers conferred by this Ordinance, and must not mislead or obstruct the investigator in the exercise of powers conferred by this Ordinance.<sup>4</sup>

#### **24. Outcome of the investigation**

The investigator is to make and forward to the Director, without unnecessary delay, a report setting out the results of the investigation together with a copy of all records made in the course of the investigation.

### **PART 3GF - NOTIFICATION OF AND RESPONSE TO THE COMPLAINT**

#### **25. What notification must the Director provide to the respondent?<sup>5</sup>**

After receiving the investigator's report or if, after receiving a complaint, the Director decides not to appoint a person at that particular time to investigate the complaint, the Director is –

- (a) to notify the substance of the complaint to the respondent, and
- (b) to request the respondent to provide a response to the complaint within a period of not less than 21 days or such longer period specified by the Director, and
- (c) to inform the respondent generally of the processes under this Ordinance (which may be done by providing a copy of this Ordinance), and
- (d) to advise the respondent of the possible outcomes if the allegations in the complaint are upheld, and
- (e) to caution the respondent not to make any admissions without the benefit of legal advice.

#### **26. What responses may be given by a respondent?**

- (1) A respondent may respond by admitting or denying the complaint in whole or in part.
- (2) A response must be in writing signed by the respondent or, in the case of a respondent under legal incapacity, by –
  - (a) a parent or guardian, or

<sup>4</sup> Misconduct for the purposes of this Ordinance includes failure without reasonable excuse by a respondent to cooperate with the investigation of a complaint.

<sup>5</sup> Upon notifying the substance of the complaint to the person against whom the complaint is made, the complaint may become a notifiable complaint for the purposes of the National Register Canon 2007. In this case, section 8 of the Canon requires the Director to notify the General Secretary of certain information about the complaint for inclusion on the National Register within 1 month of having access to that information.

- (b) a person responsible for the welfare of the respondent under legal incapacity or acting on his or her behalf.

(3) If the complaint has not been investigated and the respondent denies the complaint, or does not admit the complaint or the substance of the complaint, the Director may appoint a person to investigate the complaint in the manner set out in Part 3F.

### **PART 3HG – SPECIAL PROCEDURE FOR UNPAID LAY CHURCH WORKERS (ADJUDICATORS)**

#### **27. Application of this Part**

- (1) Subject to subclause (2), this Part applies to complaints made against unpaid lay church workers to the exclusion of Parts 4A to 4D.
- (2) If the Director considers that a complaint against an unpaid lay church worker raises substantially the same circumstances as another complaint that has been or will be referred to the PSC, the Director may instead refer the complaint to the PSC to be dealt with under Chapter 4.

#### **28. Action on receipt of an admission or the investigator's report**

- (1) On receipt of an admission under clause 26 or the investigator's report, the Director must –
  - (a) request the Registrar to appoint an experienced lawyer to be the Adjudicator for a complaint to which this Part applies;
  - (b) notify the Adjudicator of the identity of the respondent; and
  - (c) furnish the Adjudicator with a copy of all material in the Director's possession relevant to the complaint, including a copy of any investigator's report.
- (2) The Registrar must promptly appoint an experienced lawyer following a request from the Director under subclause (1)(a).
- (3) The Director must also –
  - (a) notify the respondent that the complaint has been referred to the Adjudicator; and furnish the respondent with a copy of all material in the Director's possession relevant to the complaint, including a copy of any investigator's report; and
  - (b) invite the respondent to provide any further information or material, and to make written representations to the Adjudicator relating to the complaint within 28 days or such longer period as may be agreed to by the Director.

#### **29. Review of material by the Adjudicator**

- (1) The Adjudicator is to review the material provided by the Director and any further information or material provided by the respondent.
- (2) If the complaint or the substance of the complaint has been admitted by the respondent, the Adjudicator may proceed to make recommendations under clause 30.
- (3) If the complaint or the substance of the complaint has not been admitted by the respondent, the Adjudicator must apply the rules of procedural fairness and otherwise determine a procedure for resolution of the complaint before proceeding to make recommendations under clause 30 or findings under clause 31.

#### **~~30. Recommendations by the Adjudicator~~**

- ~~(1) The Adjudicator may make recommendations in relation to the respondent and for this purpose may make recommendations to:~~
- ~~(2) the respondent; or~~
- ~~(3) the relevant Church authority.~~
- ~~(4) Prior to making any recommendations under subclause (1), the Adjudicator must inform the Archbishop, the relevant Church authority and the respondent of the proposed recommendations and provide a reasonable opportunity for each to make written submissions.~~
- ~~(5) In making recommendations the Adjudicator has the same powers as the Board.~~
- ~~(6) For the avoidance of doubt, if the Adjudicator makes a recommendation under clause 30(1)(a), the Adjudicator is not precluded from making further recommendations in relation to the respondent under clause 30(1)(b).~~

#### **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.

### **31. Making findings on ~~Reportable Conduct~~serious child-related conduct**

If the complaint alleges that the respondent has committed ~~reportable conduct~~serious child-related conduct, the Adjudicator must make a finding on whether the respondent engaged in any or all of the conduct so alleged, and these findings shall constitute findings for the purpose of –

- (a) any requirement by law to notify a person or authority that a finding has been made that the respondent engaged in conduct which is the subject of any such requirement to notify; and  
 (b) entering on the National register the details of information required by the provisions of the *National Register Canon 2007*.

### **32. Costs of responding to a complaint**

The Adjudicator has no power to award costs. The respondent is responsible for meeting their own costs of responding to the complaint.

### **33. Review**

The decisions and recommendations of the Adjudicator are not appellable or subject to review, except that a respondent may make an application for review under Part 4C and for this purpose references to the Board and PSC in Part 4C are taken to be references to the Adjudicator.

**CHAPTER 4 – RESOLVING COMPLAINTS****PART 4A – CONSIDERATION BY THE PSC****34. Referral to the PSC**

On receipt of any report from the Investigator in relation to a complaint made against a person who is not an unpaid lay church worker and any response from the respondent, the Director must –

- (a) notify the PSC of the identity of the person against whom the complaint is made, and
- (b) furnish the PSC with a copy of all material in the Director's possession relevant to the complaint, including a copy of any investigator's report,

and must also –

- (c) notify the respondent that the complaint has been referred to the PSC, and
- (d) furnish the respondent with a copy of all material in the Director's possession relevant to the complaint, including a copy of any investigator's report, and
- (e) invite the respondent to provide any further information or material, and to make written representations to the PSC, relating to the complaint, within 28 days or such longer period as may be agreed to by the Director.

**35. What can the PSC do when dealing with the complaint?**

(1) The PSC is to review the material furnished to it by the Director and any further information or material provided to it by the respondent and may take at least one or more of the following courses of action –

- (a) request the Director to appoint an Investigator to further investigate the whole or any aspect of the complaint; or
- (b) take no further action in relation to the Complaint under clause 36; or
- (c) make findings on the conduct and dismiss the complaint under clause 37; or
- (d) terminate suspension and prohibition orders under clause 38; or
- (e) refer the matter to the Board under clause 39; or
- (f) recommend that the complaint be referred to the Diocesan Tribunal under clause 40; or
- (g) make one or more recommendations under clause 41.

(2) In deciding upon a course of action the PSC is to take the following matters into consideration –

- (a) the nature of the complaint and the seriousness of the conduct the subject of the complaint, in particular, whether that conduct comprises child abuse, grooming, inappropriate pastoral conduct involving a child or possession, production or distribution of child exploitation material;
- (b) whether there is more than one complaint;
- (c) whether the complaint alleges more than one incident, or only a single incident;
- (d) when the conduct is alleged to have occurred;
- (e) the circumstances in which the conduct is alleged to have occurred;
- (f) the ages of the complainant and the person against whom the complaint is made at the time the conduct is alleged to have occurred;
- (g) if the person against whom the complaint is made –
  - (i) is a member of the clergy – whether the person was a member of the clergy at the time the conduct is alleged to have occurred; or
  - (ii) is not a member of the clergy – the position held or function performed by the person at the time the conduct is alleged to have occurred;
- (h) whether the evidence of the complainant is corroborated;
- (i) any views expressed by the complainant as to the desired outcome of the complaint;
- (j) whether the person against whom the complaint is made has made any reparation for the conduct the subject of the complaint and, if so, the nature and extent of the reparation;
- (k) any other misconduct committed by the person against whom the complaint has been made;
- (l) whether any part of the conduct which is the subject of the complaint is exempt conduct;
- (m) the practicability and likely effectiveness of the recommendation; and
- (n) such other matters as the PSC considers relevant.

**36. No further action**

If the PSC considers –

- (a) that the material furnished to it by the Director does not disclose any misconduct which may be the subject of a complaint under this Ordinance, or
- (b) that the complaint is false, vexatious or misconceived, or
- (c) that it is more likely than not that the subject-matter of the complaint did not occur, or
- (d) that the subject-matter of the complaint is trivial,

the PSC is to recommend that no further action be taken with respect to the complaint.<sup>6</sup>

### 37. Findings on conduct

If the PSC is satisfied on the material before it that the respondent did not engage in any of the misconduct which is the subject of the complaint, it must dismiss the complaint and recommend that no further action be taken with respect to the complaint, other than action which is incidental to dismissal.

### 38. Termination of suspension and prohibition orders

The PSC may direct that a suspension or prohibition order made by a Church authority pursuant to a recommendation under Part 3D must be terminated by the Church authority.

### 39. Reference to the Board

- (1) The PSC must refer to the complaint to the Board if:
  - (a) the complaint alleges ~~reportable conduct~~ serious child-related conduct, and the PSC considers that it is unable to make a finding on the material before it that the respondent has or has not engaged in any or all of such misconduct which is the subject of the complaint; or
  - (b) the PSC makes a recommendation under clause 41 and the respondent does not accept the recommendation of the PSC by notice in writing to the Director within 14 days after the date of the notice of the recommendation or such longer period as the Director may determine under clause 42(3)(b); or
  - (c) the respondent fails to substantially comply with a recommendation made under clause 40 to the satisfaction of the PSC, including within or throughout any period that the notice issued under clause 42(1) states that the action required by the recommendation is to be undertaken.
- (2) The PSC must refer the complaint to the Board by delivering to the secretary of the Board a written report of its assessment and opinion on the complaint signed by a member of the PSC and:
  - (a) within 14 days of the date of the reference of the complaint to the Board or within 14 days of the date of the document or material coming into existence, whichever is the later, the PSC must cause to be delivered to the secretary of the Board any documents and material relevant to the reference; and
  - (b) the PSC, as soon as practicable after delivering the report referred to in paragraph (a) to the secretary of the Board, shall, if they have not already been delivered to the respondent, cause to be delivered to the respondent:
    - (i) a copy of the report and opinion; and
    - (ii) a notice that the respondent may send any submissions in advance to the Board if he or she wishes to do so.

### 40. Recommendation that a complaint be dealt with by the Diocesan Tribunal

- (1) The PSC may also recommend that the Archbishop appoint a person to promote a charge against the respondent before the Diocesan Tribunal, or that the complaint be referred to a body in another diocese with equivalent jurisdiction, if:
  - (a) the person is subject to the jurisdiction of the Tribunal;<sup>7</sup>
  - (b) the PSC is of the opinion that there is a reasonable likelihood that the complaint, if sustained, will

<sup>6</sup> If the PSC considers that the complaint is false, vexatious or misconceived or that it is more likely than not that the subject-matter of the complaint did not occur, any information about the complaint which has been included on the National Register may be removed from the Register under section 10(1) of the National Register Canon 2007 on the basis that it relates to a notifiable complaint which has been exhausted.

<sup>7</sup> **Note:** Section 54(2) of the Anglican Church of Australia Constitution Act 1961 provides that the Diocesan Tribunal has jurisdiction to hear and determine charges of breaches of faith, ritual, ceremonial or discipline and of such offences as may be specified by canon, ordinance or rule in respect of –

- a person licensed by the Archbishop, or
- any other person in holy orders resident in the diocese.

Section 54(2A) of the 1961 Constitution provides that the Diocesan Tribunal also has jurisdiction to hear a charge relating to an offence of unchastity, an offence involving sexual misconduct or an offence relating to a conviction for a criminal offence that is punishable by imprisonment for 12 months or more in respect of a member of the clergy if –

result in the Tribunal making a recommendation for the respondent's deposition from orders, prohibition from functioning or removal from office; and

- (c) the PSC is of the opinion that there is a reasonable likelihood that the complaint will be sustained before the relevant Tribunal.

(2) If the PSC makes a recommendation to the Archbishop under this clause, the Archbishop must comply with the recommendation. The complaint is then to be dealt with in accordance with the Diocesan Tribunal Ordinance 2017 and no further action is to be taken in respect to the complaint under this Ordinance.

#### **41. What recommendations can the PSC make?**

The PSC may make one or more of the following recommendations in relation to the respondent –

- (a) that the respondent make an apology of a kind specified by the PSC;
- (b) that the respondent make reparation as specified by the PSC for the conduct the subject of the complaint;
- (c) that the respondent undertake training, or retraining, of a nature specified by the PSC;
- (d) that the respondent receive counselling of a nature specified by the PSC;
- (e) that the respondent undertake to the Director, in such terms as are specified by the PSC, any one or more of the following:
  - (i) that they will resign from any specified position or office in the Diocese or any specified employment by a Church body or Church authority; or
  - (ii) that they will not, either indefinitely or for a period of time, accept nomination for or appointment to any specified position or office in the Diocese or any specified employment by a Church body or Church authority; or
  - (iii) that they will not, either indefinitely or for a period of time, exercise any specified function or will meet any specified condition or restriction, in relation to any office or position in the Diocese, or in relation to employment by any Church body or Church authority;
- (f) that the respondent resign from office or employment, request relinquishment of holy orders or request voluntary deposition from holy orders, with such admissions and other conditions as the PSC considers appropriate in all the circumstances;
- (g) that the respondent consent to the relevant Church authority issuing a prohibition order;
- (h) that the respondent enter into a safety plan with the relevant Church authority;
- (i) that the respondent be excluded from entry or access to specified Church premises or activities;
- (j) that no further action be taken with respect to the complaint.

#### **42. Notice of the recommendations**

(1) The PSC must give notice of its recommendation(s) to the complainant, the respondent, the Director, the Archbishop and the relevant church authority as soon as practicable after being made.

(2) If the PSC makes a recommendation under paragraph 41(e),(f) or (g), the PSC must include a statement of the reasons for the recommendation(s).

(3) In respect of any other recommendation(s) made by the PSC (except a recommendation that no further action be taken with respect to the complaint), the notice must include a statement that:

- (a) if the respondent does not accept the PSC's recommendation(s) within 14 days after the date of the notice and subsequently comply with the recommendation to the satisfaction of the Director, the complaint will be referred to the Board, and
- (b) the respondent may request the Director to allow a longer period for the recommendation to be accepted by the respondent.

(4) If any information about the complaint has been included on the National Register, the notice must indicate whether acceptance of and compliance with the PSC's recommendation(s) will result in the information being removed from or retained on the National Register.

#### **43. Response to the recommendation**

(1) If the respondent, by notice in writing to the Director –

- 
- *the act of the member of the clergy which gave rise to the charge occurred in the Diocese, or*
  - *the member of the clergy was licensed by the Archbishop or was resident in the Diocese within 2 years before the charge was laid, or*
  - *the member of the clergy is in prison as a convicted person at the time the charge was laid, but within 2 years before imprisonment was licensed by the Archbishop or was ordinarily resident in the Diocese.*

- (a) accepts the recommendation(s) of the PSC within 14 days after the date of the notice of the recommendation(s) or within such longer period as the Director determines under subclause 42(3)(b), and
- (b) complies with any recommendation to the satisfaction of the Director, and continues to do so within or throughout any period that the notice issued under subclause 42(1) states that the action required by the recommendation is to be undertaken,

no further action is to be taken against the respondent under this Ordinance in relation to the complaint, except as provided by this clause.

(2) If the complaint alleges ~~reportable conduct~~ serious child-related conduct and the person against whom the complaint is made –

- (a) admits the complaint or the substance of the complaint; or
- (b) accepts the recommendation or recommendations of the PSC;

and the PSC is satisfied that the respondent has engaged in any or all of the conduct which is the subject of the complaint, the PSC must make a finding that the respondent engaged in that conduct.

#### **PART 4B – DETERMINATION OF COMPLAINTS BY THE BOARD**

##### **44. Application of this Part**

This Part applies to complaints that are referred to the Board by the PSC under clause 39.

##### **45. Convening of the Board**

- (1) Upon a complaint being referred to the Board, the President or Deputy President as the case may be shall as soon as possible determine the membership of the Board for the purpose of the reference.
- (2) The President or Deputy President as the case may require must convene the Board for the purpose of giving directions.

##### **46. Powers of the Board**

Upon the referral of a complaint to the Board, the Board may take at least one or more of the following courses of action –

- (a) make findings on ~~Reportable Conduct~~ serious child-related conduct under clause 47;
- (b) dismiss the matter or take no further action under clause 48;
- (c) make a recommendation under clause 49.

##### **47. Making findings on ~~Reportable Conduct~~ serious child-related conduct**

If the complaint alleges that the respondent has committed ~~reportable conduct~~ serious child-related conduct, the Board must make a finding on whether the respondent engaged in any or all of the conduct so alleged, and these findings shall constitute findings for the purpose of –

- (a) any requirement by law to notify a person or authority that a finding has been made that the respondent engaged in conduct which is the subject of any such requirement to notify; and
- (b) entering on the National register the details of information required by the provisions of the *National Register Canon 2007*.

##### **48. Power to dismiss or take no further action**

- (1) If the Board is not satisfied that the church worker committed any misconduct or that the complaint is false, vexatious or misconceived, the Board may determine accordingly and must dismiss the complaint.
- (2) If the Board is satisfied that the church worker did commit misconduct but is not satisfied as to any of the matters in clause 49(1), the Board may determine accordingly and must take no further action in relation to the complaint. The Board may nonetheless recommend under clause 49 that the respondent be counselled.

##### **49. Recommendations and Orders by the Board**

If the Board is satisfied that the church worker –

- (a) is not fit to hold a role office or position, or to be or remain in Holy Orders; or
- (b) is not fit, whether temporarily or permanently, to exercise ministry or perform any duty or function of the role office or position; or
- (c) should be subject to any condition or restriction in the exercise of ministry or in the performance of any duty or function;

the Board must determine in writing accordingly and ~~may recommend~~ make recommendations to the Archbishop or relevant Church authority, including but not limited to any one or more of the following –

- (d) that the church worker be counselled;

- (e) that the church worker be suspended from office or employment or from performing the function as the case may be for such period determined by the Board;
- (f) that the licence or authority of the church worker be revoked;
- (g) that the church worker's contract of employment (if any) be terminated;
- (h) that the church worker cease to hold any office then held;
- (i) that the church worker's holding of office or employment or performance of the function, as the case may be, be made subject to such conditions or restrictions as the Board may specify;
- (j) that the church worker be directed to do or to refrain from doing a specified act;
- (k) that a charge be promoted against the respondent before the Diocesan Tribunal;
- (l) that the operation of a determination shall be suspended for such period and upon such conditions as the Board shall specify;
- (m) that the church worker should be deposed from Holy Orders; and
- (n) that a prohibition order be made in terms specified by the Board.

#### **50. Provision of copies of determination and recommendation**

- (1) The Board must cause a copy of the determination and recommendations, together with reasons, to be provided to –
- (a) the relevant Church authority;
  - (b) the complainant;
  - (c) the respondent;
  - (d) the PSC; and
  - (e) the Director.
- (2) The Director must cause to be entered in the national register all details of information required by the provisions of the National Register Canon 2007.

#### **51. Power to defer final recommendation**

- (1) The Board may defer making any final recommendation on a complaint and may for that purpose adjourn any hearing from time to time for a period or periods not exceeding in aggregate, 12 months, on terms that the church worker undertake for a specified period and in a form approved by the Board to do one or more of the following acts or omissions:
- (a) stand down from the office or employment or from performing specified duties of office or employment;
  - (b) undertake counselling from a person approved by the Board;
  - (c) submit to periodic medical examination by a person approved by the Board;
  - (d) undertake a specified program of medical treatment or rehabilitation whether as an outpatient or inpatient;
  - (e) provide medical or other evidence requested by the Board to assist it in deciding on any final recommendation; or
  - (f) perform or refrain from performing some other specified act.
- (2) If at the time of deferring a final recommendation in accordance with this clause the Board is satisfied that the church worker is at that time either unfit to hold office or to exercise ministry or to perform any duty or function of the office or employment, any undertaking given by the church worker must include an undertaking under clause 51(1)(a) in such form as the circumstances may require and as the Board may approve.
- (3) If within a period specified by the Board the church worker declines to give an undertaking in accordance with clause 51(1), the Board must proceed to make a determination and recommendation.
- (4) The Board may take into account the failure of the church worker to comply with his or her undertaking under clause 51(1) in deciding on any final recommendation on a complaint.

#### **52. Effect of Prohibition Orders**

A person who is subject to a prohibition order is, despite the provisions of any other ordinance, ineligible for election or appointment to any position or office to which the order applies, and any such office or position that the person is or was elected or appointed to becomes vacant.

### **PART 4C – REVIEW OF BOARD DETERMINATIONS**

#### **53. Application for review**

- (1) If the respondent is aggrieved by a decision of the Board, the respondent may apply to the Registrar for

a review of the decision.

(2) If the PSC is aggrieved by a decision of the Board, the PSC may apply to the Registrar for a review of the decision.

(3) The application must be made within 21 days after the applicant is provided with a copy of the Board's report under clause 50 or such longer period as the Registrar may by notice in writing to the aggrieved person determine.

(4) The application must be in writing and set out the grounds for the review.

#### **54. Grounds for review**

The grounds on which an application for a review of a decision of the Board may be made are any one or more of the following –

- (a) that a breach of the rules of procedural fairness occurred in relation to making the decision which materially affected the decision,
- (b) that procedures required to be observed by this Ordinance in relation to the making of the decision were not observed and the non-observance materially affected the decision,
- (c) that the Board did not have jurisdiction to make the decision,
- (d) that the decision was so devoid of any plausible justification that no reasonable Board could have made it.

#### **55. Stay of proceedings**

An application for a review of a decision of the Board acts as a stay of the decision pending the determination of the review.

#### **56. Appointment of Reviewer**

(1) As soon as practicable after receiving an application for review, the Registrar must notify the Chancellor.

(2) The Chancellor is to appoint an experienced lawyer to undertake the review and notify the Registrar of the appointment.

(3) Upon the appointment of an experienced lawyer, the Registrar is to obtain an estimate of the fee to be charged by the experienced lawyer in making a determination under this Part.

(4) On receipt of the estimate, the Registrar is to notify the applicant for the review of the amount of the estimate and is to request the applicant to pay half of the estimated fee to the Registrar or a person nominated by the Registrar.

(5) If the applicant does not pay half of the estimated fee within 21 days after receipt of the Registrar's request, the application for the review lapses.

#### **57. Conduct of review**

(1) A review by an experienced lawyer of the determination of the Board is to be conducted in the manner determined by the experienced lawyer, subject to the process allowing the experienced lawyer to make a determination on the review within a reasonable period after the date that the Registrar receives payment from the applicant for half of the estimated fee.

(2) A review is not to be a re-hearing of the merits, or a new hearing.

(3) The experienced lawyer may make such order as to costs of the review as he or she thinks fit.

#### **58. Determination on review**

The experienced lawyer who reviews a determination of the Board may do any one or more of the following –

- (a) quash or set aside the determination,
- (b) refer the determination to the Board for further consideration in accordance with such terms and conditions as the experienced lawyer directs,
- (c) declare the rights of the applicant for the review in relation to any matter to which the determination of the Board relates,
- (d) direct the applicant or the Board to do, or to refrain from doing, anything that the experienced lawyer considers necessary to achieve justice between the parties.

### **PART 4D – PROCEDURAL MATTERS FOR THE PSC AND THE BOARD**

#### **59. Conduct of proceedings**

Subject to the provisions of this Ordinance each of the PSC and the Board –

- (a) must act with fairness and according to equity, good conscience, ~~natural justice~~ procedural

- fairness and the substantial merits of the case without regard to technicalities or legal forms; and
- (b) is not bound by the rules of evidence but may inform itself on any matter in such manner as it thinks fit; and
- (c) must deal with each matter as expeditiously as possible.

**60. Failure to appear**

- (1) The PSC may make findings or recommendations in any proceedings in the absence of additional material from the respondent if satisfied that reasonable efforts were made to give the respondent an opportunity to provide that material.
- (2) The Board may make a determination in any proceedings in the absence of a person affected by the determination if satisfied that reasonable efforts were made to give that person an opportunity to appear.

**61. Powers and duties**

- (1) Subject to this Ordinance, the Board –
  - (a) may regulate the proceedings of its meetings as it sees fit;
  - (b) may inform itself from the record of or transcript of proceedings in any court or tribunal and may adopt any findings in, and accept as its own, the record of or transcript of proceedings of any court or tribunal;
  - (c) may conduct its business and any proceedings by video link, conference telephone or by any electronic means of communication; and
  - (d) must give written reasons for any determination and recommendation, other than by way of directions in the course of an application, unless the determination is made by consent of the respondent and the PSC.
- (2) The Board must give the PSC and the respondent a reasonable opportunity to adduce evidence, to examine and cross-examine witnesses and to make submissions to the Board.

**62. Legal representation**

The PSC may and the respondent may each appoint a legal representative to assist in the process.

**63. Directions**

The Board may at any time give directions –

- (a) as to the inspection by and supply of copies to the respondent or any other person of the documents or material relevant to the reference; and
- (b) as to the conduct of its inquiry into the reference or review;

and for that purpose the Board may be constituted by the presiding member or by a member appointed for the purpose by the presiding member.

**64. Appointment of a person to assist**

The Board may, for the purpose of any particular reference, appoint such person or persons to assist it in inquiring into (but not determining) a reference as the Board thinks fit.

**65. Directions to Director or the PSC**

The Board may at any time, and from time to time, give directions to the Director or the PSC as to any further inquiries or investigation it requires to be carried out for the purposes of the reference and the Director or the PSC, as the case may be, must to the best of its ability cause such directions to be carried out.

**66. Written evidence**

Without limiting the meaning and effect of clause 61, The Board may receive a statutory declaration or a signed statement without the need for the personal attendance of the maker of the statutory declaration or statement and may also in its discretion use electronic means such as video link or conference telephone to receive evidence and submissions.

**67. Decisions of other bodies**

In any proceedings before it, where the PSC or the Board is satisfied that the respondent –

- (a) has been convicted by a court within Australia of an offence involving misconduct;
- (b) has been found guilty (without conviction) by a court within Australia of an offence involving misconduct;
- (c) has admitted in proceedings before a court, tribunal or commission of inquiry within Australia having engaged in conduct involving misconduct;

- (d) has been found by a court, tribunal or commission of inquiry within Australia to have engaged in conduct involving misconduct; or
- (e) has been disqualified by a court, tribunal or commission of inquiry within Australia from professional practice on account of conduct involving misconduct;

then –

- (f) a certificate, reasons for judgment or other record from the court, tribunal or commission (as the case may be) shall be conclusive evidence that the respondent engaged in the misconduct concerned; and
- (g) neither the respondent nor any other party shall be at liberty to call or give evidence or make submissions for the purpose of calling into question the conviction or finding of guilt of the respondent or denying that the respondent engaged in the misconduct concerned.

#### **68. Standard of proof**

The standard of proof to establish an allegation is that of reasonable satisfaction on the balance of probabilities.

#### **69. Members of Board not to meet with parties**

No member of the PSC or the Board shall individually meet with in relation to the complaint either the complainant or the respondent or anyone acting on their behalf while the matter is in progress.

#### **70. Disqualification where personal interest**

- (1) Where a member of the PSC or the Board has a personal interest in a matter before it the member shall be disqualified from participating in the matter.
- (2) The opinion of the chair of the PSC or the presiding member of the Board, as the case may be, shall be conclusive as to whether any other member of the PSC or the Board has a personal interest in a matter.

#### **71. Medical examination**

- (1) The PSC or the Board may require the respondent to submit within a specified time to a medical, psychiatric or psychological examination by a person approved by the PSC or the Board (as the case may be) the cost of which shall be met from funds under the control of the Synod.
- (2) A copy of the report of an examination under subclause (1) shall be provided to the respondent, the Director, the PSC and the Board.

#### **72. Duties of the respondent**

- (1) The respondent must, subject to subclause (2), truthfully answer any question put by or on behalf of the Board in the exercise of powers conferred by this Ordinance.
- (2) If the respondent declines to answer a question on the ground that the answer might tend to incriminate the respondent, a written record shall be made of the question and of the ground of refusal.
- (3) The respondent must not –
  - (a) mislead the Board or a member of the Board; or
  - (b) unreasonably delay or obstruct the Board in the exercise of powers conferred by this Ordinance.

#### **73. Limitation on promotion of a charge in the Diocesan Tribunal**

If the PSC or the Board is satisfied that there is no reasonable likelihood that the Diocesan Tribunal would find the respondent guilty of any offence, the PSC or the Board shall not recommend that a charge be promoted against the respondent in the Diocesan Tribunal.

#### **74. Costs**

- (1) Neither the PSC nor the Board has the power to award costs of any complaint or matter before it.
- (2) A respondent who is not an unpaid lay church worker may apply to the Standing Committee for reimbursement of their reasonable costs of obtaining advice and assistance from a legal practitioner for the purposes of a process under this Ordinance.
- (3) The Standing Committee may grant legal assistance to a church worker on such terms and subject to such conditions as it shall determine.
- (4) For the purposes of subclause (3), the Standing Committee may approve a scale of costs on the recommendation of the Director.

#### **75. Making of rules**

- (1) The President of the Board may make or approve rules of the Board reasonably required in relation to the practice and procedure.

(2) The rules of the Board made under this clause may provide that, in relation to the exercise of specified functions, or in relation to matters of a specified class, other than the determination of an application including the making of a recommendation, the Board may, at the direction of the presiding member, be constituted by a single member sitting alone.

#### **76. Practice and procedure**

Subject to this Ordinance and the relevant rules, the practice and procedure of the Board will be as directed by the presiding member of the Board.

#### **77. Determination of questions**

- (1) In any proceedings of the Board –
- (a) any question of law or procedure shall be determined by the presiding member; and
  - (b) any other question will be determined by majority decision of the members, and in the case of an equality of votes the opinion of the presiding member shall prevail.
- (2) Where the Board is constituted by a member sitting alone who is not the President or the Deputy President, any question of law that arises must be referred to the President or Deputy President for decision and any decision made on such a reference is a decision of the Board, as the case may be.

#### **78. Public Hearings**

- (1) Subject to subclauses (2) and (3), any hearing of the Board must be held in public.
- (2) The Board may direct –
- (a) that the whole or part of a proceeding be held in private; or
  - (b) that only persons or classes of persons specified by it may be present during the whole or any part of a proceeding.
- (3) The Board may only make a direction under the preceding subclause if satisfied that the direction is necessary on or more of the following grounds –
- (a) to comply with applicable legislation of the State or a Territory or the Commonwealth;
  - (b) to prevent a real and substantial risk to the proper administration of justice that cannot be prevented by other reasonably available means;
  - (c) to protect the safety of any person;
  - (d) to avoid causing undue distress or embarrassment to a complainant (other than the Director) or a witness (other than the respondent) in a proceeding that relates in whole or part to a complaint;
  - (e) to avoid the disclosure of confidential information; and
  - (f) for any other reason in the interests of justice.

#### **79. Suppression of names**

- (1) The Board may order that the name of, or other information that could lead to the identification of the respondent, or a person who appears, or is reasonably likely to appear, before the Board is not to be published or broadcast, except in such circumstances as the Board may authorise.
- (2) An order of the Board under this clause does not apply to the publication of a report authorised or required under this Ordinance.

#### **79A. Non-publication orders**

- (1) The Board may, on the application of a party or the Director, order that a party by himself or herself or through his or her agents and associates not publish verbally, in writing or by electronic means:
- (a) any matter relevant to a fact or circumstance likely to be considered when the Director or Board is dealing with the complaint; or
  - (b) any aspersion on the character of a person who may be a material witness to such fact or circumstance.
- (2) Such an order may be made ex parte, but may be discharged on the application of the person against whom it is made on at least five days' notice to the person on whose application it was made.

### **PART 4E – CHURCH AUTHORITIES AND COMPLIANCE**

#### **80. Church authority to give effect**

- (1) Subject to subclause (2), the Church authority to whom a recommendation under this Ordinance is made must and is empowered to do any acts to give effect to a recommendation of the Director, an Adjudicator, PSC or the Board.

(2) The Church authority referred to in subclause (1) may vary, modify or temporarily suspend the implementation of a recommendation consistent with any facts found by the body making the recommendation provided that the body making the recommendation agrees that the substance of the recommendation is preserved.

**81. Compliance by church worker**

A church worker must –

- (a) comply with any undertaking given to an Adjudicator, PSC or the Board or the relevant Church authority; and
- (b) comply with a direction made by the relevant Church authority to give effect to a recommendation of the Adjudicator, PSC or the Board, as the case may be, or any permitted variation or modification that recommendation.

**CHAPTER 5 - PERSONS OR BODIES PERFORMING FUNCTIONS UNDER THIS ORDINANCE****PART 5A – THE DIRECTOR****82. Appointment**

- (1) There shall be a Director of Professional Standards.
- (2) The Director shall be appointed by the Archbishop.
- (3) The Director shall hold office on such terms and conditions as may be determined from time to time by the Archbishop.
- (4) If, for any reason, the Director is unable or unwilling to exercise or perform any power, authority, duty or function of the Director under this Ordinance, the Archbishop may appoint another suitably qualified person to exercise or perform the power, authority, duty or function.

**83. Functions of the Director**

- (1) The Director's functions include –
  - (a) to receive complaints;
  - (b) to make a complaint against a church worker;
  - (c) to appoint investigators to investigate complaints in a timely and appropriate manner;
  - (d) to be the executive officer of the PSC;
  - (e) to attend meetings of the PSC except for any part of a meeting which deals with the conditions of employment, remuneration or performance of the Director;
  - (f) to provide advice about the code of conduct and procedures under this Ordinance;
  - (g) to provide or arrange care for or treatment of the complainant and respondent;
  - (h) to provide input into education and vocational training programs for church workers;
  - (i) to keep proper records of complaints, decisions, meetings, employment screening details, police checks and people affected by any allegation of misconduct;
  - (j) to consult and co-operate with other persons and bodies in the Church with responsibility for professional standards;
  - (k) to support complainants in making a report to police or child protection authorities;
  - (l) to report to the PSC on any recommended changes to processes, structures and education programs that would reduce the risk of misconduct; and
  - (m) such specific functions and duties, consistent with this Ordinance, as may be determined from time to time by the PSC.
- (2) The Director must act in all things as expeditiously as possible.

**84. Relationship between the Director and the Archbishop**

- (1) The Director is to inform the Archbishop of –
  - (a) any information known to the Director, or any reasonable belief held by the Director, that a church worker has engaged in conduct which may be the subject of a complaint, and
  - (b) any response made by a church worker to an allegation that is, or could be, the subject of a complaint.
- (2) The Director is to provide the Archbishop with such further information as the Archbishop may reasonably require.
- (3) The Archbishop is to provide the Director with such information as the Director may reasonably require.

**85. The Director's entitlement to information held by certain persons**

A Church authority, Church body or relevant person that appointed a church worker to an office or position must provide the Director with such information as the Director may reasonably require.

**86. The Director to report annually to the Standing Committee**

Before 1 August each year, the Director is to make a report to the Standing Committee as to the actions taken under this Ordinance during the period of 12 months ending on the preceding 30 June and provide a copy of the report to the Safe Ministry Board.

**PART 5B – THE PROFESSIONAL STANDARDS COMMITTEE****87. Establishment of the PSC**

There shall be a Professional Standards Committee for the diocese constituted in accordance with the provisions of this Part.

**88. Functions of the PSC**

The PSC has the following functions –

- (a) to act on a complaint in accordance with this Ordinance and, where appropriate, to obtain independent legal advice for that purpose;
- (b) to recommend to the Standing Committee any changes to Church processes, structures and education programs, where appropriate, that would reduce the risk of misconduct;
- (c) to authorise such expenditure as may be necessary or appropriate to implement, in a particular case, the provisions of this Ordinance subject to any limit imposed by the Standing Committee;
- (d) to advise relevant Church bodies as to the financial, pastoral or other needs of a person affected by misconduct which is the subject of a complaint and to advise relevant Church bodies in connection with any legal proceedings, anticipated or existing, against such Church bodies arising out of that alleged misconduct;
- (e) to refer any information in its possession to a law enforcement, prosecution or child protection authority of a State or Territory or of the Commonwealth of Australia for which the information is or may be relevant;
- (f) to maintain proper records of all information and complaints received and of action taken in relation to each of them; and
- (g) to exercise such other powers and functions as are conferred on it by this or any other Ordinance.

**89. Membership of the PSC**

- (1) The members of the PSC shall be appointed by the Archbishop-in-Council.
- (2) The members of the PSC shall hold office on such terms and conditions as may be determined from time to time by the Archbishop-in-Council.
- (3) The PSC must have at least three members including the chair.
- (4) The persons appointed as members of the PSC are to include –
  - (a) an experienced lawyer, and
  - (b) a person who has been a member of the clergy for not less than 10 years, and
  - (c) a person who is certified by the Safe Ministry Board as having other qualifications or experience appropriate to the discharge of the office of a member of the PSC, such as child protection, social work or psychiatry.
- (5) The PSC must so far as is reasonably practicable –
  - (a) include at least one person who is not a member of the Church;
  - (b) have at least one man and one woman.
- (6) The chair of the PSC must be appointed by the Archbishop.
- (7) A member of the PSC must not act unless the member has agreed in writing to abide by this Ordinance.

**90. Term of office**

Subject to clause 89, a member of the PSC holds office until the first meeting of the Standing Committee which next follows the first day of the first ordinary session of the next Synod provided that the member continues to hold office until his or her successor is appointed.

**91. Casual vacancies**

- (1) The office of a member of the PSC is vacated if –
  - (a) the member –
    - (i) dies, or
    - (ii) resigns by notice in writing to the Diocesan Secretary, or
    - (iii) becomes mentally incapacitated, or
    - (iv) becomes an insolvent under administration, or
    - (v) ceases to reside permanently in the Diocese, or

(b) the Archbishop-in-Council revokes the appointment.

(2) The Archbishop-in-Council may fill a casual vacancy in the office of a member of the PSC.

**92. Conduct of business**

(1) The PSC may meet from time to time as determined by the chair or a majority of its members and may conduct its business by telephone or electronic communication.

(2) The chair must convene a meeting of the PSC at the request of the Director.

(3) The procedures of the PSC shall be determined by the PSC.

(4) A majority of the members shall constitute a quorum.

(5) A decision taken other than at a meeting of the PSC, if supported by a majority of members of the PSC, constitutes a decision of the PSC.

(6) The PSC must act in all things as expeditiously as possible.

**93. Validity of proceedings**

An act or proceeding of the PSC is not invalid by reason only of a vacancy in its membership and, notwithstanding the subsequent discovery of a defect in the nomination or appointment of a member, any such act or proceeding is as valid and effectual as if the member had been duly nominated or appointed.

**94. Delegation of functions**

(1) Subject to subclause (2), the PSC may delegate, upon such terms and conditions as the PSC may approve, any of its functions under this Ordinance to any person.

(2) The PSC cannot delegate –

(a) its functions under subclause (1); or

(b) its functions under Part 4A.

(3) A delegation under this clause must be made by an instrument in writing signed by a member of the PSC pursuant to a resolution of the PSC.

**PART 5C – THE PROFESSIONAL STANDARDS BOARD**

**95. Establishment of the Board**

There shall be a Professional Standards Board comprising three persons constituted and appointed in accordance with the provisions of this Part.

**96. Functions of the Board**

The function of the Board is to enquire into and determine complaints referred to it by the PSC under this Ordinance.

**97. Panel**

(1) The members of the Board in a particular case shall be appointed from a panel comprising –

(a) a President and a Deputy President, both of whom shall be experienced lawyers;

(b) three members of the clergy of at least seven years' standing; and

(c) three laypersons who may or may not be members of the Church and at least two of whom are persons who are considered by the Archbishop-in-Council as having professional experience, training or skills in a field that is relevant to addressing the needs of persons who are subjected to misconduct.

(2) As far as reasonably practicable the members of the panel should comprise an equal number of men and women.

**98. Appointment of the Panel**

(1) The members of the panel shall be appointed by the Archbishop-in-Council and shall hold office on such terms and conditions as may be determined from time to time by the Archbishop-in-Council.

(2) Any vacancy in the membership of the panel shall be filled by the Archbishop-in-Council.

**99. Appointment of the Board**

(1) The members of the panel to be convened for a complaint referred to the Board shall be determined by the President or, if there is a vacancy in the office of President or if the President is unable to act, by the Deputy President.

- (2) For the purpose of any reference to the Board, the Board shall consist of the President or Deputy President, who shall be the presiding member, and one clerical and one lay member of the panel.
- (3) The Board must, so far as reasonably practicable, have at least one man and at least one woman.
- (4) A member of the Board must not act in a matter unless the member has agreed in writing to abide by this Ordinance.

#### **100. Vacancies on the Board**

- (1) If a member of the Board, other than the presiding member, dies or is for any other reason unable to continue with any matter referred to the Board –
  - (a) the Board constituted of the presiding member and the other member may, if the presiding member so determines, continue and complete the reference; or
  - (b) if the presiding member so determines, a substitute member may be appointed to fill the vacancy.
- (2) If the presiding member dies or is for any reason unable to continue with any matter referred to the Board, the Deputy President becomes the presiding member for that matter.

#### **101. Secretary**

There shall be a secretary to the Board who shall be appointed by or in accordance with a resolution of the Archbishop-in-Council, and whose duties shall be defined by the President.

#### **102. Quorum**

The quorum for a meeting of the Board shall be all the members of the Board except where the Board by its presiding member makes directions under clause 63 of this Ordinance.

#### **103. Validity of proceedings**

An act or proceeding of the Board is not invalid by reason only of a vacancy in its membership or of the membership of the panel and, notwithstanding the subsequent discovery of a defect in the nomination or appointment of members of the panel or the Board, any such act or proceeding is as valid and effectual as if the member had been duly nominated or appointed.

**CHAPTER 6 - MISCELLANEOUS****PART 6A – CONFIDENTIALITY AND PUBLICATION****104. Duty of confidentiality**

(1) Subject to the provisions of this Ordinance, the Director, an Adjudicator, a member of the PSC, a member of the Board and a person employed or engaged on work related to the affairs of the PSC, must not divulge information that comes to his or her knowledge by virtue of that office or position except –

- (a) in the course of carrying out the duties of that office or position;
- (b) as may be authorised by or under this Ordinance;
- (c) as may be authorised or required by or under the *National Register Canon 2007* or any canon prescribed by General Synod in substitution for that canon;
- (d) in any proceedings before a Diocesan Tribunal, a Provincial Tribunal, the Special Tribunal or the Appellate Tribunal;
- (e) as may be required by law; or
- (f) to any insurer or insurance broker of a Church body where the information may give rise to or be relevant to a claim for indemnity by the Church body is against the insurer or is relevant to obtaining or continuing insurance cover.

(2) The PSC may release to any person, including a Church authority, such material as it may determine with respect to any information or complaint.

**105. Release of information by PSC**

(1) The PSC must disclose to an equivalent body information in its possession concerning the alleged misconduct of a church worker –

- (a) which is information relevant to, or arising during the course of, an investigation being undertaken by the PSC where the PSC knows that the church worker is residing in the diocese of the equivalent body; or
- (b) which is information concerning misconduct alleged to have occurred in the diocese of the equivalent body;

and must co-operate with any equivalent body.

(2) The PSC may disclose to a person or body of another church or Christian denomination exercising powers, duties or functions similar to those of the PSC, details of information in its possession concerning the alleged misconduct of a church worker and the PSC must co-operate with such person or body to whom the information is disclosed.

**106. Church authority may release information**

~~The relevant Church authority may~~ The Archbishop or the relevant Church authority may, following consultation with the Director, release to any person such material as the Church authority may determine with respect to any information, complaint or finding.

**107. PSC reports**

(1) Without disclosing the identity of any complainant or the details of any complaint, the PSC must report annually to the Synod on the operation this Ordinance and its activities for that calendar year.

(2) Notwithstanding subclause (1), the report of the PSC pursuant to that subclause may identify a church worker who has been exonerated from an allegation ~~the~~ which is the subject of the complaint or who has been the subject of a determination or recommendation by the Board favourable to the church worker.

(3) The PSC must, in respect of every complaint with which it is dealing under this Ordinance, report either orally or in writing to the Archbishop with such frequency and as fully as the Archbishop may reasonably require.

**PART 6B – INDEMNITY****108. Obligation to indemnify**

The Standing Committee must and is hereby authorised out of funds under the control of the Synod to indemnify –

- (a) the Director and any delegate of the Director;
- (b) each member of the PSC;
- (c) any delegate of the PSC;

- (d) an Adjudicator;
- (e) each member of the Board;
- (f) the secretary of the Board;
- (g) any person appointed by the Board pursuant to this Ordinance; and
- (h) the Archbishop;

in respect of any act or omission respectively by them in good faith and in the exercise or purported exercise of powers or functions, or in the discharge or purported discharge of duties, under this Ordinance in relation to a church worker.

## PART 6C – REGULATIONS

### 109. Regulation making power

The Archbishop-in-Council may from time to time make, amend or repeal regulations not inconsistent with the provisions of this Ordinance providing for records arising out of or incidental to the operation of this Ordinance and for all or any of the purposes, whether general or to meet particular cases, which may be convenient for the administration of this Ordinance or which may be necessary or expedient to carry out the overriding purposes of this Ordinance.

## PART 6D – OTHER

### 110. Rights of employers

Nothing in this Ordinance affects any right of an employer to terminate the employment of an employee.

### 111. Findings of certain other bodies may be treated as conclusive

Any findings made by an equivalent body or a court, tribunal or commission of inquiry, that have not been overturned on appeal, may be treated as conclusive by a person performing functions under this Ordinance.

### 112. Service of documents

- (1) A document required to be served under this Ordinance on a person may be served –
  - (a) personally, or
  - (b) by posting a copy of the document by pre-paid post to the person at the person's proper address.
- (2) The proper address of a person is the address for service of the person but, if the person has no address for service, the person's last known residential address.
- (3) Service of a document that is posted by pre-paid post is taken to be effected 7 days after posting.
- (4) In this clause, service of a document includes the giving of a notice.

### 113. Commencement

Except for this clause, this Ordinance commences on the date determined by the Archbishop on the advice of the Chancellor.

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## Notes

In accordance with Clause 113, the Archbishop determined the commencement date of this Ordinance to be 1 November 2017 on the advice of the Chancellor.



## SPECIAL TRIBUNAL CANON, 2007

Canon No. 13, 2007 as amended by

Canon 11, 2010

Canon 14, 2010

Canon 03, 2014

Canon 08, 2014

Canon 11, 2017

Canon 12, 2017

**A canon to provide for the investigation of matters which may become the subject of a charge before the Special Tribunal and to provide for the appointment and procedure of the Special Tribunal.**

The General Synod prescribes as follows:

### PART 1 - PRELIMINARY

- 1 This Canon may be cited as the "Special Tribunal Canon 2007".
- 2 In this Canon, unless the context otherwise requires:
  - "Bishop"** means a bishop referred to in section 56(6) of the Constitution; and
  - "bishop"** means a person in bishop's orders.
  - "Church"** means the Anglican Church of Australia;
  - "Church body"** includes the Primate, the General Synod, a diocese, diocesan synod, diocesan council, diocesan trustee or trust corporation or other body responsible for administering the affairs of a diocese, or an institution or agency of this Church or of a diocese;
  - "Commonwealth"** means the Commonwealth of Australia;
  - "complaint"** means a complaint against a Bishop alleging a breach of faith, ritual, ceremonial or discipline or alleging an offence as may be specified by Canon;
  - "Director"** means the Director of the Episcopal Standards Commission appointed under Part 3;
  - "Episcopal Standards Commission"** or **"ESC"** means the Episcopal Standards Commission established under Part 2;
  - "incapable"** means incapable for the purposes of the Bishop (Incapacity) Canon 1995;
  - "National Register"** means a National Register established pursuant to a Canon of General Synod for a purpose which includes the recording of determinations of the Tribunal;
  - "priest"** means a person who is in priest's orders who is not a bishop;
  - "protocol"** means the protocol approved under Part 3 of the Episcopal Standards Canon 2004;
  - "relevant Metropolitan"**, means:
    - (a) in relation to the bishop of a diocese:
      - (i) unless paragraph (iii) or (iv) applies, the Metropolitan of the Province in which the diocese is situated; or
      - (ii) if the diocese is an extra-provincial diocese, the Primate; or
      - (iii) if the bishop is the Metropolitan but not the Primate, the Primate; or
      - (iv) if the bishop is the Primate, the person who, at the relevant time, is the next most senior Metropolitan who is available, seniority being determined by the date of consecration; and
    - (b) in relation to any other Bishop, the Primate;
  - "respondent"** means a bishop whose alleged conduct or omission is the subject of a complaint;
  - "Subsection 43(2) Exclusion"**<sup>1</sup> means an ordinance made by the synod of a diocese under subsection 43(2) which:

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<sup>1</sup> Added by Canon 11, 2010.

- (a) declares that paragraph (a) of subsection 43(1) shall have no effect in respect of the Bishop of that diocese; and
- (b) has not been revoked by that synod.

"**Tribunal**" means the Special Tribunal.

- 2A<sup>2</sup> (1) The ESC has no powers or duties under this canon, apart from the duty imposed by subsection (2), in relation to a diocese or the Bishop thereof while there is a Subsection 43(2) Exclusion in effect in relation to that diocese.
- (2) If the ESC receives a complaint in relation to the Bishop of a diocese while there is a Subsection 43(2) Exclusion in effect in relation to that diocese, the ESC must refer the complainant and the complaint:
- (a) where the diocese is part of a province and the complaint is not in respect of the Metropolitan of that province, to the Metropolitan of that province;
  - (b) where the diocese is part of a province and the complaint is in respect of the Metropolitan of that province, to the Metropolitan of another province, and
  - (c) where the diocese is not part of a province and the complaint is in respect of the Bishop of that diocese, to a Metropolitan.

## PART 2 – EPISCOPAL STANDARDS COMMISSION

- 3 There shall be an Episcopal Standards Commission.
- 4 (1) The ESC shall have at least three members.
- (2) The membership of the ESC shall be constituted so as collectively to provide:
- (a) experience in law;
  - (b)<sup>3</sup> a person in bishops' orders who is not a Bishop; and
  - (c) experience and appropriate professional qualifications in child protection, social work or counselling.
- (3) The ESC so far as is reasonably practicable shall have an equal number of men and women.
- 5<sup>4</sup> (1) The members of the ESC shall be appointed by the Standing Committee.
- (2) The members of the ESC shall hold office for a term of not more than 5 years (which may be renewed) and on such other terms and conditions as may be determined by the Standing Committee from time to time.
- (3) Notwithstanding the provisions of this Canon (other than section 5A) or of any other canon, the members of the ESC holding office immediately before the Special Tribunal Canon 2007 Amendment Canon 2010 comes into force, will cease to hold office at the conclusion of the second meeting of the Standing Committee following the 15<sup>th</sup> General Synod.
- (4) If a member of the ESC is unable to undertake their role by reason of incapacity or conflict of interest, the Standing Committee may appoint an additional member to the ESC in accordance with this Canon for such period as the Standing Committee may determine.
- 5A<sup>5</sup> A member of the ESC shall cease to hold office upon:
- (a) death of the member;
  - (b) resignation of the member;
  - (c) declaration by a competent court or tribunal that the member is incapable of managing his or her affairs;
  - (d) the member ceasing to reside permanently in Australia;
  - (e) conviction or finding of guilt of the member in any court of any offence punishable by imprisonment;
  - (f) the member becoming a Bishop;

<sup>2</sup> Added by Canon 11, 2010.

<sup>3</sup> Amended by Canon 14, 2010.

<sup>4</sup> Amended by Canon 14, 2010.

<sup>5</sup> Inserted by Canon 14, 2010.

- (g)<sup>6</sup> the member reaching the age of 75 years; or
  - (h) the passing of a resolution –
    - (i) by the Standing Committee by a two-thirds majority of those members present and voting, or
    - (ii) by the General Synod voting as a whole passed by a two-thirds majority of those members present and votingto remove the member from office.
- 6 (1) The convenor of the ESC shall be appointed by the Standing Committee.
- (2) The ESC may meet from time to time as determined by the convenor or a majority of its members and may conduct its business by telephone or electronic communication.
- (3) Subject to this Canon the procedures of the ESC shall be as determined by the ESC.
- (4) A majority of the members shall constitute a quorum.
- (5) A decision taken other than at a meeting of the ESC, if supported by a majority of members of the ESC, constitutes a decision of the ESC.
- (6) The ESC shall act in all things as expeditiously as possible.
- 7 An act or proceeding of the ESC is not invalid by reason only of a vacancy in its membership and, notwithstanding the subsequent discovery of a defect in the nomination or appointment of a member, any such act or proceeding is as valid and effectual as if the member had been duly nominated or appointed.
- 8 Subject to the provisions of this Canon, the Director, a member of the ESC and a person employed or engaged on work related to the affairs of the ESC must not divulge information that comes to his or her knowledge by virtue of that office or position except:
- (a) in the course of carrying out the duties of that office or position;
  - (b) as may be authorised by or under this or another Canon;
  - (c) in any proceedings before the Special Tribunal;
  - (d) as may be required by law; or
  - (e) to any insurer or insurance broker of a Church body where the information may give rise to or be relevant to a claim for indemnity by the Church body against the insurer or is relevant to obtaining or continuing insurance cover.
- 9 Subject to section 51, the ESC may release to the public such material as it may determine with respect to any complaint.
- 10 (1) Without disclosing the identity of any complainant or the respondent, the ESC shall report annually to the Standing Committee on its activities for that calendar year.
- (2) Notwithstanding subsection (1), the report of the ESC pursuant to that subsection may identify a respondent who has been exonerated from an allegation the subject of a complaint or who has been the subject of a determination or recommendation by the Tribunal.
- (3) Subject to sub-section (4) the ESC shall, in respect of every matter with which it is dealing, report either orally or in writing to the Primate with such frequency and as fully as the Primate may reasonably require.
- (4) If the matter relates to the conduct of the Primate, such reports shall be made to and at the direction of the senior Metropolitan at the time in Australia who is not the Primate.
- 11 (1) Subject to sub-section (2), the ESC may delegate, upon such terms and conditions as the ESC may approve, any of its powers or functions under this Canon to any person.
- (2) The ESC cannot delegate:
- (a) its powers under subsection (1);
  - (b) its powers under section 12(1)(g); or
  - (c) its powers under section 22.
- (3) A delegation under this section must be made by instrument in writing signed by a member of the ESC.

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<sup>6</sup> Amended by Canon 11, 2017

- 12 (1) Subject to the provisions of this Canon the ESC has the following powers and duties:
- (a) to receive complaints;
  - (b) to investigate the subject matter of complaint in a timely and appropriate manner;
  - (c) where appropriate to arrange for the conciliation and mediation of any complaint;
  - (d) where the complaint relates to an alleged offence against the law of a State or Territory of the Commonwealth or against a law of the Commonwealth, to refer any information in its possession to a member of the appropriate law enforcement, prosecution or child protection authority and to co-operate as far as possible with any such authority;
  - (e) to maintain proper records of all complaints received and of action taken in relation to such complaints;
  - (f) subject to any limit imposed by the Standing Committee to authorise such expenditure on behalf of the General Synod as may be necessary to implement, in a particular case, the provisions of this Canon;
  - (g) to promote a charge against a Bishop before the Tribunal.
- (2) In exercising its powers under this Canon the ESC may, where it considers it to be appropriate, adopt the provisions of the protocol.
- 13 (1) The ESC shall only take action in respect of a complaint alleging an offence mentioned in the First Schedule where the complaint relates to conduct or an omission alleged to have occurred not more than twelve calendar months prior to the date on which the complaint is received by the ESC.
- (2) For the purposes of this section a complaint will be deemed to have been received by the ESC when received at the office of the General Secretary of the General Synod or, if posted by certified or registered mail to the Director or to the General Secretary of the General Synod, forty-eight hours after the posting of the complaint.

### **PART 3 – DIRECTOR OF EPISCOPAL STANDARDS COMMISSION**

- 14 (1) There shall be a Director of the Episcopal Standards Commission.
- (2) The Director shall be appointed by and shall hold office in accordance with a resolution of the Standing Committee.
- 15 The Director shall have the following functions:
- (a) to be the executive officer of the ESC;
  - (b) to attend meetings of the ESC unless the ESC in respect of a particular meeting or part of a meeting shall otherwise determine;
  - (c) such other functions and duties as may be prescribed by this or any other Canon or as may be determined by the Standing Committee or the ESC.
- 16 The Director may act in a corresponding capacity for a diocese either generally or for a particular case or matter.

### **PART 4 – COMPLAINTS**

- 17 A person may make a complaint against a Bishop by writing signed by the person making the complaint.
- 18 Subject to this Canon, when the ESC receives a complaint it shall investigate the allegations contained in the complaint.
- 19 The ESC may refrain from further investigation of the allegations if:
- (a) in its opinion, the allegations are vexatious or misconceived, or their subject matter is trivial;
  - (b) the subject matter is under investigation by some other competent person or body or is the subject of legal proceedings;
  - (c) the person making the complaint has failed, when requested by the ESC, to provide further particulars or to verify the allegations by statutory declaration; or
  - (d) in its opinion there is insufficient reliable evidence to warrant an investigation or further investigation.

- 20 For the purpose of an investigation the ESC or an investigator shall endeavour to obtain such statutory declarations, written statements, recorded conversations, reports, documents and other material as the ESC or its delegate considers necessary or desirable.
- 21 (1) The ESC must by notice in writing allow the respondent to provide a detailed report to the ESC within the time specified in the notice in relation to any matter relevant to the investigation, and must provide a summary of the complaint including the substance of the allegations and the name of the complainant.
- (2) If a respondent declines to answer a question on the ground that the answer might tend to incriminate the person a written record shall be made of the question and of the ground of refusal.
- 22 At any time after the commencement of an investigation into a complaint against a Bishop under this Part the ESC may:
- (a) if it considers on reasonable grounds that the Bishop may be incapable, report the matter in writing to the relevant Metropolitan, and such report shall be a report for the purposes of section 4 of the Bishops (Incapacity) Canon 1995 as if it were made by three members of the synod of a diocese pursuant to that section;
- (b) subject to section 43, institute proceedings by way of charge against a bishop before the Tribunal; or
- (c) in the event that the bishop whose conduct is under investigation ceases to be a Bishop, refer the matter, together with such information as it shall have received, to the bishop of the diocese in which the former Bishop then resides.
- 23 (1) The fact that the subject matter of a complaint may be settled or resolved in whole or in part between the parties affected thereby does not prevent the ESC from taking any of the steps referred to in section 22 in respect of the subject matter of the complaint.
- (2) Any term of settlement or resolution referred to in sub-section (1) which purports to prevent or to limit the institution of proceedings by way of charge against a bishop shall be of no effect.
- (3) Proceedings shall not be instituted or maintained in the Tribunal where the bishop concerned has relinquished or has been deposed from Holy Orders in accordance with the Holy Orders, Relinquishment and Deposition Canon 2004.
- 24 If:
- (a) following the receipt of a complaint, the ESC, under section 19, refrains from further investigation of the allegations contained in the complaint;
- (b) the ESC does not arrange for the conciliation and mediation of the complaint, or
- (c) following an investigation, under this Part, of the allegations contained in a complaint, the ESC does not bring a charge, under section 43, against the bishop in respect of whom the complaint is made, or
- the ESC must, without delay, provide the person who made the complaint with full and complete reasons, in writing, for its decision.

#### **PART 5 – THE SPECIAL TRIBUNAL**

- 25 (1) The members of the Tribunal shall be appointed from a panel comprising:
- (a) A senior presidential member and another presidential member each of whom is qualified to be a lay member of the Appellate Tribunal;
- (b) three Bishops; and
- (c) three priests of at least seven years' standing;
- elected by General Synod in accordance with any Rule of General Synod for the conduct of elections.
- (2) In the event that a presidential member is nominated for election as the senior presidential member or that an election is otherwise required for the two presidential members, an election for both presidential members shall be held at the same time and the person with the highest number of votes shall be the senior presidential member and the person with the next highest number of votes shall be the other presidential member.
- 26 (1) Subject to sub-section (2), a member of the panel shall cease to hold office upon:

- (a) death;
  - (b) resignation;
  - (c)<sup>7</sup> declaration by any competent court or tribunal that the member is incapable of managing his or her affairs;
  - (d) ceasing to reside permanently in Australia;
  - (e) conviction or finding of guilt in any court of any offence punishable by imprisonment;
  - (f) in the case of a Bishop, ceasing to be a Bishop or on becoming the Primate;
  - (g) in the case of a priest, on becoming a bishop; and
  - (h)<sup>8</sup> in any event at the commencement of the ordinary session of General Synod which shall take place next after the member attains the age of 75 years.
- (2) A member of the panel who is a member of the Tribunal for particular proceedings of the Tribunal shall continue to hold office until the completion of the proceedings notwithstanding that the member may cease to be a Bishop or may otherwise cease to be a member of the panel by virtue of age.
- 27 Any Bishop who vacates office upon ceasing to be a Bishop, having accepted appointment to a different office of Bishop, shall, upon installation as Bishop in the different office, be automatically re-appointed to the panel or the Tribunal as the case may be.
- 28 If any vacancy in the membership of the panel occurs while the General Synod is not in session and it becomes necessary or desirable for the vacancy to be filled before the next ordinary session of the General Synod, the Primate shall cause the General Secretary to notify the members of the General Synod that such vacancy is to be filled, to invite the submission of names of candidates for nomination, and to notify them of the date fixed by the Primate, being a date not less than six weeks after posting such notification, by which names should be submitted. If no more names are received than the number of vacant positions to be filled, the General Secretary shall declare the persons named to be elected to the panel. Otherwise, the General Secretary shall conduct a postal ballot of the members of General Synod to determine the person or persons to be elected, such ballot to be conducted in accordance with the rules for the time being in force for the conduct of ballots with such modifications as are necessary, and the General Secretary shall declare the person or persons who are successful in such ballot to be the person or persons elected by the General Synod to the panel. Upon the Secretary declaring a person to be elected to the panel, the person or persons shall become a member or members of the panel.
- 29 Any vacancy not filled pursuant to section 27 or section 28 shall be filled at the next ordinary session of the General Synod by the election by the General Synod of a person qualified to fill the vacancy.
- 30 The members of the panel to be convened for any sitting of the Tribunal shall be appointed by the senior presidential member or, if he or she is unwilling or unable to act, or if there is a vacancy in the office of senior presidential member, by the other presidential member.
- 31 (1) The Rules of the Tribunal made under this Part may provide that, in relation to the exercise of specified functions, or in relation to matters of a specified class, the Tribunal may, at the direction of the President, be constituted by a single member sitting alone.
- (2) The Tribunal constituted by a single member sitting alone cannot determine a charge or make a recommendation as to sentence.
- 32 The Tribunal, separately constituted in accordance with this Part, may sit simultaneously for the purpose of matters referred to it or for conducting separate business of the Tribunal.
- 33 An act or proceeding of the Tribunal is not invalid by reason only of a vacancy in its membership or the membership of the panel and, notwithstanding the subsequent discovery of a defect in the nomination or appointment of a member of the panel or the Tribunal, any such act or proceeding is as valid and effectual as if the member had been duly nominated or appointed.
- 34 The Registrar of the Tribunal shall be the General Secretary of the General Synod.
- 35 (1) The place and time of sitting of the Tribunal shall be as determined by the President of the Tribunal.

<sup>7</sup> Amended by Canon 14, 2010.

<sup>8</sup> Amended by Canon 11, 2017.

- (2) In any proceedings of the Tribunal where the Tribunal is constituted by two or more members:
    - (a) any question of law or procedure will be determined by the President; and
    - (b) any other question will be determined by majority decision of the members, and in the case of an equality of votes the opinion of the President shall prevail.
  - (3) Where the Tribunal is constituted by a member sitting alone who is not the President, any question of law that arises must be referred to the President for decision and any decision made on such a reference is a decision of the Tribunal.
  - (4) The Tribunal must act with fairness and according to equity, good conscience and the substantial merits of the case without regard to technicalities or legal forms and is not bound by the rules of evidence but may inform itself on any matter in such manner as it thinks fit.
  - (5) Without limiting the meaning and effect of sub-section (4), the Tribunal may receive evidence of a witness in the form of an affidavit, statutory declaration or a signed statement without the need for the personal attendance of the witness, and may also use electronic means such as video link or conference telephone to receive evidence and submissions, but must permit the respondent and his representative (if any) opportunity to adequately cross- examine each witness
  - (6) The Tribunal may inform itself from the record of any court or tribunal and may adopt any findings, and accept as its own, the record of any court or tribunal.
- 36 The Tribunal must give reasons for any determination, other than by way of directions in the course of a proceeding, unless the determination is made by consent of the respondent.
- 37 At any hearing before the Tribunal or before a member of it the ESC and the bishop may be represented by a legal practitioner or, with leave of the Tribunal, by any other person.
- 38 A decision of the Tribunal is the decision of a majority of the Tribunal.
- 39 At any time during the course of a hearing the Tribunal may, if it sees fit, obtain the opinion of the Board of Assessors of the Appellate Tribunal.
- 40 The Tribunal may make an order by consent of the parties before it.
- 41 (1) The Tribunal has no power to award costs of any proceedings before it.
- (2) A bishop who is the subject of a charge before the Tribunal may apply to the Standing Committee for the provision of legal assistance.
  - (3) The Standing Committee may grant legal assistance to the bishop on such terms and subject to such conditions as it shall determine.
- 42 (1) The presidential members of the panel may make rules of the Tribunal in relation to the practice and procedure of the Tribunal.
- (2) Subject to this Canon and the relevant rules, the practice and procedure of the Tribunal will be as directed by the President of the Tribunal.

#### **PART 6 – PROMOTION OF A CHARGE BEFORE THE SPECIAL TRIBUNAL**

- 43 (1) A charge against a bishop in the Tribunal may be brought:
- (a) by the ESC;
  - (b) by another Bishop; or
  - (c) in respect of a Bishop holding office or a licence in a diocese, in accordance with the provisions of an ordinance of the synod of that diocese.
- (2) The synod of a diocese may by ordinance declare that paragraph (a) of subsection (1) shall have no effect in respect of the Bishop of that diocese, in which case paragraph (a) of subsection (1) will not apply to that Bishop.
- (3) A declaration under subsection (2) –
- (a) shall not affect any proceedings in respect of a charge brought before such ordinance takes effect; and
  - (b) does not limit in any other respect the powers of the ESC contained in this or any other Canon in force in a diocese.

- (4) In respect of a charge brought pursuant to paragraph (c) of subsection (1) against the Bishop of a diocese in respect of whom there is in force a declaration under subsection (2), the General Synod shall not be responsible for the costs of bringing such a charge.
- (5) In respect of a charge brought pursuant to –
- (a) paragraph (b) of subsection (1), or
  - (b) paragraph (c) of subsection (1) where there is no declaration under subsection (2) in force in respect of that Bishop,
- the Special Tribunal or the Appellate Tribunal as the case may be may direct the General Synod to indemnify the person or body who or which brought the charge in respect of the costs of bringing the charge, and the General Synod will indemnify such person or body accordingly.
- 44 (1) A charge against a Bishop must:
- (a) be in writing;
  - (b) specify the alleged offence and provide particulars of the alleged offence;
  - (c) be signed by a member of the body or the person bringing the charge; and
  - (d) be lodged with the Registrar.
- (2) A signed copy of the charge shall be served on the Bishop personally or by leaving it at or posting it to the office of the Bishop's Registry in an envelope addressed to the bishop and marked **"Private and Confidential"**.
- (3) A charge, once instituted, may be amended or withdrawn by the person or body which instituted it.
- (4) Amendment or withdrawal of a charge does not prevent another person or body from bringing or proceeding with a charge in terms the same as or similar to a charge before it was amended or withdrawn.

#### PART 7 – PROCEEDINGS BEFORE THE SPECIAL TRIBUNAL

- 45 (1) Upon lodgement of a charge with the Registrar, the presidential member referred to in section 30 shall as soon as possible appoint the members of the Tribunal for the purpose of hearing the charge.
- (2) The President of the Tribunal shall thereupon cause to be convened a directions hearing presided over by a member of the Tribunal.
- (3) The person or body bringing the charge and the bishop shall comply with the rules of the Tribunal and with any directions given by a member of the Tribunal at a directions hearing.
- 46 (1) The Tribunal shall deal with any charge as expeditiously as possible.
- (2) The Tribunal may, if it sees fit, proceed with the hearing of a charge notwithstanding that there may be mediation or conciliation proceedings relating to the subject matter of the charge being conducted by the ESC and notwithstanding that there may be criminal or other proceedings being taken against the bishop.
- (3) Subject to section 23(3) the Tribunal may make a recommendation notwithstanding that the bishop the subject of the charge has ceased, after lodgement of the charge with the Registrar, to be a Bishop.
- 47 (1) Subject to sub-section (2), the Tribunal must give the following persons reasonable notice of the time and place of a sitting of the Tribunal:
- (a) the person or body bringing the charge; and
  - (b) the respondent; and
  - (c) such other persons as the Tribunal believes have a proper interest in the matter.
- (2) The Tribunal is not obliged to give notice of a sitting to a person whose whereabouts cannot, after reasonable enquiries, be ascertained.
- 48 (1) Subject to sub-section (2), a sitting of the Tribunal on a reference before the Tribunal is an open sitting.
- (2) On any such sitting before the Tribunal, the Tribunal has an absolute discretion to direct that persons other than –:

- (a) the respondent and any person representing the respondent in the proceedings; and
  - (b) witnesses or persons making submissions (while giving evidence or making those submissions); and
  - (c) officers of the Tribunal or persons assisting the Tribunal; or
  - (d) the person or members of the body bringing the charge or their representatives; not be present in the room while the Tribunal is sitting.
- 49 The Tribunal may make a determination in any proceedings in the absence of a person affected by the determination if satisfied that reasonable efforts were made to give that person an opportunity to appear.
- 50 In making any determination the Tribunal shall take into account:
- (a) the conduct of the bishop as it finds it to have been; and
  - (b) in the material before the Tribunal, any other fact or circumstance relevant to the determination of the question before it.
- 51 (1) At any time after the first directions hearing the Tribunal or, if so authorised by the Tribunal, the person or body bringing the charge, may make public a statement concerning the nature of the charge and the bishop against whom the charge is brought.
- (2) Upon the determination of any charge by the Tribunal and the recommendation of any sentence by the Tribunal, the Tribunal, or if so authorised by the Tribunal, the person or body bringing the charge, may make public a statement of the decision and, where appropriate, concerning the nature of the charge proved and the sentence imposed by the Tribunal, together with such reasons or a summary thereof as the Tribunal shall direct or approve.
- 52<sup>9</sup> In a case where entry is required under the *National Register Canon 2007*, a recommendation of the Tribunal, or the date and particulars of the recommendation, shall be entered on the National Register together with a record of any action taken consequent upon the recommendation.
- 53 Any appeal to the Appellate Tribunal from the Tribunal, other than in respect of a breach of faith, ritual or ceremonial, shall be by leave of the Appellate Tribunal.

#### PART 8 – DEPOSITION FROM ORDERS

- 54 (1) The deposition of a bishop from Holy Orders by the Primate pursuant to the recommendation of the Tribunal shall be effected by the execution by the Primate of an Instrument of Deposition in or to the effect of the form in the Second Schedule.
- (2) The Primate must forthwith:
- (a) register the Instrument in the Registry of the Primate;
  - (b) deliver a copy of the Instrument to the bishop of the diocese or dioceses in which the former Bishop who is the subject of the Instrument was ordained priest and bishop;
  - (c) if the former Bishop was a diocesan bishop, deliver a copy of the Instrument to the registrar of the diocese concerned; and
  - (d) cause relevant details to be forwarded for entry into the National Register.

#### PART 9 – TRANSITIONAL

- 55 The persons named hereunder shall hold the respective offices until their successors are appointed or elected in accordance with the provisions of this Canon:

Episcopal Standards Commission

Convenor: Mr Geoffrey Spring

Members: Ms Margaret Fuller, OAM; The Right Rev'd Ronald Stone.

Director of the Episcopal Standards Commission

Ms Rena Sofroniou

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<sup>9</sup> Amended by Canon 08, 2014.

Special Tribunal Panel

Senior Presidential Member: Sir Robert Woods, CBE.  
Presidential Member: The Hon Justice Debra Mullins  
Diocesan Bishops: The Most Rev'd Jeffrey Driver  
The Most Rev'd Philip Freier  
The Right Rev'd John Harrower  
Priests: The Rev'd Canon Dr Colleen O'Reilly  
The Ven. Dr Chris R Jones  
The Very Rev'd Andrew J Sempell

**FIRST SCHEDULE**

(Section 1 3(1))

- 1 Any breach of faith, ritual or ceremonial;
- 2 Drunkenness;
- 3 Wilful failure to pay just debts.

4<sup>1011</sup>

**SECOND SCHEDULE**

TO

I, PRIMATE/ARCHBISHOP of  
do hereby depose you from Holy Orders (particulars of which are set out below) in accordance  
with the recommendation of the Special Tribunal of the Anglican Church of Australia dated  
the day of

**PARTICULARS OF HOLY ORDERS**

FULL NAME AND  
ADDRESS

	ORDAINING BISHOP(S)	PLACE	DATE
ORDINATION AS DEACON	.....	.....	.....
ORDINATION AS PRIEST	.....	.....	.....
CONSECRATION AS BISHOP	.....	.....	.....

DATED:

SEALED



<sup>10</sup> Amended by Canon 03, 2014.

<sup>11</sup> Deleted by Canon 12, 2017.