

## SAFE MINISTRY TO CHILDREN CANON 2017

### Canon 4, 2017 as amended by

General Synod Standing Committee Resolution SC2018/03/39<sup>1</sup>

General Synod Standing Committee Resolution SC2018/03/40<sup>2</sup>

General Synod Standing Committee Resolution SC2021/2/25<sup>3</sup>

General Synod Standing Committee Resolution SC2021/2/26<sup>4</sup>

Canon 11, 2022

Whereas -

- A. in 2004 the General Synod adopted the Safe Ministry Policy Statement which states that this Church is committed to the physical, emotional and spiritual welfare and safety of all people, particularly within its own community, and includes the commitments to carefully recruit and train its clergy and church workers, adopt and encourage safe ministry practices by its clergy and lay church workers, and provide pastoral support to and supervision of any person known to have abused a child or another vulnerable person,
- B. in 2014 the General Synod adopted the Charter for the Safety of People within the Churches of the Anglican Communion which includes the commitments to adopt standards for the practice of pastoral ministry by clergy and other church personnel, to assess the suitability of persons for ordination as clergy or appointment to positions of responsibility in the church, and to promote a culture of safety in parishes and church organisations by education and training:

now the General Synod prescribes as follows:

### PART 1 - PRELIMINARY

#### Title

1. This canon is the Safe Ministry to Children Canon 2017.

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<sup>1</sup> Amended by General Synod Standing Committee Resolution SC2018/03/39 which came into effect on 1 January 2019.

<sup>2</sup> Amended by General Synod Standing Committee Resolution SC2018/03/40 which came into effect on 1 January 2019.

<sup>3</sup> Amended by General Synod Standing Committee Resolution SC2021/2/25 which came into effect on 1 July 2021.

<sup>4</sup> Amended by General Synod Standing Committee Resolution SC2021/2/26 which came into effect on 1 January 2022.

## Object

2. The object of this canon is:
  - (a) to prescribe a code of conduct for safe ministry to children;
  - (b) to prescribe minimum standards and guidelines for safe ministry to children;  
and
  - (c) to implement the Protocol so far as it provides for obtaining and taking into account Ministry Suitability Information before authorising clergy and church workers to undertake ministry to children.

## Interpretation

3. In this canon, unless the context otherwise requires:

**authorisation to function**<sup>5</sup> means a licence or any written instrument by which a member of the clergy is appointed, authorised, permitted or sanctioned to exercise ministry as a member of the clergy and **authorising to function** and **authorised to function** have a corresponding meaning;

**child** has the same meaning as in the National Register Canon 2007;

**child abuse** has the same meaning as in the National Register Canon 2007;

**Church authority** has the same meaning as in the National Register Canon 2007;

**Church body** means any body corporate, organisation or association that exercises ministry within, or on behalf of, or in the name of, the Church, and is controlled by a diocese or province or the General Synod;

**church worker**<sup>6</sup> means a person undertaking any ministry to children who is not a member of clergy and who –

- (a) is permitted to function by the Bishop of a diocese; or
- (b) is employed by a Church body; or
- (c) whether for payment or not, holds a position or performs a function with the actual or apparent authority of a Church authority or a Church body.

**clergy** means a person who is a bishop, priest or deacon in this Church;

**code of conduct** means a code of conduct for safe ministry to children;

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<sup>5</sup> Added by Canon 11, 2022.

<sup>6</sup> Amended by Canon 11, 2022.

**cogent** means clear, logical and convincing;

**contact** means physical contact, oral communication (whether face-to-face or by telephone), written communication or electronic communication (which includes email, instant messaging, social media and video chats);

**controlled by a diocese or province or the General Synod** has the same meaning as in the National Register Canon 2007;

**diocesan audit** means an audit as to whether:

- (a) any diocesan code of conduct containing additional standards of conduct for observance, and additional guidelines for conduct to be followed, is inconsistent with the standards of conduct and the guidelines for conduct contained in the prescribed code of conduct, or an equivalent code of conduct in respect of which the Standing Committee has made a determination under section 5(3);
- (b) a diocese has standards, and guidelines unless there are cogent reasons for not doing so, that give effect to the prescribed standards and guidelines;
- (c) a diocese has in place procedures which:
  - (i) effectively monitor observance by clergy and church workers in the diocese of the standards, and guidelines unless there are cogent reasons for not doing so, applicable to them that give effect to the prescribed standards and guidelines; and
  - (ii) provide for an appropriate response to instances of non-observance; and
- (d) the procedures in paragraph (c) have, in all material respects, been followed, and
- (e) any additional standards and guidelines for safe ministry to children prescribed by a diocese are inconsistent with the prescribed standards and guidelines, or equivalent standards and guidelines applicable to a Church body in respect of which the Standing Committee has made a determination under section 9(3);

**diocesan safe ministry authority** means a Church body with responsibility for safe ministry to children in a diocese, and where not established is the diocesan council;

**General Synod audit** means an audit as to whether:

- (a) any code of conduct that applies to clergy and church workers in a Church body in respect of which the Standing Committee has made a determination under section 5(3) gives substantial effect to the standards of conduct and the guidelines for conduct contained in the prescribed code of conduct as appropriately adapted to the context of the Church body;

- (b) the prescribed standards have been observed, and guidelines have been followed unless there are cogent reasons for not doing so, by the person or body appointing or electing clergy and church workers to a General Synod professional standards role or a General Synod safe ministry role;
- (c) any standards and guidelines for safe ministry to children that apply to clergy and church workers in a Church body in respect of which the Standing Committee has made a determination under section 9(3) give substantial effect to the applicable prescribed standards and guidelines as appropriately adapted to the context of the Church body;

**General Synod professional standards role** means a professional standards role to which a person is elected or appointed by the General Synod or the Standing Committee or the Primate or the General Secretary;

**General Synod safe ministry role** means a safe ministry role to which a person is elected or appointed by the General Synod or the Standing Committee or the Primate or the General Secretary;

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**ministry to children** means work of a kind where a person:

- (a)<sup>s</sup> is required to hold a statutory clearance by reason that the person has contact with a child as part of engaging in a regulated activity; or
- (b) exercises a pastoral ministry which has direct, regular and not incidental contact with children; or
- (c) provides services to children that are ancillary to the exercise of a pastoral ministry within paragraph (b) which involve:
  - (i) contact with children during an overnight activity (such as camps and similar activities); or
  - (ii) close, personal contact with children (such as changing clothes, washing and toileting); or
- (d) supervises the ministry of a person within any one or more of paragraphs (a) to (c); or
- (e) performs a professional standards role; or
- (f) performs a safe ministry role;

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<sup>7</sup> Definition of 'licence' repealed by Canon 11, 2022.  
<sup>8</sup> Amended by Canon 11, 2022.

**occasional ministry**<sup>9</sup> to children means the exercise of a pastoral ministry to children where the ministry is not regular and involves direct contact with children that is not incidental;

**pastoral ministry** includes the provision of spiritual advice and support, education, counselling, medical care, and assistance in times of need;

**permission to function**<sup>10</sup> means a licence or any written instrument by which a person who is not a member of the clergy is appointed, authorised, permitted or sanctioned to exercise ministry and **permitting to function** and **permitted to function** have a corresponding meaning;

**Person of Concern** is a person who is currently participating or wishes to participate in the life of a parish or congregation and whose presence constitutes a risk of harm from sexual abuse to others in the parish or congregation;

**prescribed code of conduct** means the code of conduct prescribed under this canon from time to time;

**prescribed standards and guidelines** means the standards and guidelines prescribed under this canon from time to time;

**professional standards process** has the same meaning as in the Episcopal Standards (Child Protection) Canon 2017;

**professional standards role** means a role in:

- (a) recommending or determining whether an action is to be taken; or
- (b) providing support to a person;

under a professional standards process;

**Protocol** means the Protocol for the disclosure of ministry suitability information between the churches of the Anglican Communion which the Anglican Consultative Council referred to in resolution 16.27 passed in 2016, and the text of which is set out in the Third Schedule;

**Safe Ministry Commission** means the Safe Ministry Commission established pursuant to the Strategic Issues, Commissions, Task Forces and Networks Canon 1998;

**safe ministry role**<sup>11</sup> means a role:

- (a) in recommending or determining standards and guidelines for safe ministry to children or with a Person of Concern; or

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<sup>9</sup> Added by Canon 11, 2022.

<sup>10</sup> Added by Canon 11, 2022.

<sup>11</sup> Amended by Canon 11, 2022.

- (b) in recommending or determining or supervising safe ministry in a parish or congregation with a Person of Concern;

but excludes a role as a member of the synod of the diocese and, if a diocese has established a diocesan safe ministry authority separate from its diocesan council excludes a role as a member of the diocesan council;

**spiritual abuse** has the same meaning as in the National Register Canon 2007;

**standards for safe ministry with Persons of Concern**<sup>12</sup> means the standards in Part 4 of the Second Schedule;

**standards of screening**<sup>13</sup> means the standards in Part 2 of the Second Schedule;

**standards of training**<sup>14</sup> means the standards in Part 3 of the Second Schedule;

**statutory clearance**<sup>15</sup> has the same meaning as in the National Register Canon 2007;

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## PART 2 - CODES OF CONDUCT

### Prescribed code of conduct

4. (1) The code of conduct is prescribed in the First Schedule.
- (2) The General Synod, or the Standing Committee by a two-thirds majority, may by resolution amend the First Schedule by:
- (a) prescribing amendments to the prescribed code of conduct or a substituted code of conduct; and
- (b) determining the date on which the amendments to the prescribed code of conduct, or the substituted code of conduct, shall come into force.
- (3) The Standing Committee prior to amending the First Schedule shall consult with the Safe Ministry Commission and diocesan safe ministry authorities as to the proposed amendments to the prescribed code of conduct or the proposed substituted code of conduct, and the date on which the proposed

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<sup>12</sup> Amended by Canon 11, 2022.

<sup>13</sup> Amended by Canon 11, 2022.

<sup>14</sup> Amended by Canon 11, 2022.

<sup>15</sup> Added by Canon 11, 2022.

<sup>16</sup> Definition 'working with children check' repealed by Canon 11, 2022.

<sup>17</sup> Definition 'working with vulnerable people check' repealed by Canon 11, 2022.

amendments to the prescribed code of conduct, or the proposed substituted code of conduct, shall come into force.

- (4) Any amendments to the prescribed code of conduct, or any substituted code of conduct, shall not deal with or concern the faith ritual or ceremonial of this Church other than in relation to the spiritual abuse of a child or the confession of child abuse.
- (5) Subject to section 5, clergy and church workers shall:
  - (a) observe the standards of conduct, and
  - (b) follow the guidelines for conduct unless there are cogent reasons for not doing so,contained in the prescribed code of conduct.

#### **Equivalent code of conduct**

5. (1) In this section **Church body** does not include a diocese or a diocesan safe ministry authority.
- (2) The prescribed code of conduct shall not apply to clergy and church workers in a Church body which has a code of conduct applicable to them pursuant to:
  - (a) the laws of the Commonwealth or a State or Territory; or
  - (b) a requirement or condition for registration, approval or funding to provide services for children under the laws of the Commonwealth or a State or Territory; or
  - (c) a contract or arrangement with the Commonwealth or a State or Territory or an agency or authority of the Commonwealth or a State or Territory.
- (3) Subject to subsection (2), the prescribed code of conduct shall apply to clergy and church workers in a Church body unless the Standing Committee by a two-thirds majority, on application by a province or diocese, determines that the Church body has a code of conduct containing equivalent standards of conduct for observance, and guidelines for conduct to be followed, by its clergy and church workers as appropriately adapted to the context of the Church body that give substantial effect to the standards of conduct and the guidelines for conduct contained in the prescribed code of conduct.
- (4) The General Secretary shall publish on the General Synod website a list of all Church bodies that have been determined under subsection (3) to have an equivalent code of conduct, the date on which the determination was made, and if applicable the period during which the determination had effect.

### **Additional code of conduct**

6. (1) A diocese may prescribe a code of conduct containing additional standards of conduct for observance, and additional guidelines for conduct to be followed, by the following persons, other than clergy and church workers in a Church body specified in section 5(2):
  - (a) in the case of clergy and church workers to whom the prescribed code of conduct applies, that are not inconsistent with the standards of conduct and the guidelines for conduct contained in the prescribed code of conduct; or
  - (b) in the case of clergy and church workers to whom a code of conduct specified in section 5(3) applies, that are not inconsistent with the standards of conduct and the guidelines for conduct contained in that code of conduct.

### **Publication of prescribed code of conduct**

7. (1) The General Secretary shall publish the prescribed code of conduct on the General Synod website.
- (2) The General Secretary shall table at each ordinary session of the General Synod any amendments to the prescribed code of conduct, or any substituted code of conduct, prescribed by the Standing Committee since the preceding ordinary session of the General Synod.

## **PART 3 - STANDARDS AND GUIDELINES**

### **Prescribed standards and guidelines**

8. (1) Standards of screening, standards of training and standards for safe ministry with Persons of Concern are prescribed in the Second Schedule.
- (2) The General Synod, or Standing Committee by a two-thirds majority, may by resolution amend the Second Schedule by:
  - (a) prescribing amendments to the prescribed standards and guidelines or substituted standards and guidelines;
  - (b) prescribing further minimum standards for observance, and guidelines to be followed, for safe ministry to children; and
  - (c) determining the date on which the amendments to the prescribed standards and guidelines, or substituted standards and guidelines, or further standards and guidelines, shall come into force.
- (3) The Standing Committee prior to amending the Second Schedule shall consult with the Safe Ministry Commission and diocesan safe ministry authorities as to the proposed amendments to the prescribed standards and guidelines, or



proposed substituted standards and guidelines, or proposed further standards and guidelines, and the date on which the proposed amendments to the prescribed standards and guidelines, or proposed substituted standards and guidelines, or proposed further standards and guidelines, shall come into force.

- (4) Any amendments to the prescribed standards and guidelines, or any substituted standards and guidelines, or any further standards and guidelines, shall not deal with or concern the faith ritual or ceremonial of this Church other than in relation to the spiritual abuse of a child or the confession of child abuse.
- (5) Subject to section 9:
  - (a) each diocese shall have standards, and guidelines unless there are cogent reasons for not doing so, that give effect to the prescribed standards and guidelines; and
  - (b) clergy and church workers in a diocese shall observe:
    - (i) the standards, and
    - (ii) the guidelines unless there are cogent reasons for not doing so, applicable to them that give effect to the prescribed standards and guidelines.
- (6) The prescribed standards and guidelines apply to clergy and church workers who perform a General Synod professional standards role or a General Synod safe ministry role.

#### **Equivalent standards and guidelines**

9. (1) In this section **Church body** does not include a diocese or a diocesan safe ministry authority.
- (2) The prescribed standards and guidelines shall not apply to clergy and church workers in a Church body which:
  - (a) is registered or approved or funded to provide services to children pursuant to the laws of the Commonwealth or a State or Territory; or
  - (b) provides services to children pursuant to a contract or arrangement with the Commonwealth or a State or Territory or an agency or authority of the Commonwealth or a State or Territory.
- (3) Subject to subsection (2), the prescribed standards and guidelines shall apply to clergy and church workers in a Church body unless the Standing Committee by a two-thirds majority, on application by a province or diocese, determines that the Church body has equivalent standards for observance, and guidelines to be followed, by its clergy and church workers for safe ministry to children

as appropriately adapted to the context of the Church body that give substantial effect to the applicable prescribed standards and guidelines.

- (4) The General Secretary shall publish on the General Synod website a list of all Church bodies that have been determined under subsection (3) to have equivalent standards and guidelines, the date on which the determination was made, the applicable prescribed standards and guidelines for which the Church body has equivalent standards and guidelines, and if applicable the period during which the determination had effect.

#### **Additional standards and guidelines**

10. (1) A diocese may prescribe additional standards and guidelines for safe ministry to children, other than for a Church body specified in section 9(2):
  - (a) that are not inconsistent with the prescribed standards and guidelines; or
  - (b) in the case of a Church body specified in section 9(3), that are not inconsistent with the standards and guidelines applicable to that Church body.

#### **Publication of prescribed standards and guidelines**

11. (1) The General Secretary shall publish the prescribed standards and guidelines on the General Synod website.
- (2) The General Secretary shall table at each ordinary session of the General Synod any amendments to the prescribed standards and guidelines, or substituted standards and guidelines, or further standards and guidelines, prescribed by the Standing Committee since the preceding ordinary session of the General Synod.

### **PART 4 - AUDIT**

#### **Audit**

12. (1) In this section:

**church worker** has the same meaning as in the National Register Canon 2007;

**independent person** means a person who:

  - (a) is not a member of the clergy or a church worker; and
  - (b) has experience in undertaking audits of a similar nature to a General Synod audit and a diocesan audit.
- (2) The General Secretary shall appoint an independent person to undertake a General Synod audit and a diocesan audit of each diocese at intervals of three

years or such lesser period as determined by the Standing Committee, and provide as soon as practicable after the completion of the audit:

- (a) a report of the General Synod audit to the Standing Committee; and
  - (b) a report of the diocesan audit to the diocesan council of the diocese concerned, the diocesan safe ministry authority of that diocese and the Standing Committee.
- (3) The General Secretary shall consult with diocesan safe ministry authorities as to when the audit of each diocese shall be conducted.
- (4) The Standing Committee shall determine the scope of the General Synod audit and a diocesan audit.
- (5) The Primate and the General Secretary shall provide access to such of their records, the records of the General Synod and the records of the Standing Committee, and provide such information, as requested by the independent person undertaking the General Synod audit as is reasonably necessary to enable the General Synod audit to be undertaken.
- (6) Each diocesan safe ministry authority shall provide access to such of the records of the diocese, and provide such information, as requested by the independent person undertaking the diocesan audit as is reasonably necessary to enable the diocesan audit to be undertaken.
- (7) The General Secretary shall as soon as practicable after:
- (a) the report of the General Synod audit has been provided to the Standing Committee, and
  - (b) the report of the diocesan audit has been provided to the diocesan council of the diocese concerned, the diocesan safe ministry authority of that diocese and the Standing Committee,

publish the report on the General Synod website.

- (8) The General Secretary is authorised to provide:
- (a) the report of the General Synod audit to an agency or authority of the Commonwealth or a State or Territory with responsibility for child safe standards in institutions providing services for children; and
  - (b) agency or authority of the State or Territory in which the diocese is located, with responsibility for child safe standards in institutions providing services for children.

- 12A.<sup>18</sup> (1) Where the Standing Committee is satisfied that –
- (a) an audit equivalent to a diocesan audit is required pursuant to the laws of the Commonwealth or of a State or Territory; and
  - (b) the report of the audit is publicly available –
- the Standing Committee may by a two-thirds majority on the application of that diocese exempt the diocese from a diocesan audit.
- (2) Where the Standing Committee is satisfied that –
- (a) an audit equivalent to part of a diocesan audit is required pursuant to the laws of the Commonwealth or of a State or Territory; and
  - (b) the report of the audit is publicly available –
- the Standing Committee may by a two-thirds majority on the application of that diocese exempt the diocese from that part of a diocesan audit.

## **PART 5 - GENERAL**

### **Diocesan safe ministry authority**

13. (1) Each diocese shall have a diocesan safe ministry authority.
- (2) A diocesan safe ministry authority shall at the request of General Secretary promptly inform the General Secretary of the details of the screening and training of persons from the diocese who are being considered for appointment or election for a General Synod professional standards role or a General Synod safe ministry role.

## **PART 6 - COMING INTO FORCE**

### **Coming into force of particular provisions**

14. (1) Subject to this section, this canon will come into force on and from the date appointed by the President, being not later than one calendar month from the date on which the canon is passed.
- (2) The standards of screening, standards of training and standards for safe ministry with Persons of Concern prescribed under section 8(1) shall come into force on the date specified in the Second Schedule.
- (3) Section 12 shall come into force on 1 January 2019.

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<sup>18</sup> Added by Canon 11, 2022.

- (4) Section 13 shall come into force on 1 January 2018.

### **Coming into force in a diocese**

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

## **SCHEDULES**

### **FIRST SCHEDULE**

#### **Interpretation**

1. In this Schedule:

**Faithfulness in Service** means Faithfulness in Service: A national code for personal behaviour and the practice of pastoral ministry by clergy and church workers as tabled at the 17<sup>th</sup> ordinary session of the General Synod held in 2017.

#### **Code of conduct**

2. The code of conduct is the standards and guidelines of Faithfulness in Service set out in:

- (a) section 3 (Putting this Code into Practice) so far as they relate to section 5 (Children), and
- (b) section 5 (Children),

when read in each case with section 1 (About this Code) and section 2 (Key Terms).

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### **SECOND SCHEDULE PART 1 - INTERPRETATION**

#### **Interpretation**

1. In this Schedule, unless the context otherwise requires:

**accredited training** means:

- (a) training that:

- (i) includes the course content in the Safe Ministry Training National Benchmarks so far as it relates to ministry to children, with reasonable adjustments for cultural, linguistic and ability diversity; and
  - (ii) is delivered by persons who are accredited, and/or online training which is accredited, by a diocesan safe ministry authority; or
- (b) training of another Church body or organisation that a diocesan safe ministry authority has determined is equivalent to the training in paragraph (a);

**church ministry assessment** means a reasonable endeavour made to obtain information about the person from the responsible authority, and if obtained consideration of that information;

**criminal history assessment** means consideration of a National Police History Check of the person;

**denomination**<sup>19</sup> means a religious body or a religious organisation declared to be a recognised denomination for the purposes of the *Marriage Act 1962* (Cth), other than the Anglican Church of Australia, that holds the Christian Faith as set forth in the Nicene Creed and the Apostles' Creed;

**denominational authority**<sup>20</sup> means a person or body of another denomination having authority to ordain, authorise to function, permit to function, license, elect, appoint, dismiss or suspend a member of the clergy or a lay person of that denomination;

**diocesan authority**<sup>21</sup> means a person or body of another diocese of this Church having authority to ordain, authorise to function, permit to function, license, elect, appoint, dismiss or suspend a member of the clergy or a lay person of that diocese;

**information** means a written statement by a responsible authority which discloses:

- (a) whether or not there has been, and
- (b)<sup>22</sup> if there has been, the substance of,

any untested allegation, charge, finding or admission of the commission of a criminal offence, or a breach of the rules in force in the applicable Province or diocese or denomination or institution regarding the moral conduct of clergy and lay persons undertaking ministry or of persons working for the institution, including rules relating to sexual conduct and conduct towards children and vulnerable adults;

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<sup>19</sup> Added by Canon 11, 2022.

<sup>20</sup> Amended by Canon 11, 2022.

<sup>21</sup> Amended by Canon 11, 2022.

<sup>22</sup> Amended by Canon 11, 2022.

**institution**<sup>23</sup> means an institution that is not an institution of this Church or of a Province or of a denomination;

**institution authority**<sup>24</sup> means a person or body of an institution with the power to elect, appoint, suspend or dismiss a person as an officer, employee or volunteer of that institution;

**institutional assessment**<sup>25</sup> means a reasonable endeavour made to obtain information about a person from an institution authority and includes consideration of any information so obtained;

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**medical assessment** means consideration of a medical report of the person by a registered medical practitioner;

**National Register** means the National Register established under the National Register Canon 2007;

**national register assessment** means a check whether there is any information about the person entered in the National Register, and if so consideration of that information;

**other clergy**<sup>27</sup> means –

- (a) a bishop, priest or deacon in a Province; and
- (b) an ordained minister of a denomination;

**Persons of Concern Policy** means the Policy for Safe Ministry in a parish where there is a risk of sexual abuse by a Person of Concern as tabled at the 17<sup>th</sup> ordinary session of the General Synod held in 2017;

**professional standards personnel** means clergy and church workers performing a professional standards role;

**Province**<sup>28</sup> means a member church or an extra-provincial church under the direct metro-political jurisdiction of the Archbishop of Canterbury of the Anglican Consultative Council other than this Church and includes part of a Province;

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<sup>23</sup> Added by Canon 11, 2022.

<sup>24</sup> Added by Canon 11, 2022.

<sup>25</sup> Added by Canon 11, 2022.

<sup>26</sup> Definition of 'licensed clergy' repealed by Canon 11, 2022.

<sup>27</sup> Added by Canon 11, 2022.

<sup>28</sup> Amended by Canon 11, 2022.

**provincial authority**<sup>29</sup> means the person or body in a Province having authority to ordain, authorise to function, permit to function, license, elect, appoint, dismiss or suspend a member of the clergy or a lay person of that Province;

**psychological assessment**<sup>30</sup> means consideration of a psychological report that includes an assessment of the personal, social and psychosexual maturity of the person by a registered psychologist experienced in psychological assessment;

**responsible authority** means:

- (a) a provincial authority; or
- (b) a diocesan authority; or
- (c) a denominational authority; or
- (d)<sup>31</sup> an institution authority;

**risk assessment** means a risk assessment provided by the Department for Communities and Social Inclusion Screening Unit of South Australia;

**safe ministry assessment** means consideration of the person's completed Safe Ministry Check, and if applicable referees' completed Safe Ministry Checks;

**Safe Ministry Check**<sup>32</sup> means a check that includes the applicable Safe Ministry Check as tabled at the meeting of the Standing Committee held on 9–10 November 2018;

**safe ministry personnel** means clergy and church workers performing a safe ministry role;

**Safe Ministry Training National Benchmarks** means the Safe Ministry Training National Benchmarks as tabled at the 17<sup>th</sup> ordinary session of the General Synod held in 2017;

**screening authority** means:

- (a)<sup>33</sup> in the case of a person to be ordained as a deacon, or a member of the clergy to be authorised to function or a church worker permitted to function, the bishop of the diocese or his or her delegate; or

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<sup>29</sup> Amended by Canon 11, 2022.

<sup>30</sup> Amended by General Synod Standing Committee Resolution SC2021/2/25 which came into effect on 1 July 2021.

<sup>31</sup> Amended by Canon 11, 2022.

<sup>32</sup> Amended by General Synod Standing Committee Resolution SC2018/03/39 which came into effect on 1 January 2019.

<sup>33</sup> Amended by Canon 11, 2022.



- (b) in the case of a member of the clergy to be elected or appointed as the bishop of the diocese, the electing or appointing body or its delegate; or
- (c) in the case of a church worker to undertake paid or voluntary ministry to children, the appointing person or body or their delegate; or
- (d) in the case of a professional standards personnel and safe ministry personnel, the electing or appointing body or its delegate.

1A.<sup>34</sup> A person is **screened** if the prescribed standards of screening have been applied in respect of that person by the relevant screening authority.

## **PART 2 - STANDARDS OF SCREENING**

### **Application**

- 2. (1)<sup>35</sup> This Part applies to all persons ordained as deacons, or authorised to function, appointed or elected as the bishop of a diocese, or permitted to function, after this Part comes into force.
- (2)<sup>36</sup> This Part so far as it requires a statutory clearance, or a criminal history assessment, or a risk assessment, applies to all persons authorised to function, appointed or elected as the bishop of a diocese, or permitted to function, when this Part comes into force.
- (3)<sup>37</sup> This Part so far as it requires a national register assessment and a safe ministry assessment by the screening authority applies to all persons authorised to function, appointed or elected as the bishop of a diocese, or permitted to function, when this Part comes into force, except where the screening authority is reasonably satisfied this has previously been done, and where not so satisfied provided that these assessments are undertaken by 1 January 2021.
- (4)<sup>38</sup> Subject to subclauses (2) and (3), this Part does not apply to persons ordained as deacons, authorised to function, appointed or elected as the bishop of a diocese, or permitted to function, when this Part comes into force.

### **Deacons**

- 3. The standards of screening for a person to be ordained as a deacon are:
  - (1)<sup>39</sup> the person holds an unconditional statutory clearance; and

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<sup>34</sup> Added by Canon 11, 2022.

<sup>35</sup> Amended by Canon 11, 2022.

<sup>36</sup> Amended by Canon 11, 2022.

<sup>37</sup> Amended by Canon 11, 2022.

<sup>38</sup> Amended by Canon 11, 2022.

<sup>39</sup> Amended by Canon 11, 2022.

- (2) the following assessments by the screening authority:
  - (a)<sup>40</sup> where a statutory clearance is not required by or is not able to be sought under the laws of a Commonwealth, State or Territory;
  - (b) a national register assessment;
  - (c) a safe ministry assessment;
  - (d) a medical assessment;
  - (e) a psychological assessment; and
  - (f) where the person was previously authorised for ministry in a Province or in another diocese of this Church or another denomination, a church ministry assessment, except where reasonably satisfied this has previously been done.

**The Bishop of the diocese and clergy authorised to function<sup>41</sup>**

4.<sup>42</sup> The standards of screening for a member of the clergy to be authorised to function, or to be elected or appointed as the bishop of the diocese, are:

- (1)<sup>43</sup> the person holds a statutory clearance; and
- (2) the following assessments by the screening authority:
  - (a)<sup>44</sup> where an unconditional statutory clearance is not required by or is not able to be sought under the laws of a Commonwealth, State or Territory, a criminal history assessment or a risk assessment;
  - (b) a national register assessment;
  - (c) a safe ministry assessment; and
  - (d) where the person was previously authorised for ministry in a Province or in another diocese of this Church or another denomination, a church ministry assessment, except where reasonably satisfied this has previously been done.

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<sup>40</sup> Amended by Canon 11, 2022.

<sup>41</sup> Amended by Canon 11, 2022.

<sup>42</sup> Amended by Canon 11, 2022.

<sup>43</sup> Amended by Canon 11, 2022.

<sup>44</sup> Amended by Canon 11, 2022.

### **Church workers who are paid or permitted to function<sup>45</sup>**

5.<sup>46</sup> The standards of screening for church workers to be permitted to function or to undertake paid ministry to children are:

- (1)<sup>47</sup> the person holds a statutory clearance; and
- (2) the following assessments by the screening authority:
  - (a)<sup>48</sup> where an unconditional statutory clearance is not required by or is not able to be sought under the laws of a Commonwealth, State or Territory, a criminal history assessment or a risk assessment;
  - (b) a national register assessment;
  - (c) a safe ministry assessment; and
  - (d) where the person was previously authorised for ministry in a Province or in another diocese of this Church or another denomination, a church ministry assessment, except where reasonably satisfied this has previously been done.

### **Voluntary church workers**

6. The standards of screening for church workers, who are not professional standards personnel and safe ministry personnel, to undertake voluntary ministry to children are:

- (1)<sup>49</sup> the person holds an unconditional statutory clearance or a conditional statutory clearance that enable the ministry to be undertaken where required by or is not able to be sought under the law of the Commonwealth or a State or Territory; and
- (2) the following assessments by the screening authority:
  - (a)<sup>50</sup> where an unconditional statutory clearance or a conditional statutory clearance that authorises the ministry to be undertaken is not required by or is not able to be sought under the laws of a Commonwealth, State or Territory and the person is aged 18 years or over, a criminal history assessment where a National Police History Check can be applied for by the person or a risk assessment;

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<sup>45</sup> Amended by Canon 11, 2022.

<sup>46</sup> Amended by Canon 11, 2022.

<sup>47</sup> Amended by Canon 11, 2022.

<sup>48</sup> Amended by Canon 11, 2022.

<sup>49</sup> Amended by Canon 11, 2022.

<sup>50</sup> Amended by General Synod Standing Committee Resolution SC2018/03/40 which came into effect on 1 January 2019; amended by Canon 11, 2022.

- (b) a national register assessment; and
- (c)<sup>51</sup> a safe ministry assessment when the person is aged 13 years and over.

### **Professional standards personnel and safe ministry personnel**

7.<sup>52</sup> The standards of screening for professional standards personnel, and safe ministry personnel, who have not otherwise been screened as a deacon, authorised to function, appointed or elected as the bishop of a diocese, or permitted to function as a paid or voluntary church worker, are a national register assessment by the screening authority.

### **Creation and retention of records**

8. Accurate records of the screening of clergy and church workers are to be created and maintained in a secure manner.

## **PART 3 - STANDARDS OF TRAINING**

### **Application**

9. (1)<sup>53</sup> This Part applies to all persons ordained as deacons, or authorised to function, appointed or elected as the bishop of a diocese, or permitted to function, or elected or appointed as professional standards personnel or safe ministry personnel, after this Part comes into force.
- (2)<sup>54</sup> This Part applies to all persons authorised to function, appointed or elected as the bishop of a diocese, or permitted to function, or elected or appointed as professional standards personnel or safe ministry personnel, when this Part comes into force, provided that accredited training is undertaken by 1 January 2021.

### **Accredited training**

10. The standards of training for clergy and church workers are satisfactory completion of accredited training:
- (1) (a) by the bishop of the diocese, within three years prior to his or her election or appointment, or in exceptional circumstances prior to his or her installation; or

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<sup>51</sup> Amended by General Synod Standing Committee Resolution SC2018/03/39 which came into effect on 1 January 2019.

<sup>52</sup> Amended by Canon 11, 2022.

<sup>53</sup> Amended by Canon 11, 2022.

<sup>54</sup> Amended by Canon 11, 2022.

- (b)<sup>55</sup> by deacons, clergy authorised to function, and church workers permitted to function, within three years prior to being ordained, authorised to function, permitted to function or appointed to undertake ministry to children, except where the bishop of the diocese or his or her delegate is satisfied there are exceptional circumstances in which case the training is to be completed as soon as practicable but not later than three months after the person is ordained, authorised to function, permitted to function or appointed to undertake ministry to children; or
  - (c)<sup>56</sup> by professional standards personnel, who are not a deacon, authorised to function, appointed or elected as the bishop of a diocese, or permitted to function as a paid or voluntary church worker, within three years prior to election or appointment to a professional standards role; or
  - (d)<sup>57</sup> by safe ministry personnel, who are not a deacon, authorised to function, appointed or elected as the bishop of a diocese, or permitted to function as a paid or voluntary church worker, within three years prior to election or appointment to a safe ministry role; and
- (2) by clergy and church workers in paragraph (a), at intervals of not more than three years after prior satisfactory completion of accredited training.

#### **Creation and retention of records**

11. Accurate records of the satisfactory completion of accredited training by clergy and church workers are to be created and maintained in a secure manner.

### **PART 4 - STANDARDS FOR SAFE MINISTRY WITH PERSONS OF CONCERN**

#### **Standards**

12. (1) The standards for safe ministry with a Person of Concern in a parish are the actions required to implement the process specified in section 5 of the Persons of Concern Policy.
- (2) The standards for safe ministry with a Person of Concern in a congregation are the actions required to implement the process specified in section 5 of the Persons of Concern Policy as adapted by a diocesan safe ministry authority to apply to a congregation.

#### **Creation and retention of records**

13. Accurate records relating to the implementation of the Persons of Concern Policy in respect of each Person of Concern are to be created and maintained in a secure manner.

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<sup>55</sup> Amended by Canon 11, 2022.

<sup>56</sup> Amended by Canon 11, 2022.

<sup>57</sup> Amended by Canon 11, 2022.

## PART 5 - STANDARDS OF SUPERVISION<sup>58</sup>

### Application

14. This part applies to all persons licensed or authorised or appointed as church workers who are under the age of 16 years.
15. A church worker who is under the age of 16 years shall, except in an emergency, undertake all ministry to children under the direct supervision of at least one church worker who is aged 18 years or over.

### Creation and retention of records

16. Accurate records relating to the supervision of church workers who are under the age of 16 years are to be created and maintained in a secure manner.

## PART 6 - COMING INTO FORCE OF PARTICULAR PROVISIONS<sup>59</sup>

- 17.<sup>60</sup> (1) Parts 2 (except paragraph (b) of clause 6(2)) and 3 when read with Part 1 of this Schedule shall come into force on 1 January 2018.
- (2) Paragraph (b) of clause 6(2) when read with Part 1 of this Schedule shall come into force on a date determined by the Standing Committee.
- (3) Part 4 when read with Part 1 of this Schedule shall come into force on 1 January 2019.
- (4)<sup>61</sup> Part 5 shall come into force on 1 January 2021.

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<sup>58</sup> Added by General Synod Standing Committee Resolution SC2021/2/26 which came into effect on 1 January 2022.

<sup>59</sup> Renumbered by General Synod Standing Committee Resolution SC2021/2/26 which came into effect on 1 January 2022.

<sup>60</sup> Renumbered by General Synod Standing Committee Resolution SC2021/2/26 which came into effect on 1 January 2022.

<sup>61</sup> Added by General Synod Standing Committee Resolution SC2021/2/26 which came into effect on 1 January 2022.

## THIRD SCHEDULE

### Protocol for the disclosure of ministry suitability information between the churches of the Anglican Communion.

#### Definitions

1. In this Protocol:

**Assessing Province** means the Province in which a Church authority is to assess whether the Church worker should be authorised for ministry;

**Authorising Province** means the Province or Provinces in which the Church worker is authorised, or has previously been authorised, to undertake ministry by a Church authority;

**Church authority** means the person or body responsible for authorising Church workers to undertake ministry in the Authorising Province or the Assessing Province;

**Church worker** means a member of the clergy or a lay person who:

- (a) is authorised, or has previously been authorised, to undertake ministry by a Church authority of the Authorising Province; and
- (b) has applied to undertake authorised ministry, or has been nominated for appointment to a position or office involving the undertaking of authorised ministry, in the Assessing Province;

**Ministry Suitability Information** means a written statement by a Church authority of the Authorising Province about the Church worker that discloses:

- (a) whether or not there has been; and
- (b) if so, the substance of;

any allegation, charge, finding or admission of the commission of a criminal offence, or the breach of the Authorising Province's rules regarding the moral conduct of clergy and lay persons undertaking ministry, including rules relating to sexual conduct and conduct towards children and vulnerable adults;

**Province** includes part of a Province.

#### System for the disclosure of Ministry Suitability Information by the Authorising Province

2. The Authorising Province will have and maintain a system for the disclosure of Ministry Suitability Information about a Church worker of the Province to the applicable Church authority of the Assessing Province that includes the following requirements:

- (a) the applicable Church authority of the Province is to promptly deal with an application by the applicable Church authority of the Assessing Province for the disclosure of Ministry Suitability Information; and
- (b) the applicable Church authority of the Province is to disclose the Ministry Suitability Information to the applicable Church authority of the Assessing Province.

**System for assessing the suitability of a Church worker for authorised ministry in the Assessing Province**

3. The Assessing Province will have and maintain a system for the assessment of the suitability of a Church worker to undertake authorised ministry in the Province that includes the following requirements:
- (a) the applicable Church authority is to make an application to the Authorising Province for Ministry Suitability Information;
  - (b) the applicable Church authority is not to authorise the Church worker to undertake ministry in the Province unless and until it has carried out an assessment of whether the Church worker is a risk to the physical, emotional and spiritual welfare and safety of people that takes into account the Ministry Suitability Information disclosed by the Authorising Province; and
  - (c) the applicable Church authority is to keep the Ministry Suitability Information confidential, except where its disclosure:
    - (i) is required by law; or
    - (ii) is reasonably believed to be necessary to protect any person from the risk of being harmed by the Church worker; or
    - (iii) is necessary for the purpose of undertaking the assessment of whether the Church worker is suitable to undertake authorised ministry in the Province or any disciplinary action against the Church worker.

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