



THE ANGLICAN CHURCH OF AUSTRALIA

SUPPLEMENTARY MATERIALS

*The
Sixteenth
General
Synod*

BOOK



Adelaide
June/July 2014



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BOOK **7**

Adelaide

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generalsecretary@anglican.org.au

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I. INTRODUCTION

This volume contains materials concerning matters which arose only after the dates on which other volumes of Synod papers were published or which could only be published after they had been considered by the Standing Committee when it met on 16 and 17 May 2014.

Items 1.1 to 1.4 are revised forms of Bills for Canons published in Book 2. The movers will seek leave to promote these Bills in the revised form.

Item 1.6 is a revised form of Bill 15, the original form of which was circulated to dioceses on 13 March 2014. The mover of the Bill will seek leave to promote it in its revised form.

Item 1.7 is Bill 16 which was circulated to dioceses on 13 March 2014.

Item 2.1 became available for publication after the Standing Committee considered it on 16 and 17 May 2014.

Item 2.2 is included at the request of the Standing Committee to clarify the development of the text of Faithfulness in Service from when it was first adopted to its current form. There is a motion on the business paper concerning the tabling of these documents.

Item 3.1 comprises the audited financial statements of the General Synod for 2013 which were approved by the Standing Committee on 16 and 17 May 2014.

Item 3.2 contains a proposal which arises from the Royal Commission Working Group's reflections on matters arising in the Royal Commission into Institutional Responses to Child Sexual Abuse's Case Study 3 and on its work to that point. The Standing Committee referred it to the General Synod for consideration.

Item 3.3 provides information about the impact on the General Synod budget if proposals for:

- Allocation of a contingency for legal costs of appearances in the Royal Commission
- Employment of a Royal Commission Officer
- Employment of a Financial Risk Officer
- Establishment of a Strategic Issues Steering Group

are adopted by the Synod at this Session.

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2. BILLS FOR CANONS

Supplements to Book 2

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BILL 05**A BILL FOR A CANON TO AMEND SECTION 54 OF THE
CONSTITUTION WITH RESPECT TO MEMBERSHIP OF THE
DIOCESAN TRIBUNAL****EXPLANATORY MEMORANDUM****Background**

- 1 The object of the constitutional amendments in this proposed Canon is to ensure that bishop to whom is made the recommendation of the diocesan tribunal, of the provincial tribunal on an appeal from a diocesan tribunal, or of the Appellate Tribunal following an appeal from the diocesan tribunal, is not a member of the diocesan tribunal.
- 2 The Constitution includes the following provisions with respect to a diocesan tribunal:
 - (a) that a diocesan tribunal shall be the court of the bishop and shall consist of a president, who shall be the bishop, or a deputy president appointed by him and not less than two other members as may be prescribed by ordinance of the synod of the diocese: section 54(1);
 - (b) the recommendation of the diocesan tribunal, and of the provincial tribunal on an appeal from a diocesan tribunal, and of the Appellate Tribunal on an appeal from a diocesan tribunal or a provincial tribunal, shall be made to the bishop of the diocese concerned: section 60(1).
- 3 The Constitution provides that the person to whom the recommendation is made shall give effect thereto, provided that if any sentence is recommended, he may consult with the tribunal and exercise a prerogative of mercy: section 60(2).
- 4 The possibility exists that if the bishop is a member of the diocesan tribunal, the bishop may hear a charge against a person and then have the responsibility of exercising the prerogative of mercy in respect of the sentence.
- 5 Justice and the appearance of justice in the Church's disciplinary system will be enhanced where the bishop who consults with the diocesan tribunal and exercises the executive power of the prerogative of mercy in respect of a recommended sentence has not already as a member of the diocesan tribunal exercised judicial power in recommending that sentence in the same matter. This separation will prevent allegations of apprehended bias, and perhaps actual bias, arising from the fact that the bishop who as a member of the diocesan tribunal has heard a charge against a person is then required to exercise the prerogative of mercy.

- 6 As in the case of the Special Tribunal (s 56(1)(a)) the President of the diocesan tribunal should always be an experienced lawyer. This requirement will help to ensure that the proceedings before the diocesan tribunal are conducted in accordance with the applicable rules and procedural fairness, and reduce the risk of the proceedings being challenged in a civil court.

Clause Notes

Clause 1 states the title of the Canon.

Clause 2 states, in accordance with section 67(2) of the Constitution, that the Canon comes into effect on a date appointed by the President.

Clause 3 amends section 54 of the Constitution by amending the first paragraph. to remove the bishop as ex-officio president of the diocesan tribunal and the office of deputy president, and provide that the president shall be appointed by the bishop.

Clause 4 amends section 54 of the Constitution by inserting new paragraph after the first paragraph to provide that the bishop is ineligible to be a member of the diocesan tribunal, and that a person who is a member of the diocesan tribunal shall cease to hold that office on becoming the bishop.

Clause 5 amends section 54 of the Constitution by amending the second paragraph to provide the president shall be a person qualified to be a lay member of the Appellate Tribunal.

BILL 05**A BILL FOR A CANON TO AMEND SECTION 54 OF THE
CONSTITUTION WITH RESPECT TO MEMBERSHIP OF THE
DIOCESAN TRIBUNAL**

5

The General Synod prescribes as follows:

Title

- 10 1 This Canon may be cited as the Constitution Amendment (Membership of the
Diocesan Tribunal) Canon 2010.

Commencement

- 15 2 This Canon comes into effect on a date appointed by the President in
accordance with section 67(2) of the Constitution.

Membership of the Diocesan Tribunal

- 20 3 In the first paragraph of section 54(1) of the Constitution, delete the matter “who
shall be the bishop, or a deputy president appointed by him” and insert instead
the words “appointed by the bishop”.

- 25 4 After the first paragraph of section 54(1) of the Constitution, insert the following
paragraph:
“The bishop is ineligible to be a member of the diocesan tribunal. A
person who is a member of the diocesan tribunal shall cease to hold that
office on becoming the bishop.”

- 30 5 In the second paragraph of section 54(1) of the Constitution:
(a) insert the following sentence at the beginning of the paragraph:
“The president shall be a person qualified to be a lay member of
the Appellate Tribunal.”, and
(b) delete the words “and deputy president”.

35

BILL 06**A BILL FOR A CANON TO AMEND SECTION 55 OF THE
CONSTITUTION WITH RESPECT TO MEMBERSHIP OF THE
PROVINCIAL TRIBUNAL****EXPLANATORY MEMORANDUM****Background**

- 1 The object of the constitutional amendments in this proposed Canon is to ensure that the metropolitan or another bishop of the province who has the responsibility to give effect to the recommendation of the provincial tribunal in respect of any matter is not a member of the provincial tribunal.
- 2 The Constitution contains the following provisions with respect to a provincial tribunal:
 - (a) that a provincial tribunal shall consist of a president who shall be the metropolitan, or a deputy president appointed by him, and not less than two other members as may be prescribed by ordinance of the synod of the province: section 55(1);
 - (b) that a provincial tribunal shall have jurisdiction to hear and determine appeals from any determination of any diocesan tribunal of the province in any case in which an appeal lies there from to the provincial tribunal: section 55(2);
 - (c) that a provincial tribunal shall, in respect of a person licensed by the bishop of a diocese within the province, have original jurisdiction to hear and determine charges of breaches of faith ritual ceremonial or discipline, and of such offences as may be specified by any canon ordinance or rule, provided that such original jurisdiction shall not be exercised except as prescribed by ordinance of the synod of the diocese: section 55(3);
 - (d) the recommendation of the provincial tribunal shall be made to the bishop of the diocese concerned: section 60(1).
- 3 The Constitution provides that the person to whom the recommendation is made shall give effect thereto, provided that if any sentence is recommended, he may consult with the tribunal and exercise a prerogative of mercy: section 60(2).
- 4 The possibility exists that if the metropolitan or a bishop of the province is a member of the provincial tribunal, the metropolitan or the bishop may hear a charge against a person or an appeal from a determination of the diocesan tribunal, and then have the responsibility of exercising the prerogative of mercy in respect of the sentence.
- 5 Justice and the appearance of justice in the Church's disciplinary system will be enhanced where the bishop who consults with the provincial tribunal and

exercises the executive power of the prerogative of mercy in respect of a recommended sentence has not already as a member of the provincial tribunal exercised judicial power in recommending that sentence in the same matter. This separation will prevent allegations of apprehended bias, and perhaps actual bias, arising from the fact that the metropolitan or another bishop who as a member of the provincial tribunal has heard a charge against a person, or an appeal from a determination of the diocesan tribunal, is then required to exercise the prerogative of mercy.

- 6 As in the case of the Special Tribunal (s 56(1)(a)) the President of the provincial tribunal should always be an experienced lawyer. This requirement will help to ensure that the proceedings before the provincial tribunal are conducted in accordance with the applicable rules and procedural fairness, and reduce the risk of the proceedings being challenged in a civil court.

Clause Notes

Clause 1 states the title of the Canon.

Clause 2 states, in accordance with section 67(2) of the Constitution, that the Canon comes into effect on a date appointed by the President.

Clause 3 amends section 55 of the Constitution by amending the first paragraph to remove the metropolitan as ex-officio president of the provincial tribunal and the office of deputy president, and provide that the president shall be appointed by the metropolitan.

Clause 4 amends section 55 of the Constitution by inserting a new paragraph to provide that the metropolitan and any other bishop of the province is ineligible to be a member of the provincial tribunal, and that a person who is a member of the provincial tribunal shall cease to hold that office on becoming the metropolitan or other bishop of a diocese of the province.

Clause 5 amends section 55 of the Constitution by amending the second paragraph to provide the president shall be a person qualified to be a lay member of the Appellate Tribunal.

BILL 06**A BILL FOR A CANON TO AMEND SECTION 55 OF THE
CONSTITUTION WITH RESPECT TO MEMBERSHIP OF THE
PROVINCIAL TRIBUNAL**

5

The General Synod prescribes as follows:

Title

- 10 1 This Canon may be cited as the Constitution Amendment (Membership of the
 Provincial Tribunal) Canon 2010.

Commencement

- 15 2 This Canon comes into effect on a date appointed by the President in
 accordance with section 67(2) of the Constitution.

Membership of the Provincial Tribunal

- 20 3 In the first paragraph of section 55(1) of the Constitution, delete the matter “the
 metropolitan, or a deputy president appointed by him” and insert instead the
 words “appointed by the metropolitan”.

- 25 4 After the first paragraph of section 55(1) of the Constitution, insert the following
 paragraph:

30 “The metropolitan and any other bishop of the province is ineligible to be
 a member of the provincial tribunal. A person who is a member of the
 provincial tribunal shall cease to hold that office on becoming the
 metropolitan or other bishop of a diocese of the province.”

- 5 In the second paragraph of section 55(1) of the Constitution:

- 35 (a) insert the following sentence at the beginning of the paragraph:
 “The president shall be a person qualified to be a lay member of
 the Appellate Tribunal.”, and

 (b) delete the words “or deputy president”.

BILL 10**A BILL FOR A CANON TO AMEND THE NATIONAL REGISTER
CANON 2007****EXPLANATORY MEMORANDUM****Background**

- 1 The object of this Canon is to amend the National Register Canon 2007 to ensure that:
 - (a) investigations by the police are not prejudiced by the notification to the member of the clergy or lay person concerned of the entry of Information in the National Register relating to that person; and
 - (b) Information that can be entered in the National Register includes the possession, production or distribution of child exploitation material.
- 2 There have been instances where a Director of Professional Standards has received a request from a police service that a member of the clergy or lay person not be notified of Information relating to that person so as to ensure that investigations by the police are not prejudiced.
- 3 The amendment relating to such a request from a police service is intended to ensure that, where such a request is received, the member of the clergy or lay person concerned is not notified of the entry of Information in the National Register relating to that person for a limited period which may be extended where a further request is received or further requests are received.
- 4 There has been a dispute as to whether conduct involving the possession, production or distribution of child exploitation material constitutes child abuse and so can be entered in the National Register.
- 5 The amendment relating to the definition of child abuse is intended to ensure that conduct involving the possession, production or distribution of child exploitation material is Information and so can be entered in the National Register.

Clause Notes

Clause 1 states the title of the Bill and that the National Register Canon 2007 is referred to as the principal Canon.

Clause 2 provides that the existing section 9 is renumbered as subsection (1) and that:

- (a) in subsection (1) the word “The” is deleted and the words “Subject to subsection (5), the” are substituted and the words “where that address is known” are inserted at the end;
- (b) subsections (2) to (5) are inserted whereby:
 - (i) subsection (2) provides that a Director of Professional Standards, who receives a police request or a withdrawal of the police request and is reasonably satisfied of its authenticity, shall forthwith enter a notation of the police request in the National Register, or remove that notation, as the case may be, and make, and provide to the General Secretary, a police request record or a withdrawal of the police request record, as the case may be;
 - (ii) subsection (3) provides that where the General Secretary receives a police request or a withdrawal of the police request and is reasonably satisfied of its authenticity, the General Secretary shall forthwith enter a notation of the police request in the National Register, or remove that notation, as the case may be;
 - (iii) subsection (4) provides that the General Secretary shall keep any such police request record or withdrawal of the police request record, as the case may be;
 - (iv) subsection (5) provides that the General Secretary shall not notify the member of the clergy or lay person of the entry of Information in the National Register relating to that person where he receives a police request, or a police request record from a Director of Professional Standards, until the sooner of the expiration of six months or he receives a withdrawal the police request, or a withdrawal the police request record from a Director of Professional Standards.

Clause 3 provides for the amendment of section 12 (which in specified circumstances imposes an obligation on the General Secretary to notify a person of the existence of any Information in the National Register relating to that person, and where applicable provide that person with a copy of that Information) by creating an exception in respect of the Information which is the subject of a police request.

Clause 4 provides for the amendment of the Third Schedule by:

- (a) amending the definitions of “child abuse” and “notifiable complaint”; and
- (b) inserting definitions of “child exploitation material”, “police request”, “police request record”, “police service”, “withdrawal of the police request” and “withdrawal of the police request record”.

BILL 10**A BILL FOR A CANON TO
AMEND THE NATIONAL REGISTER CANON 2007**

5 The General Synod prescribes as follows:

Title

- 10 1 (1) This Canon may be cited as the National Register Canon 2007
(Amendment) Canon 2014.
- (2) The National Register Canon 2007 is hereinafter referred to as “the
principal Canon”.

15 **Amendment of section 9**

2 Section 9 of the principal Canon is amended by:

- 20 (a) renumbering the existing section as subsection (1) and in the
renumbered subsection (1):
- (i) deleting the word “The” and substituting the words “Subject to
subsection (5), the”; and
- 25 (ii) inserting after the word “address” the words “where that address
is known”;
- (b) inserting the following subsections after subsection (1):
- 30 “(2) Where a Director of Professional Standards receives a
police request or a withdrawal of the police request and is
reasonably satisfied of its authenticity, the Director of
Professional Standards shall forthwith:
- 35 (a) enter a notation of the police request in the
National Register, or remove that notation, as the
case may be; and
- 40 (b) make a police request record or a withdrawal of
the police request record, as the case may be, and
provide that record to the General Secretary.
- 45 (3) Where the General Secretary receives a police request or
a withdrawal of the police request and is reasonably
satisfied of its authenticity, the General Secretary shall
forthwith:

- 5
- (a) enter a notation of the police request in the National Register, or remove that notation, as the case may be; and
- 10 (b) make a police request record or a withdrawal of the police request record, as the case may be.
- (4) The General Secretary shall keep any such police request record or withdrawal of the police request record, as the case may be.
- 15
- (5) Where the General Secretary receives a police request, or a police request record from a Director of Professional Standards, the General Secretary shall not notify the member of the clergy or lay person of the entry of Information in the National Register relating to that person until the sooner of the expiration of six months or the receipt of a withdrawal of the police request, or a withdrawal of the police request record from a Director of Professional Standards, as the case may be."
- 20
- 25

Amendment of section 12

- 3 Section 12 of the principal Canon is amended by inserting the words " , other than in respect of Information which is the subject of a police request", after the
- 30 word "shall".

Amendment of the Third Schedule

- 4 The Third Schedule of the principal Canon is amended by:
- 35 (a) in the definition of "child abuse":
- (i) inserting a colon after the word "means", renumbering the words "the following conduct in relation to a child" as paragraph (a), and renumbering paragraphs (a) to (f) as paragraphs (i) to (vi); and
- 40 (ii) inserting the following paragraph after paragraph (a)(vi) as renumbered:
- "(b) the possession, production or distribution of child exploitation material;"
- 45
- (b) inserting the following definition after the definition of "child abuse":
- "**“child exploitation material”** means material that describes or depicts a person who is or who appears to be a child:
- 50 (a) engaged in sexual activity; or
- (b) in a sexual context; or
- (c) as the subject of torture, cruelty or abuse (whether or not in a sexual context)
- 55 in a way that a reasonable person would regard as being, in all the circumstances, offensive. Child exploitation material can include any film, printed matter, electronic data, computer image or any other depiction;"

- 5 (c) in the definition of “notifiable complaint”:
5 (d)
- (i) inserting the word “or” at the end of paragraph (b); and
- (ii) inserting the following paragraph after paragraph (b):
10 “(c) which is the subject of a police request;”
- (e) inserting the following definitions after the definition of “physical abuse”:
15 **“police request”** means:
- (a) a request made orally or in writing by an officer of a police service that a member of the clergy or lay person not be notified of Information relating to that person; or
20 (b) a further request or further requests made orally or in writing by an officer of a police service that a member of the clergy or lay person not be notified of the Information referred to in paragraph (a);
- 25 **“police request record”** means a written record containing the name of the officer of the police service making a police request and his or her police service, the date of the making of the police request, the medium by which the police request is made, and the Information the subject of the police request;
30
- “police service”** means the Australian Federal Police or the police service of a State or Territory of Australia;”
- (f) inserting the following definitions after the definition of “Standing Committee”:
35
- 40 **“withdrawal of the police request”** means a notification made orally or in writing by an officer of the police service concerned that it withdraws the police request relating to a member of the clergy or lay person;
- 45 **“withdrawal of the police request record”** means a written record containing the name of the officer of the police service making a withdrawal of the police request and his or her police service, the date of the making of the withdrawal of the police request, the medium by which the withdrawal of the police request is made, and the Information the subject of the withdrawal of the police request.”

BILL 13**A BILL FOR A CANON TO AMEND THE CANON CONCERNING
CONFESSIONS 1989****EXPLANATORY MEMORANDUM****Background**

- 1 The object of this Canon is to amend the Canon concerning confessions 1989 by providing an exception to the obligation of an ordained minister to keep confidential a confession of a serious criminal offence.
- 2 This amendment is designed to give effect to:
 - (a) the principles relating to private confessions of child sexual abuse and the scope of section 2 of the Canon concerning confessions 1989 set out in the report of the Clergy Discipline Working Group dated 23rd March 2001;
 - (b) the principles relating to private confessions of child sexual abuse in the protocol entitled *Private Confessions: Pastoral Guidelines with special reference to Child Sexual Abuse* of the House of Bishops which was agreed on 8 March 2006 and revised on 1 March 2011; and
 - (c) the Report dated January 2014 to the Standing Committee by the Doctrine Commission on Confidentiality and Confessions.
- 3 The amendment will ensure that canon law does not impose a duty on an ordained minister who receives a confession of a serious offence to keep the confession confidential unless reasonably satisfied that the person making the confession has reported the serious offence to the police.
- 4 This Canon will only apply in a diocese which adopts both the Canon concerning confessions 1989 and this Canon.

Clause Notes

Clause 1 states the title of the Bill and that the Canon concerning confessions 1989 is referred to as the principal Canon.

Clause 2 provides for the amendment of section 2 by providing that the obligation of confidentiality of the ordained minister specified in that section is subject to section 3.

Clause 3 provides the insertion of a new section 3 and renumbers the remaining sections. The new section 3:

- (a) in subsection (1) provides for definitions of “child”, “child exploitation material”, “police” and “serious offence”;
- (b) in subsection (2) provides that where a person confesses that he or she has committed a serious offence the ordained minister is only obliged to keep confidential the serious offence so confessed where the ordained minister is reasonably satisfied that the person has reported the serious offence to the police.

Clause 4 provides the Canon shall not come into force in a diocese unless and until the diocese adopts both the principal Canon and the Canon by ordinance of the synod of the diocese.

BILL 13**A BILL FOR A CANON TO AMEND THE CANON CONCERNING
CONFESSIONS 1989**

5

The General Synod prescribes as follows:

Title

10

1 (1) This Canon may be cited as the Canon concerning confessions 1989
(Amendment) Canon 2014.

(2) The Canon concerning confessions 1989 is hereinafter referred to as
“the principal Canon”.

15

Amendment of the principal Canon

2 Section 2 of the principal Canon is amended by deleting the word “If” and
substituting the words “Subject to section 3, if”.

20

3 The principal Canon is amended by inserting a new section 3 and renumbering
the remaining sections:

“3. (1) In this section –

25

“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:

(a) engaged in sexual activity; or

(b) in a sexual context; or

30

(c) as the subject of torture, cruelty or abuse (whether or not
in a sexual context)

35

in a way that a reasonable person would regard as being, in all
the circumstances, offensive. Child exploitation material can
include any film, printed matter, electronic data, computer image
or any other depiction.

“police” means the Australian Federal Police or the police service
of a State or Territory of Australia;

40

“serious offence” means a criminal offence of the
Commonwealth, of a State or of a Territory, or of another country
which is equivalent to such a criminal offence of the
Commonwealth, of a State or of a Territory:

45

(a) involving a sexual element that is committed against, with
or in the presence of a child; or

(b) involving child exploitation material; or

5

(c) involving domestic violence; or

(d) punishable by imprisonment for life or for a term of 5 years or more.

10

(2) Where a person confesses that he or she has committed a serious offence an ordained minister is only obliged to keep confidential the serious offence so confessed where the ordained minister is reasonably satisfied that the person has reported the serious offence to the police.”

15

Canon affects order and good government

4 The provisions of this Canon affect the order and good government of this Church within a diocese and shall not come into force in a diocese unless and until the diocese adopts the principal Canon and this Canon by ordinance of the synod of the diocese.

20

BILL 14**A BILL FOR A CANON TO ALTER THE PROVISO TO CANON
113 OF THE CANONS OF 1603****EXPLANATORY MEMORANDUM****Background**

- 1 The object of this Canon is to alter the proviso to Canon 113 of the Canons of 1603 in so far as it may have any force by providing a further exception to the obligation of a minister to keep confidential a confession of a serious criminal offence.
- 2 The proviso to Canon 113 of the Canons of 1603 provides:

“Provided always, that if any man confess his secret and hidden sins to the minister, for the unburdening of his conscience, and to receive spiritual consolation and ease of mind from him; we do not any way bind the said minister by this our Constitution, but do straitly charge and admonish him, that he do not at any time reveal and make known to any person whatsoever any crime or offence so committed to his trust and secrecy, (except they be such crimes as by the laws of this realm his own life may be called into question for concealing the same,) under pain of irregularity.”
- 3 This amendment is designed to give effect to:
 - (a) the principles relating to private confessions of child sexual abuse and the scope of the proviso to Canon 113 of the Canons of 1603 set out in the report of the Clergy Discipline Working Group dated 23rd March 2001;
 - (b) the principles relating to private confessions of child sexual abuse in the protocol entitled *Private Confessions: Pastoral Guidelines with special reference to Child Sexual Abuse* of the House of Bishops which was agreed on 8 March 2006 and revised on 1 March 2011; and
 - (c) the Report dated January 2014 to the Standing Committee by the Doctrine Commission on Confidentiality and Confessions.
- 4 The amendment will ensure that canon law does not impose a duty on a minister who receives a confession of a serious offence to keep the confession confidential unless reasonably satisfied that the person making the confession has reported the serious offence to the police.

- 5 This Canon will only apply in a diocese which adopts this Canon and has not adopted, or adopted and then subsequently excluded, the the Canon concerning confessions 1989.

Clause Notes

Clause 1 states the title of the Bill and that the proviso to Canon 113 of the Canons of 1603 is referred to as the Proviso.

Clause 2 provides for the alteration of the Proviso by the insertion of an additional exception to the obligation of confidentiality imposed on a minister who receives a confession where the confession is of a serious offence unless the minister is reasonably satisfied that the person making the confession has reported the serious offence to the police.

Clause 3 provides for definitions of “child”, “child exploitation material”, “man”, “police” and “serious offence” in the altered Proviso.

Clause 4 provides the Canon shall not come into force in a diocese unless and until the diocese adopts it by ordinance of the synod of the diocese.

BILL 14**A BILL FOR A CANON TO ALTER THE PROVISIO TO CANON
113 OF THE CANONS OF 1603**

5

The General Synod prescribes as follows:

Title

10

- 1 (1) This Canon may be cited as the Canon Law Alteration (the proviso to Canon 113 of the Canons of 1603) Canon 2014.
- (2) The proviso to Canon 113 of the Canons of 1603 is hereinafter referred to as “the Proviso”.

15

Amendment of the Proviso

- 2 The Proviso in so far as it may have any force is altered by the addition of the following words at the end of the words in the brackets:

20

“and further except they be serious offences unless the minister is reasonably satisfied that the man has reported the serious offences to the police”

- 3 In the Proviso as altered by the Canon:

25

“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:

30

(a) engaged in sexual activity; or

(b) in a sexual context; or

(c) as the subject of torture, cruelty or abuse (whether or not in a sexual context)

35

in a way that a reasonable person would regard as being, in all the circumstances, offensive. Child exploitation material can include any film, printed matter, electronic data, computer image or any other depiction.

“man” means a person of either gender;

40

“police” means the Australian Federal Police or the police service of a State or Territory of Australia;

45

“serious offence” means a criminal offence of the Commonwealth, of a State or of a Territory, or of another country which is equivalent to such a criminal offence of the Commonwealth, of a State or of a Territory:

(a) involving a sexual element that is committed against, with or in the presence of a child; or

(b) involving child exploitation material; or

5

(c) involving domestic violence; or

(d) punishable by imprisonment for life or for a term of 5 years or more.

10 **Canon affects order and good government**

4 The provisions of this Canon affect the order and good government of this Church within a diocese and shall not come into force in a diocese unless and until the diocese adopts this Canon by ordinance of the synod of the diocese.

BILL 15**A BILL FOR A CANON TO AMEND THE USE OF CHURCH
NAMES CANON 1989****EXPLANATORY MEMORANDUM**

1. The Use of Church Names Canon 1989 (the Canon) regulates the use of names and descriptions relating to the Anglican Church of Australia. The Canon applies only to a diocese which in whole or in part is subject to the Anglican Church of Australia Act 1976 (NSW).
2. By section 3(2) of the current form of the Canon a body named or referred to in Schedule 2 is deemed to have been authorised to use the relevant Church name by certificate given under the Canon. By sections 4 to 7 of the Canon a person or body not listed in Schedule 2 of the Canon may apply to the Bishop-in-Council of a diocese in which the person or body has its principal place for a certificate authorising the use of a form of the Church name. By section 8 the bishop of a diocese may withdraw such authority to use the Church name.
3. In May 2012, the Archbishop of Sydney withdrew the authority of the “Church of England Children’s Home Burwood” to use the Church name by notice issued under section 8 of the Canon. This body is listed in Schedule 2 of the Canon and was therefore deemed to be authorised to use the Church name. However in view of the withdrawal of this authority, it was considered desirable to remove the name of this body from Schedule 2.
4. In consultation with the General Secretary about this matter, it was proposed that more extensive amendments to the Canon be made to put in place a mechanism whereby Schedule 2 can be further updated without the necessity of promoting a bill to the General Synod on each occasion.
5. The bill for the Use of Church Names Canon 1989 Amendment Canon 2014 seeks to achieve this outcome.
6. The mechanism proposed by the bill is to replace Schedule 2 in the Canon with a register that can be administratively updated and published by the General Secretary whenever a body is authorised to use the Church name by the relevant Bishop-in-Council or has such authority withdrawn by the relevant bishop. While the triggers for authorising and discontinuing authorisation for the use of the Church name remain at the diocesan level, there are obligations to notify the General Secretary of any changes to ensure the register is kept up to date.
7. Each of the dioceses in the Province of New South Wales has been consulted about the bill. As at 28 February 2014, the responses are as follows –
 - (a) The Diocese of Armidale, the Diocese of Canberra and Goulburn and the Diocese of Sydney have indicated their support for the bill.
 - (b) The Diocese of Newcastle is due to consider the bill on 27 March 2014 but had previously requested that the following names currently listed in Schedule 2 of the Canon be removed as both are now redundant –

“Closebourne” Anglican Conference Centre, Morpeth

Newcastle Church of England Grammar School for Girls

- (c) The Diocese of Bathurst has requested that the name “Anglican Growth Fund (Bathurst)” currently listed in Schedule 2 be removed.
- (d) No response has been received from the Diocese of Riverina or the Diocese of Grafton.

BILL 15**A BILL FOR THE USE OF CHURCH NAMES CANON
1989 AMENDMENT CANON 2014**

5

Long Title

A Canon to establish a register of the persons and bodies to which a certificate has been issued under the Use of Church Names Canon 1989.

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The General Synod prescribes as follows:

Name of Canon

15

1. This Canon is the Use of Church Names Canon 1989 Amendment Canon 2014.

Interpretation

2. In this Canon –

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“Use of Church Names Register” means the register maintained and published by the General Secretary under section 9A of the Principal Canon.

“Principal Canon” means the Use of Church Names Canon 1989.

25

Amendment of Use of Church Names Canon 1989

3. In section 2 of the Principal Canon –

- (a) omit the matter ‘In this canon, “Church name” means –’, and insert instead the following –

30

‘In this canon –

“Church name” means –’, and

- (b) add at the end the following –

“Use of Church Names Register” means the register maintained and published by the General Secretary under section 9A’.

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4. In section 3 of the Principal Canon –

- (a) omit the matter “Schedule 1” in subsection (1) and insert instead “the Schedule”, and

- (b) omit subsection (2) and renumber existing subsection (3) as (2), and

40

- (c) in renumbered subsection (2) omit the word “may” and insert instead “is authorised to”.

5. In section 5 of the Principal Canon –

- (a) omit the matter “sections 6 and 7” in subsection (1) and insert instead “sections 5A, 6 and 7”, and

45

- (b) insert a new subsection (3) as follows –

- 5 “(3) Upon the Bishop-in-Council of the diocese granting an
application for the issue of a certificate under this canon
- 5 and issuing the certificate (with or without conditions), the
Bishop-in-Council shall forthwith send a copy of the
certificate to the General Secretary.”.
6. Insert a new section 5A in the Principal Canon as follows –
- “Commencement of authority conferred by certificate**
- 10 5A. The authority conferred by a certificate of the Bishop-in-Council
of the diocese commences –
- (a) on the commencement of any period for which the
certificate is expressed to be in force, or
- (b) when the certificate is issued under section 5(1),
- 15 whichever last occurs.”.
7. Renumber existing section 8 of the Principal Canon as subsection 8(1) and insert
a new subsection 8(2) as follows –
- “(2) Upon the bishop of the diocese issuing a notice withdrawing an
authority conferred by certificate under section 8(1), the bishop
- 20 shall forthwith send a copy of the notice to the General
Secretary.”.
8. In section 9 of the Principal Canon omit the matter “section 8” and insert instead
“section 8(1)”.
9. Insert a new section 9A in the Principal Canon as follows –
- 25 **“Use of Church Names Register**
- 9A. (1) The General Secretary shall maintain and publish a
register of each person or body to which a certificate has
been issued under this canon (and which has not been
- 30 withdrawn) together with –
- (a) the form of the Church name specified in the
certificate which is authorised to be used,
- (b) any period for which the certificate is expressed to
be in force, and
- 35 (c) any condition or conditions subject to which the
certificate has been issued.
- (2) Upon the General Secretary receiving a copy of a
certificate under section 5(3) or a copy of a notice of
withdrawal of authorisation under section 8(2), the
- 40 General Secretary shall forthwith add or remove the name
or reference to the person or body from the Use of Church
Names Register as the case may be.
- (3) The General Secretary is authorised –
- 45 (a) to remove from the Use of Church Names Register
the name of or reference to any person or body on
the expiry of any period to which the certificate for
that person or body is expressed to be in force, and
- (b) if reasonably satisfied that the name of a person or
body on the Use of Church Names Register has

- 5 changed, to update the Use of Church Names Register to reflect the change,
subject to notice of such removal or update being given to both the Bishop-in-Council and the person or body concerned.”.
- 10 10. Omit the heading for Schedule 1 of the Principal Canon and insert instead the heading “Schedule”.
11. Omit Schedule 2 of the Principal Canon.

Transition

- 15 12. A body named or referred to in the Schedule shall be deemed to have been authorised by a certificate issued under the Principal Canon by the Bishop-in-Council of the diocese in which the body has its principal place of business to use, throughout Australia, the form of the Church name used by the body as at
- 20 the commencement of the Principal Canon until such time as notice of withdrawal of the certificate may be given under section 8(1) of the Principal Canon.
13. The General Secretary shall add to the Use of Church Names Register the name of each body named or referred to in the Schedule.
- 25 14. (1) Upon receiving a copy of a certificate issued by a Bishop-in-Council of a diocese under the previous form of the Principal Canon (being a certificate which has not been withdrawn under the previous form of the Principal Canon), the General Secretary shall add to the Use of Church Names Register the name of the person or body to which the certificate has been issued together with –
- 30 (a) the form of the Church name specified in the certificate which is authorised to be used,
(b) any period for which the certificate is expressed to be in force, and
(c) any condition or conditions subject to which the certificate has been issued.
- 35 (2) For the purposes of subsection (1), “previous form of the Principal Canon” means the form of the Principal Canon before the date on which this canon comes into force.

Schedule

- 40 Anglican Boys’ Society
Anglican Deaconess Institution
Anglican Encounter (Newcastle)
Anglican Girls’ Friendly Society
Anglican Insurances Agencies Pty Ltd
Anglican Men’s Society
- 45 Anglican Mothers’ Union
Anglican Women (Newcastle)
Anglican Women of Australia
CA Brown Anglican Village, Booragul
Church of England Historical Society
- 50 Church of England Youth Department Diocese of Sydney Ski Lodge Limited
Kambala Church of England Girls’ School
Meriden Anglican School for Girls
Mosman C of E Preparatory School Pty Ltd
- 55 SCEGGS Darlinghurst
SCEGGS Redlands
The Anglican Savings & Development Fund, Diocese of Newcastle

BILL 16**A BILL FOR A CANON TO AMEND s52 OF THE SPECIAL TRIBUNAL CANON 2007****EXPLANATORY MEMORANDUM**

This Bill addresses an issue similar to the issue addressed by Bill 03. See the explanatory memorandum for Bill 03 on page 2-022.

Section 52 of the Special Tribunal Canon 2007 provides:

A recommendation of the Tribunal shall be entered in the National Register together with a record of any action taken consequent upon the recommendation.

The Tribunal may make recommendations for a variety of reasons.

However, the National Register was established:

To assist in providing for the physical, emotional and spiritual welfare and safety, and the protection from the risk of abuse, of all people having dealings with clergy and church workers...

The National Register Canon 2007 provides for information relating to sexual misconduct and child abuse to be entered on the National Register.

Under section 5(2) of the National Register Canon 2007, and the definition of "Information", the National Register must contain the following data specified in the First Schedule:

- 14 *Date and particulars of a determination or recommendation of a Determiner relating to a notifiable complaint.*
- 15 *Date and particulars of any disciplinary action taken arising out of a notifiable complaint.*
- 16 *Date and particulars of any relinquishment of Holy Orders arising out of sexual misconduct or child abuse.*
- 17 *Date and particulars of any consent deposition from Holy Orders arising out of sexual misconduct or child abuse.*

It is therefore proposed that the requirement in section 52 of the Special Tribunal Canon 2007 to enter every recommendation of the Tribunal in the National Register should be limited to entry of details of recommendations arising out of sexual misconduct or child abuse (as contemplated by section 5 of the National Register Canon 2007).

Further, the requirement to enter a recommendation in the National Register creates technical difficulties. It is therefore preferable to create some administrative flexibility by amending section 52 so as to allow for the date and particulars of a relevant recommendation to be entered rather than the complete text of the recommendation.

BILL 16**A BILL FOR A CANON TO AMEND s52 OF THE SPECIAL
TRIBUNAL CANON 2007**

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The General Synod prescribes as follows:

Short Title

- 10 1. This canon may be cited as the *Special Tribunal Canon 2007 (s 52)*
Amendment Canon 2014.

Principal Canon

- 15 2. In this canon, the *Special Tribunal Canon 2007 (s 52)* is called the “principal
canon”.

Amendment of Section 52

- 20 3. Delete s 52 of the principal canon and substitute the following new section:

- 52 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
25 the National Register together with a record of any action
taken consequent upon the recommendation.

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3. REPORTS OF THE STANDING COMMITTEE
Supplements to Book 3

3.I Supplementary Report of Standing Committee to the General Synod

A MODEL EPISCOPAL STANDARDS ORDINANCE

1. INTRODUCTION

The Model Episcopal Standards Ordinance the subject of this report ("the ES Model") was prepared by the Episcopal Ministry Task Force ("the EMTF") appointed by the Standing Committee of General Synod at its meeting in October 2010. The members of the EMTF were:

The Hon. Justice David Bleby, now The Hon. David Bleby QC (Convenor)
The Most Rev Dr Peter Jensen, Archbishop of Sydney
The Most Rev Dr Phillip Freier, Archbishop of Melbourne
The Right Rev Gary Weatherill, Bishop of Willochra, now Bishop of Ballarat
Mr Michael Shand QC
Mr Garth Blake SC
Ms Leigh Haywood.

Upon the retirement of Dr Jensen the Most Rev Dr Glenn Davies was appointed to fill the vacancy. The terms of reference of the EMTF are set out below.

The EMTF met as follows:

5 – 6 August 2011	First meeting (Sydney Bishops court)
2 June 2012	Second meeting (Sydney Bishops court)
31 Aug – 1 Sept 2012	Third meeting (Sydney Bishops court)
24 – 25 May 2013	Fourth meeting (Sydney Bishops court)
14 -15 February 2014	Fifth meeting (Melbourne Bishops court)

The EMTF made an interim report to the Standing Committee at its November 2011 meeting on a number of possible options for inclusion in a revised Episcopal Standards regime. The report was considered in some detail by the Bishops Conference in March 2012, which some legal members of the EMTF also attended. As a result of that consultation a number of principles were identified. These are discussed below. Drafting of a model Ordinance then ensued. This identified a number of matters of detail upon which opinions might differ. These and the draft prepared by the EMTF were referred to the Bishops Conference which commenced at the end of March 2014.

It would be surprising if there were unanimous agreement on every aspect of such a proposal. There was, however, a strong desire for uniformity as far as possible across all dioceses, even at the expense of sacrificing some strongly held views as to content. The EMTF is therefore hopeful that the ES Model, with the support of the General Synod, will find acceptance in all Australian dioceses.

2. HISTORICAL BACKGROUND

It is convenient to summarise the historical background to this Church's handling of Episcopal discipline to date and a number of events which affected the work of the EMTF. That is because it is against this background that the present recommendation should be considered.

2.1 The original Special Tribunal

When the Constitution came into force on 1 January 1962, the only method of dealing with Episcopal discipline was by means of the Special Tribunal constituted under section 56 of the Constitution. The Tribunal then consisted of the Primate as President and two diocesan Bishops elected by the General Synod. Its jurisdiction was, and still is, to hear and determine charges against any member of the House of Bishops of breaches of faith, ritual, ceremonial or discipline and of such offences as may be specified by canon.¹

The only offences specified by canon were those in section 2 of the *Offences Canon 1962*. Those offences have largely remained unchanged in their substance and expression.² A charge could only be brought against a Bishop by five members of the Church resident in the diocese of the Bishop or by another diocesan Bishop.

The first real test of that system came with a charge brought against the then Bishop of Canberra and Goulburn by the Metropolitan of New South Wales. The hearing exposed some difficulties and shortcomings in the prescribed process and procedure.

¹ Constitution, s 56(6).

² Section 2 of the *Offences Canon 1963* provides:

2. The Special Tribunal in addition to its powers under section 56(2) of the Constitution may hear and determine charges against any member of the House of Bishops made in respect of the following offences:

1. Unchastity.
2. Drunkenness.
3. Wilful failure to pay just debts.
4. 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.
5. Wilful violation of the Constitution or of the canons made thereunder or of the ordinances of provincial synod or of his diocesan synod.
6. Any conduct involving wilful and habitual disregard of his consecration vows.

2.2 The Special Tribunal Canon 2004

Following a report and recommendations of the Church Law Commission, section 56 of the Constitution was amended in 2003 to provide for the President of the Tribunal to be a lawyer and the other members to be a diocesan Bishop and a priest of at least seven years standing. The jurisdiction of the Tribunal was extended to cover all members of the House of Bishops (i.e. to include the two Aboriginal Bishops) and a Bishop assistant to the Primate (the Bishop to the Defence Forces). Section 61A was inserted in the Constitution to provide for the suspension from office of a Bishop once a charge was laid.

In accordance with the recommendations a new *Special Tribunal Canon* was enacted in 2004, the essential features of which were:

- To provide for the election of a panel from whom the members of the Tribunal would be appointed to hear a particular charge;
- To provide for the appointment and function of the Episcopal Standards Commission;
- The only body which could bring a charge in the Special Tribunal against a Bishop was now the Episcopal Standards Commission;
- The Episcopal Standards Commission's functions were as set out in section 13 of the present (2007) Canon;
- The Episcopal Standards Commission in exercising its powers under the *Special Tribunal Canon* could adopt the provisions of the protocol approved under the *Episcopal Standards Canon 2004* (see below). In fact no protocol under that Canon was approved until October 2010.

It was intended that the Episcopal Standards Commission would act, where possible, to resolve complaints against Bishops and, where necessary, to investigate complaints and to act as an independent prosecutor in bringing proceedings against a Bishop in the Special Tribunal.

That Canon, on a reference to the Appellate Tribunal under section 30, proviso (c)(iii) of the Constitution, was held by the Tribunal not to take effect in a diocese unless the diocese adopted the Canon.

2.3 The Special Tribunal Canon 2007

General Synod passed a revised *Special Tribunal Canon* in 2007 which omitted those provisions which required the Canon to be adopted before taking effect. Under the revised Canon a charge could be brought against a Bishop by another Bishop, in accordance with the provisions of an Ordinance of the Bishop's diocese, or by the Episcopal Standards Commission. However, the Synod of a diocese could by Ordinance declare that the Episcopal Standards Commission could not bring a charge against its Bishop. Subject to the above, the powers and functions of the Commission were essentially unchanged.

2.4 The Episcopal Standards Canon 2007

The above discussion relates only to the development of the Special Tribunal set up under the Constitution and to proceedings investigated and brought under those constitutional provisions and their supporting Canon.

At the same time as amendments to the constitutional provisions were being reconsidered as a result of the proceedings against the Bishop of Canberra and Goulburn, the Church became embroiled in various scandals involving sexual abuse in many dioceses. The General Synod approved and many dioceses enacted a model Professional Standards Ordinance.

The essential features of that model were enacted by General Synod in the *Episcopal Standards Canon 2007*. That Canon:

- Empowered the Episcopal Standards Commission appointed under the Special Tribunal Canon to act under the Episcopal Standards Canon;
- Provided for the Standing Committee to approve a protocol to guide the actions of the Commission under that Canon and also under the Special Tribunal Canon;
- Enabled the Commission to act on "information", not necessarily a complaint, relating to the alleged misconduct or omission of a Bishop;
- Enabled the Commission to investigate information the subject of matter of which it considered constitutes "examinable conduct" (any conduct which, if established, might call into question the fitness of the Bishop to hold office or remain in Holy Orders, but excluding any breach of faith, ritual and ceremonial);
- Created an Episcopal Standards Board to determine any question referred to it by the Episcopal Standards Commission (excluding alleged breaches of faith, ritual or ceremonial) as to the fitness of a Bishop, whether temporarily or permanently, to hold office or to remain in Holy Orders;
- Expanded the possible remedies available to the Episcopal Standards Board beyond those available to the Special Tribunal upon proof of an offence;
- Provided that failure by a Bishop to comply with a direction of the Board would constitute an offence, thus enabling proceedings to be brought against the Bishop before the Special Tribunal if necessary.

2.5 The Episcopal Pastoral Relations Breakdown Working Group (Established October 2009)

It was only after the curing of the invalidity of the *Special Tribunal Canon 2004* in 2007 and the passing of the *Episcopal Standards Canon 2007* that the Episcopal Standards Commission could be appointed. It was soon called upon to act in two serious situations involving the Bishop of Ballarat and the Bishop of The Murray and their respective dioceses.

The Ballarat situation and the way it was handled prompted the appointment by the Standing Committee at its meeting on 16 October 2009 of the Episcopal Pastoral Relations Breakdown Working Group ("the Working Group"). This Working Group was formed to consider the issue of the breakdown in the pastoral relationship between a diocese and its Bishop, including strategies to prevent its occurrence and to resolve the

situation when it occurs. The Working Group consisted of Garth Blake SC, Bishop Curnow, Michael Shand QC and Bishop Weatherill.

The Working Group met in Melbourne all day on 18 December 2009 and 28 January 2010. They considered the full gamut of issues ranging from the theological principles bearing on the breakdown in pastoral relationships to the different options for process.

In February 2010, the Working Group proposed a new draft Bill for an *Episcopal Standards and Pastoral Relationships Canon* and an accompanying Explanatory Memorandum.

One of the principal features of the Bill was to empower an ESC to adjudicate on and make recommendations in respect of the Bishop if the Episcopal Standards Commission found that there was a real question whether a “serious breakdown in pastoral relations” had occurred between the Bishop of the one part and a substantial number of clergy and laity respectively of the other part. It sought to define what constituted such a serious breakdown. The Board could make recommendations to the Church authority ranging from counselling to removal from office (cl 42(2)).

The Church authority was to consist of a board of three senior Bishops. The Church authority would be empowered to give effect to the recommendation. This differed from the arrangements under the 2007 Canon. Under that Canon the Board’s recommendation must be complied with by the Bishop, failing which the Bishop would commit an offence which could then become the subject of a charge before the Special Tribunal.

The draft Bill, for a Canon to be enacted by the General Synod, retained the role of the ESC but made other significant changes:

- (a) The process was to be triggered by complaint rather than “information” and “examinable conduct”;
- (b) The protocol would include processes for mediation, conciliation and reconciliation, as appropriate, of a complaint and any associated breakdown in pastoral relations between a Bishop and others;
- (c) The Bill provided for more flexible procedures of the Board and Review Board in that a hearing was not necessary but could be held as fairness required. The process was to be administrative, the enquiry being about fitness for ministry as a diocesan Bishop;
- (d) There was to be a right of review on the merits to a Review Board rather than, as under the 2007 Canon, a review tribunal consisting of a barrister, on limited grounds;
- (e) There were detailed provisions concerning suspension.

The draft Bill was considered at the national Bishops Meeting in March 2010. The concept of legislating a process to deal with a serious breakdown in pastoral relations gained little support. It was felt that a properly constructed Canon in relation to misconduct would address most issues that arose.

The Working Group reported to the Standing Committee at its meeting in April 2010. The Standing Committee decided, in the light of further developments in Victoria and

the time that would be necessary for a proper consideration of the draft, that further consultation was desirable, resulting ultimately in the formation of the EMTF.

In the result, the matter of episcopal standards was not taken to the 2010 General Synod.

2.6 THE PROVINCE OF VICTORIA

In the meantime, in the light of the Ballarat experience and given the lack of progress at the National level, the Victorian Provincial Legal Committee developed proposals for a provincial system of episcopal standards in Victoria. The Bill had a number of similarities to the Bill proposed by the Working Group but did not attempt to legislate for a serious breakdown in pastoral relations. It contemplated the exclusion of the national Episcopal Standards Commission and Episcopal Standards Board, and proposed instead a diocesan appointed Episcopal Standards Committee to investigate complaints and, where necessary, to refer them to the diocesan appointed Episcopal Standards Board, with the alternative of bringing proceedings against the Bishop in the Special Tribunal. Some features of that Bill, which has now been enacted in three Victorian dioceses, are discussed in more detail below. The initiative for a Provincial Ordinance did not proceed, for want of agreement by all five Victorian dioceses.

2.7 The Episcopal Standards Commission and the Special Tribunal Canon

The problems which arose in Ballarat and The Murray could not be dealt with under the Episcopal Standards Canon 2007. Neither diocese had adopted the Canon. In both cases the Episcopal Standards Commission was therefore called upon to act under the Special Tribunal Canon 2007. In both cases there was a high degree of frustration at the apparent inability of the Episcopal Standards Commission to act. In the case of Ballarat it must be remembered, in defence of the Commission, that a breakdown in relationship does not necessarily involve an “offence” in respect of which a charge can successfully be brought in the Special Tribunal by the Commission or by another Bishop. The institution of proceedings under the *Special Tribunal Canon* was the only armoury that the Commission had. If it was the case that a charge could not successfully have been brought, the Episcopal Standards Commission had little it could do beyond arrange for the conciliation and mediation of the complaints it had received. By that time mediation may not have been possible. Others might say that, had the Commission acted quickly and appropriately, the position would not have been allowed to fester as it did.

In the case of The Murray, as was shown ultimately by the determination of the Special Tribunal, there were clear breaches of the *Offences Canon* committed by the Bishop. The Commission failed to act decisively in investigating the complaints, such that it was left to the Archbishop of Adelaide and the Bishop of Willochra to initiate their own investigations and to bring the charges which would have resulted in the Bishop being removed from office, had he not resigned a few days beforehand.

There may be reasons explaining, in part, the lack of appropriate action in these cases by the Commission. Those reasons may include the physical remoteness of the members of the Commission from the diocese concerned. However, that did not preclude the Commission from arranging for an appropriate investigation, as was done in fact by the Bishops who ultimately brought the charges against the Bishop of The Murray.

The unedifying fact remains that in these two cases the Church’s machinery, for whatever reason, was unable to deal effectively with the situations which arose. There

is no reason to believe that the situation would have been any different had the *Episcopal Standards Canon* been adopted in either diocese.

2.8 Appointment of the EMTF (October 2010)

As noted above, at its meeting in October 2010, the Standing Committee of General Synod appointed the EMTF.

The appointment of the EMTF in October 2010 grew out of a concern at an apparent failure of the Episcopal Standards Commission to deliver in respect of the serious breakdowns in the relationship between two Bishops and their respective dioceses in the two cases mentioned above. There was also concern at the fact that a number of dioceses had declined to adopt the *Episcopal Standards Canon 2007*, or having adopted it, had later excluded it in accordance with the provisions of section 30 (d) of the Constitution. The Province of Victoria was proceeding to develop its own legislation. The substantial cost to the Australian Church of such investigations as were carried out by the ESC in relation to the Bishop of Ballarat was also a matter of concern.

2.9 THE NATIONAL BISHOPS' CONFERENCE 2011

Before the EMTF could begin its work the Primate reported to the Standing Committee of General Synod in April 2011 that the Bishops present at the meeting that year indicated general support for a national model Ordinance which could then be implemented at the diocesan level. They were keen to stress that there should be a theological and ecclesiological basis to any framework, rather than a purely legalistic approach. This reflects the reality that the function and office of a Bishop is established on scriptural and ecclesiological grounds and not primarily on legal grounds. There was general support for a three-tiered approach: a diocesan grievance policy for low-level day-to-day concerns and the filtering of vexatious grievances; a national model Episcopal Discipline Ordinance providing for a local process with a review panel; and retention of the Special Tribunal to deal with the most serious complaints, with a sharing of resources at the provincial and national levels.

It was not suggested how the jurisdiction would be divided or how complaints would be directed to the particular channel for resolution. In the case of serious breakdown of relationships between the Bishop and the diocese or a significant part thereof it was pointed out that the Diocesan Council may be in a situation of conflict, and that there might be an assessment by other Bishops in the first instance, with a review panel appointed by the Diocese with the endorsement of the Metropolitan.

Discussion which followed at the April 2011 Standing Committee meeting revealed widespread disquiet concerning the functioning of the Episcopal Standards Commission and support for a local diocesan-centred process, at least initially, and the appointment of a high level group of assessors, presumably shared, at least at provincial level.

2.10 The Victorian legislation

In October 2011, the Melbourne Synod enacted the *Episcopal Standards Act 2011* (Melb). That Act came into operation on 20 December 2012, Ballarat followed early in 2013 and Wangaratta subsequently. The three dioceses share the same Director of Episcopal Standards and ESC. Bendigo still has the *Episcopal Standards Canon 2007* and Gippsland has no Episcopal Standards or Professional Standards legislation.

The Victorian legislation follows the scheme of the *Episcopal Standards Canon 2007* but with a number of significant departures. Principal among these are:

- (1) The concept of a 'Church authority' being able to implement a recommendation of the Board or Review Board without the need for a charge in the Special Tribunal, the Church authority consisting of a bench of 3 senior Diocesan Bishops including the Primate and the next senior Metropolitan;
- (2) The concept of a "complaint" of "misconduct", carefully defined, in lieu of that of investigation of "information" and the concept of "examinable conduct";
- (3) A diocesan appointed Board to hear the complaint in lieu of the nationally appointed Board;
- (4) The nature of the appeal process, in particular a merits review by a Review Board in lieu of a limited right of appeal before a barrister;
- (5) The voluntary submission to medical examinations;
- (6) The circumstances in which the diocesan Bishop may be suspended and by whom;
- (7) The concept of an Episcopal Standards Committee (**ESC**) in place of the National Episcopal Standards Commission.

2.11 National Bishops' Conference (March 2012)

The Bishops at their meeting in March 2012 discussed in detail the question of Episcopal Standards legislation, using the Melbourne legislation as a basis for discussion. They gave general support to the concept of a model Ordinance that each Diocese could use in enacting Episcopal Standards legislation. This recognized the principle of diocesan autonomy yet seeking to achieve as uniform approach as possible in the circumstances of each diocese.

The EMTF continued its work, meeting later that year and then in 2013 and early 2014. In February 2014, it published the proposed model episcopal standards Ordinance.

2.12 National Bishops' Conference (March 2014)

The Bishops at their meeting 30 March – 2 April 2014 discussed in detail in sessions over several days the proposed model Ordinance, particularly in the context of the current Royal Commission proceedings and recognizing the need for Bishops to be as accountable as other Church workers.

2.13 The present position

The *Episcopal Standards Canon 2007* has only been adopted in a little over half of the dioceses in Australia, but excluding the metropolitan dioceses of Sydney, Melbourne and Perth. Victoria's attempt at a provincial solution has only seen the enactment of its provincial model in three of the five Victorian dioceses. It is a matter of concern that some dioceses have no provision for Episcopal standards in place at all.

2.14 Legal challenges

Finally, it should be noted that throughout this period and until as recently as December 2013, there was some doubt about the constitutional validity of the model Professional Standards Ordinance and of any attempt, either by General Synod or by individual dioceses, to enact a similar regime for diocesan Bishops. The validity of the model Professional Standards Ordinance was unsuccessfully challenged before a single judge of the Supreme Court of New South Wales.³ Notwithstanding that decision, it was again challenged, also unsuccessfully, before the Full Court of the Supreme Court of South Australia.⁴ For reasons given in those cases the validity of the ES Model is unlikely to suffer a similar challenge.

3. THE TERMS OF REFERENCE OF THE EMTF

3.1 The terms of reference

The terms of reference of the EMTF at the time of its appointment in October 2010 were:

To review the principles behind and the operation of –

- (a) The system of ecclesiastical charges provided for in the Constitution;
- (b) Mental and physical incapacity of a Bishop;(sic)
- (c) Determining a Bishop's fitness to hold office with a view to promoting national uniformity; and
- (d) The means of determining the existence of and process for resolving relational conflict and breakdown involving the Bishop of a diocese.

At the April 2011 meeting of the Standing Committee the following resolution was also passed:

"That Standing Committee request the Episcopal Ministry Task Force to investigate means whereby, at the time of appointment of a Diocesan Bishop (or one otherwise affected by the provisions of the *Episcopal Standards Canon*), a regime could be established for the terms of appointment to allow for a mediated outcome should there be a breakdown in pastoral relations between the Bishop and the Bishop's Diocese, or which could deal with Episcopal Standards matters that would not otherwise be of sufficient gravity to sustain a charge before the Special Tribunal."

This is hereafter referred to as term of reference (e).

3.2 Term of reference (a) – The system of ecclesiastical charges

Term of reference (a) required the Task Force to examine the system of ecclesiastical charges provided for in the Constitution. That position has been outlined above.

³ *Sturt v Bishop of Newcastle* [2012] NSWSC 400.

⁴ *Harrington v Coote* [2013] SASCFC 154.

The Constitution appears to recognise that there is a paramount interest in and a corresponding obligation on the national Church to ensure that its diocesan Bishops preserve the faith and doctrine of this Church, that they behave in an appropriate manner consistent with the commands of Christ and that there be a national mechanism to deal with Bishops who have erred. To reduce that obligation to a diocesan responsibility only by removing the present constitutional mechanisms could be said to abandon any unity we have as a national institution. Any Constitution amendment on a contentious issue has great difficulty in gaining the necessary assent. To abandon or modify, by constitutional amendment, the present discipline provisions embodied in the Constitution is unlikely to succeed. On the other hand some reform is possible and is desirable in the prescription of offences presently contained in section 2 of the *Offences Canon*. The EMTF has not addressed this question and recommends that a review of the *Offences Canon* be referred to the Church Law Commission.

3.3 Term of reference (b) - Incapacity

Term of reference (b) required consideration and review of the likely effectiveness and continuing need for the *Bishop (Incapacity) Canon* 1995. Its provisions have never been invoked. It provides a process for declaring any episcopal office vacant in the event of proven physical or mental incapacity.

The ES Model, as does the model Professional Standards Ordinance, adopts fitness for office or for exercising ministry as being the test to be established before making any recommendations by the Board. That would be equally applicable to a finding of incapacity. On that basis there could well be an amalgamation of the two processes.

However, in the case of the ES Model there must also be a finding of "misconduct" as defined before a recommendation can be made. The Bishops at their conference in March 2012 were strongly of the view that incapacity should not be seen to be treated on the same footing and in the same Ordinance as the need for a finding of misconduct, notwithstanding that some form of misconduct may also evidence or be caused by incapacity. The EMTF accepted that view and took no further steps to amalgamate the two processes, save to empower the ESC to report the matter to the "relevant Metropolitan" if it considers on reasonable grounds that the Bishop whose conduct is being investigated may be incapable as defined in the *Bishop (Incapacity) Canon*.⁵ That would enable processes under that Canon to be undertaken.

3.4 Term of reference (e) – Mediated outcome of breakdown in pastoral relations

The EMTF's short answer to term of reference (e) was that, without some detailed procedure in place providing for a mediated outcome and for what is to happen if that does not succeed, incorporation of such provisions into the terms of appointment is likely to be of limited use. Building into any scheme a process which allows for a mediated outcome is clearly desirable. When a Bishop is installed he or she is likely to be required to sign a Declaration of Assent to the Constitution, the Canons of General Synod which are in force in the diocese and the Constitution and Ordinances of the diocese: See sections 6 and 7, *Oaths, Declarations and Assents Canon* 1992. The provisions of any scheme providing for mediation in the circumstances postulated, if included in a Canon in force in the diocese or in a diocesan Ordinance, would therefore become binding on the Bishop. The requirement for assent to such formularies requires the initial consent of the diocesan synod and its Bishop. The consensus is renewed upon the declaration being made by the new Bishop.

⁵ ES Model, section 28(b).

The suggestion seems to have arisen, however, from the Bishops' Conference 2011, that questions of breakdown in pastoral relations should not be provided for in legislation but by way of some form of voluntary protocol. Whatever legislation is in place will need an accompanying protocol, and mediation will always be an option that needs to be considered. But any situation which may result in dispute or coercion will need legislative authority, and the nature and operation of church legislation is necessarily consensual involving the Bishop.

The EMTF gave serious consideration as to whether mediation for some types of complaint or grievance against a Bishop should be included in a model Ordinance. It decided against any prescription partly because of the difficulty in prescribing the type of complaint, the variety of circumstances under which a complaint may arise and differing diocesan cultures. Dealing with such complaints or grievances requires great flexibility and a substantial degree of experience and common sense in knowing how best a particular complaint should be handled. The ES Model does allow for the ESC, where appropriate, to recommend conciliation or mediation of a complaint of misconduct.⁶ It also allows the PSC to dismiss a complaint if it is not a complaint of misconduct as defined.⁷ However, a complaint which, on analysis, is not a complaint of misconduct can also be the subject of a recommendation for mediation, conciliation, neutral evaluation or other alternative resolution.⁸

Such processes and the circumstances in which they may arise are best catered for in the protocol which will need to accompany the ES Model.

The EMTF also seriously considered the possibility of a formal grievance procedure. By its nature the Bishop's office requires the discharge of numerous leadership and pastoral functions which may be controversial and which will often generate dissatisfaction. It would be disempowering of the Bishop and debilitating of the diocese if every action or omission of the Bishop could become the subject of a grievance to be dealt with by the ESC or any other diocesan authority. The bar to triggering involvement of the Episcopal Standards Commission needs to be set higher at the level of a complaint about misconduct, with power to decline to act in what it considers to be a complaint not of misconduct, a vexatious complaint or one lacking in substance.

Grievance procedures are appropriate in some circumstances, but the EMTF has made no recommendation for implementation of such a procedure universally in respect of diocesan Bishops beyond what is described above.

The EMTF recognises, however, that minor grievances over contentious issues can multiply and grow into situations of potentially serious relationship breakdown. Experience has shown that there may well be a heightened need for Bishops to be often reminded of the consequences of poor or inadequate communication and of the manner in which they do things which can generate dissatisfaction and misunderstanding. The EMTF would urge the Bishops to incorporate studies of behaviour and personal relationships in properly structured and formal programs of continuing and professional development. Topics should include such matters as handling conflict, anger management, self-imposed responsibility and accountability and the discipline of self and/or peer review.

⁶ ES Model, section 16(e).

⁷ ES Model, section 23.

⁸ ES Model, section 28(a).

3.5 Terms of reference (c) and (d) – Fitness and process

TAKING INTO ACCOUNT THE HISTORICAL BACKGROUND OUTLINED IN PART 2 OF THIS REPORT, WHAT FOLLOWS IS AN ATTEMPT TO IDENTIFY THE MAIN PRINCIPLES INFORMING THE ES MODEL.

For reasons mentioned above, there is a practical necessity for retaining the Special Tribunal with jurisdiction to deal with alleged doctrinal offences and the more serious discipline offences. No-one has suggested otherwise. However, the definition of the “offences” in respect of which the Tribunal has jurisdiction is properly the subject of revision.

There is also consensus that there is a need for an administrative rather than a judicial process for dealing with a variety of situations which may arise and which may call for a variety of responses. Part of the difficulty in devising an appropriate scheme relates to the variety of situations which may arise. For example, there is a substantial difference between dealing with:

- (a) An individual complaint or grievance which may well be settled with explanation, better communication, apology or more formal mediation;
- (b) An identifiable breach or breaches of standards of behaviour which might be the subject of Special Tribunal proceedings; and
- (c) A series of relationship breakdowns which cause substantial division within the diocese.

These, and variants of each, probably require different treatment, and a series of type (a) or (b) complaints, if not satisfactorily resolved, may well develop into a type (c) problem.

Diocesan Bishops are fundamental to our understanding of Church and to the national Church organisation. Misconduct or breakdown in relationships involving a diocesan Bishop affects the health of the national Church, not only of the Bishop’s diocese. The national Church therefore has a clear interest in ensuring that the best and most efficient possible system for dealing with such problems is put in place, and that the same process is applicable throughout the Australian Church.

Outside the constitutional structures which are binding on all dioceses, there are demonstrable difficulties in any form of uniform national regulation. The *Episcopal Standards Canon* requires adoption by ordinance of a diocesan synod. It has not found and is unlikely to find universal favour. The Episcopal Standards Commission has been shown to have failed, for whatever reason, as an effective preventative/investigative body. There is no single reason for this. It is clear that such a body is unlikely to enjoy the confidence of the whole Australian Church.

There has also been expressed substantial disquiet at the cost of the one significant investigation conducted by the Episcopal Standards Commission and the fact that, under the present legislation, this is a cost to the national Church in respect of what many perceive to have been principally a diocesan problem.

There is also a rejection by some dioceses of a scheme which allows a non-diocesan-appointed body to investigate a complaint against its Bishop and a non-diocesan-appointed Board being able to make recommendations which include removal of its

Bishop from office. There will also be much greater respect for a scheme which can be "owned" by the diocese, its Bishop and its Synod.

Yet there is a recognition that there is needed some process besides the limited powers and functions of the Special Tribunal to deal with alleged misconduct and fitness for office by way of a less formal administrative process while respecting the need for sound and fair process.

The EMTF was also concerned that processes developed for Bishops should reflect, as far as possible, processes adopted for clergy and church workers. The ES Model does depart in some respects from current processes in the Model Professional Standards Ordinance. In particular it does not rely on the receipt by the ESC of "information" and the concept of "examinable conduct". It provides for a review on the merits rather than a review limited to alleged process failure. There are other differences in matters of detail. However, the EMTF is aware that the Model Professional Standards Ordinance itself is undergoing review and that such a review is likely to adopt similar processes to those appearing in the ES Model. However, the very nature of the office requires that there will be some necessary differences in the case of Bishops.

There are compelling reasons, already mentioned, for a model ordinance rather than another attempt at General Synod legislation. Other reasons for taking this course include the likely time it would take (two or more General Synods) to have a Canon passed before it could even be adopted by a diocese, and the inability to make minor adjustments necessary for local requirements and terminology.

4. AN OVERVIEW OF THE ES MODEL

4.1 Coverage

The *Episcopal Standards Canon 2007* applies to all members of the House of Bishops. That includes the Aboriginal and Torres Strait Islander Bishops appointed under section 17 (8) of the Constitution. It also applies to the Bishop to the Defence Forces. The reason for that is that those Bishops are also subject to the jurisdiction of the Special Tribunal.⁹ The Aboriginal and Torres Strait Islander Bishops have been and, for the foreseeable future, are likely to be assistant bishops. They are more appropriately subject to their own diocesan professional standards legislation. The EMTF recommends that the Standing Committee be asked to promote legislation at the next session of General Synod to amend section 56(6) of the Constitution to remove the Aboriginal and Torres Strait Islander Bishops from the jurisdiction of the Special Tribunal.

A Bishop assistant to the Primate in his or her capacity as such should probably remain subject to the jurisdiction of the Special Tribunal, but should be treated no differently from other diocesan Bishops in the application of the provisions of the ES Model. Accordingly, the EMTF recommends that the Standing Committee should also be asked to promote legislation at the next General Synod –

- (a) to repeal the *Episcopal Standards Canon 2007*, and
- (b) to enact a Professional Standards Canon in the form of the ES Model, with appropriate modifications, applicable to a bishop assistant to the Primate in his or her capacity as such.

⁹ Constitution, section 56 (6).

4.2 The concept of a "complaint" and "misconduct"

The *Episcopal Standards Canon 2007* is not complaint based. Rather it depends on establishing "examinable conduct" and "information". The ES Model departs from that and relies upon a complaint of "misconduct" and a consideration of the Bishop's fitness for office or ministry. The definition of "misconduct" is extensive, with most of the key terms included in it also being carefully defined. They will repay careful study.

As already mentioned, similar concepts are being considered in the revision of the Model Professional Standards Ordinance. The concept of a "complaint" is also central to the scheme of the *National Register Canon 2007* under which a "notifiable complaint" against clergy or laypersons must be placed on the Register.

People understand what it means to make a complaint; concepts of 'information' and 'examinable conduct' in the context of the 2007 Canon are harder to grasp. The latter may have the advantage of not assuming blame or fault but they lack a sharp focus or clarity in the eyes of the ordinary complainant. For example, do you receive or dismiss 'information' and 'examinable conduct' in the way people understand with a complaint?

There is nothing exceptional in having a complaints process. They are common in other professions. Most States have legislation dealing with professional discipline of a number of professions including law, health and associated activities, estate agents and others. All are complaint based.

The ES Model allows for the lodging of a complaint which ultimately must be allowed, dismissed or specifically the subject of a determination to take no further action. It therefore gives some ownership of the process to the complainant but equally, through the legislated process, it encourages expedition and finality.

As a general principle, it is better to have an accessible, transparent and accountable process for dealing with grievances. Some may contend that a complaints process will attract too many unwarranted and trivial complaints but that concern is best addressed by a process of filtering complaints rather than obfuscating the options available to an aggrieved person. Otherwise, the process may deter people from bringing forward genuine complaints. The ES Model has specific provisions to filter complaints. Under section 23 the ESC may in certain prescribed circumstances dismiss a complaint or take no further action in relation to a complaint. As mentioned above in relation to alternative dispute resolution processes, other outcomes are also possible.

4.3 A merits review by a Review Board

The *Episcopal Standards Canon 2007*, s 54, confers a right of review on limited grounds to a Review Tribunal consisting of a barrister, provided the applicant pays one half of the estimated fee to the Review Tribunal (s63). The charging of this fee leaves the process open to the criticism that access to justice is unreasonably impeded.

The ES Model affords the opportunity for the Diocesan Bishop or the ESC to apply, without charge, to the Review Board for a fresh administrative reconsideration of the decision. This is a review "on the merits" and does not involve fine arguments of legal principle. Merits review is common in administrative law matters and avoids the delay and legal complexity that can be inherent in a review on limited legal grounds. The Review Board can look at the matter afresh and affirm, vary or set aside the Board's determination and recommendation. The Review Board is not obliged to hold a hearing at which evidence is adduced or submissions heard orally. The opportunity for

a merits review can give greater confidence that all due fairness has been extended to the parties, without the process of review involving complex legal argument.

The Review Board's task is to make the correct or preferable decision, having regard to the material before it. It conducts the review without any presumption as to the correctness of the decision under review.

4.4 The Council of Bishops

One or more of a wide range of possible remedies¹⁰ may be the subject of a recommendation by the Board or Review Board to a Council of Bishops. The ES Model, section 100, gives the final say to the Council of Bishops comprising a bench of three senior Bishops including the Primate and the next senior Metropolitan, subject to their consenting to participate. In broad terms, the ESC would investigate a complaint (section 25) and refer a question of fitness for office or ministry to the Episcopal Standards Board (section 52) to make a determination and any recommendation (section 58). Both the ESC and the respondent diocesan Bishop could, if aggrieved, apply for a merits review by an Episcopal Standards Review Board (section 70). The recommendation of the Board or Review Board would go to the Council of Bishops who must give effect to the recommendation or a modification of it.

The Council of Bishops is equivalent to a 'Church authority' to whom a recommendation is made in the Model Professional Standards Ordinance. It represents a change to the scheme of the *Episcopal Standards Canon 2007* where the Episcopal Standards Board makes a determination and may give a direction to the Diocesan Bishop (s49). If the Bishop fails to comply with the direction, the Bishop commits an offence and the Episcopal Standards Commission may bring a charge against the Bishop in the Special Tribunal (s51). The Episcopal Standards Board as constituted by the 2007 Canon comprises a Presidential member (a lawyer), and an equal number of up to two persons in bishop's orders and up to two persons not in bishop's orders (s23(2)). All are appointed by the Standing Committee of General Synod (s21).

Under the ES Model, the proposed bench of senior diocesan Bishops must give effect to a recommendation of the Board or a modified form of it (s 100) and is constituted, subject to their consent, by force of the high offices held by them in the Church and their seniority (s 3(3)). As it is only bishops who can ordain a bishop, it is appropriate that any restriction on or removal of office should also be performed by Bishops.

4.5 Suspension pending hearing

Part 12 of the ES Model has detailed provisions on suspension intended to afford procedural fairness which are triggered by the ESC's being satisfied that there is an unacceptable risk of harm to any person or serious damage to the reputation of the Church if the Diocesan Bishop remains in office pending the outcome of the complaint. When that occurs the matter is referred to the Board or, in cases of immediate unacceptable risk of harm, to the Council of Bishops. Any ultimate decision is made by the Council of Bishops on the recommendation of the Board. Before making a recommendation the Board must consult with the Diocesan Council but is not required to obtain their concurrence. It is preferable that the Council, the members of which must work co-operatively with the Bishop, should not have a decision making role on a

¹⁰ See section 58.

question of suspension that turns on risk of harm or damage to the reputation of the Church. Political considerations will unavoidably intrude and this is both unnecessary and unhelpful to the process.

4.6 Medical examinations

The provisions regarding medical examinations differ slightly from those of the Model Professional Standards Ordinance in that the PSC, the Board or a Review Board may request, rather than require, the respondent to submit to a medical examination by a nominated practitioner. However, section 60 of the ES Model, unlike the Model Professional Standards Ordinance, provides a useful power to adjourn any hearing for a period or periods aggregating not more than 12 months upon the respondent undertaking to take a range of possible remedial actions, including submitting to medical examinations and treatment. Failure to give the undertaking will require the Board to proceed to make a determination or recommendation, drawing whatever inference may be appropriate from the failure. Failure to comply with an undertaking given can be taken into account in deciding the final recommendation.

4.7 Public hearing/private hearing

Section 78 of the ES Model provides that, subject to the Board or Review Board giving a direction to the contrary on one of the grounds specified in subsection (3), the hearing must be held in public. This is consistent with the requirements of the Model Professional Standards Ordinance (s64), the *Special Tribunal Canon* (s48) and the *Episcopal Standards Canon* (s45). The model Victorian legislation provides that such hearings are to be in private but that the Board or Review Board may permit such persons to attend as each may in its discretion direct. Either approach may lead to the same outcome – an open or closed hearing as the case may be; the question is the presumed starting point.

The ES Model reflects the "open-court" principle which has been said to provide, amongst other things, "a visible assurance of independence and impartiality" and is "an essential aspect of the characteristics of all courts, including the courts of the States".¹¹ Most private domestic tribunals are private hearings. Statutory disciplinary tribunals regulating a variety of professions are generally open hearings. Proceedings involving a diocesan Bishop will usually attract substantial public interest. Accuracy in reporting, rather than reporting based on leaks or rumours, will be in the best interests of all concerned. Prima facie open hearings also give a strong indication of transparency rather than secrecy on a matter of public interest.

In most States and Territories there are statutory restrictions on the publication of the identity of certain victims of alleged crimes and, for a period, of persons charged with certain crimes. Anyone reporting proceedings and any Board, Review Board or Tribunal in publishing reasons available to the public will need to be aware of and to comply with those requirements.

4.8 Serious breakdown in pastoral relations

For completeness, it is noted that the ES Model does not deal with this issue. On balance it is considered better to deal with it by a separate protocol rather than by a legislated approach. Difficult questions arise with legislation for which there is no ready legislative solution. They include:

¹¹ *South Australia v Totani* [2010] HCA 39 at [62], French CJ.

- (a) How do you define serious breakdown? Between what people and the Bishop? Over what period of time? What degree of seriousness is required?
- (b) What matters should not be considered serious breakdown?
Unless "misconduct" is clearly involved, such issues are best left to be treated under a protocol relating to settlement of grievances as discussed in Part 3.4.

4.9 Appointment of the ES Director and membership requirements of the PSC, the Board and Review Board

The ES Model requires the appointment by the Diocesan Council of a significant number of specially qualified people to fulfil these roles. Most non-metropolitan dioceses simply will not have those resources available in the diocese. In most cases it may well be desirable in any event that the positions are filled by persons from outside the diocese. This problem can be addressed in two ways. First, provincial or regional groupings of dioceses whose Diocesan Councils agree to appoint the same persons will provide substantial relief. Secondly, the EMTF recommends that General Synod be asked to pass a resolution authorising the Standing Committee to maintain a register of people willing and able to serve on such bodies, thereby providing a resource available to all dioceses which choose to avail themselves of that service.

4.10 Proceedings before the Special Tribunal

Attention is drawn to the provisions of section 43 of the *Special Tribunal Canon 2007* which enables a charge to be brought against the Bishop of a diocese in accordance with the provisions of an Ordinance of the Synod of that diocese. A diocesan synod should consider whether it would wish to authorise its own ESC to bring such a charge in the Special Tribunal.

Clause Notes

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| Clause 1 | provides for the short title. |
| Clause 2 | provides for the Ordinance to come into operation on a day or days to be appointed by the Diocesan bishop in Council. |
| Clause 3 | gives definitions of terms used in the Ordinance, including "Council of Bishops", "misconduct" and its various components and "excluded conduct" referred to in those definitions. |
| Clause 4 | states that the overriding purposes of the Ordinance and of any protocol made under the Ordinance, in their application to any complaint under this Ordinance, is to facilitate the just, quick and inexpensive resolution of the real issues in the complaint and to regulate fitness for ministry for the protection of the community. |
| Clause 5 | provides that the Director, the ESC, the Board and the Review Board must each seek to give effect to the overriding purposes when it exercises any power given to it by the Ordinance or by any protocol and when it interprets any provision of the Ordinance or of any such protocol. |

Clauses 6 and 7	empower the Diocesan bishop in Council from time to time by resolution to approve and promote awareness of a code of conduct for observance by the Diocesan Bishop.
Clause 8	specifies the circumstances in which the Bishop must report certain matters to the Director of Professional Standards, the Director of Episcopal Standards, a Professional Standards Committee or the Episcopal Standards Committee of a diocese.
Clauses 9 and 10	specify the duties of the Bishop with respect to the conduct of proceedings under the Ordinance.
Clauses 11 and 12	empower the Diocesan bishop in Council from time to time by resolution to approve and promote a protocol or protocols for implementation in relation to the matters the subject of this Ordinance.
Clauses 13- 17	establish and regulate the Episcopal Standards Committee (the ESC) and set out the functions of the ESC.
Clauses 18 and 19	establish the office of Director of Episcopal Standards and set out the functions of the Director.
Clauses 20 – 22	deal with who may make a complaint against the Diocesan bishop and how that may be done.
Clause 23 and 24	set out the circumstances in which the ESC may dismiss a complaint or take no further action in relation to a complaint and requires notice of that outcome and reasons to the complainant if that happens.
Clause 25 – 27	deal with investigations and require the ESC, subject to the Ordinance, to investigate each complaint as expeditiously as possible.
Clause 28 and 29	provide for the different courses of action the ESC may take in relation to a complaint.
Clause 30	deals with the settlement or resolution of a complaint.
Clauses 31- 39	establish and regulate the Episcopal Standards Board.
Clauses 40 – 49	provide for the circumstances in which the Diocesan bishop may be suspended and the process to be followed in different circumstances.
Clauses 50 – 51	deal with the effect and consequences of suspension.
Clauses 52 – 56	deal with the reference of a complaint to the Episcopal Standards Board and for dealing with a complaint as expeditiously as possible
Clause 57	sets out the circumstances in which the Board may dismiss or take no further action in relation to a complaint.

Clauses 58-59	empower the Board to make a determination in relation to the reference and to make recommendations, including deposition from Holy Orders.
Clause 60	enables the Board to adjourn for up to 12 months upon the respondent undertaking a number of possible actions or omissions and provides for the consequences of failing to give or of breaching an undertaking.
Clauses 61 – 68	establish and regulate the Professional Standards Review Board.
Clauses 69-70	provide that where the Board has made a "reviewable decision", the respondent or the ESC may within 30 days from the date of the decision or such further period as the Episcopal Standards Review Board may allow, apply to the Review Board for a review of the decision.
Clause 71	provides that, unless the Review Board directs otherwise, the application for review does not operate as a stay of the action on any recommendation by the Council of Bishops.
Clauses 72-73	provide for the delivery of documents to the secretary of the Review Board and for the President or Deputy President to determine the membership of the Review Board from the Panel.
Clauses 74-75	set out the powers of the Review Board and the need to act expeditiously.
Clauses 76-99	regulate proceedings of the Board and the Review Board.
Clause 76	<p>provides that each of the Board and the Review Board –</p> <ul style="list-style-type: none">(a) must act with fairness and according to equity, good conscience, natural justice and the substantial merits of the case without regard to technicalities or legal forms; and(b) is not bound by the rules of evidence but may inform itself on any matter in such manner as it thinks fit.
Clause 77	<p>provides that subject to the Ordinance, each of the Board and the Review Board -</p> <ul style="list-style-type: none">(a) may regulate the proceedings of its meetings as it sees fit;(b) may conduct its business and any proceedings by video link, conference telephone or by any electronic means of communication;(c) may inform itself from the transcript or record of any court or tribunal and may adopt any findings, and accept as its own, the record of any court or tribunal;(d) may give to another person to whom notice of the proceedings was given or who has a proper interest in

the matter a reasonable opportunity to make submissions;

- (e) must give 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 ESC.

The Board must give the PSC and the respondent a reasonable opportunity to adduce evidence, to examine cross-examined witnesses and to make submissions to the Board.

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| Clause 78 | provides that any hearing of the Board or Review Board must be held in public, but with power in certain circumstances to direct that the whole or part of a proceeding be held in private. |
| Clause 79 | provides that a Review Board is not obliged to hold a hearing at which evidence is adduced or submissions heard orally, or to admit fresh evidence unless certain criteria are fulfilled. |
| Clause 80 | provides that a party to a complaint may at their own expense appoint a legal representative to assist them in the process. |
| Clauses 81 – 83 | enable the Board and the Review Board to give directions as to production of documents, appointing a person or persons to assist and as to further enquiries to be made. |
| Clause 84 | provides that without limiting the meaning and effect of sections 76 and 77, each of the Board and the Review Board may receive a statutory declaration or a signed statement without the need for the personal attendance of the maker of the statement and may also in its discretion use electronic means such as video link or conference telephone to receive evidence and submissions. |
| Clause 85 | provides for reception of a certificate, reasons for judgment or other record from a court or tribunal (as the case may be) as conclusive evidence that the respondent engaged in the conduct constituting abuse and precludes the parties from calling into question the conviction or finding of guilt of the respondent or denying that the respondent engaged in the conduct constituting abuse. |
| Clause 86 | <p>provides that–</p> <ul style="list-style-type: none"> (1) The standard of proof to establish an allegation is that of a reasonable satisfaction on the balance of probabilities. (2) Each of the Board and the Review Board must scrutinize evidence with greater care if there is a serious allegation to be established, or an inherent unlikelihood of an occurrence of a given description or if there are grave consequences that would flow from a particular finding. |

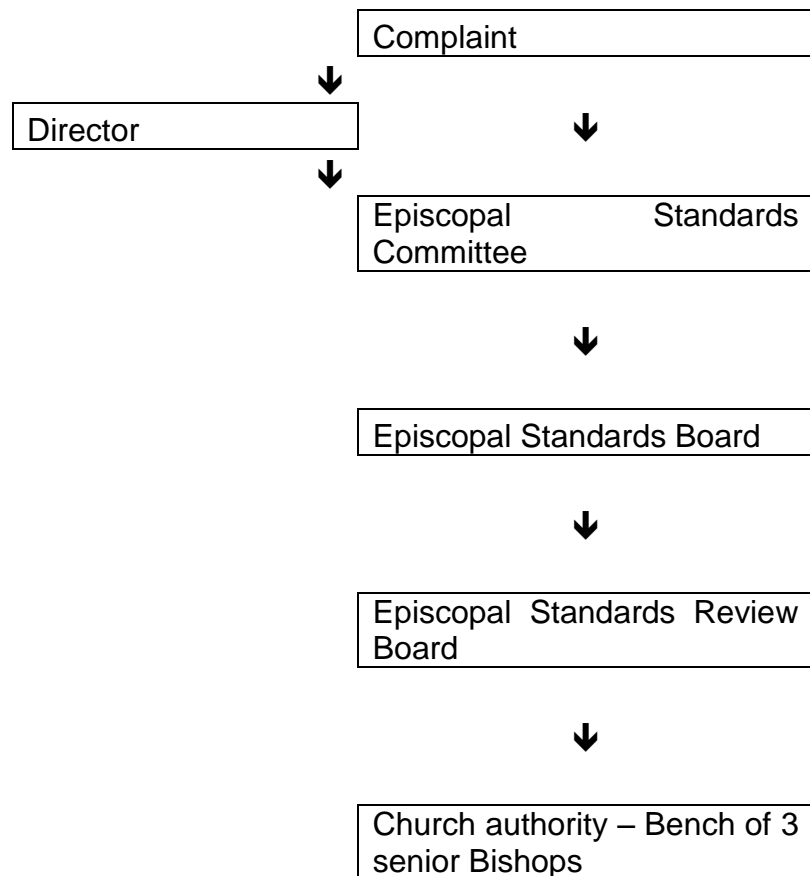
- Clause 87 provides that no member of the Board or the Review Board shall individually meet with either the complainant or the respondent or anyone acting on their behalf while the matter is in progress.
- Clause 88 provides that where a member of the Board or the Review Board has a personal interest in a matter before it the member shall be disqualified from participating in the matter.
- Clause 89 empowers the ESC or the Board or Board of Review to request (but not require) a respondent to submit within a specified time to a medical, psychiatric or psychological examination by a person approved by the ESC or the Board the cost of which shall be met from church funds of the diocese of the referring body.
- Clause 90 provides that if the Board or the Review Board is satisfied that there is no reasonable likelihood that the Special Tribunal would find the respondent guilty of any offence, the Board or the Review Board shall take no further action by way of recommending the appointment of a person to lay a charge against the respondent.
- Clause 91 precludes the Board or the Review Board from inquiring into various matters there stated or from enquiring into, making any findings in relation to or taking into account any breach of faith, ritual or ceremonial.
- Clause 92 sets out the matters the Board and the Review Board shall take into account.
- Clause 93 provides that neither the Board nor the Review Board has the power to award costs of any matter before it.
- Clauses 94 – 95 provide for the making of Rules of the Board and Review Board.
- Clauses 96 – 98 provide for matters of practice and procedure of the Board and the Review Board.
- Clause 99 requires each of the Board and the Review Board to cause a copy of each determination and recommendation to be provided to:
- (a) the Council of Bishops;
 - (b) the complainant;
 - (c) the respondent;
 - (d) the Director and the ESC;
 - (e) the Diocesan Council; and
 - (f) the Professional Standards Commission of the Anglican Church of Australia;
- subject, however, to certain anonymisation or redaction, and to release such determination, reasons and

recommendation to the public.

- Clause 100 empowers the Council of Bishops to whom a recommendation is made under the Ordinance to do any act to give effect to –
- (a) a recommendation of the ESC, the Board or if applicable, the Review Board; or
 - (b) any variation or modification of that recommendation, consistent with any facts found by the body making the recommendation provided that the substance of that recommendation is preserved, as the Council of Bishops sees fit.
- Clause 101 provides that a question before the Council of Bishops is to be decided by a majority of votes of the members.
- Clause 102 provides for publication of the decision of the Council of Bishops.
- Clause 103 provides for the confidentiality of information and precludes divulging the same except in the circumstances there specified.
- Clause 104 authorizes the disclosure of certain information to an equivalent body or to that of another Christian nomination.
- Clause 105 provides that –
- (1) Without disclosing the identity of any complainant or the details of any complaint, the ESC must report annually to the Diocesan Council on its activities for that calendar year.
 - (2) Notwithstanding subsection (1), the report of the ESC pursuant to that subsection may identify the Diocesan bishop as the 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 Board or the Review Board, favourable to the Diocesan bishop.
- Clause 106 provides that –
- (1) Subject to sub-section (2) the ESC must, in respect of every complaint with which it is dealing under the Ordinance, report either orally or in writing to the Primate with such frequency and as fully as the Primate may reasonably require.
 - (2) If the matter relates to the conduct of the Diocesan bishop who is the Primate, such reports must be made to and at the direction of the senior Metropolitan at the time in Australia who is not the Primate.

Clause 107 provides for an indemnity out of church funds for certain persons and office holders for 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 the Ordinance.

Clause 108 authorises Diocesan bishop in Council from time to time to make amend or repeal Regulations, not inconsistent with the provisions of the Ordinance, providing for records arising out of or incidental to the operation of the Ordinance, and for all or any of the purposes whether general or to meet particular cases, which may be convenient for the administration of the Ordinance or which may be necessary or expedient to carry out the objects and purposes of the Ordinance.

Episcopal Standards legislation - proposed structure

Model Episcopal Standards Ordinance
relating to professional standards of the Diocesan Bishop,
and for other purposes
2.4.2014

BE IT ENACTED by [Diocesan Ordinance enactment provision]:

PART 1 – PRELIMINARY

Short title

1. This Ordinance may be cited as the Episcopal Standards Ordinance.

Commencement

2. This Ordinance or provisions of this Ordinance come into operation on a day or days to be appointed by the Diocesan bishop in Council so that the Diocesan bishop in Council may appoint-
 - (a) a day for the Ordinance or provisions of the Ordinance to come into operation; or
 - (b) different days for different provisions of the Ordinance to come into operation.

Interpretation

3. (1) In this Ordinance, unless the context otherwise requires:

“abuse” means bullying, emotional abuse, harassment, physical abuse, neglect of a child, sexual abuse or spiritual abuse;

“Administrator” means the person who would, in the absence or incapacity of a bishop, be the administrator of a Diocese;

“Board” means the Episcopal Standards Board established under Part 11;

“bullying” means repeated behaviour directed to a person or persons -
 - (a) which a reasonable person, having regard to all the circumstances, would expect to victimise, humiliate, undermine or threaten the person or persons; and
 - (b) which creates a real risk to the health and safety of the person or personsbut does not include excluded conduct as defined in this Ordinance;

"ceremonial" has the same meaning as that expression has in the Constitution;

“child” means a person under 18 years of age;

“Church” means the Anglican Church of Australia within the Diocese;

“Church body” includes a parish, an incumbent, a parish council, a vestry, a school, and any body corporate, organization or association that exercises ministry within, or on behalf of, the Church;

“code of conduct” means a code of conduct approved from time to time under Part 2;

“complainant” means a person who makes a complaint;

“complaint” means a complaint under section 16 of this Ordinance;

“Constitution” means the Constitution of the Anglican Church of Australia;

“Council of Bishops” in relation to a complaint has the meaning in subsections (3), (4) and (5) of this section;

“Diocese” means a diocese of the Anglican Church of Australia and in relation to the Diocesan bishop means the diocese of the Diocesan bishop;

“Diocesan bishop” means the Archbishop / Bishop of and former Diocesan bishop has a corresponding meaning and **“diocesan bishop”** in relation to another diocese or a body constituted under this Ordinance, means the Bishop of another Diocese holding office as a diocesan bishop under the Constitution;

“Diocesan bishop in Council” means the Diocesan bishop acting with the advice and consent of the Council of the Diocese;¹²

“Diocesan Council” means –

- (a) the body exercising powers and functions of the synod of the Diocese on its behalf when it is not in session, or
- (b) where there is no such body, the body constituted or determined by the synod of the Diocese to be the diocesan council.

“Director” means the Director of Episcopal Standards appointed under Part 7;

“emotional abuse” means:

- (a) subjecting a person to excessive and repeated personal criticism;

¹² This definition is appropriate in a case where the Diocesan Council is a body exercising the powers and functions of the synod on its behalf when it is not in session. This is because Synod designates some matters to be dealt with by the Archbishop in Council. This definition and the definition of "Diocesan Council" may need to be adjusted to conform with other diocesan legislation. For example, in a Metropolitan diocese, for the expression "Diocesan bishop in Council" substitute "Archbishop in Council".

- (b) ridiculing a person, including the use of insulting or derogatory terms to refer to that person;
- (c) threatening or intimidating a person;
- (d) ignoring a person openly and pointedly;
- (e) behaving in a hostile manner or in any way that could reasonably result in another person feeling isolated or rejected; or
- (f) any other act or omission in relation to a person which has caused, or is likely to cause physical or mental harm including self harm but does not include excluded conduct;

“Episcopal Standards Committee” or **“ESC”** means the Episcopal Standards Committee established under Part 6;

“equivalent body” means a body of another Diocese exercising powers, duties or functions under legislation with respect to professional standards or discipline of a church worker, similar to those of the ESC or the Board as the case may be, or where there is no such body, the bishop of the Diocese;

“excluded conduct” has the meaning in subsection (6) of this section;

“faith” has the same meaning as that expression has in the Constitution;

“harassment” means unwelcome conduct, whether intended or not, in relation to a person where the person reasonably feels in all circumstances offended, belittled or threatened which has caused, or is likely to cause physical or mental harm including self harm but does not include excluded conduct;

“incapable” in relation to the Diocesan bishop has the meaning in section 2 of the Bishop (Incapacity) Canon 1995¹³;

“medical” includes psychiatric, psychological and other areas of health practice;

“misconduct” has the meaning in subsection (7) of this section;

“ministry” means ordained ministry in Bishop’s orders;

“national register” means the national register established pursuant to the National Register Canon 2007 or any canon prescribed by General Synod in substitution for that canon;

¹³ Section 2 provides-

“Incapable”, in relation to a person who is the bishop of a diocese, means-

(a) incapable, continuously or intermittently, of managing the person’s affairs; or

(b) by reason of a physical or mental disability of any kind, unable, continuously or intermittently, to make reasonable judgments in respect of matters relating to all or any part of the carrying out of the person’s affairs or the affairs of the person’s office as the bishop of the diocese;

“neglect of a child” means the neglect of a child where the child has suffered, or is likely to suffer, significant harm to his or her wellbeing or development;

“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 but does not include lawful discipline by a parent or guardian.

“prescribed person” means –

- (a) the complainant other than the Director; or
- (b) any witness other than either the respondent or a witness as to character; or
- (c) any person against whom a prescribed sexual offence is alleged to have been committed;

“prescribed sexual offence” means-

- (a) a sexual offence; or
- (b) such other offence as may be prescribed under legislation of the relevant State or Territory for the purposes of prohibiting the publication of details of the identity of a victim of crime¹⁴;

“protocol” means the protocol approved from time to time by the Diocesan bishop in Council under Part 5;

“Provincial Tribunal” means the Provincial Tribunal of a province established under Chapter IX of the Constitution;

“Registrar” in relation to the Diocesan bishop, means the Registrar of the Diocesan bishop;

“respondent” means the Diocesan bishop in respect of whom a complaint is made;

“relevant Metropolitan” in relation to a Diocesan bishop means:

- (a) unless paragraph (c) or (d) applies, the Metropolitan of the Province in which the diocese of the Diocesan bishop is situated; or
- (b) if the Diocesan bishop is the Metropolitan but not the Primate, the Primate;

¹⁴ Each diocese by their legal officers should ascertain the legislation in their State or Territory which prohibits the publication of certain information relating to sexual offences and insert the appropriate language in the definition. The following references are offered as a guide only and need to be verified -

Victoria, the suggested language which derives from s4(1A) of the *Judicial Proceedings Reports Act 1958 (Vic)* is –

a prescribed sexual offence means a sexual offence, or an offence where the conduct constituting it consists wholly or partly of taking part, or attempting to take part, in an act of sexual penetration as defined in section 35 of the *Crimes Act 1958*;

New South Wales - the reference might be to “a prescribed sexual offence as defined under s290A of the *Criminal Procedure Act 1986*”;

- (c) if the Diocese is an extra-provincial Diocese, the Primate;
- (d) if the Diocesan 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 consecration¹⁵;

“Review Board” means the Episcopal Standards Review Board established under Part 14;

“ritual” has the same meaning as that expression has in the Constitution;

“sexual abuse” means sexual assault, sexual exploitation or sexual harassment and in relation to a child includes the use of a child for a person’s own sexual stimulation or gratification or for that of others;

“sexual assault” means any intentional or reckless act, use of force or threat to use force involving some form of sexual activity against an adult without consent or against a child;

“sexual exploitation” means any form of sexual contact or invitation to sexual contact with another person, with whom there is a pastoral or supervisory relationship, whether or not there is consent and regardless of who initiated the contact. It does not include such contact or invitation within a marriage;

“sexual harassment” means unwelcome conduct of a sexual nature, whether intended or not, in relation to a person where the person reasonably feels in all circumstances offended, belittled or threatened;

“sexual offence” means-

- (a) a sexual offence as defined under the Crimes legislation of the State or Territory in which the Diocese is located¹⁶; or

¹⁵ See s2 of the *Bishop (Incapacity) Canon* 1985.

¹⁶ Each diocese by their legal officers should ascertain the applicable legislation in their State or Territory and insert the appropriate language in paragraph (a) of the definition. The following references are offered as a guide only and need to be verified -

Victoria - the reference might be to “a sexual offence as defined under s4 of the *Judicial Proceedings Reports Act 1958 (Vic)*”;

New South Wales - the reference might be to “a prescribed sexual offence as defined under s578A of the Crimes Act 1900 (NSW)”; this in turn refers to the definition of “prescribed sexual offence” in s290A of the *Criminal Procedure Act 1986*;

Queensland - the reference might be to “a sexual offence as defined under the Criminal Law (Sexual Offences) Act 1978 (QLD)”;

South Australia - the reference might be to “a sexual offence as defined under s4 of the Evidence Act 1929 (SA);

Western Australia - the reference might be to “a sexual offence as defined in s36A of the Evidence Act 1906 (WA)”;

- (b) an attempt to commit an offence referred to in paragraph (a); or
 - (c) an assault with intent to commit an offence referred to in paragraph (a)
- and in relation to a particular jurisdiction, has the meaning given it by the applicable legislation of that jurisdiction;

“spiritual abuse” means the mistreatment of a person by actions or threats directed specifically to that person and justified by appeal to God, faith or religion, which mistreatment has caused, or is likely to cause physical or mental harm including self harm but does not include excluded conduct;

“Special Tribunal” means the Special Tribunal established under the Constitution;

3. (2) In this Ordinance, a reference to conduct shall be read as a reference to —
 - (a) doing or refusing to do any act;
 - (b) refraining (otherwise than inadvertently) from doing an act; or
 - (c) making it known that an act will not be done.

Council of Bishops

- (3) **“Council of Bishops”** in relation to a complaint, means a council of Bishops comprising-
 - (a) the Primate; and
 - (b) the two most senior diocesan bishops in office as at the date of the complaint (seniority being determined by date of consecration), one of whom shall be a Metropolitan, if willing and able -

each of whom shall have consented in writing to act as a member of the Council of Bishops in relation to the complaint and to abide by the provisions of Part 18 (Confidentiality and Publication).

- (4) If an office holder referred to in subsection (3) -
 - (a) is a respondent to the complaint; or
 - (b) is a respondent to any other complaint that, as at the date of the first mentioned complaint, has been—
 - (i) either referred to the Board under Part 12 or Part 13 of this Ordinance and has not yet been dealt with by the Board or Review Board; or
 - (ii) if it has been dealt with, has resulted in a recommendation to the Council of Bishops pursuant to section 40, 45 or 58 of this ordinance; or
 - (c) is unable to act because of illness or absence from his or her Diocese; or

- (d) otherwise ceases to hold office; or
- (e) declines for what ever reason to consent in writing as set out in subsection (3) —

that office holder shall (as the case may be) be ineligible, or shall cease, to be a member of the Council of Bishops and the place of that office holder —

- (f) if the Primate, shall be taken by the Primate's successor in office or, if the office is vacant or the Primate is incapable, by the Metropolitan or bishop who would exercise the authorities powers rights and duties of the Primate during such vacancy or incapacity;
 - (g) if a Metropolitan (other than the Primate), shall be taken by the Metropolitan next senior to that bishop (if any); and
 - (h) in any other case, shall be taken by the next most senior diocesan bishop.
- (5) If the Metropolitan or bishop who would exercise the authorities powers rights and duties of the Primate, when the office was then vacant, takes the place of the Primate and is already or would otherwise be a member of the Council of Bishops as Senior Metropolitan, the place shall be taken by the Metropolitan next senior to that bishop not already or otherwise a member of the Council of Bishops.

Excluded conduct

- (6) The expression “excluded conduct” in relation to the Diocesan bishop means —
- (a) any act or omission or refusal of the Diocesan bishop to ordain, appoint, correct, discipline, counsel, admonish, transfer, demote, suspend, retrench or dismiss a person; or
 - (b) any other act or omission or refusal of the Diocesan bishop in the course of episcopal ministry; or
 - (c) any decision of the Diocesan bishop relating to the same
- if the Diocesan bishop has acted or omitted or refused to act or decided —
- (d) in good faith;
 - (e) reasonably; and
 - (f) in the lawful discharge of the duties and functions of the Diocesan bishop.

Nothing in this definition shall be read as imposing any duty or function on the Diocesan bishop.

Misconduct

3. (7) The expression “misconduct” in relation to the Diocesan bishop means –
- (a) bullying;
 - (b) emotional abuse;
 - (c) harassment;
 - (d) physical abuse;
 - (e) neglect of a child;
 - (f) sexual abuse;
 - (g) spiritual abuse;
 - (h) any offence under an ordinance of the Diocese;
 - (i) any of the following offences under the Offences Canon 1962¹⁷ or any canon in substitution or amendment of that canon-
 - (i) unchastity;
 - (ii) drunkenness;
 - (iii) wilful failure to pay just debts;
 - (iv) wilful violation of the Constitution or of the canons made thereunder or of the ordinances of provincial synod or of the diocesan synod; and
 - (v) any conduct involving wilful and habitual disregard of the consecration vows of the Diocesan bishop.
 - (j) wilful or reckless failure to comply with a condition imposed by the Council of Bishops under section 100 of this Ordinance;
 - (k) wilful or reckless failure to comply with an undertaking given to the Board, the Review Board or the Council of Bishops;
 - (l) an act or omission, or series of acts or omissions, made inappropriately or unreasonably in response to a complaint about the conduct of a person who is subject to a canon of General Synod or an ordinance of a diocesan synod relating to discipline or professional or episcopal standards;
 - (m) any breach of the duty to report a matter referred to below in section 8;
 - (n) any other conduct (other than excluded conduct) that is unbecoming or inappropriate to the office and duties and functions of a diocesan bishop

¹⁷ Section 2 of the *Offences Canon 1962 – 1998* provides-

(1) The Special Tribunal in addition to its powers under section 56(2) of the Constitution may hear and determine charges against any member of the House of Bishops made in respect of the following offences:

1. *Unchastity.*
2. *Drunkenness.*
3. *Wilful failure to pay just debts.*
4. *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.*
5. *Wilful violation of the Constitution or of the canons made thereunder or of the ordinances of provincial synod or of his diocesan synod.*
6. *Any conduct involving wilful and habitual disregard of his consecration vows.*

by the Diocesan bishop whenever occurring (whether before or after the commencement of this Ordinance) which, if established, would on its face call into question:

- (i) the fitness of the Diocesan bishop to hold office, or to be or remain in Holy Orders; or
- (ii) the fitness of the Diocesan bishop, whether temporarily or permanently, to exercise ministry and perform any duty or function of the office; or
- (iii) whether, in the exercise of ministry or in the performance of any duty or function, the Diocesan bishop should be subject to any condition

but excludes for the purposes of this Ordinance any breach of faith ritual or ceremonial.

Overriding purposes of Ordinance

- 4. The overriding purposes of this Ordinance and of any protocol made under this Ordinance, in their application to any complaint under this Ordinance, are to facilitate the just, quick and inexpensive resolution of the real issues in the complaint and to regulate fitness for ministry for the protection of the community.
- 5. The Director, the ESC, the Board and the Review Board must each seek to give effect to the overriding purposes when exercising any power given by this Ordinance or by any protocol and when interpreting any provision of this Ordinance or of any such protocol.

PART 2 – CODE OF CONDUCT

Approval of code of conduct

- 6. The Synod or Diocesan bishop in Council¹⁸ may from time to time by resolution approve a code of conduct for observance by the Diocesan bishop, which does not make provision for any matter concerning faith, ritual or ceremonial.

Promotion of code of conduct

- 7. The Diocesan bishop in Council through the ESC and by such other means as may be considered appropriate must take such steps as may be necessary or desirable to promote the knowledge, understanding and observance in the Church of the code of conduct.

PART 3 – DUTY TO REPORT

- 8. (1) If the Diocesan bishop –
 - (a) believes on reasonable grounds that a person has suffered harm or is at risk of harm as a result of abuse by a person who is subject to a canon of General Synod or an ordinance of a Diocese relating to discipline or professional or episcopal standards; and

¹⁸ The intention is that the Diocesan bishop must be party to approving the code of conduct and protocol.

- (b) has no reason to believe that the Director of Professional Standards or the Director of Episcopal Standards (as the case may be) appointed under that canon or ordinance or any member of the Professional Standards Committee or Episcopal Standards Committee appointed under that canon or ordinance is aware of those facts

the Diocesan bishop must as soon as possible report the matter to that Director or to a member of that Professional Standards Committee or that Episcopal Standards Committee as the case may be.

- (2) This section does not affect the operation of the Canon Concerning Confessions 1989 of General Synod or any other canon or legislative instrument relating to confessions in force in the Diocese.

PART 4 – OTHER DUTIES OF THE RESPONDENT

Duties concerning the process

- 9. (1) The Diocesan bishop must subject to subsection (2)–
 - (a) comply with a requirement of the ESC pursuant to section 27(a) of this Ordinance to meet with an investigator to answer questions in relation to a complaint;
 - (b) comply with a requirement of the ESC pursuant to section 27(b) and (c) of this Ordinance to provide a verified detailed report to the ESC within a reasonable time; and
 - (c) truthfully answer any question put by or on behalf of the ESC or the Board or the Review 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 person, a written record shall be made of the question and of the ground of refusal.
- (3) The Diocesan bishop must–
 - (a) not mislead the ESC or the Board or the Review Board or a member of any of them or a delegate of the ESC;
 - (b) not unreasonably delay or obstruct the ESC, the Board or the Review Board or a member of any of them or a delegate of the ESC in the exercise of powers conferred by this Ordinance; and
 - (c) attend a mediation, conciliation, neutral evaluation or other dispute resolution meeting arranged by the ESC in relation to a complaint.

Duty to comply with an undertaking or direction

- 10. (1) The Diocesan bishop must -

- (a) comply with any undertaking given to the Board, the Review Board or the Council of Bishops; and
 - (b) comply with a direction made by the Council of Bishops to give effect to a recommendation of the ESC, the Board or the Review Board (as the case may be) or any permitted variation or modification of that recommendation.
- (2) Failure of the Diocesan bishop to comply with an undertaking or direction is an offence.
- (3) The ESC may institute proceedings forthwith in the Special Tribunal in respect of an offence against this section or, if the bishop is no longer a Diocesan bishop, shall refer the matter, together with such relevant information concerning the alleged offence as may be in its possession, to the diocesan bishop of the Diocese in which the former Diocesan bishop is then resident.

PART 5 –PROTOCOL

Making and content of protocols

- 11.
 - (1) The Diocesan bishop in Council must from time to time consider and approve a protocol or protocols not inconsistent with this Ordinance for implementation in relation to complaints.
 - (2) The protocol or protocols must include:
 - (a) procedures for receiving a complaint;
 - (b) the appointment, role and function of support persons and carers;
 - (c) provision for informing a complainant and victim of alleged misconduct, and the respondent, of rights, remedies and relevant procedures available to them;
 - (d) provision for assisting or supporting, as appropriate, any person affected by alleged conduct the subject of a complaint or the respondent;
 - (e) an explanation of the processes for investigating and dealing with a complaint;
 - (f) provisions for dealing fairly with each party to a complaint;
 - (g) processes for mediation, conciliation and reconciliation, as appropriate, of a complaint or grievance;
 - (h) provisions for information, reports, advice and recommendations to the Primate and the relevant Metropolitan or the relevant Administrator at each stage of the process of dealing with a complaint;
 - (i) procedures for working, where necessary, with law enforcement, prosecution or child protection authorities of the States and Territories and of the Commonwealth of Australia.

Promoting knowledge and understanding of any protocol

12. The Diocesan bishop in Council through the Director and the ESC and by such other means as they may consider appropriate must take such steps as may be necessary or desirable to promote throughout the community knowledge and understanding of any protocol.

PART 6 – EPISCOPAL STANDARDS COMMITTEE***Establishment of ESC***

13. (1) There shall be an Episcopal Standards Committee constituted in accordance with the provisions of this Part.
- (2) The members of the ESC including its chair shall be appointed by the Diocesan Council, meeting when the Diocesan bishop is not present.¹⁹
- (3) The members of the ESC shall hold office on such terms and conditions as may be determined from time to time by the Diocesan Council, meeting when the Diocesan bishop is not present.
- (4) The ESC shall have at least 3 members including the chair, any of whom may reside outside the Diocese.
- (5) The membership of the ESC shall be constituted, so far as reasonably possible, so as collectively to provide experience and appropriate professional qualifications in:
- (a) law;
 - (b) episcopal ministry; and
 - (c) human resources, pastoral ministry, investigations, social work, ethics or counselling.
- (6) The ESC shall –
- (a) include at least one person who is not a member of the Anglican Church of Australia;
 - (b) so far as it is reasonably practicable have at least one man and at least one woman; and
 - (c) not include a person who is a diocesan bishop or a clergy person holding a licence or other authority from the Diocesan bishop.
- (7) The members of the ESC may constitute or include the members of an equivalent body either generally or for a particular complaint or matter.
- (8) A member of the ESC must not act in a matter unless the member has agreed in writing to abide by this Ordinance.

¹⁹ See footnote 1.

Conduct of business

14. (1) The ESC 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 ESC at the request of the Director.
- (3) 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 must act in all things as expeditiously as possible.

Validity of proceedings

15. 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.

Functions of the ESC

16. The ESC has the following functions:
- (a) to implement a protocol;
 - (b) to receive a complaint against the Diocesan bishop;
 - (c) to act on a complaint in accordance with the provisions of this Ordinance and any protocol and to obtain independent legal advice for that purpose;
 - (d) to appoint suitable persons to fulfil the several roles required to implement a protocol in each particular case;
 - (e) where appropriate, to recommend the conciliation or mediation of any complaint;
 - (f) to investigate or cause to be investigated a complaint in a timely and appropriate manner;
 - (g) where appropriate, to recommend to the Diocesan bishop in Council any changes to a protocol and any other changes to Church processes, structures and education programmes that would reduce the risk of misconduct;
 - (h) subject to any limit imposed by the Diocesan bishop in Council [by the Diocesan Council]²⁰ to authorise such expenditure as may be necessary or appropriate to implement, in a particular case, a protocol and the provisions of this Ordinance;

²⁰ The choice of expression depends on the relevant governance model of the Diocese. See footnote 1.

- (i) to advise any relevant Church body as to the financial, pastoral or other needs of a person affected by conduct the subject of a complaint and in connection with any legal proceedings, anticipated or existing, against such Church body arising out of that alleged conduct;
- (j) 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;
- (k) to maintain proper records of all complaints received and of action taken in relation to each of them; and
- (l) to exercise such other powers and functions as are conferred on it by this or any other Ordinance or by a protocol.

Power of the ESC to delegate

17. (1) Subject to subsection (2), the ESC may delegate, upon such terms and conditions as the ESC may approve, any of its functions under this Ordinance to any person.
- (2) The ESC cannot delegate:
- (a) its functions under subsection (1);
 - (b) its functions under paragraphs (e) and (g) of subsection 16;
 - (c) its functions under Part 12 (suspension); or
 - (d) its functions under sections 28 and 29.
- (3) A delegation under this section must be made by instrument in writing signed by a member of the ESC.

PART 7 – DIRECTOR OF EPISCOPAL STANDARDS

Appointment of the Director

18. (1) There shall be a Director of Episcopal Standards.
- (2) The Director shall be appointed by the Diocesan Council meeting when the Diocesan bishop is not present.
- (3) The Director shall hold office on such terms and conditions as may be determined from time to time by the Diocesan Council meeting when the Diocesan bishop is not present.
- (4) The Director may act in a corresponding capacity as a Director of Episcopal Standards for another diocese either generally or for a particular case or matter.

Functions of the Director

19. (1) The Director shall have the following functions under this Ordinance:
- (a) to receive any complaint on behalf of the ESC;

- (b) in his or her discretion to make a complaint against the Diocesan bishop;
 - (c) to manage the implementation of the protocol in respect of any complaint or grievance;
 - (d) to be the executive officer of the ESC;
 - (e) to attend meetings of the ESC except for any part of a meeting which deals with conditions of employment, remuneration or performance of the Director;
 - (f) to provide advice about the code of conduct, the protocol and procedures under this Ordinance;
 - (g) to provide or arrange care or treatment of the complainant and respondent;
 - (h) to provide input into education and vocational training programs for the Diocesan bishop;
 - (i) to provide information to complainants and the respondent about the operation of the protocol, with particular emphasis on helping the respondent to understand and discharge his responsibilities under the protocol;
 - (j) to keep proper records of complaints, decisions, meetings, employment screening details, police checks and people affected by any allegation of misconduct;
 - (k) to consult and co-operate with other persons and bodies in the Church with responsibility for professional standards;
 - (l) in cases of alleged illegal behaviour, to support the complainant in making a report to police or child protection authorities;
 - (m) to report to the ESC on any recommended changes to the protocol and any other changes to Church processes, structures and education programmes that would reduce the risk of misconduct; and
 - (n) such specific functions and duties, consistent with this Ordinance, as may be determined from time to time by the ESC.
- (2) The Director must act in all things as expeditiously as possible.

PART 8 – COMPLAINTS

Making a complaint of misconduct

20. (1) Any person including the Director may make a complaint of misconduct to the ESC in relation to the Diocesan bishop.
- (2) If the Director receives or makes a complaint against the Diocesan bishop, the Director must request the Registrar to, and the Registrar must, constitute the Council of Bishops in accordance with subsections (3), (4) and (5) of section 3 of this Ordinance.

Form of a complaint

21. (1) A complaint may be in any form, oral or in writing, whether by electronic means or otherwise.
- (2) Where a complaint is oral, the Director must make a written record of the complaint as soon as practicable after receiving it.
- (3) A complaint must include details of the misconduct complained about.
- (4) The Director must not make a complaint based only on information provided anonymously.
- (5) The ESC must not act on an anonymous complaint.
- (6) Non compliance with subsection (2) and (3) of this section does not invalidate a complaint.

ESC may require more information and verification

22. (1) The ESC may require a complainant to—
- (a) give further details of the complaint; and
- (b) verify any details of the complaint by statutory declaration.
- (2) A requirement under subsection (1) must be in writing and allow the complainant a reasonable time to comply.

ESC may dismiss a complaint or take no further action

23. The ESC may dismiss a complaint or take no further action in relation to a complaint if—
- (a) the ESC is of the opinion that the complaint does not fall within the provisions of this Ordinance; or
- (b) the complainant has failed to provide further details to the ESC or to verify the allegations by statutory declaration when requested by the Director to do so; or
- (c) the ESC is of the opinion that the complaint is false, vexatious, misconceived, frivolous or lacking in substance; or
- (d) the ESC is of the opinion that there is insufficient reliable evidence to warrant an investigation or further investigation
- and may take no further action or may delay further action in relation to a complaint if—
- (e) the behaviour, the subject matter of the complaint, can properly be dealt with by other means; or
- (f) the subject matter of the complaint is under investigation by some other competent person or body or is the subject of legal proceedings.

ESC must give the complainant notice of the outcome of complaint and reasons

24. If a complaint is dealt with by the ESC under the preceding section, the ESC must give the complainant a written notice of the outcome including the reasons for the outcome.

PART 9 – INVESTIGATIONS

When ESC is to investigate

25. (1) Subject to this Ordinance, the ESC must investigate each complaint as expeditiously as possible²¹.
- (2) The ESC may investigate the conduct of the Diocesan bishop if –
- (a) the ESC has reason to believe that the conduct may amount to misconduct under this Ordinance; and
 - (b) a complaint about the conduct has been withdrawn.
- (3) The Director must prior to any investigation seek from the complainant his or her written consent to –
- (a) the giving by the Director of notice of the complaint to the respondent;
 - (b) the investigation of the complaint by the ESC or its delegate;
 - (c) the ESC otherwise dealing with it under this Ordinance;
 - (d) the hearing and determination of the complaint by the Board and on any review, the Review Board, either by hearing or otherwise in accordance under this Ordinance; and
 - (e) the making of recommendations to the Council of Bishops in accordance with this Ordinance.
- (4) If the complainant (other than the Director) has not given the written consent referred to in the preceding subsection–
- (a) the ESC shall not be required to investigate the complaint and otherwise to refer it to the Board; and
 - (b) the ESC may dismiss the complaint or take no further action in relation to the complaint.

ESC to obtain material

26. For the purpose of an investigation the ESC or its delegate shall obtain such statutory declarations, written statements, recorded conversations, reports, documents and other material as the ESC or its delegate considers necessary or advisable for presentation to the ESC.

Respondent to respond to ESC

27. The ESC may by notice in writing to the respondent require the respondent—
- (a) to meet with an investigator to answer questions in relation to a complaint;
 - (b) to provide a detailed report to the ESC within a reasonable time specified in the notice in relation to any matter relevant to the investigation; and

²¹ The ESC may delegate its investigation of a complaint: see clause 14.

- (c) to verify the report by statutory declaration or another specified manner.

PART 10 – OUTCOMES OF ESC

How ESC may or must respond after receipt of complaint

28. At any time after the ESC receives a complaint, the ESC may:
- (a) recommend mediation, conciliation, neutral evaluation or other alternative resolution of the complaint;
 - (b) if it considers on reasonable grounds that the Diocesan bishop may be incapable, report the matter in writing to the relevant Metropolitan²²;
 - (c) if the Diocesan bishop whose conduct is under investigation ceases to be the Diocesan bishop prior to any reference of the complaint to the Board, refer the complaint, together with such information as it shall have received, to the equivalent body having jurisdiction in the Diocese by whose Bishop the former Diocesan bishop is licensed or, where the former Diocesan bishop is not licensed, in which the former Diocesan bishop resides; and
 - (d) exercise its powers under section 19 of this Ordinance to dismiss a complaint or to take no further action in relation to a complaint.
29. At any time after investigation of a complaint in accordance with Part 9, the ESC:
- (a) must, if required under section 52 of this Ordinance to do so, refer the complaint to the Board; and
 - (b) may institute, amend or withdraw proceedings by way of charge against the Diocesan bishop before the Special Tribunal.

If a complaint is settled or resolved

30. (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 sections 28(b), (c) and (d) and 29 in respect of the subject matter of the complaint.
- (2) Any term of settlement or resolution referred to in subsection (1) which purports to prevent or to limit the institution of action under either of sections 28(b), (c) and (d) and 29 shall be of no effect.
- (3) The ESC may agree with the Diocesan bishop for the submission to the Board or the Review Board of either or both a statement of the facts relevant to the complaint and any recommendation proposed to be made by the Board or the Review Board to the Council of Bishops.

²² The Episcopal Ministry Task Force recommends that consideration be given to amending the *Bishop (Incapacity) Canon 1995* to provide that the report of the ESC here referred to shall be a report for the purposes of section 4 of the *Bishop (Incapacity) Canon 1995* as if it were made by three members of the Synod of a Diocese pursuant to that section.

- (4) The Board or the Review Board may in its discretion proceed on the basis of the statement of agreed facts and determine any recommendation to be made to the Council of Bishops, having regard to but not bound by any proposed recommendation agreed between the ESC and the Diocesan bishop²³.

PART 11 – EPISCOPAL STANDARDS BOARD

Establishment of the Board

31. There shall be an Episcopal Standards Board comprising 3 persons and constituted and appointed in accordance with the provisions of this Part.

Functions of the Board

32. Subject to the provisions of this Ordinance, the functions of the Board are –
- (a) to make a determination and where appropriate make a recommendation under section 45 of this Ordinance;
 - (b) to enquire into and determine a complaint referred to it under section 55; and
 - (c) to make a determination and where appropriate make a recommendation under section 58.

Board appointed from a panel

33. (1) The members of the Board in a particular case shall be appointed from a panel of at least 6 persons comprising²⁴:
- (a) a President and a Deputy President, both of whom shall be or shall have been either a judicial officer or a practising barrister or solicitor of at least 10 years' standing of the Supreme Court of a State or Territory and who are members of the Anglican Church of Australia; and
 - (b) at least four other persons of whom at least—
 - (i) two shall be clergy who are or have been a diocesan bishop; and
 - (ii) two shall be lay persons who are members of the Anglican Church of Australia.
- (2) As far as reasonably practicable the lay members of the panel should comprise an equal number of men and women.

²³ The cases dealing with the imposition of a monetary penalty or disqualification for contravention of the Corporations Act or the Trade Practices Act hold that the Court should not depart from the penalty recommended by the prosecuting authority and the respondent unless in all the circumstances it is outside the permissible range: see *ASIC v Vizard* (2005) 54 ACSR 394 at [45] per Finkelstein J, *NW Frozen Goods Pty Ltd v ACCC* (1996) 71 FCR 285 at 291 (FC) and *ASIC v Vines* (2006) 58 ACSR 298 at [19] per Austin J.

²⁴ It is proposed that General Synod be asked by resolution to authorise the Standing Committee of General Synod¹⁰ establish an Episcopal Standards Board Panel and an Episcopal Standards Review Board Panel to be available as a resource to those dioceses who wish to make use of it.

Appointment of members of the panel

34. (1) The members of the panel shall be appointed by the Diocesan Council, meeting when the Diocesan bishop is not present.
- (2) The members of the panel shall hold office on such terms and conditions as may be determined from time to time by the Diocesan Council, meeting when the Diocesan bishop is not present.
- (3) Any vacancy in the membership of the panel shall be filled by the Diocesan Council, meeting when the Diocesan bishop is not present.

Appointment of members of the Board

35. (1) The members of the Board 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, by the Deputy President.
- (2) For the purpose of any reference to the Board, the Board shall consist of—
- (a) the President or Deputy President, who shall be the presiding member;
 - (b) one person who is or has been a diocesan bishop; and
 - (c) one lay person.
- (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 may reside outside the Diocese.
- (5) A member of the Board must not act in a matter unless the member has agreed in writing to abide by this Ordinance.
- (6) The members of the Board may constitute or include the members of an equivalent body either generally or for a particular complaint or matter.

Quorum of Board

36. 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 section 81 of this Ordinance.

Secretary to the Board

37. There shall be a Secretary to the Board who shall be appointed by the President of the Board on such terms and conditions as may be determined from time to time by the President of the Board.

Filling vacancies on the Board

38. (1) Any vacancy in the membership of the Board shall be filled by the President of the Board, or if the President is not available, the Deputy President of the Board.

- (2) Where a member of the Board is unable to enquire into and determine a complaint, a substitute member may be appointed by the President of the Board, or if the President is not available, the Deputy President of the Board.

Validity of proceedings

39. An act or proceeding of the Board is not invalid by reason only of the subsequent discovery of a defect in the nomination or appointment of a member of the Board or the Panel, and any such act or proceeding is as valid and effectual as if the member had been duly nominated or appointed.

PART 12 – SUSPENSION

ESC may refer to Board or recommend suspension

40. Where after receipt of a complaint and at any time during the progress of a complaint under this Ordinance, the ESC is satisfied that if the Diocesan bishop remains in office pending the outcome of the complaint–

- (a) there is an unacceptable risk of harm to any person; or
- (b) there will be serious damage to the reputation of the Church

the ESC must refer the matter to the Board or, as the urgency of the matter requires, make a recommendation to the Council of Bishops that pending that outcome–

- (c) the Diocesan bishop be suspended from the duties of office or certain of those duties; and
- (d) such other action be taken as may be thought fit.

Respondent to be given notice

41. Before making a recommendation pursuant to section 40 or referring the matter to the Board, the ESC must give the Diocesan bishop notice that grounds exist for the ESC to be satisfied as stated in section 40 (specifying the same) and notice of any proposed recommendation and request the Diocesan bishop to show cause in writing within 7 days why the recommendation should not be made.

No notice where immediate unacceptable risk

42. The provisions of the preceding section shall not apply if the ESC is satisfied that there is an immediate unacceptable risk of harm to any person if the Diocesan bishop remains in office.

Referral to the Board

43. Where the ESC is satisfied that there is an immediate unacceptable risk of harm to any person if the Diocesan bishop remains in office and makes a recommendation to the Council of Bishops pursuant to section 40–
- (a) the ESC must forthwith refer the matter to the Board; and

- (b) the Director must as soon as practicable give the Diocesan bishop notice that—
 - (i) the recommendation has been made without notice and the grounds relied on;
 - (ii) the ESC will report the recommendation to the Board at its next meeting and that the Board will consider whether the recommendation should stand; and
 - (iii) the Diocesan bishop may advance submissions to the Board if he or she wishes to do so.

ESC or Board to consider respondent's response

44. (1) The ESC or the Board (as the case may be) must consider the response if any from the Diocesan bishop received within the time specified above or any further period allowed, before making a decision on the recommendation to be made.
- (2) The provisions of subsection (1) shall not apply in relation to any recommendation of the ESC to the Council of Bishops under section 40 where the ESC is satisfied that there is an immediate unacceptable risk of harm to any person if the Diocesan bishop remains in office and for that reason the provisions of section 41 do not apply.

Powers of Board if satisfied as to unacceptable risk or serious damage to reputation

45. If the Board is satisfied –
- (a) that if the Diocesan bishop remains in office pending the outcome of the complaint—
 - (i) there is an unacceptable risk of harm to any person; or
 - (ii) there will be serious damage to the reputation of the Church

the Board may after considering the response if any from the Diocesan bishop—

- (b) determine accordingly and make a recommendation to the Council of Bishops that pending that outcome action be taken as referred to above in section 40;

or where the ESC has already made a recommendation under section 40—

- (c) affirm or vary that recommendation; or
- (d) set aside that recommendation and make another in substitution for it.

Matters to be considered by ESC or Board before recommending

46. Before making a recommendation under this Part, the ESC or the Board (as the case may be) must take into account:
- (a) the seriousness of any alleged misconduct;
 - (b) the nature of the material to support or negate the allegations;
 - (c) the extent to which any person is at risk of harm;

- (d) any breach of a duty imposed on the Diocesan bishop under this ordinance;
- (e) after consultation with the Diocesan Council, the effect on the Diocesan bishop, and on the Church and its reputation of acting and of not acting under this Part; and
- (f) any other allegation of similar conduct previously made to the ESC or to an equivalent body

and may take into account any other relevant matter.

Suspension by the Council of Bishops

47. (1) The Council of Bishops to whom a recommendation is made under this Part must, and is hereby empowered to give effect to –
- (a) that recommendation of the ESC or the Board²⁵; or
 - (b) any variation or modification of that recommendation, consistent with any facts found by the body making the recommendation provided that the substance of that recommendation is preserved, as the Council of Bishops sees fit.
- (2) Subject to subsection (3), the Council of Bishops must release to the public as soon as practicable a written statement disclosing their decision on the recommendation received and the steps to be taken or that have been taken pursuant to this section to give effect to it.
- (3) The Council of Bishops must ensure that any statement so released is anonymised and redacted so as not to contain any particulars that identify or are likely to lead to the identification of a prescribed person.

Decision of the Council of Bishops to be decided by a majority of the votes

48. A question before the Council of Bishops under this Part may be decided by a majority of the votes of the members of the Council of Bishops.

Criminal charges – Notice of suspension by the relevant Metropolitan

49. (1) If the Diocesan bishop has been charged in any jurisdiction in Australia with a sexual offence or an offence relating to child pornography whether committed within or outside the Diocese, the Diocesan bishop must forthwith stand down from the duties of office pending the determination of the charge.
- (2) If the Diocesan bishop fails to do so, the relevant Metropolitan may serve on the Diocesan bishop a notice of suspension signed by the relevant Metropolitan.
- (3) Upon service of that notice, the Diocesan bishop shall be deemed to have been suspended pending the outcome of the hearing of the charge.

²⁵ Add 'or if applicable, the Review Board' if an appeal to the Review Board is permitted.

Effect and consequences of suspension

50. A suspension of the Diocesan bishop made by the Council of Bishops following a recommendation under this Ordinance or a suspension deemed under the preceding section:
- (a) has effect as an absence of the Diocesan bishop from the see; and
 - (b) continues until it ceases to have effect by reason of :
 - (i) the ESC terminating the investigation of the complaint without referring the matter to the Board; or
 - (ii) a determination to that effect by the Council of Bishops; or
 - (iii) the Council of Bishops giving effect to a recommendation of the Board²⁶ or such a recommendation as varied or modified by the Council of Bishops under section 100; or
 - (iv) the see becoming vacant (whether or not under this Ordinance) whichever first occurs.

Continuation of stipend, allowances and other benefits

51. During any such suspension or any voluntary standing down from the duties of office pending the outcome of a complaint, the Diocesan bishop is entitled to receive whatever stipend, allowances and other benefits as would otherwise have accrued and they are to be met or reimbursed by the body normally responsible for their payment.

PART 13 – REFERENCE OF A COMPLAINT TO THE BOARD***ESC to refer certain matters to the Board***

52. After investigation of a complaint in accordance with Part 9, where the ESC has formed the opinion that the conduct the subject of the complaint if established would call into question whether—
- (a) the Diocesan bishop is unfit –
 - (i) to hold office or to be or remain in Holy Orders; or
 - (ii) whether temporarily or permanently, to exercise ministry and perform any duty or function of the office; or
 - (b) in the exercise of ministry or in the performance of any duty or function, the Diocesan bishop should be subject to any condition
- the ESC must refer the complaint to the Board.

How ESC to refer matters

53. The ESC must refer the complaint to the Board by delivering to the Secretary of the Board a written report of its investigation and opinion signed by a member of the ESC.

²⁶ Add ‘or the Review Board as the case may be’ if an appeal to the Review Board is permitted.

If Diocesan bishop resigns from office

54. If after a complaint is referred to the Board, the Diocesan bishop resigns from office, the Board may continue to enquire into and determine the complaint, notwithstanding such resignation.

Documents and materials to be delivered to the Board

55. (1) Within 14 days of the date of the reference of a complaint to the Board or within 14 days of the date of the document or material coming into existence, whichever is the later, the ESC must cause to be delivered to the Secretary of the Board any documents and material relevant to the reference.
- (2) The ESC, as soon as practicable after delivering the report referred to in section 53 to the Secretary of the Board, shall cause to be delivered to the Diocesan bishop as the respondent a copy of the report and opinion and notice that the respondent may advance any submissions to the Board if he or she wishes to do so.

56. The Board must deal with a complaint as expeditiously as possible.

Powers of Board

57. (1) If the Board is not satisfied that the Diocesan bishop 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 Diocesan bishop did commit misconduct but is not satisfied as to any of the matters in paragraphs (a) and (b) of section 58, the Board may determine accordingly and must take no further action in relation to the complaint.
58. (1) If the Board is satisfied²⁷ that the Diocesan bishop did commit any misconduct and that—
- (a) the Diocesan bishop is unfit –
 - (i) to hold office or to be or remain in Holy Orders; or
 - (ii) whether temporarily or permanently, to exercise ministry and perform any duty or function of the office; or
 - (b) in the exercise of ministry or in the performance of any duty or function, the Diocesan bishop should be subject to any condition;
- the Board may determine in writing accordingly and may recommend to the Council of Bishops any one or more of the following:
- (c) that the Diocesan bishop be counselled;
 - (d) that for a specified period the Diocesan bishop's holding of office or performance of a function as the case may be, shall be subject to such conditions or restrictions as the Board may specify;

²⁷ See section 77.

- (e) that the Diocesan bishop be suspended from office or from performing a function as the case may be for such period recommended by the Board;
- (f) that the Diocesan bishop be directed to do or to refrain from doing a specified act;
- (g) that the Diocesan bishop be removed from office and the See be declared vacant;
- (h) that the implementation of a determination shall be suspended for such period and upon such conditions as the Board shall specify;
- (i) that a charge be promoted against the Diocesan bishop before the Special Tribunal;
- (j) that the Diocesan bishop be prohibited from functioning as a bishop;
- (k) that the Diocesan bishop be deposed from Holy Orders;
- (l) otherwise as the Board sees fit.

59. If the Board is satisfied that the Diocesan bishop is unfit-

- (a) to hold office or to be or remain in Holy Orders; or
- (b) whether temporarily or permanently, to exercise ministry and perform any duty or function of the office

its recommendation must include any one or more of those specified above in paragraphs (e), (g), (j) and (k).

Board may adjourn on terms

60. (1) The Board may defer making any recommendation under section 58 on a complaint and may for that purpose adjourn any hearing from time to time for a period or periods not exceeding in the aggregate 12 months, on terms that the Diocesan bishop 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 duties of office or from performing specified episcopal duties;
 - (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; and
 - (f) perform or refrain from performing some other specified act.
- (2) If, within a period specified by the Board, the Diocesan bishop declines to give an undertaking in accordance with subsection (1), the Board must proceed to make a determination and recommendation.

- (3) The Board may take into account the failure of the Diocesan bishop to comply with his or her undertaking under subsection (1) in deciding on any recommendation on a complaint.

PART 14 – EPISCOPAL STANDARDS REVIEW BOARD

Establishment of the Review Board

61. There shall be a Episcopal Standards Review Board comprising 5 persons and constituted and appointed in accordance with the provisions of this Part.

Function of the Review Board

62. Subject to the provisions of this Ordinance, the function of the Review Board is to determine any application authorised by this Ordinance²⁸ for review of a decision of the Board.

Panel of Review Board members

63. The members of the Review Board in a particular case shall be appointed from a panel of 10 persons comprising:
- (a) a President and a Deputy President, both of whom shall be or shall have been either a judicial officer or a practising barrister or solicitor of at least 10 years' standing of the Supreme Court of a State or Territory; and
 - (b) eight other persons of whom—
 - (i) two shall be clergy who are or have been a diocesan bishop;
 - (ii) two shall be clergy not in bishop's orders; and
 - (iii) four shall be lay persons.

Appointment of members of Review Board Panel

64. (1) The members of the panel shall be appointed by the Diocesan Council, meeting when the Diocesan bishop is not present.
- (2) The members of the panel shall hold office on such terms and conditions as may be determined from time to time by the Diocesan Council, meeting when the Diocesan bishop is not present.
- (3) The members of the panel may constitute or include the members of an equivalent body either generally or for a particular complaint or matter.
- (4) Any vacancy in the membership of the panel shall be filled by the Diocesan Council, meeting when the Diocesan bishop is not present.

²⁸ So that it does not include, for example, a review of a decision to suspend unless particular provision is added to the model ordinance for that purpose. See footnotes 14 and 18.

Convening a Review Board

65. (1) The members of the Review Board to be convened for any review of a decision of the Board shall be determined by the President or, if there is a vacancy in the office of President, by the Deputy President.
- (2) For the purpose of any application to the Review Board, the Review Board shall consist of the President or Deputy President, who shall be the presiding member, one clergy person in bishop's orders, one clergy person not in bishop's orders and two lay persons.
- (3) So far as it is reasonably practicable, the Review Board shall include at least one man and at least one woman.
- (4) The quorum for a meeting of the Review Board shall be all the members of the Review Board except where the Review Board by its President or Deputy President makes directions under section 81 of this Ordinance.
- (5) A member of the Review Board shall not act as such a member unless the member has agreed in writing to abide by this Ordinance.

Secretary to the Review Board

66. There shall be a Secretary to the Review Board who shall be appointed on such terms and conditions as may be determined from time to time by the President of the Review Board.

Separately constituted Review Boards may sit simultaneously

67. The Review Board, separately constituted in accordance with this Part, may act simultaneously for the purpose of applications made to it.

Review Board's proceedings valid despite vacancies etc

68. An act or proceeding of the Review Board is not invalid by reason only of a vacancy in its membership or in 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 Review Board, any such act or proceeding is as valid and effectual as if the member had been duly nominated or appointed.

PART 15 – APPLICATION FOR REVIEW***Interpretation***

69. In this Part, "reviewable decision" means any finding of fact, determination or recommendation by the Board under section 58 of this Ordinance²⁹.

²⁹ If it is desired to afford the Diocesan bishop the right to seek a review of a decision by the Board to recommend his suspension under section 45, then the words 'either section 45 or' should be added before the words 'section 58'.

Application to Review Board

70. Where the Board has made any reviewable decision, the respondent or the ESC may within 30 days from the date of the decision or such further period as the Review Board may allow, apply to the Review Board for review of the decision.

Stay

71. Except in so far as the Board or the Review Board may direct otherwise, the application for review shall not operate as a stay of the action on any recommendation by the Council of Bishops required under this Ordinance.

Documents and material to be delivered following application

72. Within 14 days of the date of the application to the Review Board or within 14 days of the date of the document or material coming to existence, whichever is the later, the ESC shall cause to be delivered to the Secretary of the Review Board any documents and material relevant to the application for review including the reasons of the Board for its determination and any recommendations.

President to determine membership of Review Board

73. Upon delivery to the Secretary of the Review Board the documents and material relevant to the application for review, the President or Deputy President of the Review Board as the case may be shall as soon as possible determine the membership of the Review Board for the purpose of the application for review.

Review Board may exercise the powers of the Board

74. The Review Board may exercise all the powers of the Board under this Ordinance and may—
- (a) affirm the decision under review;
 - (b) vary the decision under review;
 - (c) set aside the decision under review and make another decision in substitution for it; or
 - (d) set aside the decision under review and remit the matter for reconsideration by the Board in accordance with any directions or recommendations of the Review Board.

Review Board to deal with application expeditiously

75. The Review Board must deal with the application as expeditiously as possible and must consider any further submissions from the respondent or the ESC.

PART 16 - PROCEEDINGS OF THE BOARD AND THE REVIEW BOARD

Conduct of proceedings

76. Each of the Board and the Review Board—
- (a) must act with fairness and according to equity, good conscience, natural justice and the substantial merits of the case without regard to technicalities or legal forms; and
 - (b) is not bound by the rules of evidence but may inform itself on any matter in such manner as it thinks fit.

Powers and duties of the Board and Review Board

77. (1) Subject to this Ordinance, each of the Board and the Review Board—
- (a) may regulate the proceedings of its meetings as it sees fit;
 - (b) may conduct its business and any proceedings by video link, conference telephone or by any electronic means of communication;
 - (c) may inform itself from the transcript or other record of proceedings in any court or tribunal and may adopt any findings, and accept as its own, the record of any court or tribunal;
 - (d) may give any other person to whom notice of the proceedings was given or who satisfies them that he or she has a proper interest in the matter a reasonable opportunity to make submissions to them; and
 - (e) 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 ESC.
- (2) The Board must give the ESC and the respondent a reasonable opportunity to adduce evidence, to examine or cross-examine witnesses and to make submissions to the Board.
78. (1) Subject to subsections (2) and (3), any hearing of the Board or the Review Board must be held in public.³⁰
- (2) Each of the Board and the Review 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) Each of the Board and the Review Board may only make a direction under the preceding subsection if satisfied that the direction is necessary on or more of the following grounds³¹–

³⁰ An alternative section 78 providing for a private hearing can be found at the end of this model ordinance.

³¹ These are adapted from s30 of the *Open Courts Act* 2013 (Vic).

- (a) to comply with applicable legislation of the State or a Territory or the Commonwealth;
- (b) 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 witness (other than the respondent) in a proceeding that relates in whole or part to a complaint of a prescribed sexual offence;
- (e) to avoid the disclosure of confidential information; and
- (f) for any other reason in the interests of justice.

Review Board not obliged to hold hearing or admit certain evidence

79. Subject to this Ordinance, the Review Board is not obliged –
- (a) to hold a hearing at which-
 - (i) evidence is adduced, whether by oral examination or signed statement or statutory declaration; or
 - (ii) submissions are heard orally; or
 - (b) to admit evidence that was not adduced before the Board in relation to the facts relevant to the complaint unless –
 - (i) the evidence could not have been obtained with reasonable diligence for use at the hearing before the Board; and
 - (ii) that there is a high probability that the result would have been different had it been received at that hearing.

Legal representation

80. The ESC may and the respondent at the respondent's own expense may appoint a legal representative to assist in the process.

Directions

81. Each of the Board and the Review Board may at any time and from time to 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

and for that purpose the Board or the Review Board may be constituted by the President or Deputy President alone.

Board and Review Board may appoint a person to assist

82. Each of the Board and the Review 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 or the Review Board thinks fit.

Directions to ESC

83. Each of the Board and the Review Board may at any time and from time to time give directions to the ESC as to any further inquiries or investigation it requires to be carried out for the purposes of the reference and the ESC must to the best of its ability cause such directions to be carried out.

Board and Review Board may receive written evidence

84. Without limiting the meaning and effect of sections 76 and 77, each of the Board and the Review 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.

Board and Review Board may rely on decisions of other bodies

85. In any proceedings before it, where the Board or the Review Board is satisfied that the respondent—
- (a) has been convicted by a court within Australia of an offence involving conduct as described in any of paragraphs (a) to (i) and (l) of subsection 3(7) of this Ordinance (“specified conduct”);
 - (b) has been found guilty (without conviction) by a court within Australia of an offence involving specified conduct;
 - (c) has admitted in proceedings before a court or tribunal within Australia having engaged in specified conduct;
 - (d) has been found by a court or tribunal within Australia to have engaged in specified conduct; or
 - (e) has been disqualified by a court or tribunal within Australia from professional practice on account of specified conduct,
- then—
- (f) a certificate, reasons for judgment or other record from the court or tribunal (as the case may be) shall be conclusive evidence that the respondent engaged in the specified conduct; 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 specified conduct.

Standard of proof applying to Board and Review Board

86. (1) The standard of proof to establish an allegation is that of a reasonable satisfaction on the balance of probabilities.
- (2) Each of the Board and the Review Board must scrutinize evidence with greater care if there is a serious allegation to be established, or an inherent unlikelihood of an occurrence of a given description or if there are grave consequences that would flow from a particular finding.

Individual members of Board and Review Board not to meet with parties

87. No member of the Board or the Review Board shall individually meet with either the complainant or the respondent or anyone acting on their behalf while the matter is in progress.

Disqualification where personal interest

88. (1) Where a member of the Board or the Review 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 presiding member of the Board or the Review Board (as the case may be) as to whether any other member of the Board or the Review Board has a personal interest in a matter shall be conclusive.

Medical examination

89. (1) The ESC or the Board or the Review Board may request the respondent to submit within a specified time to a medical examination by a person approved by the ESC or the Board or the Review Board (as the case may be) the cost of which shall be met from church funds under the control of the Diocesan bishop in Council [the Diocesan Council].
- (2) A copy of the report of an examination under subsection (1) shall be provided to the respondent, the Director, the ESC, the Board and, if applicable, the Review Board.

No further action where Special Tribunal unlikely to find respondent guilty

90. If the Board or the Review Board is satisfied that there is no reasonable likelihood that the Special Tribunal would find the respondent guilty of any offence, the Board or the Review Board shall not recommend that a charge be promoted against the respondent in the Special Tribunal.

Certain matters not to be inquired into

91. Neither the Board nor the Review Board shall, in the course of considering a complaint or reconsidering a decision respectively:
- (a) inquire into any matter which is the subject of any completed formal investigation or enquiry and determination conducted—
- (i) pursuant to any provision of the Constitution; or
- (ii) pursuant to this Ordinance or the Episcopal Standards Canon 2007, a canon or an ordinance of a diocesan Synod in any case relating to the discipline or professional standards of Church workers by a board of enquiry, tribunal or other body—
- save to the extent of any fresh evidence that was not reasonably available during the previous formal investigation or enquiry, but may take into account the finding of any such formal investigation or enquiry; or
- (b) inquire into, make any findings in relation to or take into account any alleged breach of faith ritual or ceremonial.

Matters Board and Review Board to consider

92. Where a matter is referred to the Board or application for review is made to the Review Board, the Board or Review Board (as the case may be) shall consider the complaint or decision and may make any finding on any relevant question of fact, taking into account—
- (a) the final report (if any) of the investigator including any attachments;
 - (b) such report of the ESC as may be submitted;
 - (c) any further material received from the complainant and the Diocesan bishop relevant to its consideration;
 - (d) any other relevant evidentiary material;
 - (e) any standards prescribed by the code of conduct approved under this Ordinance, whenever the conduct may have occurred;
 - (f) the conduct of the Diocesan bishop as it finds it to have been;
 - (g) any failure of the Diocesan bishop to comply with a provision of this Ordinance; and
 - (h) in the case of the Review Board, the determination and reasons of the Board.

No costs to be awarded

93. Neither the Board nor the Review Board has the power to award costs of any complaint or matter before it.

Making of rules

94. (1) The President of the Board may make rules of the Board reasonably required in relation to the practice and procedure of the Board.
- (2) The President of the Review Board may make rules of the Review Board reasonably required in relation to the practice and procedure of the Review Board.
- (3) The ESC, the respondent and any other party joined to a complaint or matter by leave of the Board or the Review Board shall comply with the rules of the Board or the Review Board (as the case may be) and with any directions given by either the Board or the Review Board.
95. The rules of the Board or the Review Board made under this Part 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 or the Review Board (as the case may be) may, at the direction of the presiding member, be constituted by a single member sitting alone.

Practice and procedure

96. Subject to this Ordinance and the relevant rules-
- (a) the practice and procedure of the Board will be as directed by the presiding member of the Board; and

- (b) the practice and procedure of the Review Board will be as directed by the presiding member of the Review Board.
97. (1) In any proceedings of the Board or the Review 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 or the Review 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 or the Review Board (as the case may be).
98. If a member of the Board or the Review Board, other than the presiding member, dies or is for any other reason unable to continue with any complaint referred to the Board or any matter before the Review Board, the Board or the Review Board constituted by the presiding member and the other member or members may, if the presiding member so determines, continue and complete the matter.

To whom a copy of the determination and recommendation to be provided.

99. (1) Subject to this section, each of the Board and the Review Board must cause a copy of the determination and recommendations together with reasons (whether under section 45, 58 or 74) to be provided to—
- (a) the Council of Bishops;
 - (b) the complainant;
 - (c) the respondent;
 - (d) the Director and the ESC;
 - (e) the Diocesan Council; and
 - (f) the Professional Standards Commission of the Anglican Church of Australia.
- (2) Each of the Board and the Review Board must ensure that the determination and recommendations together with reasons are anonymised and redacted so as not to contain any particulars that identify or are likely to lead to the identification of a prescribed person.³²
- (3) Each of the Board and the Review Board must release to the public as soon as practicable –
- (a) its determination and reasons for decision ; and
 - (b) the recommendations made to the Council of Bishops
- anonymised and redacted as referred to above.

³² This is to ensure that there is no contravention of s4(1A) of the *Judicial Proceedings Reports Act 1958 (Vic)* or like provisions in another State or Territory and that otherwise there is no embarrassment to a complainant or witness.

- (4) If to be effective, a recommendation must identify a prescribed person, the Board or the Review Board may communicate confidentially the name of that person to the Council of Bishops.

PART 17 - THE COUNCIL OF BISHOPS

Council of Bishops must give effect

100. Subject to section 71 of this Ordinance, the Council of Bishops to whom a recommendation under section 58 or 74 of this Ordinance must, and is hereby empowered to give effect to—
- (a) the recommendation of the Board or if applicable, the Review Board; or
 - (b) any variation or modification of that recommendation, consistent with any facts found by the body making the recommendation provided that the substance of that recommendation is preserved, as the Council of Bishops sees fit.

Decision by majority of votes

101. A question before the Council of Bishops may be decided by a majority of the votes of the members of the Council of Bishops.

Publication of decision of the Council of Bishops

102. (1) Subject to subsection (2), the Council of Bishops –
- (a) must release to the public as soon as practicable a written statement disclosing their decision on any recommendation received and the steps to be taken or that have been taken pursuant to section 100 to give effect to it; and
 - (b) may release to the public such further material as it may determine with respect to the exoneration of the Diocesan bishop or any action taken against the Diocesan bishop.
- (2) The Council of Bishops must ensure that any statement or further material so released is anonymised and redacted so as not to contain any particulars that identify or are likely to lead to the identification of a prescribed person.

PART 18 – CONFIDENTIALITY AND REPORTING

Duty of confidentiality

103. Subject to the provisions of this Ordinance, the Director, a member of the ESC, a member of the Board or the Review Board or of a Council of Bishops or a person employed or engaged on work related to the affairs of the ESC, the Board or the Review Board 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 or any protocol;

- (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 or Council of Bishops where the information may give rise to or be relevant to a claim for indemnity by the Church body or Council of Bishops against the insurer or is relevant to obtaining or continuing insurance cover.

Duty of disclosure to other church bodies

104. (1) The ESC must disclose to an equivalent body information in its possession concerning alleged misconduct of a former Diocesan bishop:
- (a) which is information relevant to, or coming to notice during the course of an investigation undertaken by the equivalent body of the Diocese by whose Bishop the former Diocesan bishop is licensed or in which the former Diocesan bishop is residing; or
 - (b) which is information concerning misconduct alleged to have occurred in the diocese of the equivalent body—
- and must co-operate with the equivalent body.
- (2) The ESC may disclose to a person or body of another church or Christian denomination exercising powers, duties or functions similar to those of the ESC, in relation to clergy, details of information in its possession concerning the alleged misconduct of a former Diocesan bishop and the ESC must co-operate with such person or body to whom the information is disclosed.

ESC to report annually to Diocesan Council

105. (1) The ESC must report annually to the Diocesan Council on its activities for that calendar year.
- (2) The report of the ESC pursuant to the preceding subsection may identify the Diocesan bishop as the 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 Board or the Review Board, favourable to the Diocesan bishop.

ESC to report to Primate or senior Metropolitan

106. (1) Subject to subsection (2), the ESC must, in respect of every complaint with which it is dealing under this Ordinance, report either orally or in writing to the Primate with such frequency and as fully as the Primate may reasonably require.
- (2) If the matter relates to the conduct of the Diocesan bishop who is the Primate, such reports must be made to and at the direction of the senior Metropolitan at the time in Australia who is not the Primate.

PART 19 – INDEMNITY

Indemnification of those with functions under the Act

107. The Diocesan bishop in Council [the Diocesan Council] must and is hereby authorised, out of church funds under the control of the Diocesan bishop in Council [the Diocesan Council], to indemnify –
- (a) the Director and any delegate of the Director;
 - (b) any carer appointed under this Ordinance or any protocol;
 - (c) the members of the ESC and each of them;
 - (d) any delegate of the ESC;
 - (e) the members of the Board and each of them;
 - (f) the Secretary to the Board;
 - (g) any person appointed by the Board pursuant to this Ordinance;
 - (h) the members of the Review Board and each of them;
 - (i) the Secretary to the Review Board;
 - (j) any person appointed by the Review Board pursuant to this Ordinance; and
 - (k) the members of the Council of Bishops and each of them —
- for 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 the Diocesan bishop.

PART 20 – REGULATIONS

Making amending or repealing regulations

108. The Diocesan bishop in Council [the Diocesan 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 objects and purposes of this Ordinance.
-

3.2 Faithfulness in Service

At its meeting on 16 and 17 May 2014, the Standing Committee considered the interaction between the General Synod's resolution 59/04 adopting *Faithfulness in Service* as the code of conduct for observance by Bishops and the new Bishops' Protocol 15 adopted by the Bishops' Meeting in April 2015 which reads:

As we ordain, license or appoint to ministries within our dioceses we undertake to uphold "Faithfulness in Service," the code of conduct for bishops adopted by the General Synod in Resolution 59/04 and as amended by the General Synod from time to time

in the context of *Faithfulness in Service* having been amended by the Standing Committee from time to time.

The Standing Committee resolved that all amendments to *Faithfulness in Service* and the full text of the current version be tabled at this session of the General Synod in order to make clear the terms of *Faithfulness in Service* which apply from time to time. (For completeness, the original version of *Faithfulness in Service* adopted by the General Synod in 2004 ought to be included.)

The following documents are published below:

1. *Faithfulness in Service* as originally adopted by General Synod Resolution 33/04 – October 2004
2. First amendment – July 2005
3. Second amendment – March 2006
4. Third amendment – October 2006
5. Fourth amendment – April 2011
6. Fifth amendment – November 2011
7. Full text of the sixth edition – November 2011



Faithfulness in Service

**A national code
for personal behaviour
and the practice of pastoral ministry
by clergy and church workers**

General Synod of the Anglican Church of Australia
Child Protection Committee

As adopted by General Synod 2004

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The General Secretary
General Synod Office
The Anglican Church of Australia
GPO Box Q190
QVB Post Office NSW 1230

33/04 CHILD PROTECTION – 1

The General Synod:

- receives the report of the Child Protection Committee;
- adopts as the Church's *Safe Ministry Policy Statement*:
"The Anglican Church of Australia is committed to the physical, emotional and spiritual welfare and safety of all people, particularly within its own community. The Church will:
 - carefully recruit and train its clergy and church workers;
 - adopt and encourage safe ministry practices by its clergy and lay church workers;
 - respond promptly to each concern raised about the behaviour of its clergy and lay church workers;
 - offer pastoral support to any person who has suffered abuse; and
 - provide pastoral support to and supervision of any person known to have abused a child or another vulnerable person."
- adopts the Safe Ministry Check in the Report of the Child Protection Committee as the national applicant and referee questionnaires for the selection of ordination candidates and for the screening of clergy and church workers who have contact with children in their ministry;
- authorises the revision of the Safe Ministry Check by the Standing Committee;
- adopts Faithfulness in Service in the Report of the Child Protection Committee as the national code for personal behaviour and the practice of pastoral ministry by clergy and lay church workers; and
- authorises the revision of Faithfulness in Service by the Standing Committee.

Garth Blake – 4 Oct 04

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1 ABOUT THIS CODE

Faithfulness in service

When Jesus spoke to his disciples he said they were not to be like the rulers of the day who exercised authority over others. They were to be servants of others, even as Jesus did not come to be served, but to serve.

When Peter wrote to the Christians scattered throughout Asia Minor, he reminded them of their identity in Christ as God's chosen people, sanctified by the Spirit for obedience to Jesus Christ. The call to be holy is reflected in both the Old and New Testaments as the appropriate response to God's grace. Christians live according to the knowledge that they have been created by God and redeemed by Christ.

When Paul wrote to the Philippian Christians he rejoiced in their fellowship and prayed that their love might grow in knowledge and discernment so that they might see what was significant for their Christian vocation and be enabled to live pure and blameless lives for the day of Jesus Christ. In the light of that growing knowledge of God's love they are to live in humility and faithfulness in the power of the Holy Spirit. They live out that love in their contact with others, especially those to whom they minister in Christ's name.

The Church is the fellowship that nurtures and sustains Christians as they seek to follow Christ faithfully and participate in God's mission. Its leaders especially are to be examples of Christian faith and obedience as they exercise their vocation, in dependence on the Holy Spirit.

The personal behaviour and practices of pastoral ministry required of clergy (bishops, priests and deacons) of the Anglican Church of Australia are specified in the Holy Scriptures as well as in its Constitution, canons, ordinances, the Book of Common Prayer and the Ordinal. Although not bound by the promises made by clergy, church workers (lay persons who are employed or hold a position or perform a function within the Anglican Church of Australia) are expected to conform to the same behaviour and practices as clergy—except in areas that apply only to clergy.

Purpose

This Code is intended to identify the personal behaviour and practices of pastoral ministry that will enable clergy and church workers to serve faithfully those among whom they minister. If the behaviour and practices it outlines are followed, our communities will be safer places for everyone, where integrity is honoured, accountability is practised and forgiveness encourages healing and does not conceal misconduct.

Implementation

This Code was adopted by the General Synod of the Anglican Church of Australia in 2004 as the national code for personal behaviour and the practice of pastoral ministry by clergy and church workers.

It is important that this Code be understood by clergy and church workers. Each diocese will need to ensure that its clergy and church workers are trained in the Code and its application to personal behaviour and pastoral ministry. Clergy and church workers undertaking pastoral ministry will need to apply the standards and guidelines of this Code in their specific circumstances.

Format and presentation

Each section of this Code consists of three parts:

- a *preamble* which introduces the section;
- *standards* which state the Church's expectations for personal behaviour and the practice of pastoral ministry;
- *guidelines* which explain and illustrate best practice and highlight practical ways to achieve it.

Throughout the Code, all key terms appear in **bold text** the first time they appear in a section and their definitions are contained in the section headed 'Key Terms'. Some additional educational material and advice is included in Section 3, Children.

KEY TERMS

abuse in relation to an adult means the following conduct:

- bullying;
- emotional abuse;
- harassment;
- physical abuse;
- sexual abuse; or
- spiritual abuse.

bullying means the repeated seeking out or targeting of a person to cause them distress and humiliation or to exploit them. It includes:

- exclusion from a peer group;
- intimidation; and
- extortion.

child means anyone under the age of 18.

child abuse means the following conduct in relation to a child:

- bullying;
- emotional abuse;
- harassment;
- neglect;
- physical abuse;
- sexual abuse; or
- spiritual abuse.

child pornography means sexually explicit or suggestive material involving children.

Church means the Anglican Church of Australia.

church authority means the person or body having authority to ordain, license, appoint, dismiss or suspend a member of the clergy or church worker.

church body includes a parish, school, or any body corporate, organisation or association that exercises ministry within, or on behalf of, or in the name of, the Church.

church worker means a lay person:

- who is employed by a church body; or
- 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, including an office, position or function:
 - of leadership in a parish, diocese or General Synod body;
 - as a member of the General Synod or a diocesan synod;
 - as a member of a body incorporated by the General Synod, a diocese or a diocesan synod;
 - as a churchwarden, member of any parish council or member of any committee constituted by or by the authority of the General Synod, a diocesan synod or a parish council.

civil authorities means the police and the relevant State or Territory government child protection authority.

clergy means bishops, priests and deacons of the Church.

corporal punishment means any punishment inflicted on the body.

Director of Professional Standards means the person in a diocese who has responsibility for the maintenance of professional standards of clergy and church workers.

emotional abuse means acts or omissions that have caused, or could cause emotional harm or lead to serious behavioural or cognitive disorders. Such acts include:

- name calling;
- threats;
- ridicule;
- intimidation;
- isolation; and
- ill treatment in the form of coldness, hostility or rejection.

grooming is a process that involves the manipulative cultivation of relationships with vulnerable adults or children, their parents or guardians and others in authority as the means of initiating or hiding abusive behaviour.

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:

- physical contact;
- gestures or language (overt or implied) including continual and unwarranted shouting;
- unjustified or unnecessary comments about a person's capacities or attributes;
- openly displayed pictures, posters, graffiti or written materials;
- communications in any form (for example, phone calls, email, text messages) ; and
- following or stalking.

individual pastoral ministry means pastoral ministry carried out on an individual basis. It includes spiritual direction, or pastoral counselling arising out of bereavement, divorce or other life crises.

neglect means the failure to provide the basic necessities of life where a child's health and development are placed at risk of harm. It includes being deprived of:

- food;
- clothing;
- shelter;
- hygiene;
- education;
- supervision and safety;
- attachment to and affection from adults; and
- medical care.

offensive language includes blasphemy, verbal harassment, racial and other forms of vilification, personal insult or comment and obscene words.

pastoral ministry means the work involved or the situation which exists when a member of the clergy or church worker has responsibility as part of their role for the wellbeing of another. This includes the provision of spiritual advice and support, education, counselling, medical care, and assistance in times of need.

pastoral relationship means a relationship between clergy or church workers and any person for the purposes of pastoral ministry.

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.

professional supervision/consultation is a formal, collaborative process which a more senior or experienced person uses to develop and support a person in their ministry. This relationship is confidential, evaluative, and extends over time. It is preferable if the supervisor:

- has no other pastoral or personal relationship with the person being supervised; and
- has been trained in professional supervision.

prohibited material means:

- publications, films and computer games that have been classified by the Office of Film and Literature Classification as being unsuitable for a child to read, see or play;
- any other images or sounds not subject to classification by the Office of Film and Literature Classification that are considered with good reason within the Church to be unsuitable for a child to see or hear; and
- any substance or product whose supply to or use by children is prohibited by law, such as alcohol, tobacco products, illegal drugs and gambling products.

prohibited substance means any substance banned or prohibited by law for use or consumption by adults.

restricted material means:

- publications, films, and computer games that have been classified as Category 1 or 2 restricted, X or RC classification by the Office of Film and Literature Classification; and
- any other images or sounds not subject to classification by the Office of Film and Literature Classification (for example, internet material) that are considered with good reason within the Church as being offensive on the grounds of violence, sex, language, drug abuse or nudity.

sexual abuse of an adult means sexual assault, sexual exploitation or sexual harassment of an adult.

sexual abuse of a child means the use of a child by another person for his or her own sexual stimulation or gratification or for that of others. It includes:

- sexual touching and fondling;
- being forced to touch or fondle another person;
- kissing or holding in a sexual manner;
- being forced to perform oral sex;
- vaginal or anal intercourse;

- vaginal or anal penetration with an object or any bodily part;
- making any gesture or action of a sexual nature in a child's presence;
- making sexual references or innuendo using any form of communication;
- voyeurism;
- exposure to any form of sexually explicit or suggestive material;
- discussion of, or inquiry about, personal matters of a sexual nature;
- being forced to masturbate self or others, or watch others masturbate; and
- indecent exposure.

Sexual abuse of a child does not include:

- sex education with the prior consent of a parent or guardian; or
- age appropriate consensual sexual behaviour between peers (i.e. the same or a similar age).

sexual assault means any intentional or reckless act, use of force or threat to use force involving some form of sexual activity against an adult without their consent. It includes:

- sexual touching and fondling;
- being forced to touch or fondle another person;
- kissing or holding in a sexual manner;
- being forced to perform oral sex;
- vaginal or anal intercourse; and
- vaginal or anal penetration with an object or any bodily part.

sexual exploitation refers to any form of sexual contact or invitation to sexual contact with an adult, with whom there is a pastoral or supervisory relationship, whether or not there is consent and regardless of who initiated the contact or invitation. It does not include such contact or invitation within a marriage.

sexual harassment means unwelcome conduct of a sexual nature, whether intended or not, in relation to an adult where the person reasonably feels in all circumstances offended, belittled or threatened. Such behaviour may consist of a single incident or several incidents over a period of time. It includes:

- implicit or explicit demands or suggestions for sexual activities;
- making any gesture, action or comment of a sexual nature to a person or about a person in their presence;
- making jokes containing sexual references or innuendo using any form of communication;
- exposure to any form of sexually explicit or suggestive material;
- unwelcome physical contact such as touching, pinching, patting or aggressive physical conduct;
- unwelcome or unnecessary discussion of, or inquiry about, personal matters of a sexual nature;
- unwelcome and inappropriate intrusion of personal space;
- voyeurism; and
- persistent following or stalking.

spiritual abuse means the mistreatment of a person by actions or threats when justified by appeal to God, faith or religion. It includes:

- the use of a position of spiritual authority to dominate or manipulate another person or group;
- isolation from friends and family members;
- claims for inappropriate deference to a person with spiritual authority; and
- the use of Christian terminology to justify abuse.

2 PUTTING THIS CODE INTO PRACTICE

Preamble

- 2.1 This Code will only be effective if it is widely known and available throughout the **Church**, practised consistently and implemented justly. **Clergy** and **church workers** will protect the safety of others and themselves by observing its standards and following its guidelines.
- 2.2 The absence of any reference to particular conduct in this Code does not imply that it is acceptable for clergy and church workers.
- 2.3 All clergy and church workers have a responsibility to ensure that personal behaviour and practices of pastoral ministry that are inconsistent with this Code are neither tolerated nor covered up.
- 2.4 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.
- 2.5 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.

Standards for clergy and church workers

- 2.6 It is your responsibility to be aware of and meet the standards of this Code.
- 2.7 If you have overall authority in a **church body**, you are to ensure that all clergy and church workers for whom you are responsible are made aware of this Code.
- 2.8 You are to not penalise, discriminate or take action against other clergy or church workers because of any action taken in good faith under this Code.

Guidelines

- 2.9 If you know or reasonably suspect that another member of the clergy or another church worker has failed to meet a standard of this Code, other than for **child abuse**, you should report this to the **Director of Professional Standards** (the reporting of child abuse is addressed in paragraphs 3.14 and 3.15). If you know or reasonably suspect that another member of the clergy or another church worker has not followed a guideline of this Code, approach the person and identify the concern. If that person persists in wilfully disregarding the guideline without good reason then you should report this to the person's immediate superior or **church authority** with responsibility for the person.

3 PASTORAL RELATIONSHIPS

Preamble

- 3.1 All people are created in the image of God and are of equal value. This is the foundation of all **pastoral relationships**.
- 3.2 Clergy have authority conferred upon them by their ordination, consecration and licensing. Church workers have authority conferred upon them by their appointment. The authority and training associated with their roles means that they have power in pastoral relationships which is always to be exercised in the service of others.
- 3.3 Trust is of primary importance in the creation and maintenance of an effective pastoral relationship. Trust grows with the maintenance of physical, sexual, emotional and psychological boundaries suitable to pastoral ministry. (The issues of Children and Sexual Conduct are addressed in Sections 3 and 5 respectively.) Clergy and church workers will enhance their ability to maintain these boundaries by attending to their own wellbeing.
- 3.4 While clergy and church workers often enjoy personal friendships with those to whom they minister, their pastoral ministry responsibilities take precedence.
- 3.5 Clergy and church workers are colleagues in **pastoral ministry**: the activity of one inevitably impacts upon the ministry of others.

Standards for clergy and church workers

- 3.6 If you have overall authority in a **church body**, you are to ensure that clergy and church workers for whom you are responsible are provided with:
a safe working environment, including safe housing, where housing is provided;
opportunities to maintain and enhance their ministry skills; and
personal encouragement, support and regular feedback.
- 3.7 When exercising pastoral ministry you are not inappropriately to discriminate between people.
- 3.8 You are not to disclose confidential information received in pastoral ministry to your spouse, family, friends, colleagues or any other person without the consent of the person providing the information, except where:
the information is known publicly;
as required or allowed by law; or
it is in the public interest (such as to avoid the risk of serious injury or harm to any person).
- 3.9 When you are on leave or unable to fulfil your responsibilities through illness or any other reason, you are to make alternative arrangements for pastoral ministry.

Guidelines

Boundaries

- 3.10 Make sure you are clear about the requirements of your role, including the hours to be worked and the nature of your responsibilities as well as your leave and other entitlements. You need to be sure that your legitimate personal needs can be met.
- 3.11 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.
- 3.12 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.
- 3.13 Avoid behaviour that could give the impression of favouritism and inappropriate special relationships, particularly with individual children.
- 3.14 Think carefully before providing pastoral ministry to a person with whom you already have a close personal relationship, such as a friend or member of your family. Care is needed because confusion between close personal relationships and pastoral relationships can lead to a loss of objectivity, failure to act in the other's best interest and harm to both parties.
- 3.15 Pastoral relationships can legitimately develop into romantic relationships. If this begins to happen:
- acknowledge to yourself that your personal interest and the pastoral relationship are at risk of becoming confused;
 - tell the other person that your relationship is changing and becoming romantic;
 - disclose the nature of the relationship to a supervisor or colleague to ensure accountability and prevent misunderstanding; and
 - where practicable:
 - disclose to a supervisor or colleague any proposed alternative arrangements for ongoing **individual pastoral ministry**;
 - make alternative arrangements for ongoing individual pastoral ministry; and
 - cease providing individual pastoral ministry to the person.
- 3.16 If you are providing ongoing individual pastoral ministry or counselling, engage someone to provide regular professional supervision. This will help protect you and those to whom you minister.

- 3.17 When you resign or retire, you should generally terminate existing pastoral relationships. You should do this in a sensitive and timely manner to allow these responsibilities to be undertaken by your successors. Consult with your successor where the other person wishes to maintain an ongoing pastoral relationship with you.

Personal and professional development

- 3.18 Maintain a healthy lifestyle and do not overcommit yourself. Make sure you have adequate leisure time, through regularly taking time off, including your full holiday entitlement annually.
- 3.19 Try to develop interests outside your main area of ministry and continue to care for yourself and your personal and family relationships.
- 3.20 Look for, and take advantage of, opportunities to maintain and enhance ministry skills appropriate to the responsibilities of your role, through:
- regular ministry development;
 - professional supervision / consultation;
 - peer support;
 - having a mentor; and
 - regular feedback including an annual ministry review.

Confidentiality and confessions

- 3.21 When you are seeking or providing professional supervision / consultation you should not identify any person and only disclose what is necessary to obtain the supervision or advice.
- 3.22 In most cases you should tell someone who is to give you confidential information of the limits to confidentiality and the arrangements for supervision or obtaining advice. This should be done before the disclosure of the confidential information, such as at the beginning of an interview.
- 3.23 The Confessions Canon 1989 or the proviso to Canon 113 of 1603 is in force throughout the Church. These Canons make provision for the confession of sins to clergy and for the confidentiality of this confession. If you are a member of the clergy, you should be aware of the scope of, and your obligations under, the applicable Canon. For example, absolution is not automatic and may be withheld. You may require of the person making the confession of sins some appropriate action of contrition and reparation before you give them absolution.
- 3.24 There is a distinction between disclosures made in ordinary pastoral situations and disclosures made as a confession as provided in the applicable pastoral service in the Church's authorised liturgies. This service should normally be heard in a public place at advertised times or by arrangement.
- 3.25 If you are a church worker, remember that only clergy have the authority to receive a special confession of sins as provided in the applicable pastoral service in the **Church's** authorised liturgies.
- 3.26 You may have a legal obligation to report criminal offences to the applicable civil authorities (the issue of **child abuse** is addressed in Section 3). You may be

subpoenaed to produce documents or to attend court to give evidence, or both. In some States or Territories, clergy may be able to claim privilege from producing documents and/or disclosing information obtained in a confession referred to in paragraphs 2.23 to 2.25.

- 3.27 You should be aware of and, when appropriate, seek advice in regard to:
- your legal obligations with regard to confidential information received during an interview or a confession, particularly in relation to criminal offences and child abuse;
 - the pastoral consequences of breaching confidentiality; and
 - the risk of physical, financial or emotional harm or hardship to another person by disclosing or not disclosing such information, particularly in writings, sermons or other public media.
- 3.28 Exercise special care that any illustrative material you use from personal experience does not involve a breach of confidentiality.

Conversations in a ministry context

- 3.29 Formal interviews and informal conversations in a ministry context are pastoral encounters. Consider the appropriateness and effect of your words and actions. For example, innuendoes or compliments of a sexual nature are always inappropriate. When a person asks questions or seeks advice around topics of a sexual nature, be discerning about the motives and needs of the other person and your own ability to assist.
- 3.30 To minimise the risk of being accused of or engaging in misconduct, particularly when conducting interviews, think carefully in advance about:
- the place of the meeting, the arrangement of furniture and lighting, and your dress;
 - whether the physical location allows for privacy of conversation while maintaining the opportunity for supervision. (For example, doors to interview rooms, if closed, should not be locked.);
 - the physical distance between you and the other person to maintain both hospitality and respect;
 - whether the circumstances would suggest a social interaction;
 - the propriety and circumstances of the interview when you are visiting or being visited alone, especially at night;
 - the personal safety and comfort of all participants;
 - establishing at the outset the interview's purpose and the boundaries with respect to the subject matter, confidentiality and its duration;
 - the appropriateness of initiating or receiving any physical contact, such as gestures of comfort, that may be unwanted or misinterpreted; and
 - whether the presence of a child's parent, guardian or another person chosen by the child is appropriate.

Record-keeping and privacy

- 3.31 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.

3.32 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.

4 CHILDREN

Preamble

- 4.1 **Children** are entitled to be safe and protected. They have the right to be respected, listened to and their particular needs addressed in all church activities, whether mixed aged or child specific.
- 4.2 Ministry where children are involved requires absolute trustworthiness.
- 4.3 **Clergy** and **church workers** with overall authority in a **church body** (e.g. incumbents and school principals) have a responsibility that cannot be delegated for the implementation and maintenance of proper systems for the safety and welfare of children participating in its pastoral ministry.
- 4.4 When they are exercising a pastoral ministry involving children in a church body, clergy and church workers (e.g. Sunday school teachers, youth group leaders) have responsibility for the safety and welfare of children in their care.
- 4.5 Clergy and church workers have *authority* over children because of their position and *power* because of their greater age, maturity, physical size and life experience. Abuse arises from the misuse of authority or power. Any form of **child abuse** is always wrong.
- 4.6 Due to the inherent imbalance of power, children are incapable of giving valid consent to abuse.
- 4.7 Appropriate physical contact is important for children's healthy development.

Standards for clergy and church workers

- 4.8 If you have overall authority in a church body, you are to ensure that:
- proper systems for the safety and welfare of children participating in the church's pastoral ministry are implemented and maintained;
 - all applicable requirements of the civil authorities, the church authority and the church body are complied with; and
 - all clergy and church workers for whom you have responsibility and who work with children:
 - comply with all civil and Church screening and selection requirements;
 - receive regular training in child protection; and
 - are aware of the provisions of this Code relating to children.
- 4.9 If you are exercising a pastoral ministry involving children in a church body you are to take reasonable steps to ensure the safety and welfare of the children in your care.
- 4.10 You are to not abuse children.
- 4.11 When engaged in pastoral ministry you are to not administer **corporal punishment** to children in your care.

- 4.12 You are to not make available to children any **prohibited material**, except wine in the context of a Holy Communion service.
- 4.13 Before you allow a person who is currently charged with or convicted of an offence against a child to participate in activities involving children, you are to:
- consult the Director of Professional Standards;
 - ensure that a risk assessment is undertaken; and
 - be satisfied that no child will be at an increased risk of harm.
- 4.14 If you know or reasonably suspect that a child is at risk of harm from child abuse, you are to report this to the appropriate civil authorities.
- 4.15 If you know or reasonably suspect that another member of the clergy or a church worker has abused a child, you are to report this to the appropriate civil authorities and the Director of Professional Standards.

Guidelines

Recognising the characteristics and effects of child abuse

- 4.16 You need to be aware of the signs, symptoms and characteristics of child abuse and its impact on children.

Characteristics and effects of child abuse

Abuse of a child can be categorised as emotional, physical, sexual, or spiritual. It can also arise from neglect, bullying or harassment.

The signs and symptoms can include:

emotional abuse—low self esteem, apathy, an over readiness to relate to anyone even strangers, unduly aggressive behaviour, withdrawn behaviour;

physical abuse—bruises, bites, burns and scalds, fractures;

sexual abuse—a level of sexual knowledge or desire for either contact or distance inappropriate to the child's age, self-harm, social isolation, and a sudden onset of soiling, wetting or other behavioural changes;

spiritual abuse—low self esteem, high levels of anxiety and fear, excessive deference to a leader and isolation from former friends and family members;

neglect—failure of a child to grow within the normally accepted pattern, failure of a parent or guardian to provide adequate food, clothing, shelter, medical care and supervision;

Characteristics and effects of child abuse

bullying or harassment—low self-esteem, loss of trust in others, apathy, an over readiness to relate to anyone even strangers, unduly aggressive behaviour, withdrawn behaviour.

Abuse of a child is often preceded by **grooming**.

The sexual abuse of a child commonly has the following characteristics:

it usually starts with something minor and gradually builds up to more involved behaviours through a process of grooming;

it is secretive and generally known only to the abuser and victim making it extremely difficult to detect;

it is perpetrated by someone known to the child and/or held in a position of trust by the child or their parents or guardians; and

it is rarely a self-contained or one-off incident but rather part of an ongoing relationship that is corrupting and distorting.

The abuse of a child commonly causes psychological and spiritual harm and is likely to lead to the impairment of their social, emotional, cognitive, spiritual and intellectual development and/or disturbed behaviour.

The effects of child abuse extend well beyond the abuser and their primary victims. The families of the victim and abusers as well as their communities can also experience a high degree of distress when revelations of abuse emerge. Often they can deny the disclosure and so reject the victim rather than face reality. Once the reality is confronted, the community will commonly experience profound shock, guilt about failing to protect the primary victim, deep hurt and disillusionment.

Recognising the characteristics of sexual offenders

4.17 You need to be aware of the characteristics of sexual offenders.

Characteristics of sexual offenders

Sexual offenders generally:

do not stop unless there is some intervening factor;

believe or assert that the victim is complicit or a willing participant;

attempt to deny, justify, minimise or excuse their behaviour by:

- claiming their behaviour was an expression of love for the victim;
- claiming their behaviour was a result of their childhood abuse;
- claiming their behaviour was influenced by stress, the use of alcohol or other substances; and
- blaming the victim;

enjoy the activity, despite claims to the contrary; and

are repeat offenders.

Sexual offenders who target vulnerable adults and children will often undertake a grooming process as a precursor to abusive behaviour.

Ensuring the safety of children

4.18 Taking all reasonable steps to ensure the safety and welfare of children for whom

you have overall responsibility or are in your care requires you to consider the following issues:

- screening and selection of personnel;
- your role and capability;
- use of external service providers;
- supervision ;
- planning and conduct of activities;
- venue;
- health and safety;
- transport;
- disciplinary arrangements;
- physical contact; and
- record keeping.

Screening and selection of personnel

- 4.19 If you have responsibility for compliance with civil and Church screening and selection requirements, you should exercise care with the selection of leaders involved in mixed age or children's activities.
- 4.20 Consult the Director of Professional Standards as to whether a risk assessment is required before you appoint someone who has:
- been acquitted of a charge of an offence against a child;
 - had a charge of an offence against a child not proceed;
 - had a prohibited status under applicable child protection legislation lifted; or
 - been the subject of Church disciplinary proceedings involving child abuse.

Your role and capability

- 4.21 You need to recognise your own limits and not undertake any ministry that is beyond your competence or certification or that is not part of the role for which you have been or are being trained. Arrange for any such ministry to be provided by an experienced person or specialist agency. This applies particularly to outdoor or adventure activities such as canoeing, abseiling and hiking. Refer any child who requires specialised help (e.g. counselling for abuse or addiction) to an appropriately qualified person or agency.
- 4.22 While children should be able to trust and confide in clergy and church workers—and you should expect to develop relationships of this character with children—avoid fostering inappropriate dependence on the part of a child.
- 4.23 Encourage children to develop leadership skills and undertake leadership roles that are appropriate for people of their age.

Use of external service providers

- 4.24 When you engage or use an external service provider for an activity (e.g. when you engage a specialist in outdoor education or a speaker for a camp), you should:

- make reasonable enquiries as to whether they have been screened and selected in accordance with civil and any Church requirements;
- ensure that they are only used in a supplemental capacity; and
- wherever practicable, ensure that they are not left alone with any child.

Supervision

- 4.25 The degree of supervision required will vary according to the nature and environment of the activity, the age and maturity of the children and the size of the group. Having multiple leaders to ensure that supervision and accountability standards are maintained is vitally important. You should:
- clearly distinguish the different levels of responsibility between you and any other supervisor and ensure that these differences are understood;
 - consider the extent of supervision required taking into account:
 - the age, number, ability and gender mix of the children; and
 - the venue, time, duration and nature of the activity;
 - have a register of all children with contact details and parents' or guardians' names for emergencies; and
 - monitor and periodically review the application of Church child protection procedures.

Activities

- 4.26 You should identify and minimise all potential hazards before embarking on any activity with children. This would include:
- being aware of the fire safety and evacuation procedures;
 - ensuring that emergency exits on church premises are clearly marked and never obstructed or internally locked;
 - not permitting smoking in any church premises where the activity is held; and
 - not knowingly permitting children with serious contagious diseases to attend the activity.
- 4.27 Games or activities that emphasise gender, physical, intellectual or ethnic differences should be assessed for their appropriateness. Think about what message children may learn from the way events are organised and conducted.
- 4.28 You should review in their entirety aural and visual materials, such as videos, films, computer games, graphics, photographs and lyrics, to ensure that any elements containing violence, sexual activity or lifestyle are appropriate for the intended audience. Exercise care if a film or computer game has been recommended by the Office of Film and Literature Classification as unsuitable for viewing or playing by children of a particular age (e.g. MA, M and PG classifications). In assessing whether something is suitable you should take into account the age of the youngest child present. If in doubt, seek the advice of a supervisor or colleague.
- 4.29 To minimise the possibility of children being harmed, give careful consideration to any activities or games that require children to act alone or in pairs independent of leaders.
- 4.30 Ensure that no children's activity includes:
- secret initiation rites and ceremonies;
 - nudity or engagement in sexual conduct;

- the use or availability of prohibited materials, except wine in the context of a Holy Communion service.
- 4.31 When taking children away from church premises, obtain the written consent of a parent or guardian and keep them informed of the place and timing of the event. If you can, include parents or guardians in a leadership team of mixed gender.
- 4.32 When meeting a child privately, you should:
- have parental or guardian consent, where practicable;
 - ensure where appropriate that a parent, guardian or suitable adult is present;
 - inform another member of the clergy, an adult church worker or another adult of the time, location and duration of the meeting; and
 - not invite or have children to your home or visit children in their home when no other adult is present.

Venue

- 4.33 Avoid working alone or in isolation with children. You should ensure that:
- all activities have defined boundaries that are easily observed or patrolled;
 - all aspects of children's activities are open to observation;
 - children are not permitted to leave church premises unsupervised; and
 - where individual or small group ministry is needed, it occurs in the presence of adults, a public place or a location with high visibility.
- 4.34 When events require children to sleep over, you should ensure that where possible:
- parents or guardians are involved in the events and their supervision;
 - sleeping accommodation is segregated between males and females;
 - sleeping accommodation is supervised by more than one person, preferably including a parent or guardian or another adult of each gender; and
 - supervisors do not sleep in close personal proximity to a child, unless they are a parent or guardian of the child.
- 4.35 Venues should allow for the privacy of all parties to be respected, particularly when changing clothes, washing and toileting. If you need to wash or toilet a child, tell another adult what you are doing.

Health and safety

- 4.36 Ensure that a first aid kit appropriate to the activity is available. In the case of camps and similar activities, ensure that at least one adult present has first aid training.
- 4.37 Do not administer prescription medications to a child without the written consent of a parent or guardian.
- 4.38 Obtain information from parents or guardians about the particular health or safety needs of children in your care (e.g. allergies).

Transport

- 4.39 When making transport arrangements, take reasonable steps to ensure that:
- all drivers or operators are licensed, responsible, experienced and are not impaired by alcohol or any other mind-altering or addictive substance; and
 - all motor vehicles and other forms of transport used are registered, insured, safe and fitted with appropriate child restraints or safety devices (e.g. seat belts, life jackets).
- 4.40 To the extent practicable, avoid being alone with a child in a motor vehicle or driving a child home unaccompanied. If such a situation is unavoidable, inform another adult of the trip and the reason for it.

Discipline

- 4.41 If you have overall authority for children's ministry in a Church body you should ensure that a disciplinary strategy is developed, made known and implemented.

Disciplining children

When a child's behaviour requires correction, either for the safety and welfare of themselves or the group, it is important that:

- a warning precedes any discipline, where the situation permits;
- the discipline is explained to the child;
- the child is given an opportunity to explain;
- the discipline is appropriate to the occasion and age of the child;
- the form of discipline is not corporal punishment or otherwise abusive;
- very young children are not isolated as a form of discipline;
- physical restraint is only used to protect children from harm or to avoid an accident;
- when physical restraint is used, a record is kept that identifies the restraint used, the member of the clergy or church worker and child involved and any witnesses, and sets out the incident's circumstances; and
- the child's parents or guardians are informed of the circumstances of the incident and discipline.

Physical Contact

- 4.42 In general—excluding circumstances such as immediate physical danger or medical emergency—physical contact should be initiated by the child or occur with their permission. When you make physical contact with a child, be very careful that you respect the child's feelings and privacy.
- 4.43 Ensure that any physical contact you have with children is of a non-sexual nature and appropriate to the situation. Avoid any physical contact that is sexually stimulating, or that may be construed as sexually stimulating. Children may or may not be aware of creating such situations. It is your responsibility to be alert for such situations and to cease any inappropriate physical contact immediately.

Children and physical contact

You need to be very careful when making physical contact with children.

Appropriate contact includes:

bending down to the child's eye level, speaking kindly and listening attentively;
gaining permission before hugging a child and respecting their right to refuse;
taking a child's hand and leading them to an activity;
comforting a child by placing an arm around their shoulder and giving a gentle squeeze from the side;
praising or welcoming a child by holding the child's two hands in yours;
patting the child on the head, hand, back or shoulder in affirmation; and
holding a preschool child who is crying, provided that they want to be held.

Inappropriate contact includes:

kissing or coaxing a child to kiss you;
extended hugging or tickling;
touching any area of the body normally covered by a swimming costume, specifically the buttocks, thighs, breasts or groin areas; and
carrying older children, sitting them on your lap or having them rub up next to you.

Record keeping

4.44 If you have overall authority in a church body, you should ensure that any Church screening documents:

- are treated with confidentiality and never left where they can be accessed by unauthorised persons;
- where kept on computer, are password protected and stored for an indefinite period of time with access limited to authorised persons; and
- where kept in paper form, are stored separately from any other documents and locked in secure place for an indefinite period of time, with access limited to authorised persons.

4.45 If you have overall authority in a church body, you should:

- ensure that a register of attendance of children and leaders and their emergency contact details is kept for each pastoral ministry involving children; and
- consider including such registers in the church archives.

4.46 If you are exercising a pastoral ministry involving children in a church body, you should keep a register of attendance of the children for whom you are responsible.

5 PERSONAL BEHAVIOUR

Preamble

- 5.1 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.
- 5.2 It is important for clergy and church workers to be good citizens and obey the laws of the community, except where those laws conflict with Christian convictions.

Standards for clergy and church workers

- 5.3 You are to not engage in:
- bullying;
 - emotional abuse;
 - harassment;
 - physical abuse;
 - sexual abuse; or
 - spiritual abuse.
- 5.4 You are to not **abuse** your spouse, children or other members of your family.
- 5.5 You are to be responsible in your use of alcohol and other mind altering or addictive substances or services.
- 5.6 You are to not undertake any pastoral ministry when you are impaired by alcohol or any other mind-altering or addictive substances.
- 5.7 You are to not use any **prohibited substance**.
- 5.8 You are not to take property belonging to others, including intellectual property.
- 5.9 You are not knowingly to make statements that are false, misleading or deceptive.
- 5.10 You are not knowingly to use **offensive language**.
- 5.11 Without a legitimate purpose you are to not view, possess, produce or distribute **restricted material**.

5.12 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.

Guidelines

5.13 If another person indicates by their words or actions that they feel bullied or harassed by you, review your conduct. If in doubt, cease the conduct and seek advice. When teaching, admonishing or exercising discipline as part of your pastoral ministry, be sure you do it respectfully.

5.14 Love and care for your family and pay particular attention to the effect of your ministry on your family relationships. Ensure that your behaviour in family relationships is consistent with this Code.

5.15 Take steps to prevent your spouse or children or other members of your family becoming victims of your stress. If you find yourself acting violently or abusively to any member of your family, seek professional help immediately.

5.16 Monitor your consumption or use of alcohol and other mind altering or addictive substances or product (e.g. gambling) to ensure your wellbeing and that of others. Seek professional help if the use of these substances or products adversely affects your ministry, personal wellbeing or relationships.

5.17 You should be sensitive to the effect of your language on others. Avoid using language that may be misunderstood or that bullies, threatens, belittles, humiliates or causes unnecessary offence or embarrassment. Take care when using:

- any swear word;
- language which has sexual connotations; and
- racial, religious or other group descriptions.

5.18 Exercise discretion when viewing or using restricted material. You should:

- consider the legitimate purpose of viewing or using the restricted material;
- consider whether your conduct will damage your reputation and impair your ministry; and
- disclose the purpose and circumstances of your conduct to a supervisor or colleague to avoid any misunderstanding.

5.19 When engaged in civil disobedience, do not act violently or intentionally provoke violence.

5.20 Be sensitive to the effect of your dress on others. Dress appropriately to the context.

5.21 You should comply with copyright legislation. Ensure that any licences for the use of copyright material are current and complied with and that copyright is duly acknowledged.

6 SEXUAL CONDUCT

Preamble

- 6.1 The sexual conduct of clergy and church workers has a significant impact on the **Church** and the community.
- 6.2 Sexuality is a gift from God and is integral to human nature. It is appropriate for **clergy** and **church workers** to value this gift, taking responsibility for their sexual conduct by maintaining chastity in singleness and faithfulness in marriage.
- 6.3 It is part of the role of clergy and church workers to care for, protect and respect all with whom they have a **pastoral relationship**. It is never appropriate for clergy and church workers to take advantage of their role to engage in sexual activity with a person with whom they have a pastoral relationship. Consent to such activity will not be regarded by the Church as valid, except within marriage.

Standards for clergy and church workers

- 6.4 You are to be chaste and not engage in sex outside of marriage.
- 6.5 You are not to:
- sexually abuse an adult;
 - sexually abuse a child;
 - engage in prostitution;
 - visit brothels and other places associated with the sex industry without a legitimate purpose;
 - view, possess, produce or distribute restricted material containing sex or nudity without a legitimate purpose; and
 - view, possess, produce or distribute any form of child pornography.

Guidelines

- 6.6 If you intend to make physical contact with another adult or speak to them about a sexual matter you should:
- take responsibility for your own actions;
 - seek permission;
 - respect the person's wishes;
 - notice and respond to the person's non-verbal communication; and
 - refrain from such conduct if in doubt about the person's wishes.
- 6.7 You should avoid situations where you are vulnerable to temptation or where your conduct may be construed as a breach of the standards of sexual conduct in this Code.
- 6.8 Any involvement in pastoral ministry to persons in the sex industry requires safeguards and a high level of accountability and collegial support. If in pastoral ministry you intend to visit people or places associated with the sex industry, you should:

- consider the legitimate purpose of visiting the person or place;
- consider whether your conduct will damage your reputation and impair your ministry; and
- to avoid any misunderstanding, disclose the purpose and circumstances of what you are doing to a supervisor or colleague.

7 FINANCIAL INTEGRITY

Preamble

- 7.1 In both their personal capacity and their pastoral ministry **clergy** are involved in matters of a financial nature. The ministry of **church workers** may include financial management. The financial dealings of clergy and church workers have a significant impact on the **Church** and the community.
- 7.2 Financial integrity is essential to all financial processes and transactions.
- 7.3 Clergy and church workers with overall authority for financial management in a church body are responsible for the implementation and maintenance of proper systems for financial integrity and accountability. They cannot delegate this responsibility to anyone else.

Standards for clergy and church workers

- 7.4 You are not to avoid payment of your just debts and family support obligations.
- 7.5 You are not to engage in tax avoidance.
- 7.6 You are not to seek personal advantage or financial gain for yourself or your family from your position or from a **pastoral relationship**, beyond your stipend or wage and recognised allowances and deductions.
- 7.7 You are not to allow yourself to be influenced by offers of money or financial reward.
- 7.8 You are to avoid situations of conflict between your personal financial interest and your pastoral ministry responsibilities.
- 7.9 You are to arrange your personal and church finances to ensure that clear account and transaction boundaries are maintained.
- 7.10 You are to fully disclose and be publicly accountable for all church monies which you handle.
- 7.11 If you have overall authority for financial management in a church body, you are to ensure that:
- proper systems for financial integrity and accountability are implemented and maintained;
 - all clergy and church workers for whom you have responsibility and who have authority for financial management in a church body are informed of their roles and responsibilities; and
 - all stipends, wages and allowances payable are adequate, and paid promptly and in full.

Guidelines

Financial management practices

- 7.12 You should ensure that your salary packaging and the accounts of any church body for which you have responsibility are in accordance with Church and civil taxation and accounting requirements.
- 7.13 If you have overall authority for financial management in a church body, you should minimise the risk of you and other clergy and church workers being accused of or engaging in financial impropriety by:
- having two persons unrelated by family to handle church money received;
 - not involving paid clergy or paid church workers in the counting of church offertories;
 - ensuring that church money on church premises is kept safely and securely;
 - avoiding church money being taken home wherever possible;
 - ensuring that all church money received is banked promptly;
 - ensuring that proper accounting records are kept for church transactions, in the form of receipts, diary entries, tax invoices, accounts and account statements;
 - ensuring that all church accounts have more than one signatory;
 - ensuring that any accounts paid by cash are duly receipted; and
 - ensuring that those with the responsibility for handling money have suitable training in financial matters.

Gifts

- 7.14 If you are offered or receive a gift, whether monetary or otherwise, from a person with whom you have a pastoral relationship, you should:
- establish for whom the gift is intended and exercise discretion as to whether the gift should be personally accepted;
 - consider:
 - the size of the gift;
 - the intentions and circumstances of the giver;
 - the risk of your integrity being compromised; and
 - whether acceptance of the gift would cause scandal and embarrassment if known publicly;
 - if it is substantial, disclose the offer or receipt to a supervisor or colleague; and
 - if there is any uncertainty as to the gift's appropriateness, seek advice from a supervisor or colleague.

Personal financial obligations

- 7.15 You should manage your finances so that personal debts, including those to any church body, are paid when due and in full.
- 7.16 You should avoid borrowing money from, or lending money to, a person with whom you have a pastoral relationship as this may place you in a position where your personal interest conflicts with your pastoral responsibilities. If you do, then disclose the circumstances to a supervisor or colleague. In some cultures where

there are communal ownership and kinship obligations, this guideline may be applied differently.

AMENDMENTS TO *FAITHFULNESS IN SERVICE*

Approved by Standing Committee Resolution SC2005/2/040
at the meeting held on 10 and 11 July 2005.

(deleted words have been struck through and added words have been underlined)

- (a) that the following definition be substituted for the definition of church worker in the section “Key Terms”:

“**church worker** means a lay person who is licensed by the bishop of a diocese and any other lay person:

- who is employed by a church body; or
- 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, including an office, position or function:
 - of leadership in a parish, diocese or General Synod body;
 - as a member of the General Synod or a diocesan synod;
 - as a member of a body incorporated by the General Synod, a diocese or a diocesan synod;
 - as a churchwarden, member of any parish council or member of any committee constituted by or by the authority of the General Synod, a diocesan synod or a parish council;

in respect of whom the church authority has adopted this Code.”

- (b) that the following paragraph be substituted for paragraph 2.9:

“If you know or ~~reasonably suspect~~ 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**, ~~you should report this to the Director of Professional Standards~~ (the reporting of child abuse is addressed in paragraphs 3.14 4.14 and ~~3.15 4.15~~), 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.”

- (c) that paragraph 2.10 be added as follows:

~~“If you know or reasonably suspect 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 person member of the clergy or church worker and identify the concern. If that person persists in wilfully disregarding 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, then you should report seriously consider reporting this to the person’s immediate superior or church authority with responsibility for the person 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.”~~

- (d) that the following amendments to the print and numbering be made including to paragraphs 2.9 and 2.10 in paragraphs (b) and (c) above:
- (i) the words “restricted material” in paragraph 6.5 be in bold print;
 - (ii) in paragraph 3.3 the numbers “4” and “6” be substituted for the numbers “3” and “5” respectively;
 - (iii) in paragraph 3.26 the numbers “4”, “3.23” and “3.25” be substituted for the numbers “3”, “2.23” and “2.25” respectively;
 - (iv) the section “Key Terms” be numbered “2” and the following sections, paragraphs within those sections and internal references be renumbered by adding one to the first integer of the existing numbers;
 - (v) the section “Contents” be renumbered so as to be consistent with the numbering of the substantive provisions.

AMENDMENTS TO *FAITHFULNESS IN SERVICE*

Approved by Standing Committee Resolution SC2006/1/030
at the meeting held on 4 and 5 March 2006.

(deleted words have been struck through and added words have been underlined)

- (a) that the following amendments be made to the following key terms in section 2 'Key Terms':

- (i) in 'church body' the word "pastoral" be added before the word "ministry":

church body includes a parish, school, or any body corporate, organisation or association that exercises pastoral ministry within, or on behalf of, or in the name of, the Church.

- (ii) in 'church worker' the following definition be substituted:

~~**church worker** means a lay person who is licensed by the bishop of a diocese and any other lay person:~~

- ~~• who is employed by a church body; or~~
 - ~~• 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, including an office, position or function:

 - ~~○ of leadership in a parish, diocese or General Synod body;~~
 - ~~○ as a member of the General Synod or a diocesan synod;~~
 - ~~○ as a member of a body incorporated by the General Synod, a diocese or a diocesan synod;~~
 - ~~○ as a churchwarden, member of any parish council or member of any committee constituted by or by the authority of the General Synod, a diocesan synod or a parish council;~~~~
- ~~in respect of whom the church authority has adopted this Code.~~

church worker means a lay person:

- who is licensed or authorised by the bishop of a diocese;
- who is employed by a church body in respect of whom this Code is part of their employment contract; or
- 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, including an office, position or function:
 - of leadership in a parish, diocese or General Synod body;
 - as a member of the General Synod or a diocesan synod;
 - as a member of a body incorporated by the General Synod, a diocese or a diocesan synod;
 - as a churchwarden, member of any parish council or member of any committee constituted by or by the authority of the General Synod, a diocesan synod or a parish council;

in respect of whom the diocesan synod, the diocesan council, the church authority or the church body has adopted this Code.

- (iii) in ‘**grooming**’ the following definition be substituted:

~~**grooming** is a process that involves the manipulative cultivation of relationships with vulnerable adults or children, their parents or guardians and others in authority as the means of initiating or hiding abusive behaviour.~~

grooming is the manipulative cultivation of a relationship in order to initiate or cloak sexual abuse of an adult or a child. In the case of child sexual abuse, an offender may groom not only the child, but also those who exercise authority over the child, including the child’s parents or guardians.

- (iv) in ‘**individual pastoral ministry**’ the words “one-to-one” be substituted for the words “on an individual basis”:

individual pastoral ministry means pastoral ministry carried out ~~on an individual basis~~ one-to-one. It includes spiritual direction, or pastoral counselling arising out of bereavement, divorce or other life crises.

- (v) in ‘**pastoral ministry**’ the word “others” be substituted for the word “another”:

pastoral ministry means the work involved or the situation which exists when a member of the clergy or church worker has responsibility as part of their role for the wellbeing of ~~another~~ others. This includes the provision of spiritual advice and support, education, counselling, medical care, and assistance in times of need.

- (vi) in ‘**emotional abuse**’ the following sentence be substituted for the second sentence:

emotional abuse means acts or omissions that have caused, or could cause emotional harm or lead to serious behavioural or cognitive disorders. ~~Such acts include:~~

~~name calling;~~

~~threats;~~

~~ridicule;~~

~~intimidation;~~

~~isolation; and~~

~~ill treatment in the form of coldness, hostility or rejection.~~

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.

- (vii) in ‘**harassment**’ the following dot points be substituted for the dot points in the third sentence:

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:

~~physical contact;~~
~~gestures or language (overt or implied) including continual and unwarranted shouting;~~
~~unjustified or unnecessary comments about a person's capacities or attributes;~~
~~openly displayed pictures, posters, graffiti or written materials;~~
~~communications in any form (for example, phone calls, email, text messages); and~~
~~following or stalking.~~
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.

- (viii) in '**sexual abuse of a child**' the following dot points be substituted for the dot points in the first sentence:
sexual abuse of a child means the use of a child by another person for his or her own sexual stimulation or gratification or for that of others. It includes:
~~sexual touching and fondling;~~
~~being forced to touch or fondle another person;~~
~~kissing or holding in a sexual manner;~~
~~being forced to perform oral sex;~~
~~vaginal or anal intercourse;~~
~~vaginal or anal penetration with an object or any bodily part;~~
~~making any gesture or action of a sexual nature in a child's presence;~~
~~making sexual references or innuendo using any form of communication;~~
~~voyeurism;~~
~~exposure to any form of sexually explicit or suggestive material;~~
~~discussion of, or inquiry about, personal matters of a sexual nature;~~
~~being forced to masturbate self or others, or watch others masturbate or engage in other sexual activity; and~~
~~indecent exposure.~~
exposing oneself indecently to a child;
having vaginal or anal intercourse with a child;
penetrating a child's vagina or anus with an object or any bodily part;
sexually touching or fondling a child;
kissing, touching, holding or fondling a child in a sexual manner;
staring at or secretly watching a child for the purpose of sexual stimulation or gratification;
making any gesture or action of a sexual nature in a child's presence;
making sexual references or innuendo in a child's presence using any form of communication;

discussing or inquiring about personal matters of a sexual nature with a child;

exposing a child to any form of sexually explicit or suggestive material;

forcing a child to sexually touch or fondle another person;

forcing a child to perform oral sex;

forcing a child either to masturbate self or others, or to watch others masturbate; and

forcing a child to engage in or watch any other sexual activity.

Sexual abuse of a child does not include:

sex education with the prior consent of a parent or guardian; or

age appropriate consensual sexual behaviour between peers (i.e. the same or a similar age).

- (ix) in '**sexual assault**' the following dot points be substituted for the dot points in the second sentence:

sexual assault means any intentional or reckless act, use of force or threat to use force involving some form of sexual activity against an adult without their consent. It includes:

~~sexual touching and fondling;~~

~~being forced to touch or fondle another person;~~

~~kissing or holding in a sexual manner;~~

~~being forced to perform oral sex;~~

~~vaginal or anal intercourse; and~~

~~vaginal or anal penetration with an object or any bodily part.~~

having vaginal or anal intercourse with a person without their consent;

penetrating another person's vagina or anus with an object or any bodily part without that person's consent;

sexually touching and fondling a person without their consent;

kissing another person without their consent;

holding another person in a sexual manner without their consent;

forcing a person to sexually touch or fondle another person; and

forcing a person to perform oral sex.

- (x) in '**sexual harassment**' the following dot points be substituted for the dot points in the third sentence:

sexual harassment means unwelcome conduct of a sexual nature, whether intended or not, in relation to an adult where the person reasonably feels in all circumstances offended, belittled or threatened. Such behaviour may consist of a single incident or several incidents over a period of time. It includes:

~~implicit or explicit demands or suggestions for sexual activities;~~

~~making any gesture, action or comment of a sexual nature to a person or about a person in their presence;~~

~~making jokes containing sexual references or innuendo using any form of communication;~~

~~exposure to any form of sexually explicit or suggestive material;~~

~~unwelcome physical contact such as touching, pinching, patting or aggressive physical conduct;~~

~~unwelcome or unnecessary discussion of, or inquiry about, personal matters of a sexual nature;~~

~~unwelcome and inappropriate intrusion of personal space;~~

~~voyeurism; and~~

~~persistent following or stalking.~~

asking a person for sex;
giving a person to understand that you would like sexual favours from them;
making any gesture, action or comment of a sexual nature to a person directly or making a comment of a sexual nature about them in their presence;
making jokes containing sexual references or innuendo using any form of communication;
exposing a person to any form of sexually explicit or suggestive material;
making unwelcome physical contact such as touching, pinching, or patting;
making unwelcome or unnecessary inquiries about or attempts to discuss personal matters of a sexual nature;
deliberately intruding on an individual's personal space;
staring at or secretly watching a person for the purpose of sexual stimulation or gratification; and
stalking a person.

- (xi) in 'spiritual abuse' the following dot points be substituted for the dot points in the second sentence:

spiritual abuse means the mistreatment of a person by actions or threats when justified by appeal to God, faith or religion. It includes:
~~the use of a position of spiritual authority to dominate or manipulate another person or group;~~
~~isolation from friends and family members;~~
~~claims for inappropriate deference to a person with spiritual authority;~~
~~and~~
~~the use of Christian terminology to justify abuse.~~
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.

- (b) that in each of the following paragraphs the word "not" be moved so that it precedes the word "to":

- (i) 3.8:

You are not to ~~not~~ penalise, discriminate or take action against other clergy or church workers because of any action taken in good faith under this Code.

- (ii) 5.10:

You are not to ~~not~~ abuse children.

- (iii) 5.11:

When engaged in pastoral ministry you are not to ~~not~~ administer **corporal punishment** to children in your care.

- (iv) 5.12:
You are not to ~~not~~ make available to children any **prohibited material**, except wine in the context of a Holy Communion service.
- (v) 6.3:
You are not to ~~not~~ engage in:
bullying;
emotional abuse;
harassment;
physical abuse;
sexual abuse; or
spiritual abuse.
- (vi) 6.4:
You are not to ~~not~~ **abuse** your spouse, children or other members of your family.
- (vii) 6.6:
You are not to ~~not~~ undertake any pastoral ministry when you are impaired by alcohol or any other mind-altering or addictive substances.
- (viii) 6.7:
You are not to ~~not~~ use any **prohibited substance**.
- (ix) 6.11:
Without a legitimate purpose you are not to ~~not~~ view, possess, produce or distribute **restricted material**.
- (c) that the following amendments be made to the following guidelines in section 5 'Children':
 - (i) that in the material headed '**Characteristics and effects of child abuse**' under paragraph 5.16 the words "Sexual abuse" be substituted for the word "Abuse" in the sentence 'Abuse of a child is often preceded by grooming.':

Sexual abuse ~~Abuse~~ of a child is often preceded by grooming.
 - (ii) that the sentence "A sexual offender may be a friend, a family member, a neighbour, a peer, or a person in authority." be added at the end of paragraph 5.17:

You need to be aware of the characteristics of sexual offenders. A sexual offender may be a friend, a family member, a neighbour, a peer, or a person in authority.
 - (iii) that in paragraph 5.18:

- (A) substitute the words “prepare a risk management plan which considers” for the word “consider”;
- (B) substitute the words “capacity to perform it” for the word “capability” in the second dot point;
- (C) delete the word “and” from the second last dot point and insert a new second last dot point “photographs and images; and”;
- (D) that the sentence “These issues are considered in paragraphs 5.19 to 5.47.” be added at the end:

Taking all reasonable steps to ensure the safety and welfare of children for whom you have overall responsibility or are in your care requires you to prepare a risk management plan which considers~~consider~~ the following issues:

screening and selection of personnel;
 your role and ~~capability~~ capacity to perform it;
 use of external service providers;
 supervision and support;
 planning of activities;
 venue;
 health and safety;
 transport;
 disciplinary arrangements;
 physical contact;~~and~~
photographs and images; and
 record keeping.

These issues are considered in paragraphs 5.19 to 5.47.

- (iv) that the sentence “You should ensure that any parents or guardians assisting with these activities are screened.” be added at the end of paragraph 5.19:

If you have responsibility for compliance with civil and Church screening and selection requirements, you should exercise care with the selection of leaders involved in mixed age or children’s activities. You should ensure that any parents or guardians assisting with these activities are screened.

- (v) that in paragraph 5.21:
 - (A) the words “capacity to perform it” for the word “capability” in the heading;
 - (B) the matter “depression,” be inserted before the word “abuse” in the fourth sentence;

Your role and ~~capability~~ capacity to perform it

You need to recognise your own limits and not undertake any ministry that is beyond your competence or certification or that is not part of the role for which you have been or are being trained. Arrange for any such ministry to be provided by an experienced

person or specialist agency. This applies particularly to outdoor or adventure activities such as canoeing, abseiling and hiking. Refer any child who requires specialised help (e.g. counselling for depression, abuse or addiction) to an appropriately qualified person or agency.

(vi) that in paragraph 5.32:

- (A) in the second last dot point delete the word “and” after the semicolon;
- (B) in the last dot point substitute the matter “; and” for the fullstop;
- (C) insert the words “make a record of the time, location, duration and circumstances of any meeting where it is impracticable to follow these guidelines.” as a new last dot point:

When meeting a child privately, you should:

have parental or guardian consent, where practicable;
 ensure where appropriate that a parent, guardian or suitable adult is present;
 inform another member of the clergy, an adult church worker or another adult of the time, location and duration of the meeting;
~~and~~
 not invite or have children to your home or visit children in their home when no other adult is present-; and make a record of the time, location, duration and circumstances of any meeting where it is impracticable to follow these guidelines.

(vii) that in paragraph 5.36 the words “the risk management plan includes relevant contact details (e.g. emergency services and specialised help) and that” be inserted after the word “that” in the first sentence:

Ensure that the risk management plan includes relevant contact details (e.g. emergency services and specialised help) and that a first aid kit appropriate to the activity is available. In the case of camps and similar activities, ensure that at least one adult present has first aid training.

(viii) that in paragraph 5.38:

- (A) the words “physical and mental” be inserted before the word “health”;
- (B) the matter “, depression” be inserted after the word “allergies”:

Obtain information from parents or guardians about the particular physical and mental health or safety needs of children in your care (e.g. allergies, depression).

(ix) that in the material headed “**Disciplining children**” under paragraph 5.41:

- (A) in the fifth dot point substitute the words “, does not ridicule or humiliate, or is not” for the word “or”;
- (B) in the second last dot point delete the word “and” after the semicolon;
- (C) in the last dot point substitute the matter “; and” for the full stop;
- (D) insert the words “you make a record of the circumstances of the incident and discipline.” as a new last dot point:

Disciplining children

When a child’s behaviour requires correction, either for the safety and welfare of themselves or the group, it is important that:

- a warning precedes any discipline, where the situation permits;
- the discipline is explained to the child;
- the child is given an opportunity to explain;
- the discipline is appropriate to the occasion and age of the child;
- the form of discipline is not corporal punishment, does not ridicule or humiliate, or is not otherwise abusive;
- very young children are not isolated as a form of discipline;
- physical restraint is only used to protect children from harm or to avoid an accident;
- when physical restraint is used, a record is kept that identifies the restraint used, the member of the clergy or church worker and child involved and any witnesses, and sets out the incident’s circumstances; ~~and~~
- the child’s parents or guardians are informed of the circumstances of the incident and discipline; and
- you make a record of the circumstances of the incident and discipline.

- (x) that before the heading “**Record keeping**” insert the heading “**Photographs and images**” and a new paragraph 5.44:

“If you have overall authority in a church body, you should ensure that there is a policy requiring clergy and church workers to obtain the permission of relevant parents and guardians before making or using images (including photographs and videos) of children who are engaged in children’s activities. The form of permission should clearly indicate the intended use of the images.”
- (xi) that paragraphs 5.44, 5.45 and 5.46 be renumbered as 5.45, 5.46 and 5.47 respectively;
- (xii) that in paragraph 5.46 as renumbered:
 - (A) in the first dot point delete the word “and” after the semicolon;
 - (B) in the last dot point substitute the matter “; and” for the full stop;

- (C) insert the words “keep and store in a secure place all permission forms and records relating to discipline and private meetings.” as a new last dot point:

If you have overall authority in a church body, you should:
 ensure that a register of attendance of children and leaders and their emergency contact details is kept for each pastoral ministry involving children; ~~and~~
 consider including such registers in the church archives; and keep and store in a secure place all permission forms and records relating to discipline and private meetings.

- (d) that the words “restrictive material” in the fifth dot point of paragraph 7.5 be in bold print:

You are to not:

sexually abuse an adult;
 sexually abuse a child;
 engage in prostitution;
 visit brothels and other places associated with the sex industry without a legitimate purpose;
 view, possess, produce or distribute **restricted material** containing sex or nudity without a legitimate purpose; and
 view, possess, produce or distribute any form of child pornography.

- (e) insert immediately below the heading ‘**Standards for clergy and church workers**’ in each of sections 3 to 8 inclusive “*These standards state the Church’s expectations for personal behaviour and the practice of pastoral ministry*”;
- (f) insert immediately below the heading ‘**Guidelines**’ in each of sections 3 to 8 inclusive “*These guidelines explain and illustrate best practice and highlight practical ways to achieve it*”.

21 February 2006

AMENDMENTS TO *FAITHFULNESS IN SERVICE*

Approved by Standing Committee Resolution SC2006/2/062
at the meeting held 20-22 October 2006.

That paragraph 7.4 of Faithfulness in Service be revised by adding the words: disgraceful conduct of a sexual nature to the existing words in this paragraph, so that the revised version will read:

“You are to be chaste and not engage in sex outside of marriage and not engage in disgraceful conduct of a sexual nature.

AMENDMENTS TO *FAITHFULNESS IN SERVICE*

Approved by Standing Committee Resolution SC2011/1/48
at the meeting held 8-10 April 2011.

1. The following amendments be made in section 2 “**Key Terms**”:
 - a. delete the definition of “bullying” and substitute the following definition:

“**bullying** means repeated behaviour directed to a person or persons which a reasonable person, having regard to all the circumstances, would expect 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;
 - ignoring, or excluding someone from information or activities;
 - touching someone threateningly or inappropriately
 - invading someone’s personal space or interfering with their personal property;
 - teasing, or making someone the brunt of pranks or practical jokes;
 - displaying or distributing written or visual material that degrades or offends;

Behaviour which is not bullying includes:

 - disagreeing respectfully with someone’s beliefs or opinion;
 - setting reasonable performance goals, standards or deadlines;
 - giving reasonable directives, feedback or assessments of performance or behaviour;
 - taking legitimate disciplinary action.”
 - b. add the following definition after the definition of “**child abuse**”:

“**child exploitation material** means material that describes or depicts a person who is or who appears to be a child –

 - (a) engaged in sexual activity; or
 - (b) in a sexual context; or
 - (c) 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 exploitation material can include any film, printed matter, electronic data, computer image and any other depiction.”
 - c. delete the definition of “**child pornography**” and substitute the following definition:

“child pornography means sexually explicit or suggestive material depicting children. Child pornography is a form of child exploitation material.”

2. The following amendments be made in section 4 **“Pastoral Relationships”**:

- a. add the following standard after paragraph 4.6 and renumber the following paragraphs:

“4.7 When exercising pastoral ministry you are to act in the best interests of those to whom you are ministering. You must recognise any potential conflict of interest and take steps to resolve it.”
- b. add the following guidelines after paragraph 4.13 as renumbered and renumber the following paragraphs:

“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.

4.15 If you are unable to act in the best interest of the person to whom you are ministering because of your own interests you should seek advice from a colleague or supervisor and transfer ministry responsibility for the person to another minister.”
- c. delete the guideline in paragraph 4.32 as renumbered, add the following guidelines and renumber the following paragraphs:

“4.32 Any communication in a ministry context, whether formal or informal, is a pastoral encounter. Communication may be face-to-face, in writing or involve some form of technology. Consider the appropriateness and impact of your words and actions.

4.33 Innuendoes or compliments of a sexual nature are always inappropriate. When a person asks questions or seeks advice around topics of a sexual nature, be aware that they may have motives or needs that you do not understand. Be realistic about your own ability to assist them.”
- d. add the following guideline after paragraph 4.34 as renumbered and renumber the following paragraphs:

“4.35 When considering using technology for communication, you should apply the same principles as you would in any other form of communication. Minimise the risk of harming others or yourself by asking:

 - is this an appropriate way to communicate about this matter?
 - should this communication be confidential? If so, do not use electronic media;

- how will the language and images used impact upon the person receiving the communication and any other person who may access it?
 - could the circumstances of the communication, including the language and images used, suggest your relationship with the other person(s) is inappropriate?
- e. add the following material after paragraph 4.35 as renumbered:

“Risks associated with using technology in communication

Clergy, church workers, and other participants in church activities – including children – may communicate using:

text and picture messaging;
email;
instant messenger services and chat rooms;
video conferencing;
blogs and internet forums;
websites;
social networking sites; and
other forms of electronic interaction.

Remember information posted online is tracked and can be retrieved. Dangers associated with the use of communication technology are not always appreciated by clergy and church workers. These dangers include:

losing your privacy;
losing control of information (such as photographs or emails);
ignoring personal security settings on social networking sites;
being unable to determine if people are who they say they are;
being exposed to unwanted information; and
becoming a victim of cyberbullying when someone sends or spreads threatening or embarrassing information.”

3. The following amendments be made in section 5 **“Children”**:
- a. add the following guideline after the heading “Discipline” and renumber the following paragraphs:
- “5.41 If you have overall responsibility in a Church body, you should ensure that:
- there is a strategy to prevent child abuse from occurring during church activities. This includes giving age-appropriate warnings to children about their own behaviour; and
 - parents or guardians are advised that abuse of any child during children’s activities will not be tolerated.”
- b. In the material after the heading “Disciplining children” substitute “; and” for the fullstop at the end and add the following line commencing with a bullet point:
- “you make a record of the circumstances of the incident and discipline.”

- c. add the following heading and guidelines after paragraph 5.44 as renumbered:

“Communication

- 5.45 If you have overall responsibility in a Church body, you should ensure there is a policy for clergy and church workers which deals with the use of technology to communicate with children in pastoral ministry.
- 5.46 When considering using technology for communication, you should apply the same principles as you would in any other form of communication with children. You should take care that:
- it is an appropriate way to communicate with a child;
 - it is an appropriate way to communicate about the matter;
 - you are sensitive to the impact of your words, images and actions on the child and any other person who may access it;
 - you do not use sexually suggestive, explicit or **offensive language** or images; and
 - the circumstances of the communication, including the language and images used, do not suggest your relationship with the child is inappropriate.”

- d. add the following material after paragraph 5.46 as renumbered:

“Risks associated with using technology in communication with children.

Clergy, church workers and other participants in church activities – including children – may communicate using:
texting and picture messaging;
email;
instant messenger services and chat rooms;
video conferencing;
blogs and internet forums;
websites; and
group social networking sites.

Remember information posted online is tracked and can be retrieved. Dangers associated with the use of communication technology with children are not always appreciated by clergy and church workers.

These dangers include:

ignoring personal security settings on social networking sites;
disclosing contact details or images of the child in the communication;
being unable to determine if people are who they say they are;
exposing the child to unwanted or inappropriate information;
the child becoming a victim of cyberbullying; and
sexual predators gaining access to the child.

Clergy and church workers can assist children to stay safe when using technology to communicate with others by:

educating children and their parents or guardians about the risks associated with the use of this technology;
 encouraging children to exercise care in disclosing personal information about themselves and others such as their contact details;
 encouraging children to talk about anything that worries them with their parents or guardians, older siblings, friends, and clergy and church workers with whom they have a **pastoral relationship** instead of posting their problems in a chat room or blog; and
 encouraging children to talk about anything they see or experience online that worries them.”

4. The following amendments be made in section 6 “**Personal Behaviour**”:

- a. add the following sentence at the end of paragraph 6.1:

“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.”

- b. add the following paragraphs after paragraph 6.1 and renumber the following paragraphs:

“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.**”

- c. add the following guidelines and material after the heading ‘Guidelines’ and renumber the following paragraphs:

“6.15 You need to be aware of the impact that abuse can have on people.

The impact of abuse

A person who is abused may suffer emotionally, psychologically, physically, socially and spiritually. The impact can be life long and affect the person, their relationships and their capacity for ministry.

How abuse affects the person and their relationships

The person who is abused may experience:

- feelings of shame, humiliation, rejection, powerlessness, insecurity, anger and resentment;
- sadness, tearfulness, depression, anxiety;
- fatigue, disturbed sleep, changed appetite and ill health;

- substance abuse, gambling and use of pornography;
- becoming more withdrawn or aggressive;
- burn out;
- suicidal thinking and action;
- loss of self-esteem and self-confidence;
- marital and family problems;
- breakdown in community and collegial relationships.

How abuse affects ministry

Clergy or church workers who are abused may experience:

- loss of coping skills;
- disillusionment;
- inability to concentrate;
- loss of motivation;
- decreased productivity and competence;
- bad decision-making and poor judgement;
- loss of faith or crisis of vocation;
- difficulty trusting others;
- diminished employability;
- premature desire to cease employment.

6.16 You need to be able to identify **bullying** and the cultures and environments which encourage it.

Cultures and environments which encourage bullying

Contexts in which bullying is likely to flourish are characterised by:

- overbearing or inadequate leadership;
- poor management;
- a high level of competition;
- a climate of uncertainty and insecurity;
- lack of support and governance structures;

- poor handling of conflict;
- rigid structures;
- low level of participation or consultation;
- excessive demands on time;
- unclear role description and processes;
- inadequate grievance procedures.”

5. The following amendments be made in section 7 “**Sexual Conduct**”:
 - a. add before the fullstop at the end of the standard in paragraph 7.5 the words “or **child exploitation material**”.

AMENDMENTS TO *FAITHFULNESS IN SERVICE*

Approved by Standing Committee Resolution SC2011/2/33
at the meeting held 18-20 November 2011.

*It was **resolved**:*

1. *That the dot point included in the definition of bullying, recently adopted by the GSSC in April 2011, namely, “ignoring, or excluding someone from information or activities;” be amended to read “inappropriately ignoring or excluding someone from information or activities;”.*



Faithfulness in Service

**A national code
for personal behaviour
and the practice of pastoral ministry
by clergy and church workers**

General Synod of the Anglican Church of Australia
Child Protection Committee

As adopted by General Synod 2004
Amended July 2005
Amended March 2006
Amended October 2006
Amended April 2011
Amended November 2011

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The General Secretary
General Synod Office
The Anglican Church of Australia
GPO Box Q190
QVB Post Office NSW 1230

33/04 CHILD PROTECTION – 1

The General Synod:

- (a) receives the report of the Child Protection Committee;
- (b) adopts as the Church's *Safe Ministry Policy Statement*:
"The Anglican Church of Australia is committed to the physical, emotional and spiritual welfare and safety of all people, particularly within its own community. The Church will:
carefully recruit and train its clergy and church workers;
adopt and encourage safe ministry practices by its clergy and lay church workers;
respond promptly to each concern raised about the behaviour of its clergy and lay church workers;
offer pastoral support to any person who has suffered abuse; and
provide pastoral support to and supervision of any person known to have abused a child or another vulnerable person."
- (c) adopts the *Safe Ministry Check* in the Report of the Child Protection Committee as the national applicant and referee questionnaires for the selection of ordination candidates and for the screening of clergy and church workers who have contact with children in their ministry;
- (d) authorises the revision of the *Safe Ministry Check* by the Standing Committee;
- (e) adopts *Faithfulness in Service* in the Report of the Child Protection Committee as the national code for personal behaviour and the practice of pastoral ministry by clergy and lay church workers; and
- (f) authorises the revision of *Faithfulness in Service* by the Standing Committee.

Garth Blake – 4 Oct 04

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1 ABOUT THIS CODE

Faithfulness in service

When Jesus spoke to his disciples he said they were not to be like the rulers of the day who exercised authority over others. They were to be servants of others, even as Jesus did not come to be served, but to serve.

When Peter wrote to the Christians scattered throughout Asia Minor, he reminded them of their identity in Christ as God's chosen people, sanctified by the Spirit for obedience to Jesus Christ. The call to be holy is reflected in both the Old and New Testaments as the appropriate response to God's grace. Christians live according to the knowledge that they have been created by God and redeemed by Christ.

When Paul wrote to the Philippian Christians he rejoiced in their fellowship and prayed that their love might grow in knowledge and discernment so that they might see what was significant for their Christian vocation and be enabled to live pure and blameless lives for the day of Jesus Christ. In the light of that growing knowledge of God's love they are to live in humility and faithfulness in the power of the Holy Spirit. They live out that love in their contact with others, especially those to whom they minister in Christ's name.

The Church is the fellowship that nurtures and sustains Christians as they seek to follow Christ faithfully and participate in God's mission. Its leaders especially are to be examples of Christian faith and obedience as they exercise their vocation, in dependence on the Holy Spirit.

The personal behaviour and practices of pastoral ministry required of clergy (bishops, priests and deacons) of the Anglican Church of Australia are specified in the Holy Scriptures as well as in its Constitution, canons, ordinances, the Book of Common Prayer and the Ordinal. Although not bound by the promises made by clergy, church workers (lay persons who are employed or hold a position or perform a function within the Anglican Church of Australia) are expected to conform to the same behaviour and practices as clergy—except in areas that apply only to clergy.

Purpose

This Code is intended to identify the personal behaviour and practices of pastoral ministry that will enable clergy and church workers to serve faithfully those among whom they minister. If the behaviour and practices it outlines are followed, our communities will be safer places for everyone, where integrity is honoured, accountability is practised and forgiveness encourages healing and does not conceal misconduct.

Implementation

This Code was adopted by the General Synod of the Anglican Church of Australia in 2004 as the national code for personal behaviour and the practice of pastoral ministry by clergy and church workers.

It is important that this Code be understood by clergy and church workers. Each diocese will need to ensure that its clergy and church workers are trained in the Code

and its application to personal behaviour and pastoral ministry. Clergy and church workers undertaking pastoral ministry will need to apply the standards and guidelines of this Code in their specific circumstances.

Format and presentation

Each section of this Code consists of three parts:

- a *preamble* which introduces the section;
- *standards* which state the Church's expectations for personal behaviour and the practice of pastoral ministry;
- *guidelines* which explain and illustrate best practice and highlight practical ways to achieve it.

Throughout the Code, all key terms appear in **bold text** the first time they appear in a section and their definitions are contained in the section headed 'Key Terms'. Some additional educational material and advice is included in Section 3, Children.

2 KEY 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 behaviour directed to a person or persons which a reasonable person, having regard to all the circumstances, would expect to victimise, humiliate, undermine or threaten the person or persons, and which creates a risk to their health and safety. Where it involves the use of information and communication technologies, it is often called cyberbullying. It can include:

- making derogatory, demeaning or belittling comments or jokes about someone's appearance, lifestyle, background or capability;
- communicating in an abusive manner;
- spreading rumours or innuendo about someone or undermining in other ways their performance or reputation;
- dismissing or minimising someone's legitimate concerns or needs;
- inappropriately ignoring, or excluding someone from information or activities;
- touching someone threateningly or inappropriately
- invading someone's personal space or interfering with their personal property;
- teasing, or making someone the brunt of pranks or practical jokes;
- displaying or distributing written or visual material that degrades or offends;

Behaviour which is not bullying includes:

- disagreeing respectfully with someone's beliefs or opinion;
- setting reasonable performance goals, standards or deadlines;
- giving reasonable directives, feedback or assessments of performance or behaviour;
- taking legitimate disciplinary action.

child means anyone under the age of 18.

child abuse means the following conduct in relation to a child:

- bullying;
- emotional abuse;
- harassment;
- neglect;
- physical abuse;

- sexual abuse; or
- spiritual abuse.

child exploitation material means material that describes or depicts a person who is or who appears to be a child –

(a) engaged in sexual activity; or

(b) in a sexual context; or

(c) 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 exploitation material can include any film, printed matter, electronic data, computer image and any other depiction.

child pornography means sexually explicit or suggestive material depicting children. Child pornography is a form of child exploitation material.

Church means the Anglican Church of Australia.

church authority means the person or body having authority to ordain, license, appoint, dismiss or suspend a member of the clergy or church worker.

church body includes a parish, school, or any body corporate, organisation or association that exercises pastoral ministry within, or on behalf of, or in the name of, the Church.

church worker means a lay person:

- who is licensed or authorised by the bishop of a diocese;
- who is employed by a church body in respect of whom this Code is part of their employment contract; or
- 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, including an office, position or function:
 - of leadership in a parish, diocese or General Synod body;
 - as a member of the General Synod or a diocesan synod;
 - as a member of a body incorporated by the General Synod, a diocese or a diocesan synod;
 - as a churchwarden, member of any parish council or member of any committee constituted by or by the authority of the General Synod, a diocesan synod or a parish council;

in respect of whom the diocesan synod, the diocesan council, the church authority or the church body has adopted this Code.

civil authorities means the police and the relevant State or Territory government child protection authority.

clergy means bishops, priests and deacons of the Church.

corporal punishment means any punishment inflicted on the body.

Director of Professional Standards means the person in a diocese who has responsibility for the maintenance of professional standards of clergy and church workers.

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.

grooming is the manipulative cultivation of a relationship in order to initiate or cloak sexual abuse of an adult or a child. In the case of child sexual abuse, an offender may groom not only the child, but also those who exercise authority over the child, including the child's parents or guardians.

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.

individual pastoral ministry means pastoral ministry carried out one-to-one. It includes spiritual direction, or pastoral counselling arising out of bereavement, divorce or other life crises.

neglect means the failure to provide the basic necessities of life where a child's health and development are placed at risk of harm. It includes being deprived of:

- food;
- clothing;
- shelter;
- hygiene;

- education;
- supervision and safety;
- attachment to and affection from adults; and
- medical care.

offensive language includes blasphemy, verbal harassment, racial and other forms of vilification, personal insult or comment and obscene words.

pastoral ministry means the work involved or the situation which exists when a member of the clergy or church worker has responsibility as part of their role for the wellbeing of others. This includes the provision of spiritual advice and support, education, counselling, medical care, and assistance in times of need.

pastoral relationship means a relationship between clergy or church workers and any person for the purposes of pastoral ministry.

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.

professional supervision/consultation is a formal, collaborative process which a more senior or experienced person uses to develop and support a person in their ministry. This relationship is confidential, evaluative, and extends over time. It is preferable if the supervisor:

has no other pastoral or personal relationship with the person being supervised; and
has been trained in professional supervision.

prohibited material means:

- publications, films and computer games that have been classified by the Office of Film and Literature Classification as being unsuitable for a child to read, see or play;
- any other images or sounds not subject to classification by the Office of Film and Literature Classification that are considered with good reason within the Church to be unsuitable for a child to see or hear; and
- any substance or product whose supply to or use by children is prohibited by law, such as alcohol, tobacco products, illegal drugs and gambling products.

prohibited substance means any substance banned or prohibited by law for use or consumption by adults.

restricted material means:

- publications, films, and computer games that have been classified as Category 1 or 2 restricted, X or RC classification by the Office of Film and Literature Classification; and
- any other images or sounds not subject to classification by the Office of Film and Literature Classification (for example, internet material) that are considered with good reason within the Church as being offensive on the grounds of violence, sex, language, drug abuse or nudity.

sexual abuse of an adult means sexual assault, sexual exploitation or sexual harassment of an adult.

sexual abuse of a child means the use of a child by another person for his or her own sexual stimulation or gratification or for that of others. It includes:

- exposing oneself indecently to a child;
- having vaginal or anal intercourse with a child;
- penetrating a child's vagina or anus with an object or any bodily part;
- sexually touching or fondling a child;
- kissing, touching, holding or fondling a child in a sexual manner;
- staring at or secretly watching a child for the purpose of sexual stimulation or gratification;
- making any gesture or action of a sexual nature in a child's presence;
- making sexual references or innuendo in a child's presence using any form of communication;
- discussing or inquiring about personal matters of a sexual nature with a child;
- exposing a child to any form of sexually explicit or suggestive material;
- forcing a child to sexually touch or fondle another person;
- forcing a child to perform oral sex;
- forcing a child either to masturbate self or others, or to watch others masturbate; and
- forcing a child to engage in or watch any other sexual activity.

Sexual abuse of a child does not include:

sex education with the prior consent of a parent or guardian; or

age appropriate consensual sexual behaviour between peers (i.e. the same or a similar age).

sexual assault means any intentional or reckless act, use of force or threat to use force involving some form of sexual activity against an adult without their consent. It includes:

- having vaginal or anal intercourse with a person without their consent;
- penetrating another person's vagina or anus with an object or any bodily part without that person's consent;
- sexually touching and fondling a person without their consent;
- kissing another person without their consent;
- holding another person in a sexual manner without their consent;
- forcing a person to sexually touch or fondle another person; and
- forcing a person to perform oral sex.

sexual exploitation refers to any form of sexual contact or invitation to sexual contact with an adult, with whom there is a pastoral or supervisory relationship, whether or not

there is consent and regardless of who initiated the contact or invitation. It does not include such contact or invitation within a marriage.

sexual harassment means unwelcome conduct of a sexual nature, whether intended or not, in relation to an adult where the person reasonably feels in all circumstances offended, belittled or threatened. Such behaviour may consist of a single incident or several incidents over a period of time. It includes:

- asking a person for sex;
- giving a person to understand that you would like sexual favours from them;
- making any gesture, action or comment of a sexual nature to a person directly or making a comment of a sexual nature about them in their presence;
- making jokes containing sexual references or innuendo using any form of communication;
- exposing a person to any form of sexually explicit or suggestive material;
- making unwelcome physical contact such as touching, pinching, or patting;
- making unwelcome or unnecessary inquiries about or attempts to discuss personal matters of a sexual manner;
- deliberately intruding on an individual's personal space;
- staring at or secretly watching a person for the purpose of sexual stimulation or gratification; and
- stalking a person.

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.

3 PUTTING THIS CODE INTO PRACTICE

Preamble

- 3.1 This Code will only be effective if it is widely known and available throughout the **Church**, practised consistently and implemented justly. **Clergy** and **church workers** will protect the safety of others and themselves by observing its standards and following its guidelines.
- 3.2 The absence of any reference to particular conduct in this Code does not imply that it is acceptable for clergy and church workers.
- 3.3 All clergy and church workers have a responsibility to ensure that personal behaviour and practices of pastoral ministry that are inconsistent with this Code are neither tolerated nor covered up.
- 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.

Standards for clergy and church workers

These standards state the Church's expectations for personal behaviour and the practice of pastoral ministry.

- 3.6 It is your responsibility to be aware of and meet the standards of this Code.
- 3.7 If you have overall authority in a **church body**, you are to ensure that all clergy and church workers for whom you are responsible are made aware of this Code.
- 3.8 You are not to penalise, discriminate or take action against other clergy or church workers because of any action taken in good faith under this Code.

Guidelines

These guidelines explain and illustrate best practice and highlight practical ways to achieve it.

- 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 4.14 and 4.15) 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.

4 PASTORAL RELATIONSHIPS

Preamble

- 4.1 All people are created in the image of God and are of equal value. This is the foundation of all **pastoral relationships**.
- 4.2 Clergy have authority conferred upon them by their ordination, consecration and licensing. Church workers have authority conferred upon them by their appointment. The authority and training associated with their roles means that they have power in pastoral relationships which is always to be exercised in the service of others.
- 4.3 Trust is of primary importance in the creation and maintenance of an effective pastoral relationship. Trust grows with the maintenance of physical, sexual, emotional and psychological boundaries suitable to pastoral ministry. (The issues of Children and Sexual Conduct are addressed in Sections 3 and 5 respectively.) Clergy and church workers will enhance their ability to maintain these boundaries by attending to their own wellbeing.
- 4.4 While clergy and church workers often enjoy personal friendships with those to whom they minister, their pastoral ministry responsibilities take precedence.
- 4.5 Clergy and church workers are colleagues in **pastoral ministry**: the activity of one inevitably impacts upon the ministry of others.

Standards for clergy and church workers

These standards state the Church's expectations for personal behaviour and the practice of pastoral ministry.

- 4.6 If you have overall authority in a **church body**, you are to ensure that clergy and church workers for whom you are responsible are provided with:
- a safe working environment, including safe housing, where housing is provided;
 - opportunities to maintain and enhance their ministry skills; and
 - personal encouragement, support and regular feedback.
- 4.7 When exercising pastoral ministry you are to act in the best interests of those to whom you are ministering. You must recognise any potential conflict of interest and take steps to resolve it.
- 4.8 When exercising pastoral ministry you are not inappropriately to discriminate between people.
- 4.9 You are not to disclose confidential information received in pastoral ministry to your spouse, family, friends, colleagues or any other person without the consent of the person providing the information, except where:
- the information is known publicly;
 - as required or allowed by law; or

- it is in the public interest (such as to avoid the risk of serious injury or harm to any person).
- 4.10 When you are on leave or unable to fulfil your responsibilities through illness or any other reason, you are to make alternative arrangements for pastoral ministry.

Guidelines

These guidelines explain and illustrate best practice and highlight practical ways to achieve it.

Boundaries

- 4.11 Make sure you are clear about the requirements of your role, including the hours to be worked and the nature of your responsibilities as well as your leave and other entitlements. You need to be sure that your legitimate personal needs can be met.
- 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.
- 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.
- 4.15 If you are unable to act in the best interest of the person to whom you are ministering because of your own interests you should seek advice from a colleague or supervisor and transfer ministry responsibility for the person to another minister.
- 4.16 Avoid behaviour that could give the impression of favouritism and inappropriate special relationships, particularly with individual children.
- 4.17 Think carefully before providing pastoral ministry to a person with whom you already have a close personal relationship, such as a friend or member of your family. Care is needed because confusion between close personal relationships and pastoral relationships can lead to a loss of objectivity, failure to act in the other's best interest and harm to both parties.
- 4.18 Pastoral relationships can legitimately develop into romantic relationships. If this begins to happen:
- acknowledge to yourself that your personal interest and the pastoral relationship are at risk of becoming confused;
 - tell the other person that your relationship is changing and becoming

romantic;

- disclose the nature of the relationship to a supervisor or colleague to ensure accountability and prevent misunderstanding; and
- where practicable:
 - disclose to a supervisor or colleague any proposed alternative arrangements for ongoing **individual pastoral ministry**;
 - make alternative arrangements for ongoing individual pastoral ministry; and
 - cease providing individual pastoral ministry to the person.

4.19 If you are providing ongoing individual pastoral ministry or counselling, engage someone to provide regular professional supervision. This will help protect you and those to whom you minister.

4.20 When you resign or retire, you should generally terminate existing pastoral relationships. You should do this in a sensitive and timely manner to allow these responsibilities to be undertaken by your successors. Consult with your successor where the other person wishes to maintain an ongoing pastoral relationship with you.

Personal and professional development

4.21 Maintain a healthy lifestyle and do not overcommit yourself. Make sure you have adequate leisure time, through regularly taking time off, including your full holiday entitlement annually.

4.22 Try to develop interests outside your main area of ministry and continue to care for yourself and your personal and family relationships.

4.23 Look for, and take advantage of, opportunities to maintain and enhance ministry skills appropriate to the responsibilities of your role, through:

- regular ministry development;
- professional supervision / consultation;
- peer support;
- having a mentor; and
- regular feedback including an annual ministry review.

Confidentiality and confessions

4.24 When you are seeking or providing professional supervision / consultation you should not identify any person and only disclose what is necessary to obtain the supervision or advice.

4.25 In most cases you should tell someone who is to give you confidential information of the limits to confidentiality and the arrangements for supervision or obtaining advice. This should be done before the disclosure of the confidential information, such as at the beginning of an interview.

4.26 The Confessions Canon 1989 or the proviso to Canon 113 of 1603 is in force throughout the Church. These Canons make provision for the confession of sins to clergy and for the confidentiality of this confession. If you are a member of the

clergy, you should be aware of the scope of, and your obligations under, the applicable Canon. For example, absolution is not automatic and may be withheld. You may require of the person making the confession of sins some appropriate action of contrition and reparation before you give them absolution.

- 4.27 There is a distinction between disclosures made in ordinary pastoral situations and disclosures made as a confession as provided in the applicable pastoral service in the Church's authorised liturgies. This service should normally be heard in a public place at advertised times or by arrangement.
- 4.28 If you are a church worker, remember that only clergy have the authority to receive a special confession of sins as provided in the applicable pastoral service in the **Church's** authorised liturgies.
- 4.29 You may have a legal obligation to report criminal offences to the applicable civil authorities (the issue of **child abuse** is addressed in Section 4). You may be subpoenaed to produce documents or to attend court to give evidence, or both. In some States or Territories, clergy may be able to claim privilege from producing documents and/or disclosing information obtained in a confession referred to in paragraphs 3.23 to 3.25.
- 4.30 You should be aware of and, when appropriate, seek advice in regard to:
- your legal obligations with regard to confidential information received during an interview or a confession, particularly in relation to criminal offences and child abuse;
 - the pastoral consequences of breaching confidentiality; and
 - the risk of physical, financial or emotional harm or hardship to another person by disclosing or not disclosing such information, particularly in writings, sermons or other public media.
- 4.31 Exercise special care that any illustrative material you use from personal experience does not involve a breach of confidentiality.

Conversations in a ministry context

- 4.32 Any communication in a ministry context, whether formal or informal, is a pastoral encounter. Communication may be face-to-face, in writing or involve some form of technology. Consider the appropriateness and impact of your words and actions.
- 4.33 Innuendoes or compliments of a sexual nature are always inappropriate. When a person asks questions or seeks advice around topics of a sexual nature, be aware that they may have motives or needs that you do not understand. Be realistic about your own ability to assist them.
- 4.34 To minimise the risk of being accused of or engaging in misconduct, particularly when conducting interviews, think carefully in advance about:
- the place of the meeting, the arrangement of furniture and lighting, and your dress;
 - whether the physical location allows for privacy of conversation while maintaining the opportunity for supervision. (For example, doors to interview rooms, if closed, should not be locked.);

- the physical distance between you and the other person to maintain both hospitality and respect;
 - whether the circumstances would suggest a social interaction;
 - the propriety and circumstances of the interview when you are visiting or being visited alone, especially at night;
 - the personal safety and comfort of all participants;
 - establishing at the outset the interview's purpose and the boundaries with respect to the subject matter, confidentiality and its duration;
 - the appropriateness of initiating or receiving any physical contact, such as gestures of comfort, that may be unwanted or misinterpreted; and
 - whether the presence of a child's parent, guardian or another person chosen by the child is appropriate.
- 4.35 When considering using technology for communication, you should apply the same principles as you would in any other form of communication. Minimise the risk of harming others or yourself by asking:
- is this an appropriate way to communicate about this matter?
 - should this communication be confidential? If so, do not use electronic media;
 - how will the language and images used impact upon the person receiving the communication and any other person who may access it?
 - could the circumstances of the communication, including the language and images used, suggest your relationship with the other person(s) is inappropriate?

Risks associated with using technology in communication

Clergy, church workers, and other participants in church activities – including children – may communicate using:

- text and picture messaging;
- email;
- instant messenger services and chat rooms;
- video conferencing;
- blogs and internet forums;
- websites;
- social networking sites; and
- other forms of electronic interaction.
- Remember information posted online is tracked and can be retrieved. Dangers associated with the use of communication technology are not always appreciated by clergy and church workers. These dangers include:
 - losing your privacy;
 - losing control of information (such as photographs or emails);
 - ignoring personal security settings on social networking sites;
 - being unable to determine if people are who they say they are;
 - being exposed to unwanted information; and
 - becoming a victim of cyberbullying when someone sends or spreads threatening or embarrassing information.

Record-keeping and privacy

- 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.

5 CHILDREN

Preamble

- 5.1 **Children** are entitled to be safe and protected. They have the right to be respected, listened to and their particular needs addressed in all church activities, whether mixed aged or child specific.
- 5.2 Ministry where children are involved requires absolute trustworthiness.
- 5.3 **Clergy** and **church workers** with overall authority in a **church body** (e.g. incumbents and school principals) have a responsibility that cannot be delegated for the implementation and maintenance of proper systems for the safety and welfare of children participating in its pastoral ministry.
- 5.4 When they are exercising a pastoral ministry involving children in a church body, clergy and church workers (e.g. Sunday school teachers, youth group leaders) have responsibility for the safety and welfare of children in their care.
- 5.5 Clergy and church workers have *authority* over children because of their position and *power* because of their greater age, maturity, physical size and life experience. Abuse arises from the misuse of authority or power. Any form of **child abuse** is always wrong.
- 5.6 Due to the inherent imbalance of power, children are incapable of giving valid consent to abuse.
- 5.7 Appropriate physical contact is important for children's healthy development.

Standards for clergy and church workers

These standards state the Church's expectations for personal behaviour and the practice of pastoral ministry.

- 5.8 If you have overall authority in a church body, you are to ensure that:
- proper systems for the safety and welfare of children participating in the church's pastoral ministry are implemented and maintained;
 - all applicable requirements of the civil authorities, the church authority and the church body are complied with; and
 - all clergy and church workers for whom you have responsibility and who work with children:
 - comply with all civil and Church screening and selection requirements;
 - receive regular training in child protection; and
 - are aware of the provisions of this Code relating to children.
- 5.9 If you are exercising a pastoral ministry involving children in a church body you are to take reasonable steps to ensure the safety and welfare of the children in your care.
- 5.10 You are to not abuse children.

- 5.11 When engaged in pastoral ministry you are not to administer **corporal punishment** to children in your care.
- 5.12 You are not to make available to children any **prohibited material**, except wine in the context of a Holy Communion service.
- 5.13 Before you allow a person who is currently charged with or convicted of an offence against a child to participate in activities involving children, you are to:
- consult the **Director of Professional Standards**;
 - ensure that a risk assessment is undertaken; and
 - be satisfied that no child will be at an increased risk of harm.
- 5.14 If you know or reasonably suspect that a child is at risk of harm from child abuse, you are to report this to the appropriate civil authorities.
- 5.15 If you know or reasonably suspect that another member of the clergy or a church worker has abused a child, you are to report this to the appropriate civil authorities and the Director of Professional Standards.

Guidelines

These guidelines explain and illustrate best practice and highlight practical ways to achieve it.

Recognising the characteristics and effects of child abuse

- 5.16 You need to be aware of the signs, symptoms and characteristics of child abuse and its impact on children.

Characteristics and effects of child abuse

Abuse of a child can be categorised as emotional, physical, sexual, or spiritual. It can also arise from neglect, bullying or harassment.

The signs and symptoms can include:

- **emotional abuse**—low self esteem, apathy, an over readiness to relate to anyone even strangers, unduly aggressive behaviour, withdrawn behaviour;
- **physical abuse**—bruises, bites, burns and scalds, fractures;
- **sexual abuse**—a level of sexual knowledge or desire for either contact or distance inappropriate to the child's age, self-harm, social isolation, and a sudden onset of soiling, wetting or other behavioural changes;
- **spiritual abuse**—low self esteem, high levels of anxiety and fear, excessive deference to a leader and isolation from former friends and family members;
- **neglect**—failure of a child to grow within the normally accepted pattern, failure of a parent or guardian to provide adequate food, clothing, shelter, medical care and supervision;

Characteristics and effects of child abuse

- **bullying or harassment**—low self-esteem, loss of trust in others, apathy, an over readiness to relate to anyone even strangers, unduly aggressive behaviour, withdrawn behaviour.

Sexual abuse of a child is often preceded by **grooming**.

The sexual abuse of a child commonly has the following characteristics:

- it usually starts with something minor and gradually builds up to more involved behaviours through a process of grooming;
- it is secretive and generally known only to the abuser and victim making it extremely difficult to detect;
- it is perpetrated by someone known to the child and/or held in a position of trust by the child or their parents or guardians; and
- it is rarely a self-contained or one-off incident but rather part of an ongoing relationship that is corrupting and distorting.

The abuse of a child commonly causes psychological and spiritual harm and is likely to lead to the impairment of their social, emotional, cognitive, spiritual and intellectual development and/or disturbed behaviour.

The effects of child abuse extend well beyond the abuser and their primary victims. The families of the victim and abusers as well as their communities can also experience a high degree of distress when revelations of abuse emerge. Often they can deny the disclosure and so reject the victim rather than face reality. Once the reality is confronted, the community will commonly experience profound shock, guilt about failing to protect the primary victim, deep hurt and disillusionment.

Recognising the characteristics of sexual offenders

- 5.17 You need to be aware of the characteristics of sexual offenders. A sexual offender may be a friend, a family member, a neighbour, a peer, or a person in authority.

Characteristics of sexual offenders

Sexual offenders generally:

- do not stop unless there is some intervening factor;
- believe or assert that the victim is complicit or a willing participant;
- attempt to deny, justify, minimise or excuse their behaviour by:
 - claiming their behaviour was an expression of love for the victim;
 - claiming their behaviour was a result of their childhood abuse;
 - claiming their behaviour was influenced by stress, the use of alcohol or other substances; and
 - blaming the victim;
- enjoy the activity, despite claims to the contrary; and
- are repeat offenders.

Sexual offenders who target vulnerable adults and children will often undertake a grooming process as a precursor to abusive behaviour.

Ensuring the safety of children

5.18 Taking all reasonable steps to ensure the safety and welfare of children for whom you have overall responsibility or are in your care requires you prepare a risk management plan which considers the following issues:

- screening and selection of personnel;
- your role and capacity to perform it;
- use of external service providers;
- supervision ;
- planning and conduct of activities;
- venue;
- health and safety;
- transport;
- disciplinary arrangements;
- physical contact;
- photographs and images; and
- record keeping.

These issues are considered in paragraphs 5.19 and 5.47.

Screening and selection of personnel

5.19 If you have responsibility for compliance with civil and Church screening and selection requirements, you should exercise care with the selection of leaders involved in mixed age or children's activities. You should ensure that any parents or guardians assisting with these activities are screened.

5.20 Consult the Director of Professional Standards as to whether a risk assessment is required before you appoint someone who has:

- been acquitted of a charge of an offence against a child;
- had a charge of an offence against a child not proceed;
- had a prohibited status under applicable child protection legislation lifted; or
- been the subject of Church disciplinary proceedings involving child abuse.

Your role and capacity to perform it

5.21 You need to recognise your own limits and not undertake any ministry that is beyond your competence or certification or that is not part of the role for which you have been or are being trained. Arrange for any such ministry to be provided by an experienced person or specialist agency. This applies particularly to outdoor or adventure activities such as canoeing, abseiling and hiking. Refer any child who requires specialised help (e.g. counselling for depression, abuse or addiction) to an appropriately qualified person or agency.

- 5.22 While children should be able to trust and confide in clergy and church workers—and you should expect to develop relationships of this character with children—avoid fostering inappropriate dependence on the part of a child.
- 5.23 Encourage children to develop leadership skills and undertake leadership roles that are appropriate for people of their age.

Use of external service providers

- 5.24 When you engage or use an external service provider for an activity (e.g. when you engage a specialist in outdoor education or a speaker for a camp), you should:
- make reasonable enquiries as to whether they have been screened and selected in accordance with civil and any Church requirements;
 - ensure that they are only used in a supplemental capacity; and
 - wherever practicable, ensure that they are not left alone with any child.

Supervision

- 5.25 The degree of supervision required will vary according to the nature and environment of the activity, the age and maturity of the children and the size of the group. Having multiple leaders to ensure that supervision and accountability standards are maintained is vitally important. You should:
- clearly distinguish the different levels of responsibility between you and any other supervisor and ensure that these differences are understood;
 - consider the extent of supervision required taking into account:
 - the age, number, ability and gender mix of the children; and
 - the venue, time, duration and nature of the activity;
 - have a register of all children with contact details and parents' or guardians' names for emergencies; and
 - monitor and periodically review the application of Church child protection procedures.

Activities

- 5.26 You should identify and minimise all potential hazards before embarking on any activity with children. This would include:
- being aware of the fire safety and evacuation procedures;
 - ensuring that emergency exits on church premises are clearly marked and never obstructed or internally locked;
 - not permitting smoking in any church premises where the activity is held; and
 - not knowingly permitting children with serious contagious diseases to attend the activity.

- 5.27 Games or activities that emphasise gender, physical, intellectual or ethnic differences should be assessed for their appropriateness. Think about what message children may learn from the way events are organised and conducted.
- 5.28 You should review in their entirety aural and visual materials, such as videos, films, computer games, graphics, photographs and lyrics, to ensure that any elements containing violence, sexual activity or lifestyle are appropriate for the intended audience. Exercise care if a film or computer game has been recommended by the Office of Film and Literature Classification as unsuitable for viewing or playing by children of a particular age (e.g. MA, M and PG classifications). In assessing whether something is suitable you should take into account the age of the youngest child present. If in doubt, seek the advice of a supervisor or colleague.
- 5.29 To minimise the possibility of children being harmed, give careful consideration to any activities or games that require children to act alone or in pairs independent of leaders.
- 5.30 Ensure that no children's activity includes:
- secret initiation rites and ceremonies;
 - nudity or engagement in sexual conduct;
 - the use or availability of prohibited materials, except wine in the context of a Holy Communion service.
- 5.31 When taking children away from church premises, obtain the written consent of a parent or guardian and keep them informed of the place and timing of the event. If you can, include parents or guardians in a leadership team of mixed gender.
- 5.32 When meeting a child privately, you should:
- have parental or guardian consent, where practicable;
 - ensure where appropriate that a parent, guardian or suitable adult is present;
 - inform another member of the clergy, an adult church worker or another adult of the time, location and duration of the meeting; and
 - not invite or have children to your home or visit children in their home when no other adult is present; and
 - make a record of the time, location, duration and circumstances of any meeting where it is impracticable to follow these guidelines.

Venue

- 5.33 Avoid working alone or in isolation with children. You should ensure that:
- all activities have defined boundaries that are easily observed or patrolled;
 - all aspects of children's activities are open to observation;
 - children are not permitted to leave church premises unsupervised; and
 - where individual or small group ministry is needed, it occurs in the presence of adults, a public place or a location with high visibility.

5.34 When events require children to sleep over, you should ensure that where possible:

- parents or guardians are involved in the events and their supervision;
- sleeping accommodation is segregated between males and females;
- sleeping accommodation is supervised by more than one person, preferably including a parent or guardian or another adult of each gender; and
- supervisors do not sleep in close personal proximity to a child, unless they are a parent or guardian of the child.

5.35 Venues should allow for the privacy of all parties to be respected, particularly when changing clothes, washing and toileting. If you need to wash or toilet a child, tell another adult what you are doing.

Health and safety

5.36 Ensure that the risk management plan includes relevant contact details (e.g. emergency services and specialised help) and that a first aid kit appropriate to the activity is available. In the case of camps and similar activities, ensure that at least one adult present has first aid training.

5.37 Do not administer prescription medications to a child without the written consent of a parent or guardian.

5.38 Obtain information from parents or guardians about the particular physical and mental health or safety needs of children in your care (e.g. allergies, depression).

Transport

5.39 When making transport arrangements, take reasonable steps to ensure that:

- all drivers or operators are licensed, responsible, experienced and are not impaired by alcohol or any other mind-altering or addictive substance; and
- all motor vehicles and other forms of transport used are registered, insured, safe and fitted with appropriate child restraints or safety devices (e.g. seat belts, life jackets).

5.40 To the extent practicable, avoid being alone with a child in a motor vehicle or driving a child home unaccompanied. If such a situation is unavoidable, inform another adult of the trip and the reason for it.

Discipline

5.41 If you have overall responsibility in a Church body, you should ensure that:

- there is a strategy to prevent child abuse from occurring during church activities. This includes giving age-appropriate warnings to children about their own behaviour; and
- parents or guardians are advised that abuse of any child during children's activities will not be tolerated

5.42 If you have overall authority for children's ministry in a Church body you should ensure that a disciplinary strategy is developed, made known and implemented.

Disciplining children

When a child's behaviour requires correction, either for the safety and welfare of themselves or the group, it is important that:

- a warning precedes any discipline, where the situation permits;
- the discipline is explained to the child;
- the child is given an opportunity to explain;
- the discipline is appropriate to the occasion and age of the child;
- the form of discipline is not corporal punishment, does not ridicule or humiliate, or is not otherwise abusive;
- very young children are not isolated as a form of discipline;
- physical restraint is only used to protect children from harm or to avoid an accident;
- when physical restraint is used, a record is kept that identifies the restraint used, the member of the clergy or church worker and child involved and any witnesses, and sets out the incident's circumstances; and
- the child's parents or guardians are informed of the circumstances of the incident and discipline; and
- you make a record of the circumstances of the incident and discipline; and
- you make a record of the circumstances of the incident and discipline.

Physical Contact

- 5.43 In general—excluding circumstances such as immediate physical danger or medical emergency—physical contact should be initiated by the child or occur with their permission. When you make physical contact with a child, be very careful that you respect the child's feelings and privacy.
- 5.44 Ensure that any physical contact you have with children is of a non-sexual nature and appropriate to the situation. Avoid any physical contact that is sexually stimulating, or that may be construed as sexually stimulating. Children may or may not be aware of creating such situations. It is your responsibility to be alert for such situations and to cease any inappropriate physical contact immediately.

Children and physical contact

You need to be very careful when making physical contact with children.

Appropriate contact includes:

- bending down to the child's eye level, speaking kindly and listening attentively;
- gaining permission before hugging a child and respecting their right to refuse;
- taking a child's hand and leading them to an activity;
- comforting a child by placing an arm around their shoulder and giving a gentle squeeze from the side;

- praising or welcoming a child by holding the child's two hands in yours;
- patting the child on the head, hand, back or shoulder in affirmation; and
- holding a preschool child who is crying, provided that they want to be held.
- Inappropriate contact includes:
 - kissing or coaxing a child to kiss you;
 - extended hugging or tickling;
 - touching any area of the body normally covered by a swimming costume, specifically the buttocks, thighs, breasts or groin areas; and
 - carrying older children, sitting them on your lap or having them rub up next to you.

Communication

5.45 If you have overall responsibility in a Church body, you should ensure there is a policy for clergy and church workers which deals with the use of technology to communicate with children in pastoral ministry.

5.46 When considering using technology for communication, you should apply the same principles as you would in any other form of communication with children. You should take care that:

- it is an appropriate way to communicate with a child;
- it is an appropriate way to communicate about the matter;
- you are sensitive to the impact of your words, images and actions on the child and any other person who may access it;
- you do not use sexually suggestive, explicit or offensive language or images; and
- the circumstances of the communication, including the language and images used, do not suggest your relationship with the child is inappropriate.

Risks associated with using technology in communication with children

Clergy, church workers and other participants in church activities – including children – may communicate using:

- texting and picture messaging;
- email;
- instant messenger services and chat rooms;
- video conferencing;
- blogs and internet forums;
- websites; and
- group social networking sites.

Remember information posted online is tracked and can be retrieved. Dangers associated with the use of communication technology with children are not always appreciated by clergy and church workers. These dangers include:

- ignoring personal security settings on social networking sites;
- disclosing contact details or images of the child in the communication;
- being unable to determine if people are who they say they are;
- exposing the child to unwanted or inappropriate information;
- the child becoming a victim of cyberbullying; and
- sexual predators gaining access to the child.

Clergy and church workers can assist children to stay safe when using technology to communicate with others by:

- educating children and their parents or guardians about the risks associated with the use of this technology;
- encouraging children to exercise care in disclosing personal information about themselves and others such as their contact details;
- encouraging children to talk about anything that worries them with their parents or guardians, older siblings, friends, and clergy and church workers with whom they have a pastoral relationship instead of posting their problems in a chat room or blog; and
- encouraging children to talk about anything they see or experience online that worries them.

Photographs and images

5.47 If you have overall authority in a church body, you should ensure that there is a policy requiring clergy and church workers to obtain the permission of relevant parents and guardians before making or using images (including photographs and videos) of children who are engaged in children's activities. The form of permission should clearly indicate the intended use of the images.

Record keeping

5.48 If you have overall authority in a church body, you should ensure that any Church screening documents:

- are treated with confidentiality and never left where they can be accessed by unauthorised persons;
- where kept on computer, are password protected and stored for an indefinite period of time with access limited to authorised persons; and
- where kept in paper form, are stored separately from any other documents and locked in secure place for an indefinite period of time, with access limited to authorised persons.

5.49 If you have overall authority in a church body, you should:

- ensure that a register of attendance of children and leaders and their emergency contact details is kept for each pastoral ministry involving children;
- consider including such registers in the church archives; and
- keep and store in a secure place all permission forms and records relating to discipline and private meetings.

5.50 If you are exercising a pastoral ministry involving children in a church body, you should keep a register of attendance of the children for whom you are responsible.

6 PERSONAL BEHAVIOUR

Preamble

- 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**.
- 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.

Standards for clergy and church workers

These standards state the Church's expectations for personal behaviour and the practice of pastoral ministry.

- 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.
- 6.7 You are to be responsible in your use of alcohol and other mind altering or addictive substances or services.
- 6.8 You are not to undertake any pastoral ministry when you are impaired by alcohol or any other mind-altering or addictive substances.
- 6.9 You are not to use any **prohibited substance**.
- 6.10 You are not to take property belonging to others, including intellectual property.
- 6.11 You are not knowingly to make statements that are false, misleading or deceptive.
- 6.12 You are not knowingly to use **offensive language**.

- 6.13 Without a legitimate purpose you are not to view, possess, produce or distribute **restricted material**.
- 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.

Guidelines

These guidelines explain and illustrate best practice and highlight practical ways to achieve it.

- 6.15 You need to be aware of the impact that abuse can have on people.

The impact of abuse

A person who is abused may suffer emotionally, psychologically, physically, socially and spiritually. The impact can be life long and affect the person, their relationships and their capacity for ministry.

How abuse affects the person and their relationships

The person who is abused may experience:

- feelings of shame, humiliation, rejection, powerlessness, insecurity, anger and resentment;
- sadness, tearfulness, depression, anxiety;
- fatigue, disturbed sleep, changed appetite and ill health;
- substance abuse, gambling and use of pornography;
- becoming more withdrawn or aggressive;
- burn out;
- suicidal thinking and action;
- loss of self-esteem and self-confidence;
- marital and family problems;
- breakdown in community and collegial relationships.

How abuse affects ministry

Clergy or church workers who are abused may experience:

- loss of coping skills;
- disillusionment;

- inability to concentrate;
- loss of motivation;
- decreased productivity and competence;
- bad decision-making and poor judgement;
- loss of faith or crisis of vocation;
- difficulty trusting others;
- diminished employability;
- premature desire to cease employment.

6.16 You need to be able to identify bullying and the cultures and environments which encourage it.

Cultures and environments which encourage bullying

Contexts in which bullying is likely to flourish are characterised by:

- overbearing or inadequate leadership;
- poor management;
- a high level of competition;
- a climate of uncertainty and insecurity;
- lack of support and governance structures;
- poor handling of conflict;
- rigid structures;
- low level of participation or consultation;
- excessive demands on time;
- unclear role description and processes;
- inadequate grievance procedures.

6.17 If another person indicates by their words or actions that they feel bullied or harassed by you, review your conduct. If in doubt, cease the conduct and seek advice. When teaching, admonishing or exercising discipline as part of your pastoral ministry, be sure you do it respectfully.

6.18 Love and care for your family and pay particular attention to the effect of your ministry on your family relationships. Ensure that your behaviour in family

relationships is consistent with this Code.

- 6.19 Take steps to prevent your spouse or children or other members of your family becoming victims of your stress. If you find yourself acting violently or abusively to any member of your family, seek professional help immediately.
- 6.20 Monitor your consumption or use of alcohol and other mind altering or addictive substances or product (e.g. gambling) to ensure your wellbeing and that of others. Seek professional help if the use of these substances or products adversely affects your ministry, personal wellbeing or relationships.
- 6.21 You should be sensitive to the effect of your language on others. Avoid using language that may be misunderstood or that bullies, threatens, belittles, humiliates or causes unnecessary offence or embarrassment. Take care when using:
- any swear word;
 - language which has sexual connotations; and
 - racial, religious or other group descriptions.
- 6.22 Exercise discretion when viewing or using restricted material. You should:
- consider the legitimate purpose of viewing or using the restricted material;
 - consider whether your conduct will damage your reputation and impair your ministry; and
 - disclose the purpose and circumstances of your conduct to a supervisor or colleague to avoid any misunderstanding.
- 6.23 When engaged in civil disobedience, do not act violently or intentionally provoke violence.
- 6.24 Be sensitive to the effect of your dress on others. Dress appropriately to the context.
- 6.25 You should comply with copyright legislation. Ensure that any licences for the use of copyright material are current and complied with and that copyright is duly acknowledged.

7 SEXUAL CONDUCT

Preamble

- 7.1 The sexual conduct of clergy and church workers has a significant impact on the **Church** and the community.
- 7.2 Sexuality is a gift from God and is integral to human nature. It is appropriate for **clergy** and **church workers** to value this gift, taking responsibility for their sexual conduct by maintaining chastity in singleness and faithfulness in marriage.
- 7.3 It is part of the role of clergy and church workers to care for, protect and respect all with whom they have a **pastoral relationship**. It is never appropriate for clergy and church workers to take advantage of their role to engage in sexual activity with a person with whom they have a pastoral relationship. Consent to such activity will not be regarded by the Church as valid, except within marriage.

Standards for clergy and church workers

These standards state the Church's expectations for personal behaviour and the practice of pastoral ministry.

- 7.4 You are to be chaste and not engage in sex outside of marriage and not engage in disgraceful conduct of a sexual nature.
- 7.5 You are not to:
- sexually abuse an adult;
 - sexually abuse a child;
 - engage in prostitution;
 - visit brothels and other places associated with the sex industry without a legitimate purpose;
 - view, possess, produce or distribute **restricted material** containing sex or nudity without a legitimate purpose; and
 - view, possess, produce or distribute any form of child pornography or **child exploitation material**.

Guidelines

These guidelines explain and illustrate best practice and highlight practical ways to achieve it.

- 7.6 If you intend to make physical contact with another adult or speak to them about a sexual matter you should:
- take responsibility for your own actions;
 - seek permission;
 - respect the person's wishes;
 - notice and respond to the person's non-verbal communication; and

- refrain from such conduct if in doubt about the person's wishes.
- 7.7 You should avoid situations where you are vulnerable to temptation or where your conduct may be construed as a breach of the standards of sexual conduct in this Code.
- 7.8 Any involvement in pastoral ministry to persons in the sex industry requires safeguards and a high level of accountability and collegial support. If in pastoral ministry you intend to visit people or places associated with the sex industry, you should:
- consider the legitimate purpose of visiting the person or place;
 - consider whether your conduct will damage your reputation and impair your ministry; and
 - to avoid any misunderstanding, disclose the purpose and circumstances of what you are doing to a supervisor or colleague.

8 FINANCIAL INTEGRITY

Preamble

- 8.1 In both their personal capacity and their pastoral ministry **clergy** are involved in matters of a financial nature. The ministry of **church workers** may include financial management. The financial dealings of clergy and church workers have a significant impact on the **Church** and the community.
- 8.2 Financial integrity is essential to all financial processes and transactions.
- 8.3 Clergy and church workers with overall authority for financial management in a church body are responsible for the implementation and maintenance of proper systems for financial integrity and accountability. They cannot delegate this responsibility to anyone else.

Standards for clergy and church workers

These standards state the Church's expectations for personal behaviour and the practice of pastoral ministry.

- 8.4 You are not to avoid payment of your just debts and family support obligations.
- 8.5 You are not to engage in tax avoidance.
- 8.6 You are not to seek personal advantage or financial gain for yourself or your family from your position or from a **pastoral relationship**, beyond your stipend or wage and recognised allowances and deductions.
- 8.7 You are not to allow yourself to be influenced by offers of money or financial reward.
- 8.8 You are to avoid situations of conflict between your personal financial interest and your pastoral ministry responsibilities.
- 8.9 You are to arrange your personal and church finances to ensure that clear account and transaction boundaries are maintained.
- 8.10 You are to fully disclose and be publicly accountable for all church monies which you handle.
- 8.11 If you have overall authority for financial management in a church body, you are to ensure that:
- proper systems for financial integrity and accountability are implemented and maintained;
 - all clergy and church workers for whom you have responsibility and who have authority for financial management in a church body are informed of their roles and responsibilities; and
 - all stipends, wages and allowances payable are adequate, and paid promptly and in full.

Guidelines

These guidelines explain and illustrate best practice and highlight practical ways to achieve it.

Financial management practices

- 8.12 You should ensure that your salary packaging and the accounts of any church body for which you have responsibility are in accordance with Church and civil taxation and accounting requirements.
- 8.13 If you have overall authority for financial management in a church body, you should minimise the risk of you and other clergy and church workers being accused of or engaging in financial impropriety by:
- having two persons unrelated by family to handle church money received;
 - not involving paid clergy or paid church workers in the counting of church offertories;
 - ensuring that church money on church premises is kept safely and securely;
 - avoiding church money being taken home wherever possible;
 - ensuring that all church money received is banked promptly;
 - ensuring that proper accounting records are kept for church transactions, in the form of receipts, diary entries, tax invoices, accounts and account statements;
 - ensuring that all church accounts have more than one signatory;
 - ensuring that any accounts paid by cash are duly receipted; and
 - ensuring that those with the responsibility for handling money have suitable training in financial matters.

Gifts

- 8.14 If you are offered or receive a gift, whether monetary or otherwise, from a person with whom you have a pastoral relationship, you should:
- establish for whom the gift is intended and exercise discretion as to whether the gift should be personally accepted;
 - consider:
 - the size of the gift;
 - the intentions and circumstances of the giver;
 - the risk of your integrity being compromised; and
 - whether acceptance of the gift would cause scandal and embarrassment if known publicly;
 - if it is substantial, disclose the offer or receipt to a supervisor or colleague; and
 - if there is any uncertainty as to the gift's appropriateness, seek advice from a supervisor or colleague.

Personal financial obligations

- 8.15 You should manage your finances so that personal debts, including those to any church body, are paid when due and in full.
- 8.16 You should avoid borrowing money from, or lending money to, a person with whom you have a pastoral relationship as this may place you in a position where your personal interest conflicts with your pastoral responsibilities. If you do, then disclose the circumstances to a supervisor or colleague. In some cultures where there are communal ownership and kinship obligations, this guideline may be applied differently.

4. FINANCIAL MATTERS

Supplements to Book 4

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4.I Annual Financial Report of the General Synod for 2013

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Anglican Church of Australia

General Synod

GENERAL SYNOD OF THE ANGLICAN CHURCH OF AUSTRALIA

ABN 90 767 330 931

ANNUAL FINANCIAL REPORT

31 December 2013

GENERAL SYNOD OF THE ANGLICAN CHURCH OF AUSTRALIA

ABN 90 767 330 931

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Standing Committee Members' report

The members of the Standing Committee of the General Synod of the Anglican Church of Australia present their report together with the financial report of the General Synod of the Anglican Church of Australia for the year ended 31 December 2013 and the independent auditor's report thereon.

The members of the Standing Committee as at 31 December 2013 are:

EX OFFICIO MEMBERS:

The Primate

The Most Reverend Dr P J Aspinall (Archbishop of Brisbane and Metropolitan of Queensland)

The Metropolitan of New South Wales

The Most Reverend Dr Glenn Davies
(Archbishop of Sydney)

The Metropolitan of South Australia

The Most Reverend Dr J W Driver
(Archbishop of Adelaide)

The Chairman of Committees

Vacant

The Clerical and Lay Secretaries of Synod

The Venerable L Snell
Ms A Skamp

The Metropolitan of Victoria

The Most Reverend Dr P Freier
(Archbishop of Melbourne)

The Metropolitan of Western Australia

The Most Reverend R A Herft
(Archbishop of Perth)

The General Secretary

Mr M J Drevikovsky

NATSIAC Nominees

Ms R Elu
The Reverend G Shipp

ELECTED MEMBERS:

Elected by the House of Bishops

The Right Reverend A W Curnow AM
The Right Reverend G Thompson
The Right Reverend G Weatherill

Elected by the House of Clergy

The Venerable A Copeman
The Right Reverend B Darling
The Reverend Dr M R Stead
The Right Reverend R C Forsyth
The Right Reverend K M Goldsworthy
The Very Reverend S Macneil
The Venerable T Mildenhall
The Right Reverend R Nicholson
The Reverend Canon Dr C O'Reilly

Elected by the House of Laity

Mr G Blake SC
The Honourable D J Bleby QC
The Honourable R C Fordham AM
Ms L Haywood
Mrs A Mills
Dr M L Porter OAM
Ms. C Tan
Dr R. Tong AM
The Honourable Acting Justice P W Young AO
QC

*Standing Committee Members' Report (continued)***Principal activities**

The principal activities of the General Synod during the course of the financial year were to carry into effect the decisions of the General Synod and Standing Committee, and to provide services to the Primate and to the organisations which report to General Synod. Assessments were levied upon the Dioceses under Sections 32(2) and 32(3) of the Constitution.

There were no significant changes in the nature of the activities of the General Synod during the year.

Operating and financial review

The Surplus from ordinary activities amounted to \$400,997 (2012: Surplus \$420,541)

Overall Result

The nature of the General Synod operations was predominantly similar to prior years.

The General Synod Office administered the Anglican Church of Australia Long Service Leave Fund for a fee of \$324,000 in 2013 (2012: \$309,000) The Administration takes 1.73 FTE (Full Time Equivalent) positions that are fully funded by the administration charge.

The General Synod represents the Anglican Church in a consortium with the Roman Catholic Church and the Uniting Church to manage a contract with Telstra for the provision of telecommunication services at a considerable discount to standard rates. The General Synod receives a marketing allowance from Telstra to market this arrangement as well as a commission on the spend by participating Anglican organisations. The combination of the marketing allowance and commission received totalled \$259,483 in 2013 (2012: \$184,527) and are administered by 0.27 FTE's.

Statutory Fund

Operating activity was similar to previous years.

Unrealised gains and losses on investments are accounted for in the Balance Sheet in the Investment Revaluation Reserve. Any impairment on the investments is recognised directly into the Income Account.

Refer to Note 3 for a description of the purpose of the Statutory Fund.

Special Fund

Operating activity was similar to previous years.

Refer to Note 3 for a description of the purpose of the Special Fund.

Indigenous Endowment Fund

Operating activity was similar to previous years.

There was no payment for the National Aboriginal Bishop made in 2013 as this position remained unfilled.

Unrealised gains and losses on investments are accounted for in the Balance Sheet in the Investment Revaluation Reserve. Any impairment on investments is recognised directly into the Income Account.

Refer to Note 3 for a description of the purpose of the Indigenous Endowment Fund.

Shared Service Fund

Operating activity was similar to previous years.

Refer to Note 3 for a description of the purpose of the Shared Service Fund.

Reserve Fund

Operating activity was similar to previous years.

Unrealised gains and losses on investments are accounted for in the Balance Sheet in the Investment Revaluation Reserve. Any impairment on the investments is recognised directly into the Income Account.

Refer to Note 3 for a description of the purpose of the Reserve Fund.

Significant Changes in the State of Affairs

In the opinion of the members of the Standing Committee there were no significant changes in the state of affairs of the General Synod that occurred during the financial year under review.

Environmental Regulation

The General Synod is not subject to any significant environmental regulations under either Commonwealth or State legislation.

Likely Developments

The Standing Committee knows of no event that will significantly impact on the activities of the General Synod in 2014 other than:

- i. The Royal Commission into Institutions' Responses to Child Sexual Abuse, and
- ii. The holding of the 16th General Synod of the Anglican Church of Australia

Indemnification and Insurance of Officers

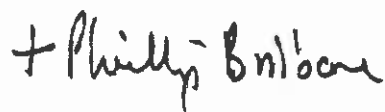
The General Synod has agreed to indemnify various insured persons against all liabilities to another person that may arise from their position with the General Synod.

For 2013, the General Synod has paid insurance premiums of \$11,281 (2012: \$16,705) in respect of the insured persons.

Since the end of the previous financial year, the General Synod has not indemnified or made a relevant agreement for indemnifying against a liability for any person who is or has been an auditor of the General Synod.

Signed in accordance with a resolution of the Standing Committee:

Dated at Sydney this 16th day of May 2014



Archbishop Phillip Aspinall, Primate

Member of Standing Committee



Mr Allan Perryman

Honorary Treasurer of the Standing Committee



Independent audit report to the members of the Standing Committee of the General Synod of the Anglican Church of Australia

Report on the financial report

We have audited the accompanying financial report, being a special purpose financial report, of the General Synod of the Anglican Church of Australia (the Organisation), which comprises the statement of financial position as at 31 December 2013, and the statement of profit or loss and other comprehensive income, statement of changes in equity and statement of cash flows for the year ended on that date, notes 1 to 17 comprising a summary of significant accounting policies and other explanatory information and the Standing Committee's assertion statement.

Standing Committee's responsibility for the financial report

The Standing Committee of the Organisation is responsible for the preparation and fair presentation of the special purpose financial report and has determined that the basis of preparation described in Note 1, 2 and 4 to the financial statements is appropriate to meet the needs of the members, and for such internal control as the Standing Committee determines is necessary to enable the preparation and fair presentation of a financial report that is free from material misstatement whether due to fraud or error.

Auditor's responsibility

Our responsibility is to express an opinion on the financial report based on our audit. We conducted our audit in accordance with Australian Auditing Standards. These Auditing Standards require that we comply with relevant ethical requirements relating to audit engagements and plan and perform the audit to obtain reasonable assurance whether the financial report is free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial report. The procedures selected depend on the auditor's judgement, including the assessment of the risks of material misstatement of the financial report, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the Organisation's preparation and fair presentation of the financial report in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Organisation's internal control. An audit also includes evaluating the appropriateness of the accounting policies used and the reasonableness of accounting estimates made by the Standing Committee, as well as evaluating the overall presentation of the financial report.

These procedures have been undertaken to form an opinion whether, in all material respects, the financial report is presented fairly in accordance with the basis of accounting described in Note 1, 2 and 4 to the financial statements so as to present a view which is consistent with our understanding of the Organisation's financial position, and of its performance and cash flows.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.



Independent audit report to the members of the Standing Committee of the General Synod of the Anglican Church of Australia (continued)

Independence

In conducting our audit, we have complied with the independence requirements of the Accounting Professional and Ethical Standards Board.

Auditor's opinion

In our opinion the financial report presents fairly, in all material respects, the financial position of the General Synod of the Anglican Church of Australia as at 31 December 2013 and of its financial performance and its cash flows for the year then ended in accordance with the accounting policies described in Note 1, 2 and 4 to the financial statements.

Basis of accounting and restriction on distribution and use

Without modifying our opinion, we draw attention to Note 2 to the financial statements which describes the basis of accounting. The financial report has been prepared to assist the Organisation to meet the requirements of Section 32 of the Constitution of the Anglican Church of Australia. As a result, the financial report may not be suitable for another purpose. Our report is intended solely for the General Synod of the Anglican Church of Australia and should not be distributed to or used by parties other than the General Synod of the Anglican Church of Australia. We disclaim any assumption of responsibility for any reliance on this report, or on the financial report to which it relates, to any person other than the directors of the General Synod of the Anglican Church of Australia or for any other purpose than that for which it was prepared.

KPMG

Cameron Roan
Partner

Sydney

16th May 2014

Statement by members of the Standing Committee of the General Synod

In the opinion of the members of the Standing Committee of the General Synod of the Anglican Church of Australia:

- (a) the General Synod is not a reporting entity;
- (b) the financial statements and notes thereto, set out on pages 10 to 31, are drawn up, in accordance with the basis of accounting described in Notes 1, 2 and 4, so as to present fairly the financial position of the General Synod as at 31 December 2013 and its performance, as represented by the results of its operations and its cash flows for the financial year ended on that date; and
- (c) at the date of this statement, there are reasonable grounds to believe that the General Synod will be able to pay its debts as and when they fall due.

Dated at Sydney this 16th day of May 2014.

Signed in accordance with a resolution at a duly constituted meeting:



Archbishop Phillip Aspinall, Primate
Member of Standing Committee

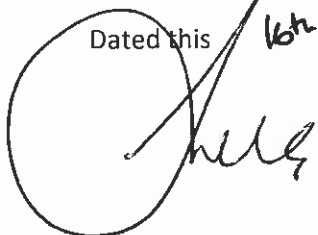


Mr Allan Perryman
Honorary Treasurer (not a member) of the
Standing Committee

Statement by the Business Manager

The accounting records have been properly maintained and in my opinion, the accounts present fairly the operations of the General Synod of the Anglican Church of Australia for the three years ended 31 December 2013, and the state of affairs at that date, and are properly drawn up in accordance with the accounting policies described in Notes 1, 2 and 4 to the financial statements.

Dated this 16th day of May 2014



Mr Michael Nicholls
Business Manager

Statement of profit or loss and other Comprehensive Income for the year ended 31 December 2013

	Note	2013 \$	2012 \$	2011 \$
Revenue				
Assessments from Dioceses	5	1,561,656	1,538,199	1,435,693
GSO Business Revenue	5	583,878	493,527	506,029
Other Income	5	54,117	50,863	46,821
Total Revenue excluding Investing Activities	5	2,199,651	2,082,589	1,988,543
Expenses				
GSO Office	6	1,015,942	1,079,309	1,141,200
National Church	6	310,381	184,659	144,155
Primate	6	191,696	185,210	183,740
Grants	6	341,190	325,323	307,259
Audit Fees	6	28,443	28,255	28,000
GSO Other Business Expenses	6	60,000	60,000	62,770
Total Expenses excluding Investing Activities	6	1,947,652	1,862,756	1,867,124
Investing Activities				
Finance Income	5	149,389	201,079	6,516
Investment & Finance Costs	6	(391)	(371)	(273)
Net Investing Activities		148,998	200,708	6,243
Surplus for the period		400,997	420,541	127,662
Other Comprehensive Income				
Net Change in Fair Value of Investments:		(22,925)	(36,028)	12,186
Net (loss)/gain recognised directly in equity		(22,925)	(36,028)	12,186
Total comprehensive income for the period		378,072	384,513	139,848

The notes on page 16 to 31 are an integral part of these statements.

Statement of financial position as at 31 December 2013

	Note	2013 \$	2012 \$	2011 \$
Assets				
Cash and cash equivalents	7	844,924	1,136,584	1,931,304
Other financial assets	9	492,414	921,526	97,583
Trade and other receivables	8	247,224	154,094	360,706
Total current assets		1,584,562	2,212,204	2,389,593
Investments available for sale	9	3,005,256	1,893,022	1,487,152
Leasehold improvements and equipment	10	-	-	-
Total non-current assets		3,005,256	1,893,022	1,487,152
Total assets		4,589,818	4,105,226	3,876,745
Liabilities				
Trade and other payables	11	326,318	253,802	334,833
Provisions	12	10,000	-	14,179
Employee benefits	13	62,808	41,289	58,501
Total current liabilities		399,126	295,091	407,513
Provisions	12	15,524	15,524	15,524
Employee Benefits	13	13,439	13,439	12,486
Total non-current liabilities		28,963	28,963	28,010
Total liabilities		428,089	324,054	435,523
Net assets		4,161,729	3,781,172	3,441,222
Equity	14	4,161,729	3,781,172	3,441,222
Total equity		4,161,729	3,781,172	3,441,222

The notes on page 16 to 31 are an integral part of these statements.

Statement of cash flows for the year ended 31 December 2013

	Note	2013 \$	2012 \$	2011 \$
Cash flows from operating activities				
Cash receipts in the course of operations		2,135,331	2,315,087	1,940,526
Cash payments in the course of operations		(1,879,892)	(2,000,482)	(1,634,099)
Cash generated from operations		255,439	314,605	306,427
Interest received		60,120	57,666	60,823
Net cash from operating activities	15	315,559	372,271	367,250
Cash flows from investing activities				
(Payments)/receipts from investments		(607,220)	(1,166,991)	378,598
Net cash (used in)/from investing activities		(607,220)	(1,166,991)	378,595
Net (decrease) / increase in cash held		(291,661)	(794,720)	745,848
Cash and cash equivalents at 1 January		1,136,585	1,931,304	1,185,456
Cash and cash equivalents at 31 December	15	844,924	1,136,585	1,931,304

The notes on page 16 to 31 are an integral part of these statements.

Statement of Changes in Equity for the three years ended 31 December 2013

Year 1 of 3

	Capital	Investment Revaluation Reserve	Allocated Surplus	Unallocated Surplus	TOTAL
	\$	\$	\$	\$	\$
2011					
Opening Balance	1,774,717	36,229	918,090	654,180	3,383,216
Total comprehensive income for the period					
Net change in fair value of available-for-sale financial assets	-	12,186	-	-	12,186
Total other comprehensive income	-	12,186	-	-	12,186
Surplus for the period	-	-	-	127,662	127,662
Total comprehensive income for the period	-	12,186	-	127,662	139,848
Transactions between funds, recorded directly in equity	-	-	97,173	(179,015)	(81,842)
Total transactions between funds	-	-	97,173	(179,015)	(81,842)
Closing Balance	1,774,717	48,415	1,015,263	602,827	3,441,222

Statement of Changes in Equity for the three years ended 31 December 2013 (continued)

Year 2 of 3

	Capital	Investment Revaluation Reserve	Allocated Surplus	Unallocated Surplus	TOTAL
	\$	\$	\$	\$	\$
2012					
Opening Balance	1,774,717	48,415	1,015,263	602,827	3,441,222
Total comprehensive income for the period					
Net change in fair value of available-for-sale financial assets	-	(36,028)	-	-	(36,028)
Total other comprehensive income	-	(36,028)	-	-	(36,028)
Surplus for the period	-	-	-	420,541	420,541
Total comprehensive income for the period	-	(36,028)	-	420,541	384,513
Transactions between funds, recorded directly in equity	(2)	-	148,676	(193,237)	(44,563)
Total transactions between funds	(2)	-	148,676	(193,237)	(44,563)
Closing Balance	1,774,715	12,387	1,163,939	830,131	3,781,172

Statement of Changes in Equity for the three years ended 31 December 2013 (continued)

Year 3 of 3

	Capital	Investment Revaluation Reserve	Allocated Surplus	Unallocated Surplus	TOTAL
	\$	\$	\$	\$	\$
2013					
Opening Balance	1,774,715	12,387	1,163,939	830,131	3,781,172
Total comprehensive income for the period					
Net change in fair value of available-for-sale financial assets	-	(22,925)	-	-	(22,925)
Total other comprehensive income	-	(22,925)	-	-	(22,925)
Surplus for the period	-	-	-	400,997	400,997
Total comprehensive income for the period	-	(22,925)	-	400,997	378,072
Transactions between funds, recorded directly in equity	-	-	-	2,485	2,485
Total transactions between funds	-	-	-	-	-
Closing Balance	1,774,715	(10,538)	1,163,939	1,233,613	4,161,729

The notes on page 16 to 31 are an integral part of these statements.

Notes to the Financial Statements for the year ended 31 December 2013

The Financial report was authorised for issue by resolution of the Standing Committee at its meeting of 16 May, 2014.

1. Reporting entity

General Synod of the Anglican Church of Australia is domiciled in Australia. The principal activities of the General Synod during the course of the financial year were to carry into effect the decisions of the General Synod and Standing Committee, and to provide services to the Primate and to the organisations which report to the General Synod via the Standing Committee. Assessments were levied upon the Dioceses under Sections 32(2) and 32(3) of the Constitution.

In the opinion of the members of the Standing Committee the General Synod is not a reporting entity. The financial report of the General Synod has been drawn up as a special purpose financial report for distribution to the members.

2. Basis of preparation

(a) Statement of compliance

The special purpose financial report has been prepared in accordance with all the recognition and measurement aspects of applicable Australian Accounting Standards ("AASBs") (including the Australian Accounting Interpretations) adopted by the Australian Accounting Standards Board with the exception of AASB 127 : Consolidated and Separate Financial Statements. The financial statements presented here do not consolidate the entities established by General Synod.

The notes to the Financial Statements of General Synod of the Anglican Church of Australia have been prepared assuming that the Standing Committee chooses to exclude all disclosures except the minimum requirements.

The financial report does not include disclosure requirements of all AASB except for the following minimum requirements:

AASB 101	Presentation of Financial Statements
AASB 107	Statement of Cash Flows
AASB 108	Accounting Policies, Changes in Accounting Estimates and Errors
AASB 1031	Materiality
AASB 1048	Interpretation and Application of Standards
AASB 1054	Australian Additional Disclosures

Notes to the Financial Statements for the year ended 31 December 2013 (continued)

2. Basis of Preparation (continued)

(b) Basis of measurement

The financial report has been prepared on the basis of historical costs and except where stated, does not take into account changing money values or fair values of non-current assets.

(c) Functional and presentation currency

The financial report is presented in Australian dollars, which is also the General Synod's functional currency.

(d) Use of estimates and judgements

The preparation of financial statements requires management to make judgements, estimates and assumptions that affect the application of policies and reported amounts of assets and liabilities, income and expenses. Actual results may differ from these estimates.

Estimates and underlying assumptions are reviewed on an ongoing basis. Revisions to accounting estimates are recognised in the period in which the estimate is revised if the revision affects only that period or in the period of the revision and future periods if the revision affects both current and future periods.

3. Purpose

The financial report reflects the operations of the General Synod established by the Constitution of the Anglican Church of Australia. The accompanying accounts do not include all of the results or assets or liabilities of organisations established by canon or resolution of the General Synod.

The financial report aggregates the six funds of the General Synod administered by the General Synod Office. Additional information regarding the separate funds is shown on pages 32-57 of this Annual Financial Report Package. The purposes of each of the entities are set out below:

Trust Fund

The Trust Fund was settled to establish the trust upon which the General Synod operates.

Statutory Fund

The Constitution of the Anglican Church of Australia provides that it shall be a duty of the Standing Committee to apportion among and collect from the Dioceses on an equitable basis the necessary working expenses of the Synod and of the Standing Committee and other

Notes to the Financial Statements for the year ended 31 December 2013 (continued)

3. Purpose (continued)

Statutory Fund (continued)

expenses specifically authorised by the Synod. These expenses and apportionments are dealt with in the Statutory Fund accounts.¹

The apportionment of the costs is performed using the proportion of General Synod membership as defined in *The Table Annexed to the Constitution* that is used to calculate the number of representatives each Diocese shall send to the General Synod.

Special Fund

Voluntary assessments are raised from the Dioceses to meet certain national and international expenditure. These disbursements are dealt with in the accounts of the Special Fund.²

The apportionment of the costs is performed using the proportion of General Synod membership as defined in *The Table Annexed to the Constitution* of the Dioceses that choose to participate in paying these voluntary assessments.

Indigenous Endowment Fund

The Indigenous Endowment Fund accumulates and invests donations given for the provision of ministry to indigenous people and can provide funds to support the work of the National Indigenous Bishops.

Reserve Fund

The Reserve Fund accumulates and invests royalties, bequests and other non-assessment income derived by the General Synod and applies funds to specific projects approved by the Standing Committee.

As a result of the changing nature of the Reserve Fund in recent years it was decided to transfer into a separate capital account (Capital Fund 1999) an amount equal to the original transfers into the Reserve Fund plus increases based on the inflation rate over that period.

It is intended that Capital Fund 1999 will continue to increase at the annual inflation rate thereby preserving the original capital amount as required by Standing Committee, while the Capital Fund will fluctuate in accordance with the surplus in the Reserve Fund.

¹Section 32(2) of the Constitution; and clause 5(e) of Rule II of the General Synod.

²Section 32(3) of the Constitution

Notes to the Financial Statements for the year ended 31 December 2013 (continued)

3. Purpose (continued)

Shared Service Fund

In 2009 the Standing Committee resolved to create the Shared Service Fund to oversee the business operations of the General Synod that are in addition to its constitutional responsibilities. The Shared Service Fund commenced operation on 1 January 2010.

This Fund quarantined the revenue and expenses related to the Long Service Leave Fund administration from the Statutory Fund and the revenue and expenses related to the Telstra administration from the Reserve Fund.

4. Significant accounting policies

The accounting policies set out below have been applied consistently to all periods presented in the financial report.

(a) Revenue

(i) Assessments

Statutory Assessments are agreed by the General Synod (for the first year after a General Synod Meeting) or the Standing Committee (for subsequent years) and levied on the Dioceses on an annual basis. Special Assessments, which are voluntary, are also levied at the same time. Income is taken into the income statement when levied. No revenue is recognised if there are significant uncertainties regarding receiving of the amount due.

(ii) Interest income

Interest income is recognised as it accrues, taking into account the effective yield on the financial asset.

(iii) GSO business revenue

GSO business revenue predominantly represents commissions received from the management of the Anglican Church of Australia Telstra contract and administration of the Anglican Church of Australia Long Service Leave Fund. GSO business revenue is recognised as and when received in relation to the current period.

(iv) Distribution income

Distribution income is recognised as it accrues, taking into account the effective yield on the financial asset.

Notes to the Financial Statements for the year ended 31 December 2013 (continued)

4. Significant Accounting Policies (continued)

(b) Goods and services tax

Revenues, expenses and assets are recognised net of the amount of goods and services tax (GST), except where the amount of GST incurred is not recoverable from the Australian Taxation Office (ATO). In these circumstances the GST is recognised as part of the cost of acquisition of the asset or as part of an item of the expense.

Receivables and payables are stated with the amount of GST included.

The net amount of GST recoverable from, or payable to, the taxation authority is included as a current asset or liability in the balance sheet.

Cash flows are included in the statement of cash flows on a gross basis. The GST components of cash flows arising from investing and financing activities which are recoverable from, or payable to, the taxation authority are classified as operating cash flows.

(c) Cash and cash equivalents

Cash and cash equivalents comprise cash balances and call deposits.

(d) Trade and other receivables

Trade and other receivables are measured at their amortised cost less impairment losses. Trade debtors are generally settled within 30 days.

(e) Leasehold improvement and Equipment

Owned Assets

Items of leasehold improvements and equipment are stated at cost less accumulated depreciation (see below).

Depreciation

Items of equipment are depreciated over their estimated useful lives and the depreciation is charged to the income statement. Depreciation rate and methods are reviewed annually for appropriateness. Leasehold improvements are depreciated over the term of the lease.

Leasehold improvements and equipment are depreciated from the date of acquisition and the straight line method has been used.

Notes to the Financial Statements for the year ended 31 December 2013 (continued)

4. Significant Accounting Policies (continued)

The useful life for each class of asset is as follows:

Leasehold improvements and equipment	2013:	3-7 years
	2012:	3-7 years
	2011:	3-7 years

(f) Trade and other payables

Trade and other payables are measured at amortised cost. Trade accounts payable are normally settled within 30 days.

(g) Employee benefits

Wages, salaries and annual leave

Liabilities for employee benefits for wages, salaries and annual leave that are expected to be settled within 12 months of the reporting date represent present obligations resulting from employees' services provided to reporting date, are calculated at undiscounted amounts based on remuneration wage and salary rates that the entity expects to pay as at the reporting date including related on-costs, such as workers compensation insurance and payroll tax.

Long- service leave

The General Synod's net obligation in respect of long- service leave, other than pension plans, is the amount of future benefit that employees have earned in return for their service in the current and prior periods.

The General Synod has adopted a practice of recognising its Long Service Leave liability to an employee after the fourth anniversary of their employment with the General Synod.

Superannuation plan

The General Synod contributes to individual employee's superannuation plans. Contributions are charged against income as they are incurred.

Notes to the Financial Statements for the year ended 31 December 2013 (continued)

4. Significant Accounting Policies (continued)

(h) Provisions

A provision is recognised in the balance sheet when the entity has a present legal or constructive obligation as a result of a past event, and it is probable that an outflow of economic benefits will be required to settle the obligation. If the effect is material, provisions are determined by discounting the expected future cash flows at a pre-tax rate that reflects current market assessments of the time value of money and, where appropriate, the risks specific to the liability.

(i) Impairment

A financial asset is assessed at each reporting date to determine whether there is any objective evidence that it is impaired. A financial asset is considered to be impaired if objective evidence indicates that one or more events have had a negative effect on the estimated future cash flows of that asset.

An impairment loss in respect of a financial asset measured at amortised cost is calculated as the difference between its carrying amount, and the present value of the estimated future cash flows discounted at the original effective interest rate. An impairment loss in respect of an available-for-sale financial asset is calculated by reference to its fair value.

Individually significant financial assets are tested for impairment on an individual basis. The remaining financial assets are assessed collectively in groups that share similar credit risk characteristics.

All impairment losses are recognised in profit or loss. Any cumulative loss in respect of an available-for-sale financial asset recognised previously in equity is transferred to profit or loss.

Reversals of impairment

An impairment loss is reversed if the reversal can be related objectively to an event occurring after the impairment loss was recognised. For financial assets measured at amortised cost and available-for-sale financial assets that are debt securities, the reversal is recognised in profit or loss. For available-for-sale financial assets that are equity securities, the reversal is recognised directly in equity.

An impairment loss in respect of a receivable carried at amortised cost is reversed if the subsequent increase in recoverable amount can be related objectively to an event occurring after the impairment loss was recognised.

Notes to the Financial Statements for the year ended 31 December 2013 (continued)

4. Significant Accounting Policies (continued)

(j) Investments

Financial instruments held and classified as being available-for-sale are stated at fair value, with any resultant gain or loss being recognised directly in equity, except for impairment losses.

Investments in equity instruments that do not have a quoted market price in an active market and whose fair value cannot be reliably measured and derivatives that are linked to and must be settled by delivery of such unquoted equity instruments, which shall be measured at cost.

(k) Equity reserves

All expenditure, for which money has been set aside in a reserve, is expensed in the income statement or capitalised as an asset on the balance sheet. Reserves are increased by transferring funds from another reserve or from retained earnings. Reserves are reduced by transferring funds to another reserve or by transferring funds to unallocated Surplus.

(l) Income tax

The General Synod has income tax exemption status.

(m) Lease Payments

Payments made under operating leases are recognised in profit or loss on a straight-line basis over the term of the lease. Lease incentives received are recognised as an integral part of the total lease expense, over the term of the lease.

**Notes to the Financial Statements for the year ended 31 December 2013
(continued)**

5. Revenue	2013	2012	2011
	\$	\$	\$
Total Assessments from Dioceses	1,561,656	1,538,199	1,435,693
GSO Business Revenue			
Telstra commissions	259,483	184,527	212,029
Anglican LSLF Administration	324,000	309,000	294,000
Allied Pickfords Commissions	395	-	-
	<u>583,878</u>	<u>493,527</u>	<u>506,029</u>
Other Income			
Grants received	37,500	37,500	-
Other income	16,617	13,363	46,821
	<u>54,117</u>	<u>50,863</u>	<u>46,821</u>
Total Revenue excluding Investing Activities	<u>2,199,651</u>	<u>2,082,589</u>	<u>1,988,543</u>
Investment income			
Interest	53,044	57,666	60,823
Distributions received and Franking credit income	96,345	143,413	(54,307)
	<u>149,389</u>	<u>201,079</u>	<u>6,516</u>
Total Revenue including Investing Activities	<u>2,349,040</u>	<u>2,283,668</u>	<u>1,995,059</u>

Notes to the Financial Statements for the year ended 31 December 2013 (continued)

6. Expenses	2013	2012	2011
	\$	\$	\$
Consolidated Expenses			
General Synod Office			
Salaries and allowances	676,293	640,258	571,879
Fringe Benefits Tax	14,508	49,155	-
Provision - long service leave	-	953	904
Provision - annual leave	21,520	61,665	45,902
Superannuation (guarantee & salary sacrifice)	84,740	56,828	74,844
Workers' Compensation Premium	11,281	16,705	8,956
Memberships	1,618	2,199	745
Staff Recruitment	12,556	-	58,196
Staff Training	2,686	23,769	2,369
Temporary Staff	-	-	18,717
Staff other	7,437	5,547	4,809
Staff travel	2,942	6,401	7,922
Office administration	86,446	148,243	235,671
Premises	77,901	63,011	74,726
Legal fees	5,227	-	3,432
Consultants	10,787	4,575	32,128
	1,015,942	1,079,309	1,141,200
National Church Gatherings			
Commissions	60,299	52,561	43,603
Task Forces	8,855	19,341	13,448
Working Groups	125,094	39,396	13,041
Standing & Executive Committee Meetings	75,169	64,382	53,650
General Synod Meetings	11,907	2,991	8,438
Domestic Conferences	7,192	(1,990)	586
Overseas Conferences	21,865	8978	11,416
	310,381	184,659	144,155
Primate			
Primate's Allowance	60,672	64,631	61,787
Primate's Travel	16,811	11,805	18,359
Primate's Assistant	114,213	108,774	103,594
	191,696	185,210	183,740
Grants	341,190	325,323	307,259
Auditor's Remuneration	28,443	28,255	28,000

Notes to the Financial Statements for the year ended 31 December 2013 (continued)

6. Expenses (continued)	2013	2012	2011
	\$	\$	\$
GSO Other Business Expense			
Telstra	60,000	60,000	62,770
Total Expenses excluding Investment Activities	1,947,652	1,862,756	1,857,124
Investment and Finance Costs			
Bank Charges	391	371	273
Total Expenses including Investment Activities	1,948,043	1,863,127	1,857,397

7. Cash & Cash Equivalents	2013	2012	2011
	\$	\$	\$
Cash at Bank	843,810	897,293	525,860
Cash on Hand	1,000	1,000	1,000
Cash on Deposit	114	238,291	1,404,444
Total Cash & Cash Equivalents	844,924	1,136,584	1,931,304

The weighted average interest rate on cash assets at 31 December 2013: 2.60% (2012: 2.19%, 2011: 2.58%).

8. Trade and other receivables	2013	2012	2011
	\$	\$	\$
Assessments not yet received by 31 December	52,673	15,036	69,569
Intercompany Receivables	91,618	-	-
Other Receivables	102,933	139,058	287,762
Prepaid Expenses	-	-	3,375
Total Trade & Other Receivables	247,224	154,094	360,706

**Notes to the Financial Statements for the year ended 31 December 2013
(continued)**

9. Investments available for Sale and Other Financial Assets	2013 \$	2012 \$	2011 \$
Current			
Investment in Term Deposits	404,461	823,573	97,583
Loan to Brought Publishing Pty Ltd	87,953	97,953	-
Total Current Investments	492,414	921,526	97,583
Non-Current			
Investment in Managed Funds	3,005,225	1,892,991	1,487,121
Investment in Broughton Publishing Pty Ltd	1	1	1
Investment in the Australian Hymn Book Company Pty Ltd	30	30	30
Total Non-Current Investments	3,005,256	1,893,022	1,487,152
Total Other Financial Assets	3,497,670	2,814,548	1,584,735

Notes to the Financial Statements for the year ended 31 December 2013 (continued)

10. Leasehold improvements & equipment	2013 \$	2012 \$	2011 \$
Equipment, at cost	85,064	82,555	82,555
Less: Accumulated depreciation	(85,064)	(82,555)	(82,555)
Leasehold improvements, at cost	86,162	86,162	86,162
Less: Accumulated depreciation	(86,162)	(86,162)	(86,162)
Total leasehold improvements and equipment at net book value	-	-	-

Reconciliations

Reconciliations of the carrying amounts for leasehold improvements and equipment are set out below:

Equipment

Carrying amount at beginning of year	-	-	7,011
Additions	-	-	-
Depreciation	-	-	(7,011)
Carrying amount at end of year	-	-	-

Leasehold improvements

Carrying amount at beginning of year	-	-	11,030
Depreciation	-	-	(11,030)
Carrying amount at end of year	-	-	-

**Notes to the Financial Statements for the year ended 31 December 2013
(continued)**

	2013	2012	2011
	\$	\$	\$
11. Trade and other payables			
Accounts payable	182,078	96,286	137,230
Accrued expenses	141,052	147,339	193,630
Prepaid Income	6,191	6,878	-
GST liability	(3,023)	3,279	3,953
Australian Hymn Book Company Pty Ltd shares unpaid	20	20	20
	<u>326,318</u>	<u>253,802</u>	<u>334,833</u>

12. Provisions	2013	2012	2011
	\$	\$	\$
Current			
Rent free provision	-	-	1,788
General Synod Provision	10,000	-	-
Rent increase provision	-	-	12,391
	<u>10,000</u>	<u>-</u>	<u>14,179</u>
Non-current			
Make good rental premises provision	15,524	15,524	15,524
	<u>15,524</u>	<u>15,524</u>	<u>15,524</u>

	2013	2012	2011
	\$	\$	\$
13. Employee benefits			
Current			
Liability for annual leave	62,808	41,289	58,501
Non-current			
Liability for long service leave	13,439	13,439	12,486
Total Employee Benefits Provision	<u>76,247</u>	<u>54,728</u>	<u>70,987</u>

Notes to the Financial Statements for the year ended 31 December 2013 (continued)

14. Movement in Equity Funds Year ended 31 December 2013

	Balance 1 January	Surplus for year	Net Change in Fair Value of available for sale of investments	Transfers between funds in equity	Balance 31 December
	3,781,172	400,997	(22,925)	2,485	4,161,729
Total Equity	3,781,172	400,997	(22,925)	2,485	4,161,729

15. Notes to the statement of cash flows

(a) Reconciliation of cash

For the purposes of the statement of cash flows, cash includes cash on hand and at bank and short term deposits at call. Cash as at the end of the financial year as shown in the statement of cash flows is reconciled to the related items in the statement of financial position as follows:

	Note	2013 \$	2012 \$	2011 \$
Cash Assets	7	844,924	1,136,585	1,931,304
Reconciliation of surplus from ordinary activities to net cash provided by operating activities				
Surplus from ordinary activities		400,997	420,541	127,662
Add non-cash items:				
Depreciation		-	-	18,040
Impairment loss		-	-	-
Non-cash managed fund income		(96,343)	(143,415)	54,307
Other non-cash expenses		-	-	-
Net cash provided by operating activities before change in assets and liabilities		304,654	277,126	200,009
Change in assets and liabilities during the financial year:				
(Increase)/decrease in receivables		(93,130)	206,612	(73,902)
Increase/(decrease) in trade creditors		72,516	(81,031)	223,110
Increase/(decrease) in provisions		31,519	(30,436)	18,033
Net cash provided by operating activities		315,559	372,271	367,250

17. Commitments**2013**
\$**2012**
\$**2011**
\$**Operating lease payable commitments**

The estimated maximum amount of commitments not provided for in the financial statements as at 31 December 2013 are:

- - -

Future operating lease rentals of premises, not provided for in the financial statements and payable:

- - -

Not later than one year
later than one year but not later
than five years

45,062 77,249 72,350

- 45,062 120,888

45,062 122,311 193,238



GENERAL SYNOD OF THE ANGLICAN CHURCH OF AUSTRALIA

ABN 90 767 330 931

ADDITIONAL NOTES³ (UNAUDITED) ACCOMPANYING THE ANNUAL FINANCIAL REPORT, BEING A BREAKDOWN OF AMOUNTS BY FUND

31 December 2013

³ *The numbering of notes in this section corresponds to the numbering of notes in the audited section of the Annual Financial Report.*

Statement of profit or loss and other Comprehensive Income for the year ended 31 December 2013 – By Fund

	Note	2013 \$	2012 \$	2011 \$
Revenue				
Statutory Fund	18 (c)	1,355,535	1,374,100	1,242,333
Special Fund	19 (b)	268,381	232,820	239,384
Indigenous Endowment Fund	20 (b)	50,891	55,574	2,826
Reserve Fund	21 (c)	87,023	97,254	1,335
Shared Service Fund	22 (b)	587,210	523,921	509,181
Total Revenue	5	2,349,040	2,283,669	1,995,059
Expenses				
Statutory Fund	18 (c)	1,109,099	1,062,498	1,109,000
Special Fund	19 (b)	286,522	248,511	255,745
Indigenous Endowment Fund	20 (b)	2,576	-	-
Reserve Fund	21 (c)	112,323	135,957	96,884
Shared Service Fund	22 (b)	437,523	416,162	405,768
Total Expenses	6	1,948,043	1,863,128	1,867,397
Surplus for the period		400,997	420,541	127,662
Made up as follows:				
Statutory Fund	18 (c)	246,436	311,603	133,333
Special Fund	19 (b)	(18,141)	(15,691)	(16,361)
Indigenous Endowment Fund	20 (b)	48,315	55,574	2,826
Reserve Fund	21 (c)	(25,300)	(38,703)	(95,549)
Shared Service Fund	22 (b)	149,687	107,758	103,413
		400,997	420,541	127,662

Statement of profit or loss and other Comprehensive Income for the year ended 31 December 2013– By Fund (continued)

	Note	2013	2012	2011
		\$	\$	\$
Other Comprehensive Income				
Net Change in Fair Value of Investments:				
Statutory Fund		(5,581)	(6,074)	5062
Indigenous Endowment Fund		(2,796)	(3,264)	21
Reserve Fund		(14,548)	(26,690)	7,103
Net (loss)/gain recognised directly in equity		(22,925)	(36,028)	12,186
Surplus for the period		400,997	420,541	127,662
Total comprehensive income for the period		378,072	384,514	139,848

Statement of financial position as at 31 December 2013 – by Fund

	Note	2013 \$	2012 \$	2011 \$
Assets				
Trust Fund	17	100	100	100
Statutory Fund	18	775,554	1,144,773	979,555
Special Fund	19	423,486	382,697	274,720
Indigenous Endowment Fund	20	6,022	156,876	125,150
Reserve Fund	21	225,140	412,249	865,550
Shared Service Fund	22	154,260	115,509	144,518
Total current assets		1,584,562	2,212,204	2,389,593
Statutory Fund	18	1,003,310	316,824	248,020
Indigenous Endowment Fund	20	358,404	162,032	140,270
Reserve Fund	21	1,643,542	1,414,166	1,098,862
Total non-current assets		3,005,256	1,893,022	1,487,152
Total assets		4,589,818	4,105,226	3,876,745
Liabilities				
Statutory Fund	18	253,761	179,831	252,289
Special Fund	19	12,597	(893)	-
Indigenous Endowment Fund	20	-	-	(1,178)
Reserve Fund	21	127,470	89,917	73,398
Shared Service Fund	22	5,298	26,236	83,004
Total current Liabilities		399,126	295,091	407,513
Statutory Fund	18	28,963	28,963	28,010
Total non-current Liabilities		28,963	28,963	28,010
Total liabilities		428,089	324,054	435,523
Net assets		4,161,729	3,781,172	3,441,222
Equity				
Trust Fund	17	100	100	100
Statutory Fund	18	1,496,140	1,252,803	947,276
Special Fund	19	410,889	383,590	274,720
Indigenous Endowment Fund	20	364,426	318,908	266,598
Reserve Fund	21	1,741,212	1,736,498	1,891,014
Shared Service Fund	22	148,962	89,273	61,514
Total equity		4,161,729	3,781,172	3,441,222

5. Revenue

	2013	2012	2011
	\$	\$	\$
Assessments from Dioceses			
Statutory Fund	1,300,460	1,308,199	1,197,696
Special Fund	261,196	230,000	237,997
	<u>1,561,656</u>	<u>1,538,199</u>	<u>1,435,693</u>
GSO Business Revenue			
Shared Service Fund:			
Telstra commissions	259,483	184,527	212,029
Anglican LSLF Administration	324,000	309,000	294,000
Allied Pickfords Commissions	395	-	-
	<u>583,878</u>	<u>493,527</u>	<u>506,029</u>
Other Income			
Grants received:			
Indigenous Endowment	37,500	37,500	-
Other income:			
Statutory Fund	3,000	9,194	46,173
Reserve Fund	13,617	4,169	648
	<u>16,617</u>	<u>13,363</u>	<u>46,821</u>
Total Other Income	<u>54,117</u>	<u>50,863</u>	<u>46,821</u>
Total Revenue excluding Investing Activities	<u>2,199,651</u>	<u>2,082,589</u>	<u>1,988,543</u>
Investment income			
Interest:			
Statutory Fund	29,040	32,702	12,400
Indigenous Endowment Fund	3,763	5,739	7,126
Reserve Fund	9,724	13,512	36,758
Special Fund	7,185	2,820	1,387
Shared Service Fund	3,332	2,893	3,152
	<u>53,044</u>	<u>57,666</u>	<u>60,823</u>
Distributions Received:			
Statutory Fund	23,035	24,006	(13,936)
Indigenous Endowment Fund	9,628	12,335	(4,300)
Reserve Fund	63,682	107,073	(36,071)
	<u>96,345</u>	<u>143,414</u>	<u>(54,307)</u>
Total Investment income	<u>149,389</u>	<u>201,080</u>	<u>6,516</u>
Total Revenue including Investing Activities	<u>2,349,040</u>	<u>2,283,669</u>	<u>1,995,059</u>

6. Expenses

	2013 \$	2012 \$	2011 \$
General Synod Office			
Employee Expenses:			
Statutory Fund	600,896	606,672	577,123
Reserve Fund	-	29,699	-
Shared Service Fund	231,743	220,708	210,198
	<u>832,639</u>	<u>857,079</u>	<u>787,321</u>
Staff Travel			
Statutory Fund	940	4,522	6,158
Shared Service Fund	2,002	1,879	1,764
	<u>2,942</u>	<u>6,401</u>	<u>7,922</u>
Office Other			
Statutory Fund	25,099	44,188	168,052
Indigenous Endowment Fund	2,576	-	-
Reserve Fund	24,252	70,000	31,511
Shared Service Fund	34,519	34,055	36,108
	<u>86,446</u>	<u>148,243</u>	<u>235,671</u>
Premises			
Statutory Fund	51,511	37,514	50,091
Shared Service Fund	26,390	25,497	24,635
	<u>77,901</u>	<u>63,011</u>	<u>74,726</u>
Legal Fees			
Statutory Fund	-	-	3,432
Shared Service Fund	5,227	-	-
	<u>5,227</u>	<u>-</u>	<u>3,432</u>
Consultants			
Statutory Fund	10,787	4,575	1,286
Reserve Fund	-	-	30,842
	<u>10,787</u>	<u>4,575</u>	<u>32,128</u>

6. Expenses (continued)

	2013 \$	2012 \$	2011 \$
National Church Gatherings:			
Commissions			
Statutory Fund:			
Episcopal Standards Commission	21,845	19,701	23,770
Professional Standards Commission	11,966	11,077	12,011
Church Law Commission	286	309	-
Doctrine Commission	10,254	7,309	980
Liturgy Commission	8,094	2,899	3,055
Ministry Commission	1,913	1,392	738
Public Affairs Commission	876	7,656	1,101
Ecumenical Relations Commission	5,065	2,218	1,948
	<u>60,299</u>	<u>52,561</u>	<u>43,603</u>
Task Forces			
Statutory Fund:			
Fresh Expressions Australia	3,729	5,067	4,730
Aboriginal and Torres Strait Islander			
Ministry (ATSIM) Task Force	94	3,710	4,487
Episcopal Ministry Task Force	1,186	1,206	2,048
Financial Principles & Policies Task Force	477	1,410	757
National Church Unity	2,482	7,217	-
Viability of Structures Task Force	887	732	1,426
	<u>8,855</u>	<u>19,341</u>	<u>13,448</u>
Working Group			
Statutory Fund:			
Financial Advisory Group	6,982	22,052	933
National Register	9,820	13,485	9,653
Environmental	225	1,551	2,428
Royal Commission	56,695	1,307	-
Refugees	1,372	-	-
Reserve Fund:			
Royal Commission	50,000	-	-
	<u>125,094</u>	<u>39,396</u>	<u>13,041</u>
Standing & Executive Committee Meetings			
Statutory Fund:			
Executive committee meetings	3,144	4,916	4,210
Standing committee meetings	70,142	59,214	47,815
Meetings other	1,883	252	1,625
	<u>75,169</u>	<u>64,382</u>	<u>53,650</u>
General Synod Meetings			
Statutory Fund:			
General Synod 16	11,907	2,991	8,438
	<u>11,907</u>	<u>2,991</u>	<u>8,438</u>

6. Expenses (continued)

	2013 \$	2012 \$	2011 \$
Domestic Conferences			
Statutory Fund	(2,170)	(1,990)	384
	(2,170)	(1,990)	384
Special Fund	9,362	-	202
	9,362	-	202
Overseas Conferences			
Special Fund	21,865	8,978	11,416
	21,865	8,978	11,416
Total Gatherings	310,381	184,659	144,155
Primate			
Primate's Allowance	60,672	64,631	61,787
Primate's Travel	16,811	11,805	18,359
	77,483	76,436	80,146
Primate's Assistant:			
Reserve Fund	38,071	36,258	34,531
Shared Service Fund	76,142	72,516	69,063
	114,213	108,774	103,594
Total Primatial Expenses	191,696	185,210	183,740
Grants			
Statutory Fund :			
Defence Force Board	24,000	24,319	39,000
NATSIAC	24,495	24,082	24,326
Indigenous Bishop	37,500	37,500	-
	85,995	85,901	63,326
Special Fund :			
Anglican Consultative Council	161,682	146,650	152,073
Australian Hymn Book P/L	-	-	-
Christian Conference of Asia	8,000	8,000	8,000
Council of the Church of East Asia	5,800	4,400	4,400
National Council of Churches in Australia	54,600	55,493	54,700
NCCA Aboriginal and Islander Commission	10,000	10,000	10,000
World Council of Churches – Geneva	13,944	13,710	13,560
International Anglican youth Network	195	195	200
International Anglican Family Network	974	974	1,000
	255,195	239,422	243,933
Total Grants	341,190	325,323	307,259

6. Expenses (continued)

	2013 \$	2012 \$	2011 \$
Auditor's Remuneration			
Statutory Fund	26,943	26,755	28,000
Shared Service Fund	1,500	1,500	-
	<u>28,443</u>	<u>28,255</u>	<u>28,000</u>
GSO Other Business Expense			
Telstra :			
Shared Service Fund	60,000	60,000	62,770
Total Expenses excluding Investment Activities	<u>1,947,652</u>	<u>1,862,756</u>	<u>1,857,124</u>
Investment and Finance Costs			
Bank Charges:			
Statutory Fund	291	254	79
Special Fund	100	111	194
Shared Service Fund	-	6	-
	<u>391</u>	<u>371</u>	<u>273</u>
Total Expenses including Investment Activities	<u>1,948,043</u>	<u>1,863,128</u>	<u>1,857,397</u>

7. Cash & Cash Equivalents	2013	2012	2011
	\$	\$	\$
By Fund			
Statutory Fund	367,966	568,443	840,026
Special Fund	349,614	369,620	166,386
Indigenous Endowment Fund	1,341	51,105	50,422
Reserve Fund	59,626	94,945	758,457
Shared Service Fund	66,277	52,371	115,913
Trust Fund	100	100	100
Total Cash & Cash Equivalents	844,924	1,136,584	1,931,304

Note: The \$100 in the Trust Fund is held by the Statutory Fund.

The weighted average interest rate on cash assets at 31 December 2013: 2.60% (2012: 2.19%, 2011: 2.58%)

8. Trade and other receivables**2013**
\$**2012**
\$**2011**
\$**Statutory Fund**Assessments not yet received by 31
December

Ballarat	5,806	-	-
Bathurst	8,708	-	-
Bendigo	5,806	-	-
Canberra & Goulburn	-	-	37,723
Riverina	2,903	-	-
Wangaratta	2,903	2,920	-
Intercompany Receivables	54,991	-	-
Other Receivables	14,809	31,879	73,342
Prepaid Expenses	-	-	3,375
	<u>95,926</u>	<u>34,799</u>	<u>114,440</u>

Special FundAssessments not Received by 31
December

Armidale	17,787	11,415	5,805
Ballarat	1,593	-	-
Bathurst	7,167	-	-
Canberra & Goulburn	-	-	13,061
Melbourne	-	-	12,926
Wangaratta	-	701	-
Wilochra	-	-	54
Other Receivables	9,460	961	76,452
	<u>36,007</u>	<u>13,077</u>	<u>108,301</u>

Indigenous Endowment

Other Receivables	4,681	591	2,234
	<u>4,681</u>	<u>591</u>	<u>2,234</u>

Reserve Fund

Intercompany Receivables	36,627	-	-
Other Receivables	40,934	63,274	107,093
	<u>77,561</u>	<u>63,274</u>	<u>107,093</u>

Shared Service Fund

Other Receivables	33,049	42,353	28,605
	<u>33,049</u>	<u>42,353</u>	<u>28,605</u>

Total Trade & Other Receivables

247,224	154,094	360,706
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9. Investments available for Sale and Other Financial Assets	2013 \$	2012 \$	2011 \$
Current			
Investment in Term Deposits:			
Statutory Fund	311,662	541,531	25,089
Special Fund	37,865	-	-
Indigenous Endowment Fund	-	105,180	72,494
Reserve Fund	-	156,077	-
Shared Service Fund	54,934	20,785	-
 Loan to Brought Publishing Pty Ltd:			
Reserve Fund	87,953	97,953	-
Total Current Investments	492,414	921,526	97,583
 Non-Current			
Investment in Managed Funds:			
Statutory Fund	1,003,279	316,793	247,989
Indigenous Endowment Fund	358,404	162,032	140,270
Reserve Fund	1,643,542	1,414,166	1,098,862
 Investment in Broughton Publishing Pty Ltd:			
Statutory Fund	1	1	1
 Investment in the Australian Hymn Book Company Pty Ltd:			
Statutory Fund	30	30	30
 Total Non-Current Investments	3,005,256	1,893,022	1,487,152
Total Other Financial Assets	3,497,670	2,814,548	1,584,735

11. Trade and other payables	2013	2012	2011
	\$	\$	\$
Accounts payable			
Statutory Fund	79,969	72,150	13,291
Reserve Fund	87,743	-	48,435
Shared Service Fund	2,894	24,136	75,504
Special Fund	11,472	-	-
Accrued expenses			
Statutory Fund	97,656	59,582	154,619
Reserve Fund	42,227	87,756	31,511
Special Fund	1,169	-	7,500
Prepaid Income			
Statutory Fund	6,191	6,878	-
Intercompany			
Statutory Fund	-	(1,011)	10,083
Special Fund	-	(893)	-
Indigenous Endowment Fund	-	-	(1,178)
Reserve Fund	-	(196)	(8,905)
Shared Service Fund	-	2,100	-
GST liability			
Statutory Fund	(2,882)	923	1,596
Reserve Fund	(2,500)	2,357	2,357
Special Fund	(45)	-	-
Shared Service Fund	2,404	-	-
Australian Hymn Book Company Pty Ltd shares unpaid			
Statutory Fund	20	20	20
Total Trade and Other Payables	326,318	253,802	334,833

14. Movement in Equity Funds Year ended 31 December 2013

	Balance 1 January	Surplus/ (Deficit) for year	Net Change in Fair Value available for sale of investments	Transfers between funds in equity	Balance 31 December
Trust Fund	100				100
Statutory Fund	1,252,803	246,435	(5,581)	2,483	1,496,140
Special Fund	383,590	(18,141)	-	45,440	410,889
Indigenous Endowment Fund	318,908	48,315	(2,796)	(1)	364,426
Reserve Fund	1,736,498	(25,300)	(14,548)	44,562	1,741,212
Shared Service Fund	89,273	149,688	-	(90,000)	148,961
Total Equity	3,781,172	400,997	(22,925)	2,485	4,161,729

	2013 \$	2012 \$	2011 \$
17. Trust Fund additional information			

Balance sheet as at 31 December 2013

Current assets

Cash	100	100	100
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Total assets	100	100	100
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Net assets	100	100	100
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Accumulated funds

Trust fund	100	100	100
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Total accumulated funds	100	100	100
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	Note	2013 \$	2012 \$	2011 \$
18. Statutory Fund Additional Information				
18 (a) Balance Sheet				
Assets				
Cash and cash equivalents	7	367,966	568,443	840,026
Other financial assets	9	311,662	541,531	25,089
Trade and other receivables	8	95,926	34,799	114,440
Total current assets		775,554	1,144,773	979,555
Investments available for sale	9	1,003,310	316,824	248,020
Leasehold improvements and equipment	10	-	-	-
Total non-current assets		1,003,310	316,824	248,020
Total assets		1,778,864	1,461,597	1,227,575
Liabilities				
Trade and other payables	11	180,953	138,542	179,609
Provisions	12	10,000	-	14,179
Employee benefits	13	62,808	41,289	58,501
Total current liabilities		253,761	179,831	252,289
Provisions	12	15,524	15,524	15,524
Employee Benefits	13	13,439	13,439	12,486
Total non-current liabilities		28,963	28,963	28,010
Total liabilities		282,724	208,794	280,299
Net assets		1,496,140	1,252,803	947,276
Equity				
Reserves	18 (b)	1,241,865	1,104,922	962,320
Unallocated Surplus		254,275	147,881	(15,044)
Total Equity		1,496,140	1,252,803	947,276

	Note	2013 \$	2012 \$	2011 \$
18 (b) Equity Reserves				
General Secretary Housing Reserve		730,659	712,837	697,492
Archbishop of Canterbury visit		20,372	20,372	20,372
Primate Election		21,714	21,714	21,714
STFE Network		2,481	-	-
General Synod 16		398,886	276,665	143,333
NARU Reserve		40,382	40,382	40,382
51 Druitt Street Reserve		44,132	44,132	44,132
Office Refurb & IT Reserve		(20,597)	(20,597)	(20,597)
Investment Revaluation Reserve		(3,635)	1,946	8,020
Anglican Missiology Conference		1,262	1,262	1,263
Youth Ministry Trust Fund		6,209	6,209	6,209
Statutory Fund Equity Reserves		1,241,865	1,104,922	962,320

	Note	2013 \$	2012 \$	2011 \$
18 (c) Profit and Loss Statement				
REVENUE				
Assessments from Dioceses				
Statutory	5	1,300,460	1,308,199	1,197,696
Investment income				
Interest	5	29,040	32,702	12,400
Distribution & realised gains	5	23,035	24,005	(13,936)
Sundry Income				
Other income	5	3,000	9,194	46,173
TOTAL REVENUE		1,355,535	1,374,100	1,242,333
EXPENSES				
General Synod Office				
Employee Expenses	6	600,896	606,672	577,123
Staff Travel	6	940	4,522	6,158
Office Other	6	25,099	44,188	166,822
Premises	6	51,511	37,514	50,091
Legal Fees	6	-	-	3,432
Consultants	6	10,787	4,575	1,286
National Church				
Gatherings	6	229,154	175,681	132,537
Primate	6	77,483	76,436	80,146
Grants	6	85,995	85,901	63,326
Auditor's Remuneration	6	26,943	26,755	28,000
Investment and Finance Costs				
Bank Charges	6	291	254	79
TOTAL EXPENSES		1,109,099	1,062,498	1,109,000
SURPLUS / (DEFICIT)		246,436	311,602	133,333

19. Special Fund Additional Information

	Note	2013 \$	2012 \$	2011 \$
19 (a) Balance Sheet				
Assets				
Cash and cash equivalents	7	349,614	369,620	166,386
Other Financial Assets	9	37,865	-	-
Trade and other receivables	8	36,007	13,077	108,301
Total current assets		423,486	382,697	274,687
Total assets		423,486	382,697	274,687
Liabilities				
Trade and other payables	11	12,597	(893)	7,500
Total current liabilities		12,597	(893)	-
Total liabilities		12,597	(893)	-
Net assets		410,889	383,590	267,187
Equity				
Reserves		-	-	-
Unallocated Surplus		410,889	383,590	274,720
Total Equity		410,889	383,590	274,720

	Note	2013 \$	2012 \$	2011 \$
19 (b) Profit and Loss Statement				
REVENUE				
Assessments from Dioceses				
Special	5	261,196	230,000	237,997
Investment income				
Interest	5	7,185	2,820	1,387
TOTAL REVENUE		268,381	232,820	239,384
EXPENSES				
National Church				
Gatherings	6	31,227	8,978	11,618
Grants				
	6	255,195	239,422	243,933
Investment and Finance Costs				
Bank Charges	6	100	111	194
TOTAL EXPENSES		286,522	248,511	255,745
SURPLUS		(18,141)	(15,691)	(16,361)

20. Indigenous Endowment Additional Information

	Note	2013 \$	2012 \$	2011 \$
20 (a) Balance Sheet				
Assets				
Cash and cash equivalents	7	1,341	51,105	50,422
Other financial assets	9	-	105,180	72,494
Trade and other receivables	8	4,681	591	2,234
Total current assets		6,022	156,876	125,150
Investments available for sale	9	358,404	162,032	140,270
Total non-current assets		358,404	162,032	140,270
Total assets		364,426	318,908	265,420
Liabilities				
Trade and other payables	11	-	-	(1,178)
Total non-current liabilities		-	-	(1,178)
Total liabilities		-	-	(1,178)
Net assets		364,426	318,908	266,598
Equity				
Capital Fund		250,000	250,000	250,000
Investment Revaluation Reserve		(1,469)	2,608	4,591
Unallocated Surplus		115,895	67,580	12,007
Total Equity		364,426	320,188	266,598

	Note	2013 \$	2012 \$	2011 \$
20 (b) Profit and Loss Statement				
REVENUE				
Investment income				
Interest	5	3,763	5,739	7,126
Distribution Received	5	9,628	12,335	(4,300)
Grants Received	5	37,500	37,500	-
TOTAL REVENUE		50,891	55,574	2,826
EXPENSES				
Office Other	6	2,576	-	-
TOTAL EXPENSES		2,576	-	-
SURPLUS / (DEFICIT)		48,315	55,574	2,826

21. Reserve Fund Additional Information

	Note	2013 \$	2012 \$	2011 \$
21 (a) Balance Sheet				
Cash and cash equivalents	7	59,626	94,945	758,457
Other financial assets	9	87,953	254,030	-
Trade and other receivables	8	77,561	63,274	107,093
Total current assets		225,140	412,249	865,550
Investments available for sale	9	1,643,542	1,414,166	1,098,862
Total non-current assets		1,643,542	1,414,166	1,098,862
Total assets		1,868,682	1,826,415	1,964,412
Liabilities				
Trade and other payables	11	127,470	89,917	73,398
Total current liabilities		127,470	89,917	73,398
Total liabilities		127,470	89,917	73,398
Net assets		1,741,212	1,736,498	1,891,014
Equity				
Capital Fund	21(b)	197,575	229,942	257,812
Capital Fund 1999	21(b)	1,327,041	1,294,674	1,266,804
National Anglican Conference Reserve	21(b)	32,482	32,482	32,482
Telstra Marketing Reserve	21(b)	27,273	27,273	27,273
Investment Revaluation Reserve	21(b)	(5,437)	9,111	35,801
Bequests	21(b)	1,208	1,208	1,208
Unallocated Surplus		161,070	141,808	269,634
Total equity		1,741,212	1,736,498	1,891,014

	Note	2013 \$	2012 \$	2011 \$
21 (b) Equity Reserves				
Capital Fund				
Balance at beginning of year		229,942	257,812	295,902
Tfr (to) Capital Fund 1999		(32,367)	(27,870)	(38,090)
Tfr from unallocated surplus		-	-	-
Balance at end of year		197,575	229,942	257,812
Capital Fund 1999				
Balance at beginning of year		1,294,674	1,266,804	1,228,714
Tfr from Capital Fund		32,367	27,870	38,090
Balance at end of year		1,327,041	1,294,674	1,266,804
Total Capital Funds		1,524,616	1,524,616	1,524,616
National Anglican Conference Reserve				
Balance at beginning of year		32,482	32,482	32,482
Balance at end of year		32,482	32,482	32,482
Telstra Marketing Reserve				
Balance at beginning of the year		27,273	27,273	27,273
Balance at the end of the year		27,273	27,273	27,273
Bequests				
Balance at beginning of year		1,208	1,208	1,208
Less changes in value during year		-	-	-
Balance at end of year		1,208	1,208	1,208
Investment Revaluation Reserve				
Balance at beginning of year		9,111	35,801	28,698
Less changes in value during year		(14,548)	(26,690)	7,103
Balance at end of year		(5,437)	9,111	35,801
Unallocated Surplus				
Balance at beginning of year		141,808	269,634	406,778
Less changes in value during year		19,262	127,826	(137,144)
Balance at end of year		161,070	141,808	269,634
Total Equity		1,741,212	1,736,498	1,891,014

	Note	2013 \$	2012 \$	2011 \$
21 (c) Profit & Loss Statement				
REVENUE				
Investment income				
Interest	5	9,724	13,512	36,758
Distribution & realised gains	5	63,682	107,073	(36,071)
GSO Other Business Revenue				
Telstra	5	-	(27,500)	-
Sundry Income				
Other income	5	13,617	4,169	648
TOTAL REVENUE		87,023	97,254	1,335
EXPENSES				
General Synod Office				
Employee Expenses	6	-	29,699	-
Office Other		24,252	70,000	31,511
National Church Gatherings	6	50,000	-	30,842
Primate	6	38,071	36,258	34,531
TOTAL EXPENSES		112,323	135,957	96,884
SURPLUS / (DEFICIT)		(25,300)	(38,703)	(95,549)

22. Shared Service Fund Additional Information

	Note	2013 \$	2012 \$	2011 \$
22 (a) Balance Sheet				
Cash and cash equivalents	7	66,277	52,371	115,913
Other financial assets	9	54,934	20,785	-
Trade and other receivables	8	33,049	42,353	28,605
Total current assets		154,260	115,509	144,518
Total assets		154,260	115,509	144,518
Liabilities				
Trade and other payables	11	5,298	26,236	75,504
Total current liabilities		5,298	26,236	75,504
Total liabilities		5,298	26,236	75,504
Net assets		148,962	89,273	69,014
Equity				
Unallocated Surplus		148,962	89,273	61,514
Total equity		148,962	89,273	61,514

	Note	2013	2012	2011
		\$	\$	\$
22 (b) Profit & Loss Statement				
REVENUE				
Anglican LSLF Administration	5	324,000	309,000	294,000
Telstra Commissions	5	259,483	212,027	212,029
Allied Pickfords Commission	5	395	-	-
Interest	5	3,332	2,893	3,152
TOTAL REVENUE		587,210	523,920	509,181
Expenses				
General Synod Office				
Employee Expense	6	231,743	220,708	210,198
Staff Travel	6	2,002	1,879	1,764
Legal Expense	6	5,227	-	-
Office Other	6	34,519	34,055	36,108
Premises	6	26,390	25,497	24,635
Primate	6	76,142	72,516	69,063
Audit Remuneration	6	1,500	1,500	-
GSO Other Business				
Telstra External Costs	6	60,000	60,000	62,770
Investment and Finance Costs				
Bank Charges	6	-	6	-
TOTAL EXPENSES		437,523	416,161	404,538
SURPLUS/(DEFICIT)		149,687	107,759	104,643

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4.2 Proposal for Resourcing the General Synod Royal Commission Working Group



Anglican Church of Australia

Royal Commission Working Group

PROPOSAL FOR RESOURCING THE GENERAL SYNOD ROYAL COMMISSION WORKING GROUP

1. THE WORK AT HAND

At its meeting on 18 December 2013, the General Synod Royal Commission Working Group considered a number of issues arising from the Royal Commission into Institutional Responses to Child Sexual Abuse's hearing of Case Study 3 concerning responses to sexual abuse alleged to have occurred in the North Coast Children's Home. These issues require a response from the Church in two ways. First, it is necessary to improve protection of the vulnerable and redress for survivors of abuse. Secondly, it is necessary to prepare for future engagements with the Royal Commission on matters it has signalled it wishes to address with the Church. Some other allied issues were also considered.

Those issues are:

1.1 Financial Settlements with Victims of Sexual Abuse

The Royal Commission raised a concern that there are differences in the systems of providing financial settlements with or assistance to victims amongst the dioceses, leading to inequity between victims merely because of the geographical location in which victims find themselves.

The Royal Commission also noted that the amount paid to victims of abuse in the North Coast Children's Home was limited because the Diocese of Grafton was experiencing financial constraints at the time and raised the question whether the amount received by each victim might be inadequate. The Royal Commission raised the question whether the Diocese of Grafton should have been able to go to better endowed dioceses or the Church nationally for financial assistance because they all share the name "Anglican".

The Royal Commission expressed the view that it is inequitable that the compensation or assistance provided to victims of abuse can vary from diocese to diocese depending on the system adopted in each diocese or the capacity of a diocese to pay.

The General Synod Standing Committee in November appointed the Settlements Guidelines Group to advise on principles for making and reopening settlements of abuse claims and gave the Primate power to add to the terms of reference. In light of the Royal Commission hearing, the Primate intends to refer the question of "inequity" in settlements as described above to the Settlements Guidelines Group for advice.

The Settlements Guidelines Group will need resources and implementation of its recommendations will require considerable work.

1.2 Differences across the Church in Policies Addressing the Prevention and Response to Child Sexual Abuse

The Royal Commission focused on differences in policy and procedure between dioceses and indicated that it would seek an explanation of the differences and the reasons for them. The Royal Commission Working Group has devised questionnaires for dioceses, schools and welfare agencies to identify policies and procedures which they have implemented over time by reference to canons and resolutions of the General Synod and resolutions of the General Synod Standing Committee. Less than half the dioceses, about 25 schools and a handful of social services agencies have responded to this request for information. A questionnaire for social services agencies is under development. Enquiries of parachurch organisations and Anglican Orders are in train.

Following up all the relevant entities, collating the results, analysing the results and seeking explanations for differences will require considerable work, some of it specialised.

1.3 The Perception of a Unified Anglican Church of Australia

The Royal Commission repeatedly referred to a perception that the Anglican Church of Australia holds itself out as a single corporate entity and expressed the view that the community would be surprised at the revelation that the perception does not reflect reality. The Royal Commission Working Group prepared an outline of the structure of the Anglican Church of Australia based on the replies received from a number of dioceses, parachurch organisations, Anglicare Australia and Anglican Schools Australia. A number of entities have yet to respond to the questionnaire. Work will be required to ensure that all relevant information is gathered and to analyse the materials received with a view to developing a complete picture of the structure of the Church and its various organisations to inform the Royal Commission authoritatively. Some of this work will require expertise in law.

1.4 Audit of Past Cases

The Royal Commission is aware that the Royal Commission Working Group has advised dioceses, schools and welfare agencies to review all past cases to determine whether or not relevant policies and procedures were properly implemented in responding to allegations of child sexual abuse and, if not, to take remedial action where possible. The Directors of Professional Standards, in conjunction with the Working Group, have developed a questionnaire for use by dioceses. This form has been adapted for use by schools and welfare agencies. The Royal Commission Working Group requested entities to provide de-identified results of their reviews for the purpose of taking advice and responding to the Royal Commission. Only a handful of entities have responded. The Royal Commission has clearly signalled that it is interested to receive the results of the reviews. Securing the agreement of all relevant entities to complete the necessary reviews and provide the results, ensuring that all the forms used are consistent, facilitating a satisfactory delivery platform and collating and analysing the results will require a great deal of work. Ideally, the results will be available to provide the Royal Commission Working Group with information to write submissions in response to Issues Paper No 5 on Aspects of Civil Litigation which is due on 17 March 2014 and other related issues papers which are yet to be issued. Without this information, the Church is not in a position to make meaningful

submissions on matters that are vital to the protection of children in its ministries. Analysis of the information will require particular expertise.

1.5 Audit of the Work of the Professional Standards Commission

The Royal Commission asked whether the Professional Standards Commission's work is audited against best practice. The Professional Standards Commission consults widely with other churches and civil organisations in Australia and internationally to develop and recommend best practice in the field of child protection. In a unique, diverse and complex field the Professional Standards Commission is establishing benchmarks, some of which have been used by other churches and in the wider community. If the Royal Commission pursues this matter it will be necessary to respond in a manner that acknowledges this complexity.

1.6 The National Register

The Royal Commission questioned whether the public can have confidence in the National Register. There was evidence about the effectiveness of the current system which are being addressed in the upgrade which is scheduled to be completed in February 2014. Evidence was also given about the lack of resources to enable Directors of Professional Standards to comply with their obligations. This has meant that some Directors in some cases have not entered Information on the National Register. Evidence was also given that Police from time to time require Directors to refrain from notifying Information because, once Information is entered on the National Register, the respondent must be notified, which may jeopardise police investigations.

Work is required to be done to devise and implement mechanisms and to ensure resources to enable Directors of Professional Standards to comply with their obligations in relation to the National Register under the National Register Canon and their Diocesan Ordinances.

1.7 Demarcation of Roles in Professional Standards Processes

Evidence before the Royal Commission highlighted that it will be important to give further consideration as to the appropriate demarcation of roles in various aspects of Professional Standards processes. Differences in practices around Australia occur for a number of reasons. First, there may be differences in the Professional Standards Ordinances legislated by the dioceses. Secondly, there may be differences in interpretation of how the model ordinance is to be implemented or different diocesan protocols that affect practices. Thirdly, the duties of Directors of Professional Standards will vary from one diocese to the next. Fourthly, there are varying skill and financial resourcing issues faced by dioceses. Thus, there may be a failure to observe proper demarcation, when it is necessary, between receiving complaints, investigating complaints, supporting victims and families, supporting perpetrators, deciding whether disciplinary proceedings are to be instituted, conducting disciplinary proceedings, deciding on penalty where there is a determination of a breach of a relevant professional standard and negotiating financial settlement of victims' claims for compensation. The process of advising dioceses on appropriate demarcation and exercise of roles in the professional standards processes entails considerable work and requires expertise. The Professional Standards Commission could be requested to liaise and advise.

It will be necessary to respond to the Royal Commission if it pursues these issues.

1.8 Auditing Professional Standards Regimes of the Dioceses

The Royal Commission expressed concern that there is no central authority in the Anglican Church of Australia with power to enforce compliance with a diocese's professional standards policies and procedures. The Royal Commission Working Group considered whether amendment of the Constitution or instituting an audit system could remedy the deficiency.

It may be possible to amend the Constitution to give power to the General Synod to legislate for compliance with Professional Standards measures.

An audit process will identify whether or not there has been compliance and appropriate constitutional amendments will facilitate disciplinary processes where there are significant breaches. A successful audit process will require the development of criteria for auditing, audit processes, reporting to the entities audited and reporting to the Standing Committee and possible publication of non-compliance.

An outline proposal is being prepared for consideration by the National Bishops' Meeting in March 2014 with the intent that each diocesan council and the General Synod Standing Committee will approve it to pave the way for appropriate legislation and/or a resolution to be adopted by the General Synod in July 2014.

Development of the detail of such a scheme and its administration will require further work.

1.9 Monitoring Hearings of the Royal Commission

The work done by Jennifer Lum, who assists the General Secretary, in monitoring Case Study 3 and producing summaries of issues arising with reference to the transcript of evidence has been of great value to the Royal Commission Working Group in understanding the tasks which lie ahead of the Church. The Royal Commission has announced that it plans 40 weeks of hearings in 2014 with multiple hearings in some of those weeks. To keep abreast of what the Royal Commission is doing, the directions in which it is heading and the impact which that might have on the Church is an essential part of the Church's response to the Royal Commission. It is necessary to have people sitting in on the Royal Commission's hearings so that the Church is in the best profitable position to respond. Reading the transcript alone is insufficient for that purpose.

The Working Group also recommends that the General Synod (or someone as its representative) applies for leave to appear as a separate entity in every hearing in the Royal Commission involving an Anglican entity.

1.10 Issues Management and Communications Strategy

It is considered beneficial for the Church to be informed of developments in the Royal Commission and the Church's responses.

From time to time there will be discussion in the media which requires a response.

There will be occasions where it is necessary for the Church to manage issues arising in or in relation to the Royal Commission from the point of view of the Church as a whole and not just the point of view of church entities or individuals directly involved.

In the hearing of Case Study 3, the Royal Commission received evidence which was either inaccurate or incomplete and the Royal Commission made comments which did not accurately reflect the evidence before it or a proper understanding of the true position.

It is advisable that the Church develop a communications strategy and capacity to inform, to promote clarity and to provide reassurance, primarily to Anglicans but also to the community at large.

1.11 Submissions Responding to Royal Commission Issues Papers

The Royal Commission has identified about seven areas in which it proposes to publish issues papers and call for submissions. So far, the Royal Commission Working Group has made submissions in relation to three of the four issues papers which the Royal Commission has published. It is therefore anticipated that the Working Group will need to make at least another half a dozen submissions. Preparing those submissions has stretched the resources of the General Synod Office and of the pool of volunteers who have given their time and skill. No doubt, the Royal Commission will identify further areas in which it will publish issues papers.

2. OBSERVATION

The Royal Commission Working Group believes that it is important for the Church to be addressing these kinds of issues proactively in order to bring about the best outcomes in the protection of children and in the exercise of its broader responsibility to improve and maintain professional standards. An incidental benefit of such an approach will be an enhanced capacity to manage the Church's response to the Royal Commission.

The General Secretary is assisted by Ms Jennifer Lum for between one and two days per week when her other commitments allow.

As will readily be realised, the volume of work and the variety of expertise required is very much beyond the resources of the General Synod Office.

Also, funds will have to be allocated to cover the costs of future hearings in the Royal Commission.

3. ROYAL COMMISSION OFFICER

The Working Group originally resolved to recommend a proposal to establish a secretariat to support the Working Group.

Because the General Synod does not have the resources to fund the proposed secretariat, it was resolved to request the Metropolitans to consider the proposal in the first instance.

The Metropolitans considered the proposal in early February but were unable to support it, apparently because of the cost.

The Executive Committee considered the proposal later in February and expressed the view that the proposal is unaffordable but encouraged the RCWG to propose that the

Standing Committee appoint a suitably qualified person to assist the General Secretary in supporting the RCWG.

Encouraged by the Executive Committee's advice, the RCWG reconsidered the matter and recommended that:

1. The Standing Committee authorise the General Secretary to employ a Royal Commission Officer with skills and experience in either or both policy development and law to perform the following functions:
 - (a) Address the following matters:
 - (i) Differences across the Church in policies addressing the prevention and response to child sexual abuse and their implementation;
 - (ii) The review of past cases;
 - (iii) Demarcation of roles in professional standards processes;
 - (iv) The process of auditing professional standards regimes of the dioceses;
 - (v) Monitoring hearings of the Royal Commission;
 - (vi) Preparing briefing documents for witnesses called to give evidence to the Royal Commission, based on knowledge of past hearings and issues papers;
 - (vii) Coordinating submissions and responding to Royal Commission issues papers;
 - (b) Identify issues for the Church arising from these matters, and develop proposals for improvements in policy, procedure and practice;
 - (c) Communicate developments and proposals by way of newsletter or report as appropriate to:
 - (i) Dioceses, Bishops, Registrars and Directors of Professional Standards
 - (ii) the Professional Standards Commission
 - (iii) the Standing Committee.
2. That the Royal Commission Officer be paid a total remuneration package of up to \$120,000 per annum from the Statutory Fund over and above the 3.5% cap imposed by the Standing Committee in November 2013.

The RCWG resolved that, without further resources, the Working Group will have to limit its activities to:

- (i) responding to direct approaches from the Royal Commission and
- (ii) arranging for submissions in response to Issues Papers published by the Royal Commission.

The RCWG will next meet in late July or August 2014 after the Royal Commission delivers its interim report which will no doubt contain recommendations which will impinge on the Church.

4. LEGAL COSTS

4.1 Case Study 3 – Diocese of Grafton

At its meeting in November 2013, the Standing Committee authorised expenditure to be incurred to represent the Primate and Mr Rod McLary at the hearing of Case Study 3 concerning the response of the Diocese of Grafton to reported child sexual abuse occurring in the North Coast Children's Home. Subsequently, the Executive Committee authorised the expenditure of funds for the General Secretary to be represented at that hearing.

Broadly, the legal work involved:

- Preparation of three witnesses, including attendance at a meeting with the Royal Commission for the purpose of preparing a statement on behalf of the Primate.
- Preparation for hearing.
- Attendance on eight hearing days.
- Drafting submissions.
- Drafting correspondence in response to Counsel Assisting's submissions and reply.
- Incidental correspondence and telephone calls.

The following costs were incurred:

Solicitors	\$ 42,430
Barrister	\$ 54,780
Jennifer Lum	\$ 11,350
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Total	\$108,560
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4.2 Future Hearings

It is anticipated that the Royal Commission may hold about three hearings over the next year concerning Anglican dioceses or organisations.

The Royal Commission usually fixes ten days for the hearing of a case study.

Below are broad estimates of costs likely to be incurred in future hearings. Three different kinds of hearing are identified.

(i) Hearings where no issue involving the Church nationally has been identified in advance – watching brief

In cases of this kind, it is proposed to have Jennifer Lum or her equivalent watch the streamed hearing to identify issues that might arise in relation to the Church nationally or in relation to other hearings.

For ten days of hearing, it is anticipated that the cost would be \$5,000.00.

Total for Hearing	\$5,000.00
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(ii) Hearings where issues relating to the Church nationally have been identified but no witnesses are to be called on behalf of the General Synod.

In such cases, it is proposed to brief junior counsel to appear, to provide briefings during adjournments and to draft submissions. Jennifer Lum or her equivalent would watch the streamed coverage.

Solicitors would not be retained for these hearings if it can be avoided.

I estimate that the following costs would be incurred for a ten day hearing of this nature:

Junior Counsel:	
Preparation	\$6,000 - \$10,000
Hearing	\$30,000
Debriefing	\$6,000
Submissions	\$9,000 - \$12,000
Subtotal	<hr/> \$58,000
Jennifer Lum or equivalent:	
Preparation	\$1,200 - \$1,500
Hearing	\$5,000
Debriefing	\$1,200 - \$1,500
Submissions	\$1,200 - \$1,500
Subtotal	<hr/> \$9,500
Total for Hearing	<hr/> \$67,500

(iii) Hearings where witnesses would appear on behalf of the Church nationally.

It is anticipated that, in addition to the costs which would be incurred in the second class of hearing, there will be costs of preparing witness statements and preparing witnesses for the hearing.

For a hearing of this kind, it is likely that solicitors will have to be retained.

One could expect to incur costs of at least \$100,000 for ten day hearings of this kind.

Total for Hearing	\$100,000
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5. STANDING COMMITTEE'S RECOMMENDATION

At its meeting on 16 and 17 May 2014, the Standing Committee resolved to recommend to the General Synod that it approve funding of a Royal Commission Officer and of legal costs in terms of the following resolutions:

1. That the General Synod authorise the General Secretary to employ a Royal Commission Officer to perform the functions set out in this report on a contract basis for a total remuneration package of up to \$120,000 per annum and that the expenditure so incurred be recouped from the Statutory Fund by an additional

assessment over and above 3.5% cap resolved by the Standing Committee in November 2013 (Resolution SC2013/2/40).

2. That the General Synod authorise the Royal Commission Working Group to incur costs in relation to the hearing by the Royal Commission into Institutional Responses to Child Sexual Abuse as the Working Group deems appropriate up to a limit of \$300,000 to be paid from the Reserve Fund and that the expenditure so incurred be recouped from the Statutory Fund by an additional assessment over and above 3.5% cap resolved by the Standing Committee in November 2013 (Resolution SC2013/2/40).

4.3 Impact of Strategic Proposals on Budget and Forecasts

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Impact on the 2014 Budget and the 2015, 2016 and 2017 Forecasts arising out of strategic proposals considered by the the Standing Committee meeting of 16 and 17 May, 2014

The General Synod Standing Committee at its meeting held on 16 and 17 May, 2014 resolved to refer the following matters relating to implementation of strategic initiatives to the 16th General Synod discussion groups:

1. Strategic Issues Steering Group - the setting up of a Strategic Issues Steering Group
2. Financial Risk Officer - the employment of a part time person in the General Synod Office to assist Dioceses
3. Royal Commission Officer - the employment of a person on a contract basis to work on matters pertaining to the Royal Commission
4. Additional Administrative Support - the additional administration costs relating to the employment of the Financial Risk Officer and the Royal Commission Officer
5. Legal Costs of appearances at the Royal Commission - the possible cost of external legal advice for appearances of General Synod related parties before the Royal Commission

The impact of each of the decisions on the budgets for 2014, 2015, 2016 and 2017 are detailed in the table below.

INITIATIVE	COST	DESCRIPTION	% OF ASSESSMENTS			
			2014 (for 6 months)	2015	2016	2017
1. Strategic Issues Steering Group -	\$20,000	(travel and accommodation costs)	0.74%	1.47%	1.46%	1.45%
	\$50,000	(contingency for expert advice and facilitation)	1.86%	3.68%	3.65%	3.62%
2. Financial Risk Officer -	\$100,000	(part-time)	3.71%	7.37%	7.30%	7.24%
	\$30,000	(travel and accommodation costs)	1.11%	2.21%	2.19%	2.17%
3. Royal Commission Officer -	\$120,000	(full-time)	4.46%	8.84%	8.76%	8.69%
	\$15,000	(travel and accommodation costs)	0.56%	1.10%	1.10%	1.09%
4. Additional Administrative Support -	\$50,000		1.86%	3.68%	3.65%	3.62%
5. Legal Costs of appearances at the Royal Commission -	\$300,000	(contingency)	11.14%	22.10%	21.90%	21.71%
TOTAL	\$685,000		25.45%	50.45%	50.01%	49.58%

Notes:

- (i) The increase in Statutory Fund expenses (and therefore assessments) for the 2014 year will only be able to be recouped in the 2015 year (or possibly later). If the increased expenses are recouped in the 2015 year, the total increase in statutory assessments may be as much as 75.9%.
- (ii) At the May 2014 Standing Committee it was resolved to request the Royal Commission Working Group to convene a conference of representatives of all dioceses et al to consider mechanisms for progressing the Church's position on matters relating to the Royal Commission in to Institutional Responses to Child Sexual Abuse. The date for this proposed conference is yet to be decided. It is anticipated that attendees at this conference will meet their own airfare and accommodation expenses. Discussions will be held with Sydney Diocese about the possibility of them holding this conference.
- (iii) The budgeted/forecast Statutory Assessments expected to be levied prior to the inclusion of the proposed initiatives are as follows:

2014 Budget	2015 Forecast	2016 Forecast	2017 Forecast
\$1,345,896	\$1,393,002	\$1,441,757	\$1,492,219
- (iv) All costs were adjusted for CPI increases of 2.6% p.a.