

APPENDIX D: PROFESSIONAL STANDARDS

D(i) Professional Standards Commission

**“MAKING OUR CHURCH SAFE: A PROGRESS REPORT
AND RECOMMENDATIONS FOR ACTION”**

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REPORT OF THE PROFESSIONAL STANDARDS COMMISSION

MAKING OUR CHURCH SAFE: A PROGRESS REPORT AND RECOMMENDATIONS FOR ACTION

1. EXECUTIVE SUMMARY

Introduction

Both before, and particularly since the 13th General Synod, there have been significant efforts throughout the Church to put in place comprehensive policies both to respond to child abuse and sexual misconduct involving adults, and to minimise the risk of their occurrence. Notwithstanding this progress, on the eve of the 14th General Synod there are many human resource, financial and spiritual challenges facing the Church in fulfilling the commitment expressed in the Church's *Safe Ministry Policy Statement*. This commitment of the Church is central to its mission. Without the fulfilment of this commitment the Church will not be able to carry out its mission with integrity. The community in general, and survivors of abuse in particular, are watching to see if this commitment is matched by effective action. We are aware that there are some who are suffering from "issue fatigue" and want to address "the core aspects" of the Church's mission. The commitment of the Church expressed in the *Safe Ministry Policy Statement* is a core aspect of its mission. We believe that that the greatest challenge is the one of maintaining the momentum.

Safe Ministry Policies and Structures

We are concerned that in the majority of dioceses professional standards policies and procedures, including resources published by the Professional Standards Commission, are not publicly available on the diocesan website. We would encourage each diocese to ensure that its website contains details of its professional standards policies and procedures and include a link to the professional standards information on the General Synod website.

As requested by the 13th General Synod we are currently undertaking a study of reported allegations of child sexual abuse in the Church in the period from 1 January 1990 to date.

Recommendation 1

The General Synod recommends that each diocese ensures that its website contains details of its professional standards policies and procedures and includes a link to the professional standards information on the General Synod website.

Recruitment

An issue that arises from use of *Safe Ministry Check* or equivalent in dioceses is the response to a disclosure that indicates that a person might constitute a risk to the safety of children or vulnerable adults. We consider that dioceses will be assisted by development of a statement of principles to be applied in undertaking risk assessments arising from information obtained from *Safe Ministry Check* or equivalent, together with training for those undertaking such assessments.

We have continued to consider the issue of a "comprehensive psychological assessment" as part of the selection process for ordination candidates.

We developed a *Model System for the Selection and Accreditation of Lay Parish Church Workers* which was approved by the Standing Committee as a resource in October 2006. We

consider that in the first instance dioceses should introduce a diocesan policy for the selection and accreditation of lay parish church workers based on the model system for persons in those high risk ministries who are permitted to be alone with children.

We have prepared the Bill for the National Register Canon 2007, which will repeal the National Register Canon 2004 and replace it with a far more detailed Canon. It will be important for each diocese to develop procedures for the disclosure of Information on the National Register in the situations of the appointment of persons to professional standards roles, the election of a bishop, and the election of persons by a Church authority. It will also be important for the General Synod to amend the rules for elections to provide for the disclosure of any Information on the National Register, and for the Standing Committee to establish procedures for the disclosure of Information on the National Register in connection with the election and appointment of persons. As the National Register will no longer include a publicly available list of all licensed clergy, we recommend that each diocese includes on its website a list of all licensed clergy of the diocese.

Recommendation 2

The General Synod refers to the Professional Standards Commission the development of principles to be applied in undertaking risk assessments arising from information obtained from a *Safe Ministry Check* or equivalent, together with appropriate training for those undertaking such risk assessments.

Recommendation 3

The General Synod recommends that each diocese should introduce a diocesan policy for the selection and accreditation of lay parish church workers who have the opportunity to be alone with a child in their ministry, including appropriate training and storage of records, that takes into account the principles in the document entitled "Model System for the Selection and Accreditation of Lay Parish Church Workers" of the Professional Standards Commission.

Recommendation 4

The General Synod pass the Bill for the National Register Canon 2007.

Recommendation 5

The General Synod recommends that each diocese develops procedures for the disclosure of whether there is any, and if so what, Information on the National Register for the appointment of persons to professional standards roles, the election of a bishop, and the election of persons by a Church authority.

Recommendation 6

The General Synod refers to the Professional Standards Commission in consultation with the Church Law Commission the preparation of a motion to amend Rule III entitled "Rules for the Conduct of Elections Ordered to Be Made by the General Synod" to provide for the disclosure of any Information on the National Register in connection with the elections at each General Synod for consideration by the next General Synod.

Recommendation 7

The General Synod refers to the Professional Standards Commission the preparation of procedures for the disclosure of Information on the National Register in connection with the election and appointment of persons by the Standing Committee for consideration by the Standing Committee.

Recommendation 8

The General Synod recommends that each diocese includes on the diocesan website a list of all licensed clergy of the diocese.

Standards of Behaviour

Faithfulness in Service, which has been revised by the Standing Committee in July 2005 and March and October 2006, has been adopted in most dioceses.

We consider that the Church should develop policies and procedures for identifying, dealing with, and preventing, abusive behaviours by, and directed to, clergy and church workers.

We consider that the preparation of *Faithfulness in Service* in Simple English is an important priority for the Church. A version of *Faithfulness in Service* in Simple English would make professional standards concepts available to a much wider cross section of the Church, including Aboriginal and Torres Strait Islander people.

Recommendation 9

The General Synod refers to the Professional Standards Commission the preparation of *Faithfulness in Service* in Simple English for approval by the Standing Committee.

Recommendation 10

The General Synod refers to the Professional Standards Commission the development of policies and procedures for identifying, dealing with, and preventing, abusive behaviours of and by clergy and church workers.

Formation for Pastoral Ministry

In consultation with the Child Protection Committee, the Australian College of Theology approved a course of *Professional Ethics in Ministry* for various degrees. We encourage the leaders of those dioceses whose candidates for ordination are undertaking theological study in a theological college which is affiliated with the Australian College of Theology to press for the inclusion of *Professional Ethics in Ministry* in the curriculum. Similarly, we encourage the leaders of those dioceses whose candidates for ordination are undertaking theological study in other theological colleges to press for the inclusion of a course of the same nature as *Professional Ethics in Ministry* in the curriculum.

In consultation with the Professional Standards Commission, the Australian College of Theology is developing a course in human sexuality.

Safe Ministry Training

We are concerned that that there are significant shortcomings in the coverage of Safe Ministry training being undertaken in some dioceses.

Pastoral Support of the Abused

Since 13th General Synod there have been further disclosures of abuse in several dioceses. Many dioceses are also dealing with the consequences of previously disclosed abuse. We remain concerned that there is still substantial misunderstanding by some clergy and church workers of the pastoral needs of those affected by abuse – this has led to inappropriate pastoral responses to those affected by abuse, including spiritual pressure on those who have been abused to forgive their abuser.

The current reference to the Ministry Commission of the preparation of resources for the provision of pastoral support of those affected by abuse in consultation with the Professional Standards Commission is a critical need. There is a need for a similar resource in the Church for those with pastoral care responsibilities for survivors and perpetrators of domestic abuse.

Recommendation 11

The General Synod refers to the Professional Standards Commission the development of a resource for those with pastoral care responsibilities for survivors and perpetrators of domestic abuse.

Pastoral Support and Supervision of Abusers

In December 2006 we published for national use the resource entitled *Model Guidelines for the Pastoral Supervision and Support of Known and Suspected Sexual Abusers in Parishes*.

Some types of abuse may not necessarily permanently disqualify clergy and church workers from pastoral ministry – while individual circumstances must always be taken into account, as far as practicable there should be a similar approach to the rehabilitation of clergy and church workers in all dioceses. The development of principles for dealing with the restoration to ministry of clergy and church workers should be undertaken.

Recommendation 12

The General Synod refers to the Professional Standards Commission the development of principles for dealing with the restoration to ministry of clergy and church workers who have abused others.

Liaison with other Commissions of the General Synod

We have liaised with the Liturgy, Doctrine and Church Law Commissions and are in the course of liaising with the Ministry Commission.

We welcome as an important resource the recently released *Preliminary Report from the Doctrine Commission concerning Theological Issues Surrounding Sexual and Other Forms of Abuse*.

Recommendation 13

The General Synod recommends that each diocese circulates the *Preliminary Report from the Doctrine Commission concerning Theological Issues Surrounding Sexual and Other Forms of Abuse* to all clergy, and church workers who minister to those affected by abuse and abusers.

Discipline of Clergy and Church Workers

We have liaised with Church Law Commission in the preparation of amendments to the Model Professional Standards Ordinance. We have also reviewed documents prepared by the Episcopal Standards Commission.

Joint Church Action

We have participated as plenary speakers and workshop leaders at the Safe as Churches? II, and the Safe as Churches? III, consultations on sexual abuse and misconduct in Australian Churches held at Canberra in September 2005 and in March 2007 respectively, and organised by the National Council of Churches in Australia. These consultations have provided valuable opportunities for consultation and networking across denominational boundaries.

Recommendation 14

The General Synod commends the National Council of Churches in Australia for organising the *Safe as Churches? II and III* national ecumenical consultations on sexual misconduct and abuse in the Australian churches and recommends that the National Council of Churches in Australia facilitate where feasible joint action by member churches and other Australian

churches to promote the physical, emotional and spiritual welfare and safety of all people within their communities.

Government Action

We believe that the Commonwealth Government should appoint a Children's Minister and an independent Commissioner for Children to promote the protection of children, and has a critical role in facilitating a consistent approach to child protection issues in the State and Territory jurisdictions.

We believe that the absence of uniform legislation in the States and Territories as to mandatory and voluntary reporting of child abuse, and the screening of persons seeking to work with children in a paid or voluntary capacity, is unsatisfactory, and that the same standards should apply throughout Australia.

Recommendation 15

The General Synod recommends that the Commonwealth Government ensures that children and young people are a national priority by appointing a Children's Minister and an independent Commissioner for Children, who will provide leadership in:

- (a) a co-ordinated approach to policy implementation in the best interests of children; and
- (b) developing a National Strategy on child abuse and neglect, in consultation with the States and Territories and community service organizations;

and requests that the General Secretary conveys this resolution to the Prime Minister and the Minister for Families, Community Services and Indigenous Affairs.

Recommendation 16

The General Synod recommends that State and Territory Governments enact uniform laws that provide for:

- (c) the reporting of child abuse to the police and the government child protection authorities; and
- (d) the screening of all persons seeking to work with children in a paid or voluntary capacity; and

and requests that the General Secretary conveys this resolution to the Premier or Chief Minister of each State and Territory, and to the Community Services Ministers' Advisory Council.

Anglican Communion Action

We have initiated a proposal to hold a self funding International Safe Ministry Conference for member churches of the Anglican Communion. We have also submitted a draft seminar programme on Sexual Abuse in the Church to each of the Design Group of the Lambeth Conference 2008, and the Spouses Planning Group for the Lambeth Spouses Conference 2008.

References from the Primate

At the request of the Primate, we prepared a report entitled *Forgotten Australians*. This report contained recommendations as to the establishment of a scheme of individual care and assistance by each affected diocese and Church organization for all care leavers who have directly suffered abuse by its clergy and church workers. Recommendations were also made as to the contents of the protocol of each diocese and Church organisation for dealing with complaints by care leavers so that there is a common approach across the Church. This report was approved by the Standing Committee in October 2006.

At the request of the Primate, we prepared a preliminary report entitled *Corporal Punishment of Children*.

General Synod Action

We believe that there is a substantial amount of unfinished work for the Professional Standards Commission to undertake arising both out of the resolutions of the 13th General Synod and this Report. The sunset clause in the Strategic Issues, Commissions, Task Forces and Networks Canon 1998 should be repealed. We consider that it is important that the Professional Standards Commission report to the next ordinary session of the General Synod as to the progress of the Church in the development and implementation of safe ministry policies and structures. We are asking for a budget of \$32,500 for 2008.

Recommendation 17

The General Synod amend the Strategic Issues, Commissions, Task Forces and Networks Canon 1998 by deleting section 27(3).

Recommendation 18

The General Synod requests the Professional Standards Commission to report to the 15th General Synod as to the progress of the Church in the development and implementation of safe ministry policies and structures.

Recommendation 19

The General Synod approves a budget of \$42,500 for 2008 for the Professional Standards Commission.

2. INTRODUCTION

The 13th General Synod was held in October 2004 at a time of great shame in the life of the Church. As stated by the Child Protection Committee:¹

“The tragic betrayal of trust by some clergy and church workers, who have sexually abused children and adults for whom they have had pastoral responsibility, has been reprehensible. The denial and minimisation of this disgraceful behaviour and its consequences, and the secretiveness and pastoral insensitivity of the Church have been appalling. The impact of the initial abuse has often been compounded by the failure of the Church to effectively care for the abused.”

The 13th General Synod passed a comprehensive series of resolutions which are listed in Section 6C of the Report of the Standing Committee (pages 24 to 29). Included among these resolutions was the request that the Professional Standards Commission report to the next session of the General Synod as to the progress of the Church in the development and implementation of safe ministry policies and structures.

The foundation of these resolutions was the adoption of the Church’s *Safe Ministry Policy Statement*:²

“The Anglican Church of Australia is committed to the physical, emotional and spiritual welfare and safety of all people, particularly within its own community. To ensure the safety of children and vulnerable people in our communities, the Church will:

- carefully recruit and train its clergy and church workers;
- adopt and encourage safe ministry practices by its clergy and church workers;
- respond promptly to each concern raised about the behaviour of its clergy and church workers;
- offer pastoral support to any person who has suffered abuse; and
- provide supervision of and pastoral accountability to any person known to have abused a child or another vulnerable person.”

This commitment of the Church is central to its mission. Without the fulfillment of this commitment the Church will not be able to carry out its mission with integrity. The community in general, and survivors of abuse in particular, are watching to see if this commitment is matched by effective action.

Since the 13th General Synod there has been the increasing awareness of the extent of child abuse in the community³ and involvement of the Commonwealth, State and Territory Governments in issues of child protection.⁴ There has been increasing awareness of the high level of sexual harassment in the community.⁵ There have been increasing calls for a coordinated government approach to child protection issues.⁶

Both before, and particularly since the 13th General Synod, there have been significant efforts throughout the Church to put in place comprehensive policies both to respond to child abuse and sexual misconduct involving adults, and to minimise the risk of their occurrence. We, as the members of the Professional Standards Commission, which itself has been created as part of this national response, have been very encouraged by the determination by so many to change the culture of the Church, so that both those who provide the ministry of the Church, and all who are recipients of this ministry, are safe from the risk of harm. We are conscious of the enormous commitment of many members of the Church who are involved in the prevention and response aspects of safe ministry in their dioceses.

Notwithstanding this progress, on the eve of the 14th General Synod there are many human resource, financial and spiritual challenges facing the Church in fulfilling this commitment. We are aware that there are some who are suffering from “issue fatigue” and want to address “the core aspects” of the Church’s mission. The commitment of the Church expressed in the *Safe Ministry Policy Statement* is a core aspect of its mission. Together with Professor Patrick Parkinson⁷, we believe that the greatest challenge is the one of maintaining the momentum:

“After the first wave, it can be easy for people to fall back into the belief that “it won’t happen in our Church.” ... I believe this is our biggest challenge, because I suspect that all across the country the momentum of the first wave has probably slackened.... Let’s focus on what is sustainable. What can we realistically achieve in the next 5 years, and the next 10 and the next 20 to maintain the momentum?”

Following the 13th General Synod the Child Protection Committee⁸ continued. On 5 March 2005⁹ and 13 May 2007¹⁰ the Standing Committee appointed the Professional Standards Commission.

Our reasons and recommendations are set out under the following headings:

- Safe Ministry Policies and Structures (section 3);
- Recruitment (section 4);
- Standards of Behaviour (section 5);
- Formation for Pastoral Ministry (section 6);
- Safe Ministry Training (section 7);
- Pastoral Support for the Abused (section 8);
- Pastoral Support and Supervision of Abusers (section 9);
- Liaison with other Commissions of the General Synod (section 10);
- Discipline of Clergy and Church Workers (section 11);
- Joint Church Action (section 12);
- Government Action (section 13);
- Anglican Communion Action (section 14);
- References from the Primate (section 15).
- General Synod Action (section 16).

In undertaking our work we received helpful advice and assistance from many people who, and the events which, are listed in **Appendix 1**. We considered a survey of the dioceses and considered various of their policies and procedures. We also obtained the policies and procedures, and had contact with representatives, of various overseas churches.

We wish to express our appreciation to The Revd Canon Bruce McAteer, General Secretary, Mr Paul Bennett, National Register Project Manager, Mr Wayne Brighton, Research Officer, and Ms Sylvia Murphy, Executive Assistant to the General Secretary, of the General Synod Office, and Ms Carol Newton of the Diocese of Sydney for their assistance during our meetings and the preparation of this Report.

Following the 13th General Synod the Child Protection Committee met for a total of 5 days.¹¹ The Professional Standards Commission met for a total of 24 days,¹² and had 4 teleconferences.¹³ The 17 recommendations made in this Report are unanimous. They complement and reinforce each other, and constitute a single program of action. To facilitate the consideration of our recommendations by the General Synod, we have consolidated Recommendations 1 to 3, 5 to 16 and 18 into 3 motions which are set out in **Appendix 2**.

Implementation of our recommendations will require ecclesiastical will, financial resources and an ongoing change of culture within the Church. Our prayer is that the Church will become a safer place for everyone through implementation of these recommendations. Clergy, church workers and those whom they serve deserve nothing less.

¹ Report of the Child Protection Committee *Making Our Church Safe: A Programme For Action*, at page 13.

² Resolution 33/04(b).

³ *Child protection Australia 2005–06* published on 27 January 2007 by the Australian Institute of Health and Welfare records (at page X):

“Over the last 5 years, the number of child protection notifications in Australia has almost doubled from 137,938 in 2001–02 to 266,745 in 2005–06. From 2004–05 to 2005–06 the number of notifications increased in most jurisdictions ...

The number of substantiations in most jurisdictions also increased over the last 5 years, with the most notable being New South Wales, Tasmania and the Australian Capital Territory...”

This Report can be found on the Australian Institute of Health and Welfare website online at

<http://www.aihw.gov.au/publications/cws/cpa05-06/cpa05-06.pdf>

⁴ Major child protection policy changes have occurred in the States and Territories since the 13th General Synod. The changes in 2004–2005 are summarised on pages 8–13 in *Child protection Australia 2004–05* published on 18 January 2006 by the Australian Institute of Health and Welfare. This Report can be found on the Australian Institute of Health and Welfare website online at [Hhttp://www.aihw.gov.au/publications/cws/cpa04-05/cpa04-05.pdf](http://www.aihw.gov.au/publications/cws/cpa04-05/cpa04-05.pdf)H. The changes in 2005–2006 are summarised on pages 10–15 in *Child protection Australia 2005–06* published on 27 January 2007 by the Australian Institute of Health and Welfare. This Report can be found on the Australian Institute of Health and Welfare website online at [Hhttp://www.aihw.gov.au/publications/cws/cpa05-06/cpa05-06.pdf](http://www.aihw.gov.au/publications/cws/cpa05-06/cpa05-06.pdf)H.

Since the 13th General Synod, Churches in Victoria and Western Australia have been directly affected by the following legislation relating to the engagement of clergy and church workers in work involving children:

Victoria – *Working with Children Act 2005* (Vic), Pt 4 (ss 33–40) which is entitled “Offences connected with child-related work”, creates various offences, including engaging in child-related work without a current assessment notice (s 33). “Child-related work” includes work engaged in by a minister of religion, or under of contract of employment or a contract for services, or as a volunteer, that usually involves or is likely to involve regular direct contact with a child in connection with, inter alia, a religious organisation in circumstances where that contact is not directly supervised by another person (s 9);

Western Australia – *Working with Children (Criminal Record Checking) Act 2004* (WA), Pt 2 Div 5 (ss 22–25) which is entitled “Prohibitions relating to child-related work”, creates various offences, including being employed in child-related employment without a current assessment notice (s 24(a)). Work is “child-related work” if the usual duties of the work involve, or are likely to involve, contact with a child in connection with, inter alia, a religious organisation (s 6).

In November 2004 the Honourable Edward P Mullighan QC was appointed the Commissioner of the Children in State Care Commission of Inquiry to inquire into allegations of sexual abuse of children who were in State care.

On 15 June 2007 *Ampe Akelyernemane Meke Mekarle “Little children are sacred”*, the Report of the Board of Inquiry into the Protection of Aboriginal Children from Sexual Abuse, was tabled in the Northern Territory Parliament. The terms of reference of the Board of Inquiry were to:

examine the extent, nature and factors contributing to sexual abuse of Aboriginal children, with a particular focus on unreported incidents of such abuse;

identify barriers and issues associated with the provision of effective responses to and protection against sexual abuse for Aboriginal children;

consider practices, procedures and resources of NT Government agencies with direct responsibilities in this area (Family & Children Services and Police), and also consider how all tiers of government and non-government agencies might contribute to a more effective protection and response network;

consider how the NT Government can help support communities to effectively prevent and tackle child sexual abuse.

The Report can be found on the Northern Territory Government website online at:

[Hhttp://www.nt.gov.au/dcm/inquiry/saac/pdf/bipacsa_final_report.pdf](http://www.nt.gov.au/dcm/inquiry/saac/pdf/bipacsa_final_report.pdf)H

In response to the national emergency confronting the welfare of Aboriginal children in the Northern Territory, the Australian Government announced on 21 June 2007 immediate, broad ranging measures to stabilise and protect communities in the crisis area. The details are set out in the media release of the Hon Mal Brough, Minister for Families, Community Services and Indigenous Affairs, which can be found on the Department of Families, Community Services and Indigenous Affairs website online at:

[Hhttp://www.facsia.gov.au/internet/Minister3.nsf/content/emergency_21june07](http://www.facsia.gov.au/internet/Minister3.nsf/content/emergency_21june07)H.

⁵ *Personal Safety Survey Australia* published on 21 August 2006 by the Australian Bureau of Statistics contains the following Summary of Findings (at pages 8–9):

“Harassment includes incidents such as obscene phone calls, indecent exposure, inappropriate comments about body or sex life and unwanted sexual touching.

In the 12 months prior to the survey, 12% (864,300) of men experienced some form of harassment compared to 19% (1,459,500) of women

Since the age of 15, 42% (6,333,400) of persons experienced harassment

Since the age of 15, 33% (2,499,100) of women experienced inappropriate comments about their body or sex life compared to 12% (871,000) of men

Since the age of 15, 25% (1,931,100) of women experienced unwanted sexual touching compared to 9.9% (737,000) of men”

⁶ In May 2007 the Child and Family Welfare Association of Australia published *A Call to Action for Australia’s Children* which contains 12 recommendations including:

1. NATIONAL LEADERSHIP

CAFWAA believes that to prevent increasing numbers of children and young people suffering longterm damage from child abuse and neglect, the Commonwealth Government, States and Territories, community service organisations (CSOs) and the community need to work together.

CAFWAA urges the Commonwealth Government to ensure that children and young people are a national priority by appointing a Children's Minister and an independent Commissioner for Children, who will provide leadership in:

- a co-ordinated approach to policy implementation in the best interests of children;
- developing a National Strategy on child abuse and neglect, in consultation with the States and Territories and community service organisations;
- developing a long-term national vision which puts children first;
- ensuring that children, young people and their families receive good quality services;
- facilitating cross-portfolio research and action; and
- addressing emerging issues.

2. NATIONAL STRATEGY ON CHILD PROTECTION AND OUT-OF-HOME CARE

CAFWAA believes a challenge to the current approach to policy development that results in the implementation of abandoning territory within public policy and undertaking a collective approach is the only effective way to improve child wellbeing and reduce child abuse and neglect.

CAFWAA urges the Commonwealth Government to develop a National Strategy on Child Protection, which has as its foundation, a collective approach that sees joined-up responses prioritised, above a portfolio and jurisdiction approach to policy development and implementation.

On 24 June 2007 the Synod of the Diocese of the Northern Territory passed the following resolution (which was moved by Mrs Leanna Haynes and seconded by Mrs Didomain Uiibo):

“That this Synod abhors the sexual abuse of all children and expresses distress at the chronic lack of coordinated action by Governments and communities over many years, particularly in relation to Australian Indigenous children.

It commends the initiative resulting in the report of the Northern Territory Board of Inquiry into the Protection of Aboriginal Children from Sexual Abuse, 2007, *Little Children are Sacred*. It also welcomes the wide bipartisan agreement at calling the sexual abuse of Australian Indigenous children a national emergency.

It welcomes the promise of the injection of much needed funding by the Federal Government. Synod encourages all levels of Government and the non government sector to do everything they can to ensure local ownership of strategies that build capacity and sustainable outcomes through working in partnership with local Indigenous communities. We urge the Government not to depart from evidence based practice.

This Synod expresses its concern at the apparent linking of land rights and the permit system with this national emergency of sexual abuse in Indigenous communities. This Synod requests Diocesan Council as a matter of urgency: to seek clarification of the Federal Government's recent announcements that suggest the universal imposition of medical check on one racially-defined group of Australian citizens under the age of 16 years and other racially defined initiatives;

to determine appropriate ways to support our Indigenous clergy and community leaders in helping their communities to respond to any Government initiatives and recommendations in relation to *Little Children are Sacred*.⁷

⁷ *Child Protection and the Churches*, Professor Patrick Parkinson, at page 12, in the booklet of the addresses at the National Professional Standards Conference held on 26 May 2007.

⁸ Garth Blake SC, Barrister, Sydney (Chairperson); Social Worker and Helen Carrig, Director of Professional Standards, Adelaide; David Farrer, Bishop of Wangaratta; Philip Gerber, Solicitor and Director of Professional Standards Unit, Sydney; Marilyn Redlich, Counsellor and Educator, Brisbane.

⁹ Garth Blake SC, Barrister, Sydney (Chairperson); Helen Carrig, Social Worker and Director of Professional Standards, Adelaide; David Farrer, Bishop of Wangaratta; Philip Gerber, Solicitor and Director of Professional Standards Unit, Sydney; Audrey Mills, Barrister and Solicitor, Tasmania; Marilyn Redlich, Counsellor and Educator, Brisbane; Tim Spencer, Priest and Hospital Chaplain, Perth.

¹⁰ Dianne Shay, Bank Officer, Melbourne.

¹¹ 10 December 2004; 25-28 January, 2005.

¹² The Commission met for a total of 24 days on 7-8 April, 7-8 July, 8 September and 8-9 December 2005; 23-25 January, 12-13 May, 18-19 August and 10-11 November 2006; 16-17 February, 30-31 March, 4-5 and 25-26 May 2007.

¹³ 22 April 2005; 23 March and 4 December 2006; 13 June 2007.

3. SAFE MINISTRY POLICIES AND STRUCTURES

Progress since the 13th General Synod

We are conscious that there have been extensive efforts throughout the Church to put in place comprehensive policies and procedures to make the Church safe for all. In particular, many dioceses have made a significant attempt to implement the resolutions of the 13th General Synod. While much remains to be done, we wish to acknowledge the enormous commitment of many members of the Church who are involved in the prevention and response aspects of safe ministry in their dioceses. This work, particularly in the response aspect, is often emotionally and spiritually draining.

While it is impossible to summarise what has happened in each diocese, we wish to draw attention to the following achievements across the Church:

- many dioceses have adopted the *Safe Ministry Policy Statement*;
- the majority of dioceses have adopted *Faithfulness in Service*;
- there is a Director of Professional Standards for all dioceses but one, and the Defence Force;
- there is an effective Professional Standards Directors' Network which meets twice a year;
- there is a Episcopal Standards Commission and a Director of Episcopal Standards;
- in some dioceses there is a requirement that a Safe Ministry Representative be appointed in each parish;
- in some dioceses parish recovery teams have been trained to assist parishes in which there are allegations of sexual abuse against a member of the clergy or church worker who has served in the parish;
- in some dioceses extensive professional standards information is included on the diocesan website.

Availability of Information about Professional Standards Policies and Procedures within the Church

We are concerned that in the majority of dioceses professional standards policies and procedures, including resources published by the Professional Standards Commission, are not publicly available on the diocesan website. A summary of our review of diocesan websites is set out in **Appendix 3**. We would encourage each diocese to ensure that its website contains details of its professional standards policies and procedures and include a link to the professional standards information on the General Synod website. The public availability of professional standards information throughout the Church is an important expression of the Church's commitment in the *Safe Ministry Policy Statement*.

Recommendation 1

The General Synod recommends that each diocese ensures that its website contains details of its professional standards policies and procedures and includes a link to the professional standards information on the General Synod website.

Study of Reported Abuse within the Church

Resolution 34/04(c)(i) of the General Synod requested the Professional Standards Commission to prepare an inventory of the nature and scope of reported abuse within the Church by clergy and church workers. On 21 July 2005 Garth Blake was approached by Sr Angela Ryan and Br Julian McDonald, Executive Officers of the National Committee for Professional Standards (which is a committee of the Australian Catholic Bishops and the Australian Leaders of

Religious Institutes) to conduct a joint survey. After a number of meetings in the second half of 2005 the Australian Catholic Bishops and the Australian Leaders of Religious Institutes decided not to proceed with a joint survey.

Since April 2006 we have been working closely with Professor Patrick Parkinson, of the Faculty of Law of The University of Sydney, and Professor Kim Oates AM, Emeritus Professor of Pediatrics at The University of Sydney, who have agreed to supervise a project designed to fulfil resolution 34/04(c)(i). The study will aim to:

- understand the characteristics of offenders;
- understand the characteristics and circumstances of the offence;
- understand the characteristics of victims;
- ascertain patterns of abuse, for example, in terms of similarities or differences in terms of the gender and age of child victims; and
- discern from these patterns how steps could be made towards better prevention of sexual abuse within church communities.

The study will be of reported allegations of child sexual abuse in the period from 1 January 1990 to date. The study will use a rigorous coding system to ensure that privacy provisions are maintained at all times. On completion of the study, the coded results will be published in a reputable academic journal. All dioceses but two have given their permission to participate in the survey.

Since December 2006 Mrs Amanda Jayakody has been engaged on a part-time basis by the General Synod Office to design and administer the survey. Over the period from December 2006 to March 2007 Mrs Jayakody designed, and conducted pilot testing of, the questionnaire. In February 2007 ethics approval for the survey was obtained from The University of Sydney. On 9 April 2007 the questionnaire was circulated to the participating dioceses and the Australian Defence Force. Analysis of the returned questionnaires has recently commenced.

4. RECRUITMENT

Safe Ministry Check

In July 2005 the Standing Committee revised the form of *Safe Ministry Check* (for volunteers) in the following respects:

- the specification of the documents that will constitute suitable proof of identification;
- the amendment of question 5 to make clear that the applicant is not required to provide information as to the engagement of sexual contact with his or her spouse;
- the inclusion of question 10 to require the applicant to provide information as to any history of alcohol abuse or any history of substance abuse including prescription, over-the-counter, recreational or illegal drugs.

An issue that arises from use of *Safe Ministry Check* or equivalent in dioceses is the response to a disclosure that indicates that a person might constitute a risk to the safety of children or vulnerable adults. While individual circumstances must always be taken into account, as far as practicable there should be a similar approach to risk assessment in all dioceses.

In February 2005 standards in recruitment were agreed to by most Christian denominations in England, Scotland and Wales.¹⁴ Subsequently in 2006, training was undertaken in a number of these denominations as to how to respond to a disclosure that indicates that a person might constitute a risk to the safety of children or vulnerable adults.¹⁵ We consider that dioceses will be assisted by development of a statement of principles to be applied in undertaking risk assessments arising from information obtained from a *Safe Ministry Check* or equivalent, together with training for those undertaking such assessments.

Recommendation 2

The General Synod refers to the Professional Standards Commission the development of principles to be applied in undertaking risk assessments arising from information obtained from a *Safe Ministry Check* or equivalent, together with appropriate training for those undertaking such risk assessments.

Selection of Ordination Candidates

General psychological testing is part of the assessment of ordination candidates of some dioceses. We have continued to consider the issue of a "comprehensive psychological assessment"¹⁶ as part of the selection process for ordination candidates. In January 2005 the Child Protection Committee spoke in a teleconference with Dr Karen Kaffko and Dr Richard Gilmartin, who are psychologists who conduct psychosexual assessments for the Diocese of Toronto. We have also consulted with Dr Gerardine Taylor, Clinical Director, and Dr Tony Robinson, Chief Executive Officer, of Encompass Australasia which undertakes psychological assessments for the Catholic Church and other Churches in Australia. Marilyn Redlich attended the Supervision in Ministry Network conference in Canberra in February 2005 which featured a 3 day presentation by Dr Gerardine Taylor on sexuality.

On 4 May 2007 we organised a day workshop by Dr Gerardine Taylor on comprehensive psychological assessment at the Examining Chaplains' Network conference in Wagga Wagga. Helen Carrig, David Farrer and Marilyn Redlich attended this workshop. This workshop was well received by those who attended and is likely to lead to changes in the selection process in some dioceses. We are planning to pilot a provincial workshop in 2008 to assess the feasibility of holding provincial workshops throughout Australia.

We are liaising with the Professional Standards Implementation Task Group of the Diocese of Brisbane which is writing specifications for comprehensive psychological assessment.

Selection of Church Workers

As requested by the 13th General Synod, we have considered the introduction of a comprehensive system for the selection of all church workers throughout the Church. On 9 November 2005 Garth Blake and Tim Spencer conducted a consultation in Brisbane on a model system for the selection of all church workers. This consultation sought comment on the use of screening materials based on *Responsible Ministry: Screening in Faith* used in the Diocese of Toronto, which were then being trialed in the Parish of Wembley in the Diocese of Perth.

We developed a *Model System for the Selection and Accreditation of Lay Parish Church Workers* which was approved by the Standing Committee as a resource in October 2006.¹⁷ The model system, which contains templates which can be downloaded and adapted for local use, has the following four sections:

- steps prior to appointment;
- steps after appointment;
- implementation of a selection process;
- storage of records.

Under the model system lay parish church workers are categorised into high risk and low risk ministries based on the opportunity for a person to be alone with a child or vulnerable adult, or to have access to financial resources, or sensitive or confidential information. The model system provides that the following ten steps should be undertaken in the selection process prior to the appointment of a church worker:

- identification of ministry positions;
- preparation of ministry position descriptions;
- assessment of risk of potential harm by categorising all ministry positions into low risk ministries and high risk ministries;
- undertaking safe ministry training;
- completion of application form;
- an interview;
- contacting referees;
- obtaining any required working with children check or declaration or a criminal history check;
- assessment;
- accreditation.

The last seven steps are only required in respect of high risk ministry positions.

After appointment of a person to a ministry position the following issues need to be considered:

- orientation and training;
- supervision and evaluation;
- provision of care for struggling church workers and unsuccessful applicants;
- re-accreditation for persons in high risk ministry positions at three yearly intervals;
- change in ministry positions.

We consider that in the first instance dioceses should introduce a diocesan policy for the selection and accreditation of lay parish church workers based on the model system for persons in those high risk ministries which permit a church worker to be alone with children. Implementation can be gradual by introducing the steps not already undertaken prior to selection in a progressive fashion. We recommend that dioceses consider the procedures of

the Diocese of Tasmania where a system for the selection and accreditation of church workers having contact with children has been in place for a number of years.

Recommendation 3

The General Synod recommends that each diocese should introduce a diocesan policy for the selection and accreditation of lay parish church workers who have the opportunity to be alone with a child in their ministry, including appropriate training and storage of records, that takes into account the principles in the document entitled "Model System for the Selection and Accreditation of Lay Parish Church Workers" of the Professional Standards Commission.

Election of Diocesan Bishops

We provided advice to the Dioceses of Melbourne and Bathurst with respect to the making of professional standards inquiries as part of the process for the election of a diocesan bishop.

National Register

The 13th General Synod passed the National Register Canon 2004 which established a Register:

- of biographical and professional standards information for clergy;
- of professional standards information for lay persons.

The establishment of the National Register has been delayed by a reference of the Primate dated 14 December 2005 concerning the National Register Canon 2004 to the Appellate Tribunal. On 4 April 2007 the Appellate Tribunal determined pursuant to s 30(c)(iii) of the Constitution that the Canon does not affect the order and good government of the Church within the Diocese of Sydney.

After consultation with the Professional Standards Directors' Network on 19 August 2006 and 1 March and 25 May 2007, the National Bishops' Meeting on 25 February 2007, the Church Law Commission, Diocesan Bishops, the National Register Working Group and Paul Bennett of the General Synod Office, we have prepared the Bill for the National Register Canon 2007. Through this process of consultation valuable comments have been received which have been incorporated into the Bill, which will repeal the National Register Canon 2004 and replace it with a far more detailed Canon. These proposed provisions include:

- the removal of biographical information for all licensed clergy;
- the limitation of the scope of "notifiable complaint" to child abuse and sexual abuse of an adult as defined in Faithfulness in Service;
- the provision for notification of entries on the National Register to affected persons except where there is a change of address;
- the removal of Information where a notifiable complaint is withdrawn or found to be false, vexatious or misconceived;
- the notification of the removal of Information to persons who have accessed that Information and to whom that Information has been disclosed;
- the limitation of access to the National Register to a diocesan bishop or delegate or the Director of Professional Standards, the General Secretary and designated General Synod Office staff in accordance with a protocol;
- the inclusion of some additional information – for example, date of birth, adverse Safe Ministry Check;
- the deletion of some information – for example, academic qualifications;
- the inclusion of additional diocesan information at the cost of the diocese – for example, biographical information; historical abuse information.

We regard the National Register as an important tool that will be available to Church leaders in undertaking an assessment of risk of clergy and church workers, and persons seeking ordination and appointment as church workers. The system provided by the establishment of the National Register will be far more accountable and transparent than the existing system, where it works, of the informal communication of information about persons. However, it is important to recognise that the National Register is only one mechanism that should be used to assess a person's suitability to work in the Church. To be effective a search on the National Register should be made in conjunction with other enquiries such as a *Safe Ministry Check*.

We believe that the Bill for the National Register Canon 2007 contains stringent safeguards to prevent inappropriate use. Restriction of access to authorised persons, specification of the reason for access and maintenance of a log of each access will enable an audit trail to be established.

Recommendation 4

The General Synod pass the Bill for the National Register Canon 2007.

Disclosure of Information on the National Register in the context of elections and appointments within the Church

The Bill for the National Register Canon 2007 provides that the Director of Professional Standards may have access to any Information in the National Register relating to a member of the clergy or lay person, and disclose whether there is any such, and if so what, Information to the person concerned and the Church authority "in accordance with the (applicable) procedures of the diocese" in the following three situations:

- the appointment of persons to professional standards roles;
- the election of a bishop;
- the election of persons by a Church authority.

It will be important for each diocese to develop procedures for the disclosure of Information on the National Register in each of these situations. In some dioceses this will involve the amendment of ordinances. Great care will need to be taken to ensure that Information is disclosed to the electors or persons making the appointment, while at the same time avoiding the unnecessary disclosure of Information. The proposed amendment of the Primate Canon 1985 provides guidance as to a mechanism that is likely to achieve both these goals.

Recommendation 5

The General Synod recommends that each diocese develops procedures for the disclosure of whether there is any, and if so what, Information on the National Register for the appointment of persons to professional standards roles, the election of a bishop, and the election of persons by a Church authority.

The Bill for the National Register Canon 2007 provides that the General Secretary may have access to any Information in the National Register relating to a member of the clergy or lay person, and disclose whether there is any such, and if so what, Information to the person concerned and the General Synod (or the Standing Committee) "in accordance with the procedures of the General Synod (or the Standing Committee) for the conduct of elections and making appointments" in the following two situations:

- the election and appointment of persons by the General Synod;
- the election and appointment of persons by the Standing Committee.

It will be important for the General Synod to amend Rule III entitled “Rules for the Conduct of Elections Ordered to Be Made by the General Synod” to provide for the disclosure of any Information on the National Register in connection with the elections at a General Synod. It will also be important for the Standing Committee to establish procedures for the disclosure of Information on the National Register in connection with the election and appointment of persons.

Recommendation 6

The General Synod refers to the Professional Standards Commission in consultation with the Church Law Commission the preparation of a motion to amend Rule III entitled “Rules for the Conduct of Elections Ordered to Be Made by the General Synod” to provide for the disclosure of any Information on the National Register in connection with the elections held at a General Synod for consideration by the next General Synod.

Recommendation 7

The General Synod refers to the Professional Standards Commission the preparation of procedures for the disclosure of Information on the National Register in connection with the election and appointment of persons by the Standing Committee for consideration by the Standing Committee.

As the National Register will no longer include a publicly available list of all licensed clergy, we recommend that each diocese includes on its website a list of all licensed clergy of the diocese. This will be an important source of information to enable members of the public to check whether a person is a licensed member of the clergy of the relevant diocese. A person wanting this information is more likely to access the relevant diocesan website than the General Synod website.

Recommendation 8

The General Synod recommends that each diocese includes on the diocesan website a list of all licensed clergy of the diocese.

¹⁴ The Churches’ Forum for Safeguarding, which is a network of church denominational child protection representatives across England, Scotland and Wales, published Standards in Recruitment which specifies and explains 8 standards.

¹⁵ The Churches’ Forum for Safeguarding organised *Blemished Disclosure Panel Training*.

¹⁶ We have used this expression rather than “psycho-sexual assessment” as a psycho-sexual assessment is intended to be one part of a comprehensive psychological assessment.

¹⁷ The model system is published on the General Synod website online at [Hhttp://www.anglican.org.au/docs/PSCselectionlayparishworkers.pdf](http://www.anglican.org.au/docs/PSCselectionlayparishworkers.pdf)H

5. STANDARDS OF BEHAVIOUR

Faithfulness in Service

Faithfulness in Service has been revised by the Standing Committee in July 2005 and March and October 2006.

In July 2005 the definition of church worker (set out in the section “Key Terms”) was amended to make clear that *Faithfulness in Service*, apart from licensed lay persons, will not apply to other church workers unless it is adopted by the relevant church authority. The whistleblowing guidelines (paragraphs 2.9 and 2.10) were amended to introduce the notion of harm as the touchstone for particular responses to the failure to meet a standard or follow a guideline.

In March 2006 the key terms ‘church body’, ‘church worker’, ‘grooming’, ‘individual pastoral ministry’ and ‘pastoral ministry’ in section 2 “Key Terms” were amended to clarify their application. Further, the key terms ‘emotional abuse’, ‘harassment’, ‘sexual abuse of a child’, ‘sexual assault’, ‘sexual harassment’ and ‘spiritual abuse’ were amended to create examples that would be consistently understood from the perspective of the member of the clergy or church worker reading the code. The guidelines in section 5 “Children” were amended to make clear that ensuring the safety of children requires the preparation of a risk management plan, and that there should be a policy dealing with images of children.

In October 2006 paragraph 7.4 was amended to encompass disgraceful conduct of a sexual nature within marriage, such as rape.

Faithfulness in Service has been adopted in most dioceses as set out in **Appendix 4**. At the 2005 National Bishops’ Meeting the bishops welcomed and fully endorsed *Faithfulness in Service*.

On 8 March 2006 Garth Blake and Marilyn Redlich addressed the National Bishops’ Meeting about the position with respect to the adoption of *Faithfulness in Service* in the dioceses.

In May 2006 we adapted for use throughout the Church and published the *Faithfulness in Service* Discussion Guide prepared by Professional Standards Implementation Task Group of the Diocese of Brisbane.¹⁸

In June 2007 we were advised by both Bishop Thompson of the Diocese of the Northern Territory and Bishop Ray of the Diocese of North Queensland that ministry among Aboriginal and Torres Strait Islander people would be enhanced if a version of *Faithfulness in Service* could be produced in Simple English. We consider that this is an important priority for the Church, particularly in the light of the response of the Commonwealth Government to the national emergency confronting the welfare of Aboriginal children in the Northern Territory. A version of *Faithfulness in Service* in Simple English would make professional standards concepts available to a much wider cross section of the Church, including Aboriginal and Torres Strait Islander people.

Recommendation 9

The General Synod refers to the Professional Standards Commission the preparation of *Faithfulness in Service* in Simple English for approval by the Standing Committee.

Reference to the Doctrine Commission

A question which arose in the Diocese of Newcastle in the context of its consideration of *Faithfulness in Service* was the fact that there are some church workers in the Diocese who are living in committed de facto relationships and who for various reasons do not wish to proceed to marriage. At our suggestion at its meeting held on 4-5 March 2006 the Standing

Committee referred to the Doctrine Commission the preparation of a report dealing with the following questions regarding the cohabitation of a man and woman:

- whether, and if so, to what extent it is compatible with the Holy Scriptures; and
- whether, and if so, in what circumstances it is permissible within the Church's teaching on chastity.

In February 2007 the Doctrine Commission completed its *Report on the Cohabitation of a Man and Woman*. We have not yet had the opportunity to consider this report.

Abusive behaviours

We are concerned about reports of abusive behaviours of a non sexual character within the Church. The most common complaint which we have heard is of bullying, both of and by clergy and church workers. The Australian Institute of Family Studies has identified that "Bullying has often been found to be a prevalent part of the culture in many institutions where abuses are known to have occurred."¹⁹

The issue of bullying is being considered in some dioceses.²⁰ *Bullying and Abuse in the Church, Dealing with Difficult People* is the theme of the Supervision in Ministry Network conference which is being at Canberra on 10-12 July 2007. Bullying is a significant issue in other churches in Australia²¹, as well as in churches in the United Kingdom.²² Another reason why bullying needs to be addressed within the Church is that by reason of legal developments in the United Kingdom²³ it may be easier for clergy to claim redress under unfair dismissal legislation and anti-discrimination legislation on the ground that they are in employment.

Concern within the churches and the community for the safety and wellbeing of individuals has recently developed from the previous focus on child safety to encompass other vulnerable people. Policies have been recently developed by many churches in the United Kingdom for the safety of vulnerable adults.²⁴

Recent concern in the Australian community about abuse of the elderly has resulted in the *Aged Care Amendment (Security and Protection) Bill 2007* which was introduced into the House of Representatives on 8 February 2007. This Bill provides for mandatory reporting of alleged or suspected reportable assaults, and consequences of failure to have necessary systems and protocols in place.

We consider that the Church should develop policies and procedures for identifying, dealing with, and preventing, abusive behaviours by, and directed to, clergy and church workers. We propose to undertake an Australia-wide consultation to seek comments about the incidence of abusive behaviours of and by clergy and church workers, and draft policies and procedures as they are developed.

Recommendation 10

The General Synod refers to the Professional Standards Commission the development of policies and procedures for identifying, dealing with, and preventing, abusive behaviours of and by clergy and church workers.

Private Confessions

We provided comments on successive drafts of *Pastoral Guidelines for the Hearing of Private Confessions with special reference to Child Sexual Abuse* which were approved at the National Bishops' Meeting on 8 March 2006. At the request of the Primate, we are further considering this document.

In early 2008 we are proposing to organise a national conference on the hearing of private confessions with particular reference to sexual abuse.

¹⁸ The *Faithfulness in Service* Discussion Guide is published on the General Synod website online at <http://www.anglican.org.au/docs/FISDiscussionMay2006.pdf>

¹⁹ Beyer, L., Higgins, D., & Bromfield, L. (2005, July). *Understanding organisational risk factors for abuse: A literature review*. A report to the Community Services Ministers' Advisory Council, commissioned by the Department of Family and Community Services. Melbourne: Australian Institute of Family Studies, page 44.

²⁰ In 2006 the Diocese of Sydney agreed to appoint a committee to consider and report on the question of bullying in parishes and diocesan structures. The following articles have been published in the Melbourne Anglican: *Blame and 'burnout' for bullied clergy* in February 2006; *Challenging a culture of bullying in the Church* in March 2006; *Understanding the pastor's power* in April 2006.

²¹ Power in the Pews: The Impact of Abuse and Bullying of Ministers Perpetrated by Members of the Congregation Hannah Peterson, 2004, is a project undertaken by the Bethel Pastoral Centre of the Synod of Victoria and Tasmania of the Uniting Church in Australia.

²² On 13 and 19 May 2003 questions were asked in the House of Commons about measures to combat bullying in the Church of England and the support offered to clergy who are victims of bullying. These questions can be found on the United Kingdom Parliament website online at [Hhttp://www.publications.parliament.uk/pa/cm200203/cmhansrd/vo030513/text/30513w05.htm#30513w05.html_sbhd1](http://www.publications.parliament.uk/pa/cm200203/cmhansrd/vo030513/text/30513w05.htm#30513w05.html_sbhd1)

H and http://www.publications.parliament.uk/pa/cm200203/cmhansrd/vo030519/text/30519w09.htm#30519w09.html_sbhd8
A question about bullying was asked at the July 2006 session of General Synod of the Church of England. The question and answer can be found on the Church of England website online at <http://www.cofe.anglican.org/about/gensynod/agendas/july2006.html>

The Bench of Bishops of the Church in Wales has provided a Bullying and Harassment Policy which can be found on The Church in Wales website online at [Hhttp://www.churchinwales.org.uk/bullying/bullying_harassment_policy.doc](http://www.churchinwales.org.uk/bullying/bullying_harassment_policy.doc).
In July 2006 the trade union Amicus won a substantial settlement from the Diocese of Europe of the Church of England for a vicar who alleged that he was bullied out of his post by the Bishop who withdrew his licence. A news release can be found on the Amicus website online at <http://www.amicustheunion.org/default.aspx?page=4291>

²³ In *Percy v Board of National Mission of the Church of Scotland* [2006] 2 AC 28 the House of Lords held by majority that Ms Percy, an ordained minister of the Church of Scotland, was in employment under s 82(1) of the Sex Discrimination Act 1975 (UK).

²⁴ On 1 November 2006 the Church of England released *Promoting a Safe Church: Policy for safeguarding adults in the Church of England*. This policy can be found on the Church of England website online at [Hhttp://www.cofe.anglican.org/info/papers/promotingasafechurch.pdf](http://www.cofe.anglican.org/info/papers/promotingasafechurch.pdf)

In September 2005 the Methodist Church of Great Britain released *Pastoral Care and Safeguarding*. This policy can be found on the Methodist Church of Great Britain website online at [Hhttp://www.methodist.org.uk/downloads/lk_safeguarding0905.pdf](http://www.methodist.org.uk/downloads/lk_safeguarding0905.pdf)

In May 2006 the Baptist Union of Great Britain launched *Safe To Belong*.

On 3 October 2006 the Churches' Child Protection Advisory Service published *Safeguarding Adults* A manual for working with vulnerable adults and developing safe practice.

These policies cover such issues as sexual, physical, emotional, financial, spiritual and discriminatory abuse and neglect issues.

6. FORMATION FOR PASTORAL MINISTRY

In consultation with the Child Protection Committee in the second half of 2004 and early 2005, the Australian College of Theology developed the course of *Professional Ethics in Ministry*. The Australian College of Theology approved this course for various degrees on 22 February 2005. The following topics are specified in the unit outline:

“Section A: Foundations of Ministry Standards

- Introduction to ministerial and professional ethics
- Ethics of calling
- Ministry as a profession
- Biblical and theological foundations for ministerial ethics
- Moral character in ministry

Section B: Standards in Personal Life

- The personal life of the minister
- Family life
- Sexuality and sexual conduct
- Money and property

Section C: Standards in Ministry Context

- Sexual and interpersonal abuse
- Child protection and child abuse reporting requirements
- Dealing with allegations of ministerial misconduct
- Confidentiality
- Ministerial Codes of Ethics
- Stewardship and accountability
- The church and the law
- Boundaries in pastoral relationships
- Leadership and authority
- Leaving a church/ministry
- Preaching and teaching (and the use of power)
- Leading teams and training others”

The importance of resolutions 35/04(i) and (j) of the General Synod, which recommend that all clergy and church workers undertaking individual pastoral ministry in a diocese have satisfactorily completed training in professional ethics in ministry, has been underscored by disclosures in some dioceses of sexual conduct in pastoral relationships by clergy who have recently been ordained.

We encourage the leaders of those dioceses whose candidates for ordination are undertaking theological study in a theological college which is affiliated with the Australian College of Theology to press for the inclusion of *Professional Ethics in Ministry* in the curriculum. Similarly, we encourage the leaders of those dioceses whose candidates for ordination are undertaking theological study in other theological colleges to press for the inclusion of a course of the same nature as *Professional Ethics in Ministry* in the curriculum.

In consultation with the Professional Standards Commission, the Australian College of Theology is developing a course in human sexuality. On 24 January 2006 we consulted with Dr Gerardine Taylor, Clinical Director of Encompass Australasia, as to her clinical research in the area of sexually exploitative clergy.

7. SAFE MINISTRY TRAINING

Diocesan Training

In April 2007 we sent a questionnaire to each diocese requesting information as to what Safe Ministry training is occurring in the diocese, and who has taken part. Replies were received from 9 dioceses. Of those dioceses, there was no Safe Ministry training being undertaken in one diocese, and Safe Ministry training has been restricted to clergy in two dioceses. We are concerned that this questionnaire shows significant shortcomings in the coverage of Safe Ministry training being undertaken. Education was a critical aspect of the resolutions passed at the 13th General Synod to minimise the risk of the occurrence of child abuse and the sexual abuse of adults.

Garth Blake spoke about *Faithfulness in Service*, and gave an overview of professional standards in the Church, at a Forum in the Diocese of Perth on 25 August 2005. Marilyn Redlich presented a two day workshop on *Faithfulness in Service* for clergy and church workers in the Diocese of North Queensland in November 2006. Helen Carrig and Marilyn Redlich spoke about *Faithfulness in Service* at the Synod of the Diocese of the Northern Territory on 22-24 June 2007, and led a workshop on *Faithfulness in Service* at its clergy conference on 25 June 2007.

Model Curriculum

We have been developing a model curriculum for Safe Ministry training.

National Professional Standards Conference

We organised a National Professional Standards Conference which was held on 26 May 2007 in Sydney. Approximately 90 persons at senior levels in the Church attended. The Primate led the worship. Professor Patrick Parkinson of the Faculty of Law of The University of Sydney and Mr Dale Tolliday of the Western Sydney Area Health Service gave keynote addresses in which they dealt with the following topics:

- Child Protection and the Churches
- Church Processes for Dealing with Allegations of Abuse
- Where to for Abusers?

Helen Carrig and Marilyn Redlich led an extended case study. We were grateful for the sponsorship of \$10,000.00 from Ansvar Insurance Limited, and the support of the Safe Ministry Unit of the Diocese of Sydney which paid for the hire of the venue.

8. PASTORAL SUPPORT OF THE ABUSED

Since the 13th General Synod there have been further disclosures of abuse in several dioceses. Many dioceses are also dealing with the consequences of previously disclosed abuse. Apart from the primary victims, there continue to be many secondary victims of abuse among the following categories of persons:

- members of the families and the friends of the abused and abusers;
- the parish or church organisation of the abused and abusers;
- parishes or church organisations in which abusers have served;
- clergy and church workers who have been colleagues of abusers; and
- clergy and church workers responsible for responding to abuse.

We are concerned that there is still substantial misunderstanding by some clergy and church workers of the pastoral needs of those affected by abuse – this has led to inappropriate pastoral responses to those affected by abuse, including spiritual pressure on those who have been abused to forgive their abuser.

The current reference to the Ministry Commission of the preparation of resources for the provision of pastoral support of those affected by abuse in consultation with the Professional Standards Commission is a critical need. Consultation should also occur with the Professional Standards Directors Network.

Policies have been recently developed by churches in the United Kingdom for those with pastoral care responsibilities for survivors and perpetrators of domestic abuse.²⁵ There is a need for a similar resource in the Church.

Recommendation 11

The General Synod refers to the Professional Standards Commission the development of a resource for those with pastoral care responsibilities for survivors and perpetrators of domestic abuse.

²⁵ On 3 October 2006 the Church of England released *Responding to Domestic Abuse Guidelines for those with pastoral responsibility*. These guidelines can be found on the Church of England website online at <http://www.cofe.anglican.org/info/papers/domesticabuse.pdf>

At its 2005 Conference the Methodist Church of Great Britain released the report entitled *Domestic Abuse*. This report can be found on the Methodist Church of Great Britain website online at <http://www.methodist.org.uk/index.cfm?fuseaction=opentogod.content&cmid=1553>

9. PASTORAL SUPPORT AND SUPERVISION OF ABUSERS

Model Guidelines - Pastoral Supervision and Support of Sexual Abusers in Parishes

In December 2006 we published the resource entitled *Model Guidelines for the Pastoral Supervision and Support of Known and Suspected Sexual Abusers in Parishes*.²⁶ As well as providing information about sexual abuse and some of the attendant theological issues, this resource addresses the pastoral supervision and support of known and suspected sexual abusers. It also includes a template of a Memorandum of Understanding between the abuser, the parish and the diocese, which can be downloaded and adapted for local use.

Fundamental to these guidelines is the establishment of clear boundaries where known or suspected sexual abusers are involved in a parish. Clear boundaries will both protect children and vulnerable adults, and lessen the possibility of the abuser being wrongly accused of abuse or being tempted to abuse. The establishment of clear boundaries will require the following elements:

- the identification of sexual abusers;
- the identification of the parish or congregation;
- the establishment of boundaries for the involvement of the abuser in the parish;
- the communication of information about the abuser within the parish;
- the provision of pastoral supervision and support of the abuser within the parish.

Restoration to Ministry

Some types of abuse may not necessarily permanently disqualify clergy and church workers from pastoral ministry – while individual circumstances must always be taken into account, as far as practicable there should be a similar approach to the restoration to ministry of clergy and church workers in all dioceses. The development of principles for dealing with the restoration to ministry of clergy and church workers should be undertaken. The Dioceses of Tasmania²⁷ and Perth have each developed principles and processes for restoration to ministry of clergy whose ethical failure has resulted in cessation of their ministry.

Recommendation 12

The General Synod refers to the Professional Standards Commission the development of principles for dealing with the restoration to ministry of clergy and church workers who have abused others.

²⁶ These guidelines are published on the General Synod website online at <http://www.anglican.org.au/docs/PSCModelPastoralSuptSupervision2006.pdf>

²⁷ The policy *Restoration to Ministry* is published on the Diocese of Tasmania website online at http://www.anglicantas.org.au/policies/restoration_to_ministry.html

10. LIAISON WITH OTHER COMMISSIONS OF THE GENERAL SYNOD

Liturgy Commission

We have provided comments on prayers prepared by the Liturgy Commission (*Prayer of a companion to a person who has been abused* and *Prayer for a companion to a person who has been abused*).

Doctrine Commission

In December 2006 we provided information to the Doctrine Commission as to the issues raised by resolution 34/04(f) of the General Synod (the preparation of a report dealing with various aspects of the Church's responsibility for the physical, emotional and spiritual safety and welfare of all people within its community).

We welcome as an important resource the recently released *Preliminary Report from the Doctrine Commission concerning Theological Issues Surrounding Sexual and Other Forms of Abuse*. We look forward to the final report in due course.

Recommendation 13

The General Synod recommends that each diocese circulates the *Preliminary Report from the Doctrine Commission concerning Theological Issues Surrounding Sexual and Other Forms of Abuse* to all clergy, and church workers who minister to those affected by abuse and abusers.

Ministry Commission

We have reviewed and are in the course of providing comments to the Ministry Commission in respect of *Model Statement for Clergy of the Expectations and Responsibilities of their Roles and Entitlements at the Time of their Appointment*.

Church Law Commission

We have liaised with the Church Law Commission with respect to amendments to the Model Professional Standards Ordinance and the Bill for the National Register Canon 2007.

11. DISCIPLINE OF CLERGY AND CHURCH WORKERS

Model Professional Standards Ordinance

We raised at the meeting of the Standing Committee held on 10-11 July 2005 the desirability of a review mechanism for those determinations and recommendations of the Professional Standards Board that are likely to affect the livelihood of clergy and licensed lay persons.

Following its meeting on 20 and 21 August 2005 the Church Law Commission forwarded to us for our consideration the following two amendments to the Model Professional Standards Ordinance:

- the removal of the Director of Professional Standards as a member of the Professional Standards Committee with a right to attend its meetings within certain exceptions;
- the inclusion of a new part 8A providing for a right of review of the determination of a Professional Standards Board.

The first amendments in a modified form, and the second amendments, were approved by the Standing Committee at its meeting held on 18-19 October 2006.

Subsequently, we have liaised with the Church Law Commission with respect to amendments providing for some additional recommendations which can be made by the Professional Standards Board, the inclusion of an additional ground of review of the determination of a Professional Standards Board, and changed qualifications for the panel of lay persons who may be appointed to a Professional Standards Board. These amendments were approved by the Standing Committee at its meeting held on 11-13 May 2007.

Episcopal Standards Commission

We reviewed the documents "Complaint to the Episcopal Standards Commission" and "Complaint Investigation Procedure" prepared by the Episcopal Standards Commission.

12. JOINT CHURCH ACTION

Safe as Churches? Consultations

We have participated as plenary speakers and workshop leaders at the Safe as Churches? II, and the Safe as Churches? III, consultations on sexual abuse and misconduct in Australian Churches held in Canberra in September 2005 and in March 2007 respectively, and organised by the National Council of Churches in Australia. The first of these consultations was attended by approximately 130 persons from 12 different denominations, including about 25 Anglicans from all States and Territories. The second of these consultations was attended by approximately 100 persons from 12 different denominations, including about 15 Anglicans from most States and Territories. These consultations have provided valuable opportunities for consultation and networking across denominational boundaries.

Safe as Churches – Training Agreement

Through the Safe as Churches – Training Agreement Working Group the National Council of Churches in Australia is developing a Reciprocal Recognition Training Agreement for Safe Places Programs which enable a common approach to Safe Ministry training to be accepted across the participating denominations with resultant cost and human resource savings. A number of dioceses have expressed interest to the Working Group.

Recommendation 14

The General Synod commends the National Council of Churches in Australia for organising the *Safe as Churches? II and III* national ecumenical consultations on sexual misconduct and abuse in the Australian churches and recommends that the National Council of Churches in Australia facilitate where feasible joint action by member churches and other Australian churches to promote the physical, emotional and spiritual welfare and safety of all people within their communities.

13. GOVERNMENT ACTION

Responses to resolutions 36/04(b)-(e) of the General Synod

On 9 December 2004 the General Secretary, Philip Gerber and Garth Blake met with the Hon. Bob Debus, Attorney-General for New South Wales with respect to resolution 36/04(b) and (d) of the General Synod.

On 11 March 2005 the General Secretary and Garth Blake met with The Hon Sussan Ley MP, Parliamentary Secretary for Children and Youth Affairs. At this meeting she was given a letter dated 9 March 2005 to Senator The Hon Kay Patterson, Minister for Family and Community Services and the Minister Assisting the Prime Minister for Women's Issues containing resolution 36/04 of the General Synod. There was a discussion as to possible Commonwealth Government initiatives for the prevention of child abuse and neglect.

In her letter dated 1 June 2005 to the General Secretary The Hon Sussan Ley MP referred to Australian Government initiatives and collaborative efforts with the States and Territories. She advised that the Australian Government did not believe that there would be any benefit in having a national Children's Commission. In relation to the recommendation for a national summit on child protection she advised that the Department of Family and Community Services considered that at this stage the attention and efforts of the Australian Government should continue to be concentrated on those areas in which agreement has already been achieved with State and Territory Governments.

On 25 August 2005 Garth Blake and Hamish Milne, Director of Professional Standards of the Diocese of Perth, met with The Hon Sheila McHale MLA, Minister for Community Development of Western Australia. At this meeting she was given a letter dated 22 August 2005 containing resolution 36/04 of the General Synod. There was a discussion about defamation protection for people making complaints to non-government organisations about sexual abuse. In her letter dated 23 September 2005 to Mr Milne The Hon Sheila McHale MLA indicated that the Western Australian Government had no intention to extend protection from civil liability regarding notifications of sexual abuse to non-government organisations.

In his letter dated 20 September 2005 to Marilyn Redlich Rob Whiddon, Chief of Staff of The Hon Peter Beattie MP, Premier of Queensland, replied on his behalf to her letter dated 7 June 2005. In this letter reference was made to a number of national initiatives which are currently being progressed that will result in increased coordination and collaboration between the Australian Government and the States/Territories in relation to child protection issues, including the screening of those intending to work with children.

In his letter dated 24 October 2005 to the General Secretary the Hon Bob Debus, Attorney-General of New South Wales, responded to the General Secretary's letter dated 8 December 2004 enclosing resolution 36/04. In this letter the Attorney-General gave an update on the progress on each topic raised in this resolution. Action taken has included seeking advice to the extent of nationally consistent laws regarding mandatory reporting, writing to Ms Gillian Calvert, Commissioner of the Commission for Children and Young People in relation to volunteer screening, writing to the Minister for Justice for advice as to the appropriateness of establishing the "Circles of Support" programme in New South Wales and initiating discussions with the Department of Corrective Services as to use of this model in the reintegration of sex offenders into the community, and asking his department to give further consideration as to whether further statutory protections need to be provided in order to facilitate effective child protection. The Attorney-General indicated that he hoped that he would be able to write again in the future to discuss further developments in relation to resolution 36/04.

In her letter dated 4 November 2005 to the General Secretary the Hon Sherryl Garbutt MP, Minister for Children and Minister for Community Services, outlined initiatives of the Victorian

Government to improve child protection and family services since 1999. In his letter dated 8 November 2005 to the General Secretary Alan Hall, Acting Executive Director of the Victorian Office of Children, responded to resolution 36/04 of the General Synod.

Australian Institute of Family Studies

In October 2005 Garth Blake was contacted by the Australian Institute of Family Studies regarding participation in a survey on child maltreatment in organisations for the Community Services Ministers' Advisory Council. Due to the very tight time constraint the Institute decided to approach the dioceses direct. After consultation with the General Secretary and the Professional Standards Directors' Network, we communicated with the Institute to ensure that there was a consistent national approach. In December 2005 the Institute completed its report *The nature and extent of child maltreatment in Australian organisations: Findings from service data* which was subsequently presented to the Community Services Ministers' Advisory Council.

National Child Protection Forum

A National Child Protection Forum was held on 27-28 June 2006 in Melbourne at the initiative of the Commonwealth Government. The forum was designed to enable participants to learn about and discuss a range of initiatives and best practice models of service delivery relating to the protection of children. It also incorporated segments across the two days to allow time for participants to consider the major issues in child protection that might benefit from a national approach. Delegates at the forum drafted a plan that could form the basis of a National Strategy, with the aim of having it submitted to relevant Ministers for consideration. A representative from each of Anglicare Sydney and Anglicare South Australia attended the forum.

A draft National Strategy document has been prepared. It is likely that issues around child protection, and an Australian Government role in this area, will be discussed at the forthcoming Community and Disability Services Minister's meeting in late July 2007.

A National Approach to Child Protection

As set out in the Report of the Child Protection Committee and in resolutions 36/04(c) and (e) of the General Synod, we believe that the Commonwealth Government should appoint a Children's Minister and an independent Commissioner for Children to promote the protection of children, and has a critical role in facilitating a consistent approach to child protection issues in the States and Territories. The need for this national approach is just as important as it was at the time of the 13th General Synod.

Recommendation 15

The General Synod recommends that the Commonwealth Government ensures that children and young people are a national priority by appointing a Children's Minister and an independent Commissioner for Children, who will provide leadership in:

- (a) a co-ordinated approach to policy implementation in the best interests of children; and
- (b) developing a National Strategy on child abuse and neglect, in consultation with the States and Territories and community service organizations;

and requests that the General Secretary conveys this resolution to the Prime Minister and the Minister for Families, Community Services and Indigenous Affairs.

Uniform Laws

As set out in the Report of the Child Protection Committee and in resolution 36/04(b) and (e) of the General Synod, we believe that the absence of uniform legislation in the States and Territories as to mandatory and voluntary reporting of child abuse, and the screening of persons seeking to work with children in a paid or voluntary capacity, is unsatisfactory. The differences between the laws of the States and Territories are well known.²⁸ The same standards should apply throughout Australia.

Recommendation 16

The General Synod recommends that State and Territory Governments enact uniform laws that provide for:

- (a) the reporting of child abuse to the police and the government child protection authorities; and
- (b) the screening of all persons seeking to work with children in a paid or voluntary capacity; and

and requests that the General Secretary conveys this resolution to the Premier or Chief Minister of each State and Territory, and to the Community Services Ministers' Advisory Council.

²⁸ For the position as to the mandatory and voluntary reporting of child abuse see the Report of the Child Protection Committee *Making Our Church Safe: A Programme For Action*, Appendix 8.

For the position as to the screening of persons seeking to work with children in a paid or voluntary capacity see Beyer, L., Higgins, D., & Bromfield, L. (2005, July). *Understanding organisational risk factors for abuse: A literature review*. A report to the Community Services Ministers' Advisory Council, commissioned by the Department of Family and Community Services. Melbourne: Australian Institute of Family Studies, Appendix A, (2005, November).

14. ANGLICAN COMMUNION ACTION

Resolution 36/04(f) of the General Synod was considered at the meeting of the Anglican Consultative Council (ACC-13) held at Nottingham on 19 - 28 June 2005.²⁹ At the Joint Standing Committee of the Primates and the Anglican Consultative Council held in 2006 it was resolved that the Secretary General write to Primates and Provincial Secretaries to assess interest in establishing a Safe Ministry Network.

Arising out of a discussion with the Secretary General of the Anglican Consultative Council in January 2007, Garth Blake has initiated a proposal to hold a self funding International Safe Ministry Conference for member churches of the Anglican Communion.

Another initiative arising out his discussion with the Secretary General is that Garth Blake has submitted a draft seminar programme on Sexual Abuse in the Church to each of the Design Group of the Lambeth Conference 2008, and the Spouses Planning Group for the Lambeth Spouses Conference 2008.

²⁹ The Anglican Consultative Council passed resolution 50:

Protection of Children and Vulnerable Adults

The Anglican Consultative Council,

- a. takes to heart the admonition in Matthew 18.6 and the priority given in Jesus' ministry to children and to the vulnerable of society; and therefore
 - b. commits itself to the highest standards of care for all young and vulnerable people, seeking to ensure their protection, safety and well-being, and requests similar pledges of commitment from all the Provinces and churches of the Communion
 - c. notes the recommendation from the Anglican Church of Australia that ACC establish a Safe Ministry Task Force to promote the physical, emotional and spiritual welfare and safety of all people, especially children, young people and vulnerable adults, within the member churches of the Anglican Communion, and
 - d. refers the recommendation and proposed action plan to the Standing Committee for evaluation and recommendations on the further action that may be taken by this Council and the Provinces of the Communion.
- (Matthew 18.6 reads: Whoever causes the downfall of one of these little ones who believe in me,-it would be better for him if a heavy millstone were hung around his neck and he were drowned in the depths of the sea!)

15. REFERENCES FROM THE PRIMATE

Forgotten Australians

On 5 and 6 June 2006 Garth Blake and Rod McLary, Director of Professional Standards of the Province of Queensland, attended the National Forgotten Australians Conference in Sydney organised by the Commonwealth Department of Family and Community Services and Indigenous Affairs. Garth Blake spoke as to the response of the Church to the *Forgotten Australians* Report. The report of the conference outcomes and proceedings identifies a number of proposed strategies for more effective responses to care leavers, including a Forgotten Australians Advisory Council. The report contains a reference to the Anglican Church of Australia as an example of good practice in restorative justice for people who were caused harm in out-of-home care.

On 24 November 2005 the Primate referred to us a series of documents from Dr Wayne Chamley, who is a member of Broken Rites (Australia) Collective Inc, with respect to the report *Forgotten Australians* released on 30 April 2004 by the Senate Community Affairs Committee. We prepared a report entitled *Forgotten Australians*. This report contained the following recommendations:

- that each affected diocese should establish a scheme of individual care and assistance for all care leavers who have directly suffered abuse by its clergy and church workers;
- that each affected Church organisation which has had responsibility for care leavers should be encouraged to participate in a diocesan scheme of individual care and assistance or establish its own scheme;
- that the scheme and its details should be made public.

Recommendations were also made as to the contents of the protocol of each diocese and Church organisation for dealing with complaints by care leavers so that there is a common approach across the Church. This report was approved by the Standing Committee in October 2006.

Corporal Punishment of Children

On 26 August 2005 the Primate referred to us a letter dated 9 August 2005 from the Churches' Network for Non-Violence inviting the Anglican Church of Australia to become a member of the Global Initiative to End All Corporal Punishment of Children supporting the aims and statements set out therein. After consulting with Professor Kim Oates, Chief Executive, The Children's Hospital, Westmead and Executive Councillor of the International Society for Protection from Child Abuse and Neglect, we prepared a preliminary report entitled *Corporal Punishment of Children*, and obtained a theological reflection by The Revd Dr Duncan Reid. The preliminary report addressed the following topics:

- Introduction
- The Context – Families and Children
- *The Convention on the Rights of the Child*
- The Biblical Perspective
- The Legal Position in Australia
- The Legal Position throughout the World
- The Current State of Expert Opinion
- The Position in the Anglican Church of Australia
- General Considerations
- The Way Forward

Paragraph 18 of the preliminary report included the following motion:

“That this Church in view of:

- (a) the efficacy of non-violent forms of discipline as a means of promoting positive family relationships and ensuring the welfare and safety of children;
- (b) the risk of corporal punishment being excessive and causing physical and psychological injury of children;
- (c) the risk that corporal punishment of children will promote violent attitudes and actions in the community;

recommends that the Commonwealth, State and Territory Governments:

- (d) declare their opposition to all corporal punishment of children;
- (e) set a timetable for the elimination of all corporal punishment of children;
- (f) establish structures and provide resources to educate parents, guardians and carers of children as to non-violent forms of discipline;

and encourages members of the Church who are parents, guardians and carers of children not to use corporal punishment as a method of discipline.”

At its meeting held on 18-19 October 2006 the Standing Committee asked Anglicare-Australia to consider further and prepare a report for General Synod. At its meeting held on 30 November 2006 the Anglicare-Australia Council endorsed the Report of Anglicare Victoria which recommended the adoption of the motion in paragraph 18 of the preliminary report of the Professional Standards Commission. At its meeting held on 11-13 May 2007 the Standing Committee received the report of Anglicare-Australia which recommended that the motion in paragraph 18 of the preliminary report of the Professional Standards Commission be placed on the first day’s business paper of the 14th General Synod. This motion was withdrawn.

Since the preparation of the preliminary report the issue of the corporal punishment of children has received further public consideration both in Australia and overseas. In 2007 the Australian Childhood Foundation, supported by the Australian Government Department of Families, Community Services and Indigenous Affairs, developed the *Every Child is Important* parenting education program, which advocates the discipline of children without the use of physical punishment.³⁰

On 16 May 2007 the New Zealand Parliament effectively outlawed corporal punishment of children by repealing the defence of reasonable force being used by an adult in disciplining a child under section 59 of the *Crimes Act 1961* (NZ). The Bishops of the Anglican Church in Aotearoa, New Zealand and Polynesia released a statement supporting this amendment.³¹ Anglican Maori leaders also supported this amendment.³²

We believe that the corporal punishment of children is an important issue that is likely to be the subject of ongoing public debate. We hope that members of the Church will participate in this public debate.

³⁰ The *Every Child is Important* parenting education program includes the following information:
“What about physical punishment?”

Successful discipline can be achieved without the use of physical punishment.

Physical punishment causes pain to stop the behaviour. For example, hitting a child with a hand or object.

Physical punishment does not communicate care or respect to a child.

Physical punishment can undermine a child’s sense of love and security. They can often become anxious, fearful or

rebellious.

Physical punishment teaches children that violence can be an acceptable way to solve problems.

Hitting a child does not teach acceptable ways to behave. Instead it may result in a repeat of the misbehaviour.

Often children are so upset or angry after being hit, they forget why they are being punished.”

This section of the *Every Child is Important* parenting education program can be found on the Australian Childhood Foundation website online at <http://www.kidscount.com.au/english/chapter08.asp>

³¹ The statement was signed by 15 Bishops. The three Fiji-based bishops in the Diocese of Polynesia were not part of the forming of this statement. The statement of the Bishops can be found on the Anglican Church in Aotearoa, New Zealand and Polynesia website online at <http://justice.anglican.org.nz/news/anglican-bishops-support-repeal-of-section-59/>

³² The statement of The Venerable Dr Hone Kaa can be found on the Anglican Church in Aotearoa, New Zealand and Polynesia website online at <http://justice.anglican.org.nz/news/anglican-maori-support-repeal-of-section-59/>

16 GENERAL SYNOD ACTION

Professional Standards Commission

By virtue of s 27(3) of the Strategic Issues, Commissions, Task Forces and Networks Canon 1998 the Professional Standards Commission will cease at the conclusion of the 14th General Synod. We believe that there is a substantial amount of unfinished work for the Professional Standards Commission to undertake arising both out of the resolutions of the 13th General Synod and this Report.

Recommendation 17

The General Synod amend the Strategic Issues, Commissions, Task Forces and Networks Canon 1998 by deleting section 27(3).

It will be important for the General Synod to be aware of the progress in the development and implementation of safe ministry policies and structures to ensure that the *Safe Ministry Policy Statement* is matched by effective action. The General Synod should request the Professional Standards Commission to report to the next session of the General Synod as to the progress of the Church in the development and implementation of safe ministry policies and structures.

Recommendation 18

The General Synod requests the Professional Standards Commission to report to the 15th General Synod as to the progress of the Church in the development and implementation of safe ministry policies and structures.

We consider in view of its functions and the references from the General Synod that the budget of the Professional Standards Commission should be \$42,500 for 2008. This amount will enable us to meet once a quarter, to consult within the Church as well as obtain relevant professional advice. A detailed costing for this budget is set out in **Appendix 5**.

Recommendation 19

The General Synod approves a budget of \$42,500 for 2008 for the Professional Standards Commission.

APPENDIX 1

CONTRIBUTORS AND EVENTS

We received valuable information from the following people from Australia and overseas, and at the following events:

Contributors

Diocese of Adelaide
The Venerable John Collas;
Ms Anne Hywood;
The Revd Dr Cathy Thompson;
Mrs Vivien Bleby;
The Venerable Peter Stuart.

Diocese of Brisbane
The Venerable Jonathan Holland.

Diocese of Canberra and Goulburn
The Revd Graham Lindsay;
The Venerable Sarah Macneil.

Diocese of Gippsland
The Venerable Heather Marten.

Diocese of Melbourne
The Venerable Graeme Sells;
The Most Revd Philip Freier.

Diocese of Newcastle
The Rt Revd Brian Farran;
Mr John Lincoln, Chancellor;
Mr Philip Goldsworthy.

Diocese of Northern Territory
Mrs Didamain Uibo.

Diocese of Sydney
Mr John Bellamy, Anglicare;
Mr Peter Kell, Chief Executive Officer,
Anglicare;
The Revd Sandy Grant;
Ms Linda Stephens.

Diocese of Tasmania
The Revd Helen Phillips.

Anglicare Australia
The Revd Canon Ray Cleary, Chairman;
Ms Jan Horsnell, Deputy Chairman;
Mr Basil Hanna;

Anglicare Australia cont ...
Ms Debbie Tozer;
Ms Sue Leppert, Executive Director;
Mr Cec Shevels;
Ms Natalie Reynolds.

Professional Standards Directors' Network
The Revd Canon Colin Aiken;
Mr Brian Hepworth;
Ms Claire Lunnay;
Mr Rod McLary;
Mr Hamish Milne;
Mr Tim Ridgway;
Ms Cheryl Russell;
Ms Claire Sargent;
Mr Les Whittle.

Adelaide
Professor Freda Briggs.

Sydney
Dr Peter Powell, Pastoral Counselling
Institute;
Dr Gerardine Taylor, Clinical Director,
Encompass Australasia;
Dr Tony Robinson, Chief Executive Officer,
Encompass Australasia;
Mr Robert McGregor, Director of Infoclear
Pty Limited.

Toronto
Dr Karen Kaffko;
Dr Richard Gilmartin.

London
Representatives of The Church of England
– Mrs Janet Hind, Child Protection Officer,
The Revd Pearl Luxon, Safeguarding
Advisor;

Mr David Pearson, Executive Director and
Mrs Pauline Pearson, Administrative
Assistant of the Churches' Child Protection
Advisory Service.

Events

Garth Blake attended the S.A.F.E. III Conference of the Nathan Network of the Episcopal Church of the United States of America in Colorado Springs on 25-28 April 2005.

The members of the Professional Standards Commission attended the Safe as Churches? II consultation on sexual abuse and misconduct in Australian Churches held in Canberra on 8-10 September 2005.

Marilyn Redlich attended the Supervision in Ministry Network conference on sexuality in Canberra in February 2005.

Garth Blake and Philip Gerber attended the Safe as Churches? III consultation on sexual abuse and misconduct in Australian Churches held in Canberra on 1-3 March 2007.

Marilyn Redlich attended the 1st World Congress on Sexual Health held in Sydney on 15-19 April 2007.

APPENDIX 2

MOTIONS FOR GENERAL SYNOD 2007

MOTION 1

The General Synod recommends that each diocese:

- (a) ensures that its website contains details of its professional standards policies and procedures and includes a link to the professional standards information on the General Synod website;
- (b) should introduce a diocesan policy for the selection and accreditation of lay parish church workers who have the opportunity to be alone with a child in their ministry, including appropriate training and storage of records, that takes into account the principles in the document entitled "Model System for the Selection and Accreditation of Lay Parish Church Workers" of the Professional Standards Commission;
- (c) develops procedures for the disclosure of whether there is any, and if so what, Information on the National Register for the appointment of persons to professional standards roles, the election of a bishop, and the election of persons by a Church authority;
- (d) includes on the diocesan website a list of all licensed clergy of the diocese.
- (e) circulates the *Preliminary Report from the Doctrine Commission concerning Theological Issues Surrounding Sexual and Other Forms of Abuse* to all clergy, and church workers who minister to those affected by abuse and abusers;

MOTION 2

The General Synod:

- (a) refers to the Professional Standards Commission:
 - (i) the development of principles to be applied in undertaking risk assessments arising from information obtained from a *Safe Ministry Check* or equivalent, together with appropriate training for those undertaking such risk assessments;
 - (ii) in consultation with the Church Law Commission the preparation of a motion to amend Rule III entitled "Rules for the Conduct of Elections Ordered to Be Made by the General Synod" to provide for the disclosure of any Information on the National Register in connection with the elections held at a General Synod for consideration by the next General Synod;
 - (iii) the preparation of procedures for the disclosure of Information on the National Register in connection with the election and appointment of persons by the Standing Committee for consideration by the Standing Committee;
 - (iv) the preparation of *Faithfulness in Service* in Simple English for approval by the Standing Committee;
 - (v) the development of policies and procedures for identifying, dealing with, and preventing, abusive behaviours of and by clergy and church workers;

- (vi) the development of a resource for those with pastoral care responsibilities for survivors and perpetrators of domestic abuse;
- (v) the development of principles for dealing with the restoration to ministry of clergy and church workers who have abused others;
- (b) requests the Professional Standards Commission to report to the 15th General Synod as to the progress of the Church in the development and implementation of safe ministry policies and structures.

MOTION 3

The General Synod:

- (a) commends the National Council of Churches in Australia for organising the *Safe as Churches? II and III* national ecumenical consultations on sexual misconduct and abuse in the Australian churches and recommends that the National Council of Churches in Australia facilitate where feasible joint action by member churches and other Australian churches to promote the physical, emotional and spiritual welfare and safety of all people within their communities;
- (b) recommends that the Commonwealth Government ensures that children and young people are a national priority by appointing a Children’s Minister and an independent Commissioner for Children, who will provide leadership in:
 - (i) a co-ordinated approach to policy implementation in the best interests of children; and
 - (ii) developing a National Strategy on child abuse and neglect, in consultation with the States and Territories and community service organizations;
 and requests that the General Secretary conveys this resolution to the Prime Minister and the Minister for Families, Community Services and Indigenous Affairs;
- (c) recommends that State and Territory Governments enact uniform laws that provide for:
 - (i) the reporting of child abuse to the police and the government child protection authorities; and
 - (ii) the screening of all persons seeking to work with children in a paid or voluntary capacity; and
 and requests that the General Secretary conveys this resolution to the Premier or Chief Minister of each State and Territory, and to the Community Services Ministers’ Advisory Council.

APPENDIX 3

SUMMARY OF PROFESSIONAL STANDARDS INFORMATION ON DIOCESAN WEB SITES

Diocese	Link to Prof Standards on Web Site & Brief Description of Contents	Date Viewed
Adelaide	http://www.adelaide.anglican.com.au/asafechurch.htm Extensive Professional Standards, Safe Ministry, Complaint Procedures & Healing Step Links	27/6/07
Armidale	No Professional Standards information found.	27/6/07
Ballarat	http://www.ballaratanglican.org.au/?id=professionalstandard Contact details for making a complaint	27/6/07
Bathurst	http://www.bathurstanglican.org.au/bwWebsite/followon.asp?PageID=2513 Comment on website page for Tri-Diocesan Covenant refers but no info.	27/6/07
Bendigo	No Professional Standards information found.	27/6/07
Brisbane	http://www.anglicanbrisbane.org.au/content.asp?sub=92&txt=92 Role of the Director of Professional Standards and contact details	27/6/07
Bunbury	Site under construction – no information available.	27/6/07
Canberra & Goulburn	http://www.canberragoulburn.anglican.org/html/publications/resources/childprotection/index.htm Links to Child Protection policies and procedures	27/6/07
Gippsland	http://www.gippsanglican.org.au/shprotocol_.html Complaint Process and contact details	27/6/07
Grafton	http://graftondiocese.org.au/?D=65 (Not easy to find) Download of the protocol for dealing with complaints	27/6/07
Melbourne	https://www.melbourne.anglican.com.au/main.php?id=2228 Reference to Power & Trust Seminars and link to Duty of Care Handbook	27/6/07
Newcastle	http://www.angdon.com/professional_standards/ Contact details for making complaints	27/6/07
North Queensland	http://www.anglicanq.org/SHCommittee.htm Contact details for Abuse Complaints Line and Professional Standards Committee members.	27/6/07
North West Australia	No Professional Standards information found.	No Info
Northern Territory	No Professional Standards information found.	No Info
Perth	http://www.perth.anglican.org/web/Resources/Professional_Standards/ Contact details and role of the Professional Standards Unit	27/6/07
Riverina	http://www.anglicanriverina.com/?D=57 Comment on website page for Tri-Diocesan Covenant refers but no info.	27/6/07
Rockhampton	No Professional Standards information found.	No info
Sydney	http://www.psu.anglican.asn.au/ Extensive Safe Ministry Information and contact details for Abuse Hotline.	27/6/07
Tasmania	http://www.anglicantas.org.au/solo/help.html Contact numbers to get help and make complaints. (link from Contacts Page)	27/6/07
The Murray	No Professional Standards information found	27/6/07
Wangaratta	http://members.westnet.com.au/registry/registrydocuments.html/ Link to 'Faithfulness in Service' in Registry Documents. No contact details.	27/6/07
Willochra	http://www.diowillochra.org.au/PDF%20Files/Mandatory%20%20reporting.pdf Brochure 'Mandatory Reporting' linked under 'Miscellaneous Resources'	27/6/07
Defence Force Chaplaincy	Link on home page to 'Code of Practice', including Faithfulness in Service. http://www.anglicanadf.org.au/code.htm	27/6/07

APPENDIX 4: SUMMARY OF DIOCESAN APPROACHES TO FAITHFULNESS IN SERVICE AS AT 26 JUNE 2007

Diocese or G.S. Body	Action	Date of Adoption or Consideration
Adelaide	Adopted with amendments by Synod	Oct 2006
Armidale	Appended to Professional Standards Ordinance	Sept 2004
Ballarat	Adopted "Faithfulness in Service" and "The Code of Good Practice". Summary of provisions published in form of brochure and widely circulated.	May 2007
Bathurst	Adopted by Bishop-in-Council	April 2005
Bendigo	Adopted "Faithfulness in Service" and "The Code of Good Practice". Summary of provisions published in form of brochure and widely circulated.	May 2007
Brisbane	Adopted. Will accept further changes approved by General Synod without further motion.	June 2005
Bunbury	Adopted without change	Oct 2005
Canberra & Goulburn	Adopted its own code: "The Diocesan Code of Good Practice" which incorporates substantial parts of Faithfulness in Service.	Sept 2006
Gippsland	Code 'promulgated' by Bishop i.e. put in place as standard Code. Subsequently adopted the Code in the form common to Dioceses in the Province of Victoria	April 2004 May 2007
Grafton	Adopted 2005 and amended by Synod May 2006.	May 2006
Melbourne	Adopted "Faithfulness in Service" and "The Code of Good Practice". Summary of provisions published in form of brochure and widely circulated.	May 2007
Newcastle	Endorsed by Diocesan Council as proclaimed by General Synod from time to time.	Jan 2007
North Qld.	Adopted FiS to replace interim code	May 2006
NW Australia	Accepted by Synod without change	2006
Northern Try	Adopted as part of Professional Standards Ordinance	2005
Perth	Diocesan Council has endorsed the use of FIS and accompanying Study Guide for use within the Diocese. FIS is still to be formally adopted by Synod.	Oct 2006
Riverina	Adopted by Synod	June 2006
Rockhampton	Adopted as part of Professional Standards Ordinance	Oct 2005
Sydney	Adopted by Synod	Oct 2004
Tasmania	Adopted by Synod June 2006 with minor changes and additional material in 'Children' section.	June 2006
The Murray	Adopted FIS & Professional Standards Protocol as amended and adopted by Adelaide.	May 2007
Wangaratta	Adopted "Faithfulness in Service" and "The Code of Good Practice". Summary of provisions published as brochure and widely circulated.	May 2007
Willochra	Diocesan Council and Synod endorsed material and added a professional standards clause to its Administration Ordinance with the standards as appendix	Feb 2004
Defence Force Chaplaincy	Recommended by Defence Force Board and Adopted by the Bishop's Standing Committee without change.	Aug 2005

APPENDIX 5

BUDGET OF THE PROFESSIONAL STANDARDS COMMISSION FOR 2008

We estimate that we will spend \$32,500 in 2008 (see the breakdown in the Table below). The annual cost in 2009 and 2010 is likely to fall, but will be considered by the Standing Committee each year.

BREAKDOWN OF BUDGET OF THE PROFESSIONAL STANDARDS COMMISSION IN 2008		
Meetings:	Professional Standards Commission	\$10,000
	Risk assessment training	\$5,000
	Australia wide consultations	\$10,000
	Provincial workshops - comprehensive psychological assessment	\$5,000
	Workshops with Aboriginal people in Darwin and Torres Strait Islander people on Thursday Island for the preparation of <i>Faithfulness in Service</i> in Simple English	\$10,000
	Consultants	\$2,000
	Teleconferences (4 x 1 hours)	\$500
TOTAL COST		\$42,500

We will meet for 2 days once a quarter. Our membership is 8 persons with 1 from each State capital city and 1 additional person from Sydney and Wangaratta. Meeting costs are estimated at \$2,500 and include travel, accommodation and hospitality expenses. As necessary, teleconference will be held between meetings at a cost of \$500.

As part of its work, we will need to meet with those required to implement safe ministry practices in particular areas including:

- a one day workshop for those involved in the risk assessment of clergy and church workers;
- 5 one day provincial workshops on comprehensive psychological assessment for ordination candidates.

The development of policies and procedures for identifying, dealing with, and preventing, abusive behaviours by, and directed to, clergy and church workers will require input from dioceses, parishes and church organisations. To assist in this process, an Australia-wide consultation is proposed with meetings in each State capital city, the Australian Capital Territory, the Northern Territory and a regional centre in Queensland (Townsville) and Victoria (Bendigo) to seek comments about the incidence of abusive behaviours by and directed to clergy and church workers, and draft policies and procedures as they are developed, which will be attended by 2 members of the Professional Standards Commission.

We intend to hold workshops of up to five days each between two or three members of the Professional Standards Commission and Aboriginal people in Darwin, and Torres Strait Islander people on Thursday Island, for the preparation of *Faithfulness in Service* in Simple English.