

A BILL FOR A RULE TO AMEND RULE II – STANDING COMMITTEE (CONFLICT OF INTEREST) 2022

EXPLANATORY MEMORANDUM

General Background

The Royal Commission into Institutional Responses to Child Sexual Abuse

1. In January 2013, the Royal Commission into Institutional Responses to Child Sexual Abuse was established and its terms of reference included “what institutions ... should do to better protect children against child sexual abuse and related matters in institutional contexts in the future”.
2. In March 2017, the failure to achieve a nationally consistent approach to child protection in this Church was highlighted by the Royal Commission at its public hearing in Case Study 52 inquiring into the current policies and procedures of Anglican Church authorities in Australia in relation to child-protection and child-safety standards, including responding to allegations of child sexual abuse. Leaders of this Church appearing before the Royal Commission in Case Study 52 committed to core national minimum standards for safe ministry to children.
3. In December 2017, the Final Report of the Royal Commission into Institutional Responses to Child Sexual Abuse made a recommendation to all religious institutions as to the suspension of clergy who are the subject of a plausible complaint of child sexual abuse against, and there is a risk that they may come into contact with children in the course of their ministry.

16.2 – The Anglican Church of Australia should adopt a policy relating to the management of actual or perceived conflicts of interest that may arise in relation to allegations of child sexual abuse, which expressly covers...members of the Standing Committee of the General Synod.

4. Since 2018, this Church has been publicly accountable on its progress towards implementing the recommendations from the Royal Commission into Institutional Child Sexual Abuse through an annual report to the National Office of Child Safety. By passing this canon this Church will commence the process of amending Rule II to implement recommendation 16.2.

Object of the canon

5. The object of this canon is to amend the Rule II (Rules for the appointment of a Standing Committee of General Synod and Defining its Rule and Powers) in order to implement recommendation 16.2 of the Royal Commission into Institutional Responses to Child Sexual Abuse relating to the management of actual or perceived conflicts of interest that may arise in relation to allegations of child sexual abuse which expressly covers members of the General Synod Standing Committee.

Main provisions of the canon

6. This canon provides that where a member of the General Synod Standing Committee has a conflict of interest in relation to a matter that is to be considered by a meeting of the Standing Committee, that conflict must be declared to the meeting and that member must not be present while the matter is being discussed unless approved by the meeting.

Notes on Clauses

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| Clause 1 | amends rule 4(2) to refer to the addition of rule 4A |
| Clause 2 | amends rule 4(7) to include persons who do not declare that they have a conflict of interest |
| Clause 3 | inserts rule 4A which outlines what where a member has a conflict of interest in relation to a matter to be considered by a meeting of the Standing Committee they must declare that conflict to the meeting. The rule also provides that a member with a conflict of interest must not be present while the matter is being considered, subject to sub-rules (3) and (4). Sub-rule (3) allows the meeting to resolve to allow the member to return to the meeting to be present while the matter is being considered, but not to speak or to vote for the purposes of rule 4(4). Sub-rule (4) provides that where the meeting allows a member to return to the meeting, it must allow all relevant members who have left the meeting. Sub-rule (4) precludes the meeting from allowing some members but not others to return to the meeting. Sub-rule (7) outlines circumstances in which a member has or may be perceived to have a conflict of interest. |