



Anglican Diocese
of Adelaide

2023

SYNOD PAPERS



FOR THE SECOND SESSION OF
THE 45TH TRIENNIAL SYNOD
169TH ANNUAL SESSION

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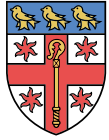
Synod

Almighty and everliving God,
give wisdom and understanding,
to the members of the Synod of this Diocese of Adelaide.
Teach us in all things
to seek first your honour and glory.
May we perceive what is right
have courage to pursue it
and grace to accomplish it,
through Jesus Christ our Lord. **Amen.**

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Anglican Diocese
of Adelaide



Welcome to St Peter's College for the Annual Session of Synod 2023

Welcome to this 169th Annual Session of Synod 2023 and Second Session of the 45th triennium. A special welcome is extended to new members of Synod.

Location

The 2023 session of Synod will occur in Memorial Hall, located at the centre of the St Peter's College campus. **Please find a map overleaf.**

Parking

Synod attendees are requested to park in the Hackney Road Car Park. This is the main car park with 110 spaces. It is located immediately inside the Hackney Road entrance, to the right.

Further parking spaces are available via Pembroke Street, North Terrace and Trinity Street entrances.

Catering

Lunch, Morning and Afternoon Tea will be provided on Saturday. Afternoon Tea will be provided on Sunday, if necessary.

Gluten Free and Vegetarian options will be available for lunch and for the morning/afternoon tea on the day, and do not need to be pre-ordered. Please ask at the counter in the Da Costa Dining Hall if you require assistance relating to gluten free and vegetarian options.

Please advise any other special dietary requirements to the Secretary of Synod by 16th October 2023.

Space for Prayer & Reflection

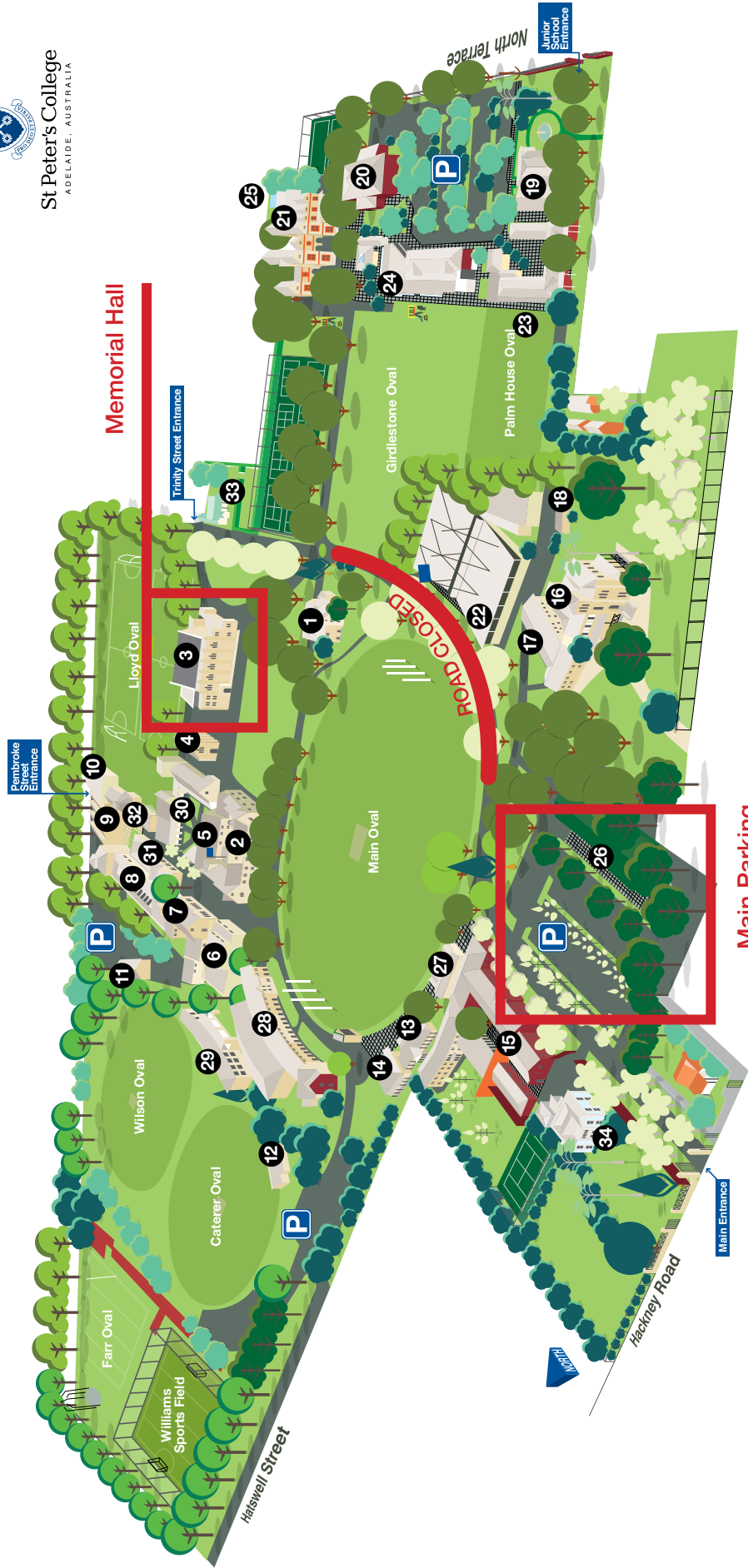
The Chapel, adjacent to Memorial Hall, will be open for use by Synod members during Synod until 5.00 pm on Sunday.

Information

While attending Synod, if you have any questions about the site, please speak to the staff at the Registration Desk in Memorial Hall.

If you have specific queries in relation to Synod 2023, please do not hesitate to contact me on 8305 9357 or synod@adelaideanglicans.com

Joe Thorp
Secretary of Synod



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1. Oval House (visitors and enquiries)
2. Old School House / Headmaster's Office (Senior School administration)
3. Memorial Hall
4. Chapel
5. Big School Room
6. Miller Library
7. Da Costa Dining Hall and Kitchen
8. Florey Science
9. Art and Technology
10. Drama
11. Maintenance and Grounds Workshops
12. Brookman Pavilion
13. Health Centre
14. Tuck Shop
15. Boarding House
16. Athelney House
17. Hill Wing Music Centre
18. Uniform Shop
19. Old Palm House (Early Learning Centre)
20. Junior School Hall
21. Shinkfield Building
22. Burchmail Sports Centre
23. New Palm House
24. Bickersteth (Junior School administration)
25. Junior School Pool
26. Goat Paddock Shed
27. Nitschke Pavilion
28. Pentreath Building (Middle Years)
29. Gordon Building
30. Big Quad
31. Information Technology
32. Senior School Changerooms
33. College House
34. Allen House

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Order of Business

Friday 27 October – Sunday 29 October 2023

The Second Annual Session of the Forty Fifth Triennial Synod

169th Annual Session

The Synod of the Diocese of Adelaide of the Anglican Church of Australia Inc.

Please note that the order of the Notice Paper will not be varied by the President, The Most Rev'd Geoffrey Smith without good reason.

If a matter is not concluded when the President declares a break, that matter will be resumed after the break.

FRIDAY, 27 OCTOBER	7:00pm	Synod Eucharist, St Augustine's Church, Unley
SATURDAY, 28 OCTOBER		St Peter's College, Memorial Hall, Hackney Road, Hackney
	8:30am	Registration
	9:00am	Morning Prayer followed by the President's Address to the Diocese
	9:30am	Business Session – <ul style="list-style-type: none">• Welcome and Procedural Motions• Petitions & Questions• Motions without Notice (including motions arising from the President's Address)
	10.30am	Morning Tea
	10.30 am	VOTING BEGINS
	11.00 am	Business Session - Finance Report & Legislation
	12:45pm	Lunch
	1.30 pm	AnglicareSA Ltd Annual General Meeting
	2.15 pm	Business Session
	3.30 pm	Afternoon Tea
	4.00 pm	VOTING CONCLUDES
	4.00 pm - 5.50pm	Business Session
	5.50 pm	Evening Prayer
	6:00pm	Synod adjourns



**SUNDAY,
29 OCTOBER**

	St Peter's College, Memorial Hall, Hackney Road, Hackney
12.30 pm	Registration Opens
1.00 pm	Presentation – ST BARNABAS COLLEGE
1.30 pm	Presentation – CLIMATE ACTION TASK GROUP
2.00 pm	Open Session
2.20 pm	Business Session
3.30 pm	Afternoon Tea
4.00 pm	Business Session
5.50 pm	Evening Prayer
6.00 pm	Synod close

1. Welcome and introductory remarks by the President, The Most Reverend Geoffrey Smith – Archbishop of Adelaide.

2. **PROCEDURAL MOTION**

Moved by Mr Joe Thorp, Secretary of Synod

Seconded by The Venerable Andrew Mintern

This Synod welcomes:

- The Observer from and the Diocese of The Murray (The Rev'd David Patterson);
- Sudanese Missional Congregations
 - Observers from the Dinka Sudanese Anglican (Episcopal) Missional Congregation at Playford;
 - Observers from The Lakes Province of Sudan (Episcopal) Missional Congregation at St Luke's Whitmore Square;
 - Observers from the Sudanese Anglican (Episcopal) Congregation at St Barbara's Parafield Gardens;
 - Observers from the Sudanese Bari Congregation, Modbury
- The Observer from the Emmanuel Tamil Community, Parish of Lockleys
- The Observers from MarThoma Church, Adelaide;
- Mrs Katerina Andrushenko, Diocesan Finance Manager;
- Mr Blaine Fitzgerald, Head Anglican Funds South Australia (AFSA);
- Delegates from Kooyoora;
- Mrs Susan McLeod, Senior Chaplain;
- Ms Sharon Lockwood, Survivor Advocate;
- Ms Caralyn Lammas, Co-ordinator of Education, St Barnabas College;
- Members of the Property, Finance and Resource Committee (PFRC) who are not members of Synod;
- Members of the Diocesan Risk & Audit Committee who are not members of Synod;
- Members of the Drafting Committee who are not members of Synod;
- Directors of the Board of AnglicareSA Ltd & AnglicareSA Housing Ltd who are not members of Synod;



- Mr Brenton Gear, Director, Green Adelaide, Department for Environment & Water; and
- Ordinands;

and accords them a seat on the floor of Synod with the right to speak but not to vote or move or second motions.

3. **PROCEDURAL MOTION**

Moved by Mr Joe Thorp, Secretary of Synod

Seconded by The Venerable Andrew Mintern

That so much of Standing Orders be suspended to allow for the timetable of Synod to be as outlined on the Notice Paper noting several orders of the day listed on pages 10 and 16

4. The President announces the appointment of the Synod Minutes Secretaries and Scrutineers.
5. The President tables the register of members of the Synod, announces the procedure for recording attendance, and welcomes members new to this session.
6. The President tables the names of those members whom he has excused from attendance and tables the register of alternate lay members of Synod.
7. The Secretary of Synod explains matters of procedure and personal comfort.
8. The President tables the parochial statistics and “Reports and Accounts for Synod 2023”, containing the following Annual and Special Reports and Accounts, previously distributed:

Members of Synod	Clergy Representatives
	Lay Representatives
Diocesan Reports	Diocesan Council Report to Synod
	Secretary of Synod Report
	Property Finance & Resource Committee
	Diocesan Risk and Audit Committee
	Anglican Funds – South Australia
	St Barnabas College
	Formation & Ministry Discernment
	Chaplaincy
	Financial Operations
	ACNC – Annual Information Statement
Parish Ministry	Adelaide Area Deanery incl St Peter’s Cathedral
	Eastern Suburbs Area Deanery
	Gawler Area Deanery
	South Eastern Area Deanery
	South Western Area Deanery
	Western Suburbs Area Deanery
Anglican Societies	Girls’ Friendly Society in SA Inc
	Mothers’ Union Australia – Diocese of Adelaide



Anglican Entities	AnglicareSA Ltd
	St Mark's College
	Leigh Trust
Anglican Networks	Anglicans for Makarrata
	Anglican Ecumenical Network
	Domestic & Family Violence Working Group
Anglican Schools	Schools Chaplaincy
	Pedare Christian College
	Pulteney Grammar School
	St Andrew's School
	St Columba College
	Walford Anglican School for Girls
Partner Organisations	Anglican Board of Mission
	Churches Together SA (formerly SA Council of Churches)
	Bush Church Aid Society
	Church Missionary Society SA/NT
	Engage Work Faith
	Converge International

9. Petitions and Questions may be presented.
10. **APPOINTMENT TO CHAIR OF COMMITTEES**
Moved by Mr Joe Thorp, Secretary of Synod
Seconded by The Rev'd Canon Jenny Wilson
That Mr Grant Chapman be appointed Chair of Committees for this session of Synod.
11. **VOTE OF THANKS to the President for his Address to the Diocese**
Moved by Dr Linda Dillon
Seconded by Mr Reuben Jacob
That a Vote of Thanks be accorded to the President for his Pastoral Address to the Synod.
12. **Motions without Notice.**
13. **The President calls over the Notice Paper.**
Any members of Synod (except the member in whose name the motion stands) may call "Object" if he or she wishes the matter to be debated. In the absence of any such objection, the motion will be regarded as formal and will be put forthwith without amendment or debate.

Order of the Day - FINANCE – 11.00 am Saturday, 28 October 2023
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14. FINANCE (Page 30)
A presentation by Mrs Katerina Andrushenko, Finance Manager & Mr Joe Thorp, Registrar and Secretary of Synod.
(Leave will be sought from Synod for Mrs Katerina Andrushenko to present.)



14.1 **Moved by Mr Kevin Stracey**

Seconded by Mr Joe Thorp, Secretary of Synod

That Synod receives the Financial Statement for the year ended 30 June 2023 and the Synod Operations Finance Report for the year ended 30 June 2023 as dispatched with the Notice Paper.

14.2 **Moved by Mr Kevin Stracey**

Seconded by Mr Joe Thorp, Secretary of Synod

That Synod adopts the Synod Operations budget for the year ending 30 June 2024 as dispatched with the Notice Paper.

ASSESSMENT

14.3 **Moved by Mr Kevin Stracey**

Seconded by Mr Joe Thorp, Secretary of Synod

That Synod adopts the estimate of Diocesan Expenses for the 2024 year and the rate of assessment of 14.00% of assessable income for the 2024 year.

LEGISLATION

15. PROFESSIONAL STANDARDS ORDINANCE 2015 (See Page 35)

Moved by Mr Joe Thorp, Secretary of Synod

Seconded by Ms Katherine Dellit

This Synod agrees in principle to a Measure to amend the Professional Standards Ordinance 2015.

16. ST BARNABAS' THEOLOGICAL COLLEGE ORDINANCE 2010 (See Page 90)

Moved by The Right Rev'd Denise Ferguson

Seconded by The Venerable Andrew Mintern

This Synod agrees in principle to a Measure to amend the St Barnabas' Theological College Ordinance 2010.

17. PAROCHIAL ADMINISTRATION ORDINANCE 1985 (See Page 102)

Moved by Ms Katherine Dellit

Seconded by Mr Joe Thorp, Secretary of Synod

This Synod agrees in principle to a Measure to amend the Parochial Administration Ordinance 1985.

18. CONSTITUTION (MEMBERSHIP OF DIOCESAN COUNCIL) (See Page 111)

Moved by The Venerable Canon Prof Peter Sandeman AM

Seconded by The Rev'd David Covington-Groth

This Synod agrees in principle to a Measure to amend the Constitution.

19. DIOCESAN COUNCIL ORDINANCE 2007 (See Page 150)

Moved by The Venerable Canon Prof Peter Sandeman AM

Seconded by The Rev'd David Covington-Groth

This Synod agrees in principle to a Measure to amend the Diocesan Council Ordinance 2007.



MOTIONS

20. THANK YOU TO PARISH OFFICERS, COMMITTEE MEMBERS & VOLUNTEERS

Moved by The Rev'd Canon Jenny Wilson

Seconded by Mr Lachlan Graham

This Synod gives thanks to God for the work undertaken by the Task and Working Groups, and for the commitment of Parish Officers, committee members and volunteers to further God's work in the Diocese of Adelaide.

21. PARISH ELECTORAL ROLLS

Moved by The Rev'd Stephen Bloor

Seconded by Mr Neil Woolman

This Synod:

1. acknowledges and thanks Diocesan Council for the discussion paper on Communicant Members & Parish Rolls;
2. endorses the adoption of parish rolls in this diocese; and
3. requests that Diocesan Council bring a measure to the next session of Synod so that it might consider the formal incorporation of parish rolls into our Ordinances.

22. DOMESTIC AND FAMILY VIOLENCE

Moved by The Rev'd Stephen Bloor

Seconded by The Rev'd Dr Joan Riley

This Synod:

1. reaffirms its commitment to the implementation of the Ten Commitments for Prevention and Responding to Domestic and Family Violence in the Anglican Church of Australia in this diocese; and
2. commits to continue providing MATE bystander training to Clergy, Parish Council members and other leaders within this diocese.

23. PAID FAMILY AND DOMESTIC VIOLENCE LEAVE

Moved by The Rev'd Stephen Bloor

Seconded by The Rev'd Dr Joan Riley

This Synod:

1. notes that all Employees of the Synod are able to access 10 days of paid family and domestic violence leave in a 12-month period in line with the National Employment Standards; and
2. while noting the 'The Status of Clergy Ordinance 2002', asks Diocesan Council, to ensure that appropriate provisions are made for Clergy and Chaplains to receive privileges that are equivalent to such leave and communicate this to parishes and clergy.



24. SEXUAL HARASSMENT (See Page 157)
Moved by The Rev'd Stephen Bloor
Seconded by The Rev'd Dr Joan Riley
This Synod commits to ensuring that this Synod has appropriate policies and procedures regarding workplace sexual harassment and the other requirements set out in the Anti-Discrimination and Human Rights Legislation Amendment (Respect at Work) Act 2022 (Cth).
25. RESPONSE TO RESOLUTIONS OF THE 168TH ANNUAL SESSION OF SYNOD (See Page 158)
Moved by The Rev'd Jo Smith
Seconded by The Rev'd David Covington-Groth
This Synod, noting the resolutions of the 168th Annual Session of Synod, requesting investigations by Diocesan Council and reports back to the next session of Synod, on the following topics:
a) Parish Rolls
b) Assessment Models
c) Diocesan Council Purpose Size and Composition; and
d) Provision of Ordained Ministry
1. notes the reports which have been provided to Synod members in the form of discussion papers and expresses its appreciation for their release well ahead of Synod;
2. notes the inclusion of the Discussion Papers in this Notice Paper; and
3. thanks Diocesan Council for its careful consideration of the matters referred to it by the Synod.
26. WELLBEING FOR MINISTERS
Moved by Mr Joe Thorp, Secretary of Synod
Seconded by Ms Kat Pugh
This Synod,
a) mindful of the Status of Clergy Ordinance 2002;
b) noting the range of fully stipendiary and fractionally stipendiary appointments in this diocese;
c) noting the flexibility afforded clergy as office holders under God; and
d) without derogating the right of clergy to determine their own patterns of work particular to their context and preferences:
1. encourages Clergy to take two consecutive days off each week for rest, recreation, and the nurturing of family and friendships that contribute to a community life beyond the parish; and
2. encourages Parish Councils to support all Clergy in taking two consecutive days off each week.
27. THE APPELLATE TRIBUNAL'S 2020 WANGARATTA REFERENCE (See Page 159)
Moved by The Rev'd Assoc Prof Matthew Anstey
Seconded by The Venerable Andrew Minter
This Synod:
a) welcomes the introduction of civil marriage equality in Australia (Dec 2017) as providing a state-based way of recognising faithfulness, love and commitment;



- b) gives thanks for the public witness of Christian couples previously excluded from civil marriage;
- c) notes the diversity of theological and legal viewpoints published by the Doctrine Commission, *Marriage, Same-Sex Marriage and the Anglican Church of Australia* (2019), and that this diversity of viewpoints is found among faithful, committed Anglicans who worship in all dioceses of the Anglican Church of Australia;
- d) notes the 2020 Appellate Tribunal Wangaratta Reference [page 1], which ruled that “Wangaratta Diocese’s proposed service for the blessing of persons married in accordance with the Marriage Act does not entail the solemnisation of marriage; is authorised by the Canon Concerning Services 1992; and is not inconsistent with the Fundamental Declarations and Ruling Principles of the Constitution of the Church”;
- e) notes that marriage is not considered a matter pertaining to salvation in this Church, as explained by the 2020 Appellate Tribunal Wangaratta Reference [section 140, page 30];
- f) notes that the General Synod in 2022 voted against the Statement, submitted by the Diocese of Sydney, entitled “Marriage as a union of a man and a woman”;
- g) acknowledges the ongoing dialogue within the church, including the Anglican Church of Australia, of its position on moral issues – such as slavery, capital punishment, interracial marriage, contraception, the equality of men and women – and the concomitant absence of any such moral injunctions in the historic Creeds; and
- h) rejects the arguments against points (d) and (e) above, as put forth in the publication by the Gafcon-aligned Anglican Church League from the Diocese of Sydney, in their 2022 collection of edited essays: *A Line in the Sand: The Appellate Tribunal and the Future of the Anglican Church of Australia*, including its claim that The Primate, Archbishop Geoffrey Smith, was wrong in stating, “There is no legitimate claim that the Appellate Tribunal has changed in any way the doctrine of our Church” [page 2].

28 DEVELOPMENTS IN THE WORLDWIDE ANGLICAN COMMUNION

Moved by Ms Meriel Wilson

Seconded by The Rev’d Dr Josephine Armour

This Synod noting that:

- a) the Synod of the Anglican Church of Aotearoa, New Zealand and Polynesia, passed a resolution in 2018 which allows churches in New Zealand to bless same sex relationships.
- b) nine dioceses of the Anglican Church of Canada permit the blessing of same-sex unions.
- c) the General Synod of the Anglican Episcopal Church of Brazil has approved changes to its canons to permit same-sex marriages.
- d) that the Episcopal Church in the United States of America has allowed same-sex marriage since 2015 and the Scottish Episcopal Church has allowed same-sex marriage since 2017,

asks the Diocesan Council to establish a working party to consider the implications of these developments for the Diocese of Adelaide.



29. RESPONDING TO GAFCON AND THE KIGALI COMMITMENT (See Page 160)

Moved by The Rev'd Assoc Prof Matthew Anstey

Seconded by The Venerable Canon Prof Peter Sandeman AM

This Synod:

- a) notes the majority vote by the General Synod of the Church of England in February 2023 to welcome proposals by the bishops to enable same-sex couples to receive God's blessing;
- b) expresses its dismay at the publication of *The Kigali Commitment* (21 April 2023), by the conservative Global Anglican Futures Conference (GAFCON), which was written in part as a response to the aforementioned vote;
- c) notes with regret that Australian Anglican leaders were prominent in its preparation;
- d) rejects the following assertions of the *Kigali Commitment*:
 - (i) "The current divisions in the Anglican Communion have been caused by radical departures from the gospel of the Lord Jesus Christ."
 - (ii) "It grieves the Holy Spirit and us [GAFCON] that the leadership of the Church of England is determined to bless sin."
 - (iii) "Since the Lord does not bless same-sex unions, it is pastorally deceptive and blasphemous to craft prayers that invoke blessing in the name of the Father, Son and Holy Spirit."
 - (iv) "We [GAFCON] have no confidence that the Archbishop of Canterbury nor the other Instruments of Communion led by him (the Lambeth Conference, the Anglican Consultative Council and the Primates' Meetings) are able to provide a godly way forward that will be acceptable to those who are committed to the truthfulness, clarity, sufficiency and authority of Scripture. The Instruments of Communion have failed to maintain true communion based on the Word of God and shared faith in Christ."
 - (v) "Both GSFA [Global South Fellowship of Anglican Churches] and GAFCON Primates share the view that, due to the departures from orthodoxy articulated above, they can no longer recognise the Archbishop of Canterbury as an Instrument of Communion, the 'first among equals' of the Primates."
- e) affirms wholeheartedly, in contradistinction to the *Kigali Commitment*, the role and leadership of the Archbishop of Canterbury and the four instruments of Communion, in accord with Ruling Principles of the Constitution of the Anglican Church of Australia (section 6): "This Church will remain and be in communion with the Church of England in England and with churches in communion therewith so long as communion is consistent with the Fundamental Declarations contained in this Constitution";
- f) affirms the published response of the *National Comprehensive Anglicanism Network* (NCAN) to the *Kigali Commitment*, which includes this statement:

"We value a church where differences, and diversity of gifts, convictions and perspectives are welcomed as adding to the rich tapestry of God's wisdom in the Body of Christ. We seek a church where disagreements and conflicts, are borne with. We are committed to finding and living in the truth together and not apart. We believe that this is the tried and tested way in history by which our witness to the love of God in Christ is experienced as transformative and upbuilding. This is the way of a truly comprehensive Anglicanism; something we believe is critical in times of conflict, division and fragmentation."



ORDERS OF THE DAY – SYNOD CONFERENCE – 1.00 pm & 1.30 pm Sunday, 29 October 2023

30. ORDER OF THE DAY, SUNDAY 29 OCTOBER – 1.00 PM – ST BARNABAS COLLEGE (See Page 166)
Presenter: The Rev'd Dr Joan Riley (Principal, St Barnabas College)
(Leave will be sought from Synod for The Rev'd Dr Joan Riley to present.)
31. ORDER OF THE DAY, SUNDAY 29 OCTOBER – 1.30 PM – CLIMATE ACTION TASK GROUP
Presenters: The Rev'd Dr Steven Ogden & Mr Brenton Gear (Director, Green Adelaide, Department for Environment and Water)
(Leave will be sought from Synod for The Rev'd Dr Steven Ogden & Mr Brenton Gear to present.)

MOTIONS

32. AVOIDING OPPRESSIVE RESTRICTIONS ON PREACHERS
Moved by The Rev'd Mike Russell
Seconded by Mrs Helen Gitsham
This Synod affirms that no church leader, when inviting someone to preach, should insist that the sermon avoid the terms 'he,' 'him,' or 'Father' when referring to God, noting that:
- a) such an oppressive restriction places unnecessary constraints on preachers and hampers them in teaching important truths about God;
 - b) while the eternal God is not male, yet he is often referred to as 'Father', 'he' or 'him', in the Bible, Book of Common Prayer and Creeds, and never as 'Mother', 'she' or 'her'; and
 - c) while some feminine imagery may be used of God, such as comparing God to a mother, yet we should avoid calling God 'Mother', 'she', or 'her'.
33. CONSTRUCTION OF NEW COMMUNITY & WORSHIP CENTRE
Moved by Joe Thorp, Registrar & Secretary of Synod
Seconded by The Venerable Sam Goodes
This Synod recognising:
- a. God's call for us to participate in His mission, the healing of all things;
 - b. the need in the north for facilities to help the community be strengthened;
 - c. the significant and growing population in the new suburbs in the north;
 - d. the inadequate facilities to accommodate the mission, outreach and worship needs of the Holy Cross, St Catherine's and South Sudanese congregations - which include over 50 children and youth;
 - e. the Synod is for the first time in a very long time, debt free; and
 - f. the funds totalling \$4.5m held by the Synod following recent property sales;
1. Endorses support for mission work and discipleship development in the north;
 2. Approves the allocation of Synod funds of up to \$4m to construct a new flexible community facility in the north suitable for worship; and
 3. Encourages Diocesan Council to consult widely with congregations, communities, and Governments in developing formal proposals and plans.



34. PROMOTING WELLBEING IN THE ANGLICAN DIOCESE OF ADELAIDE

Moved by The Rev'd Assoc Prof Matthew Anstey

Seconded by The Rev'd Andrea McDougall

This Synod:

- a) acknowledges the introduction in 2023 of the Ministry Wellbeing Framework, which facilitates practices of supervision, professional development and ministry review, as a positive and necessary development for individuals (clergy and various lay roles);
- b) recognises, furthermore, that individuals are significantly influenced by organisational culture, ethos, and practices, given the well-established correlation between organisational wellbeing and individual performance;
- c) recognises also the paramount importance of organisational culture in shaping the environment necessary for strategy to succeed and in fostering unified alignment with our shared Diocesan Vision;
- d) recognises thus the need for organisations to evaluate regularly their culture, wellbeing, and practices, using both robust quantitative metrics and qualitative data, in order to establish benchmarks for such, identify specific areas of concern and priorities for future cultural change, measure progress over time, and provide actionable insights for the executive leadership;
- e) notes the value of engaging experts to provide external, independent assessments of such, in order
 - i. to deliver processes where individuals can provide clear, honest, and fulsome feedback in a confidential and safe manner; and
 - ii. to collate and analyse such data in constructive and unbiased ways;
- f) accordingly, asks Diocesan Council to undertake an external independent assessment of our wellbeing and culture and to report back findings and recommendations to the 2024 Synod.

35. RISK & VIABILITY OF PARISH CEMETERIES

Moved by The Rev'd Stephen Bloor

Seconded by The Rev'd David Covington-Groth

This Synod requests Diocesan Council to:

- a) ensure that appropriate policies and risk assessments are being carried out on all cemeteries located on Synod trust property;
- b) ensure that parishes look at their cemeteries' viability, adequacy of reserves held by the parish and how they can improve commercial return on their cemeteries;
- c) require parishes by policy to report annually to Diocesan Council through the Secretary of Synod, what policies and risk assessments are in place and how they ensure their cemeteries' viability; and
- d) encourage parishes, where they are struggling to manage and mitigate risks in regard to cemeteries, manage cemeteries' viability, adequacy of reserves or commercial return; to consider the benefits of having their cemeteries managed by the Diocese through North Road Cemetery.



36. FIRST NATIONS PEOPLE (See Page 167)

Moved by The Rev'd Cameron Burr

Seconded The Rev'd Associate Professor Matthew Anstey

This Synod:

- a) welcomes the statement on *First Nations People (Aboriginal and Torres Strait Islander) of Australia*, signed at Lambeth 2022 by 29 Australian bishops, including four bishops from the Diocese of Adelaide;
- b) notes that the statement signed by the Australian bishops originated in the 'Statement of Support regarding Indigenous Peoples in Canada and around the world';
- c) acknowledges, in the words used therein, that:
 - i. "The Statement recognized and regretted the impacts of colonization that 'stripped Indigenous peoples of their agency, identity, languages, cultures and governance; colluded with the Doctrine of Discovery (in the Australian context, the aspirations and impact of British imperialism), including corrosive government policies; denigrated their spiritual heritages; prohibited ceremonies and stole their land'.";
 - ii. "With deep repentance the Australian bishops present at Lambeth 2022 recognize that the Anglican Church of Australia colluded in the above and within our own history aided the forced removal of First Nations children from their parents (the Stolen Generations) which has resulted in inter-generational trauma for many First Nations peoples";
 - iii. "We also acknowledge that many First Nations peoples rejoice in the gift of the Gospel of Jesus Christ and now serve the church in leadership throughout Australia";
 - iv. "The Australian bishops present at Lambeth 2022 acknowledge the riches that First Nations cultures bring to the Australian people and rejoice that this is beginning to be valued by many in Australia and the Church. We support the 'Uluru Statement from the Heart' and encourage a First Nations voice to be heard in the federal and state parliaments of our land"; and
- d) encourages parishes to continue to connect with First Nations people in their local areas, to listen to their stories and learn about their sacred spaces, in accord with Principle 4 of the First Nations Referendum Working Group, namely to promote "empowering, community-led, inclusive, respectful and culturally informed" engagement and participation.

37. HUMAN DIGNITY

Moved by Dr David Phillips

Seconded by Mrs Helen Gitsham

This Synod affirms that:

- a) in the beginning, "God created man in his own image, in the image of God he created him; male and female he created them" (Genesis 1:27 ESV);
- b) being made in God's image is the basis of human dignity, that all people are equally valued by God and should be treated equally by others;
- c) the preface of the Universal Declaration of Human Rights (UDHR) recognises that: "the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world".



- d) Governor Hindmarsh, in his Proclamation of South Australia on 28 December 1836, spoke of his “resolution, to take every lawful means for extending the same protection to the Native Population as to the rest of His Majesty’s Subjects”;
 - e) Aboriginal men had the same right to vote as other male British subjects aged over 21 when colonial parliaments were established in South Australia from 1856, Victoria from 1857, New South Wales from 1858 and in Tasmania from 1896;
 - f) When the Australian Constitution came into effect on 1 January 1901, Indigenous Australians had the same rights to vote, stand for election and serve in federal parliament as other Australians (subject to property ownership in Queensland and Western Australia, overridden by the Commonwealth in 1962);
- and recommends that human dignity be upheld by treating all Australian citizens (including Aboriginal and Torres Strait Islander people) equally in the Australian Constitution.

38. ABM PROVINCIAL COUNCIL

Moved by The Rev’d Paul Devenport

Seconded by The Rev’d Cameron Burr

This Synod:

- a) gives thanks to God for the visit of the Bishop of Mandalay David Naing and his wife Mary to South Australia in May and June, and for the support given to them by the Province of South Australia.
- b) notes that Archbishop Geoff Smith is President of the ABM-A and notes that he visited Papua New Guinea and the Solomon Islands this year.
- c) gives thanks to God for the support of ABM-A by parishes, church groups and individuals of the Diocese of Adelaide with funds totalling seventy-two thousand dollars in 2022 and forty-two thousand dollars for the first six months of 2023.
- d) encourages parishes and individuals to receive updates from the ABM-A by subscribing to its monthly e-news.

39. MOTIONS WITHOUT NOTICE – arising from Item 13

40. THANKS TO JANETTE LINTON

Moved by The Rev’d Ben Falcon

Seconded by Bishop Denise Ferguson

This Synod acknowledges with gratitude the contribution Ms Janette Linton has made to the life of the church through her work roles at Synod Office, AnglicareSA, and the Bishops’ Office. We thank her for her kindness, professionalism and good humour, and we pray God will bless all her future endeavours.

41. VOTE OF THANKS FOR SYNOD ARRANGEMENTS

Moved by The Rev’d Canon William Deng

Seconded by Dr Carol Fort

42. **CLOSING WORSHIP**

NOTICE OF ANNUAL GENERAL MEETING

Notice is hereby given of the 10th Annual General Meeting of Anglicare SA Ltd. ACN 169 715 762 ("the Company")

DATE: Saturday, 28 October 2023
TIME: 1.30pm
LOCATION: Memorial Hall
St Peter's College
Hackney Road, Hackney SA 5069

Anglicare SA Ltd.
ABN 69 187 578 153
ACN 169 715 762
159 Port Road
Hindmarsh SA 5007
P: 08 8305 9200
F: 08 8305 9211
admin@anglicaresa.com.au
www.anglicaresa.com.au

At the meeting, Members will have the opportunity to:

- Ask questions about operations and finances of AnglicareSA
- Speak about any items on the agenda
- Vote on any resolutions proposed

At the meeting, Members will be asked to vote to:

- Confirm the minutes of the Annual General Meeting held 15 October 2022
- Receive the Annual Report of the Board for the year ended 30 June 2023
- Receive the Financial Statements for the year ended 30 June 2023
- Receive the auditor's report for the year ended 30 June 2023
- Appoint an auditor for the next 12 months

Agenda and papers will be made available on 20 September 2023, and the annual report and audited financial statements will be made available on 9 October 2023 following approval by the AnglicareSA Ltd Board.

On behalf of the Board



Tim Sarah

Chair of the Board
20 September 2023



How to cast a Ballot

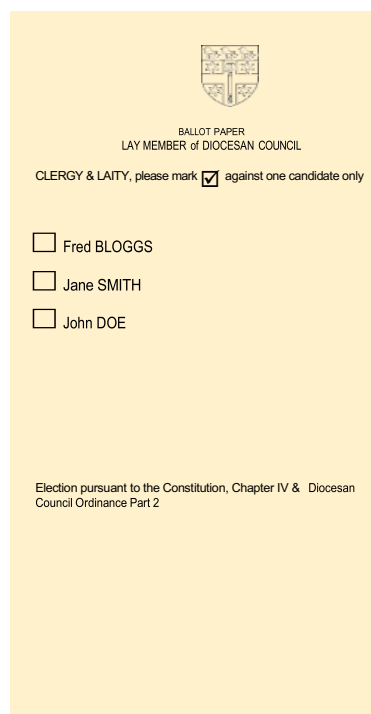
Synod is required to elect members of Diocesan Council when a casual vacancy exists.

The 2023 Annual Session of Synod requires the election of a lay representative.

A secret ballot of Members of Synod will be conducted during the Saturday Business Session according to the process specified in the [Elections and Appointments Ordinance 1980](#).

Information about those standing for election for the Diocesan Council lay representative will be published at <https://adelaideanglicans.com/synod-gatherings/synod-2023>

At Registration on Saturday, you will be provided with a YELLOW ballot paper where CLERGY AND LAITY may vote.



Please vote according to the instructions on each Ballot Paper. Scrutineers will determine whether the “voter’s intent is clear?”

If you require assistance, please see the Administration Desk at the side of the Synod Hall or seek out Diocesan Office staff who are wearing Yellow Lanyards.

Electronic Voting at Synod

Amendments to the *Standing Orders Ordinance* came into effect in October 2022. These provide that:

“2A. (1) The President may, after consultation with the Diocesan Council, determine, in relation to a session of Synod, any of the following:

- (f) even if the session is to be conducted at a meeting held at a place with all of the participating members of the Synod being physically present – that voting on any question or motion to be determined at the session will be conducted electronically in a manner (and using such technology) determined or approved by the President after consultation with the Diocesan Council;...”

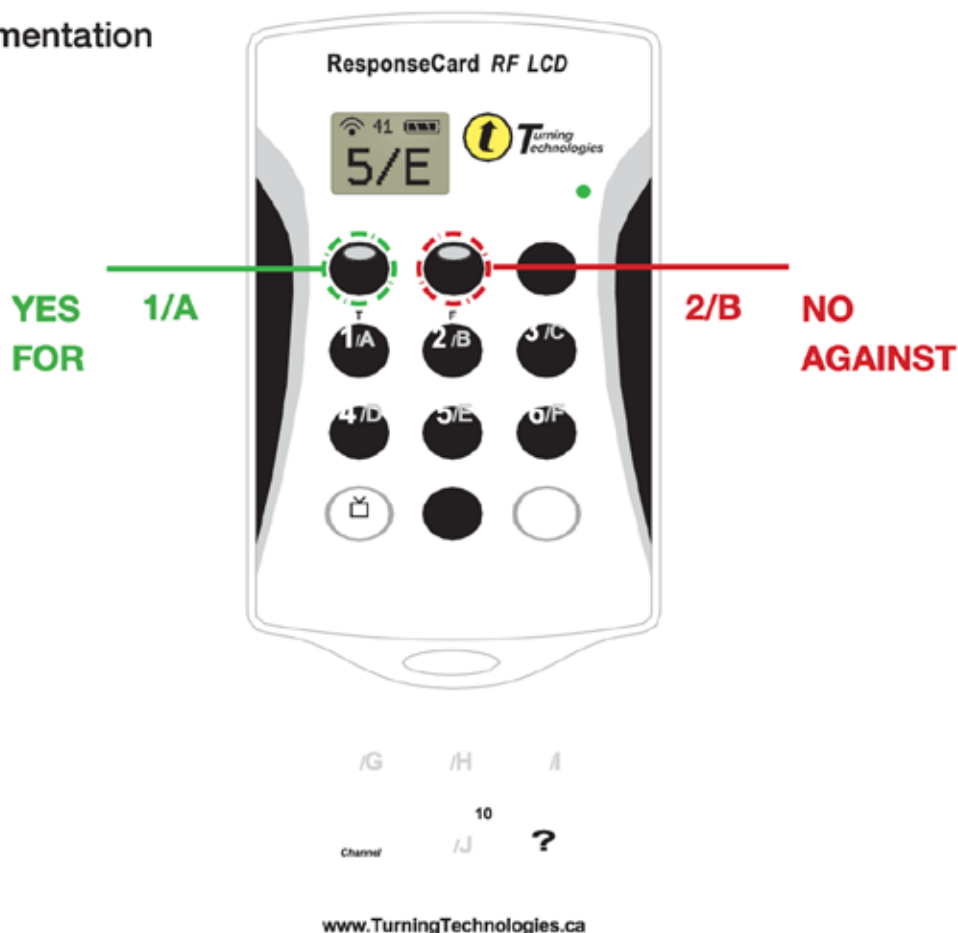
Following consultation with Diocesan Council at its meeting in September 2023 the President has determined that electronic voting would take place in the following circumstances:

On all matters involving a vote by Orders – s18(4) *Constitution* and s28 *Standing Orders Ordinance 1980*

1. On matters where a vote on voices is unclear or where a request is made for a formal count- s28 *Standing Orders Ordinance*
2. Electronic voting would not be utilised for counting votes cast under the *Elections and Appointments Ordinance*.

This is consistent with the practice since 2013.

Implementation



Each voting member of Synod will receive upon registration a lanyard with a name card, and a voting device. The rear of the name card will include directions on the use of the voting device. Each device will be uniquely identified with the member of Synod.

QUESTIONS FOR SYNOD

1) **Assessment Ordinance**

Submitted by: The Rev'd David Covington-Groth – Mitcham

In accordance with the Assessment Ordinance (C6 point 3.7) "The secretary of Synod shall provide to Diocesan Council a summary of assessable income, assessment, total instalments already paid and resulting balance with respect to each parish"

- a) has this information been provided to Diocesan Council? If not why not?
- b) Can this information also be provided to the Members of Synod through its inclusion in synod papers or handed out at synod? If not why not?

Answer:

a) Yes

b) See Attached report

2022 Assessment Acquittals	Net Assessable Income	Assessment	Notes for report
Parish	2022	2022	
Belair	117,774	18,844	TBR received, queries
Brighton	216,035	34,566	
Broadview Enfield	81,887	13,102	
Burnside	124,717	19,955	TBR received, queries
Campbelltown	172,046	27,527	
Christ Church North Adelaide	360,985	57,758	TBR received, queries
Clarence Gardens	149,666	23,947	
Coromandel Valley	0	31,324	provisional
Elizabeth	26,991	4,319	
Elizabeth Downs	31,010	4,962	
Fullarton	109,812	17,570	
Gawler	107,806	17,249	TBR received, queries
Glen Osmond	144,490	23,118	
Gleneig	242,264	38,762	
Golden Grove	91,284	14,605	
Goodwood	134,481	21,517	
Hawthorn	178,935	28,630	
Henley and Grange	107,882	17,261	
Holy Trinity Adelaide	161,704	25,873	TBR received, queries
Ingle Farm/Para Hills	161,766	25,883	
Kangaroo Island	32,652	5,224	
Kapunda	27,728	4,436	
Kensington	243,279	38,925	TBR received, queries
Kidman Park & Mile End	116,445	18,631	
Largs Bay	61,007	9,761	
Lockleys	89,240	14,278	
Magill	195,578	31,292	
Mallala	5,403	864	
Mitcham	231,829	37,093	
Modbury	152,529	24,405	
Norton Summit	11,553	1,848	
Norwood	198,923	31,828	
Parafield Gardens	39,708	6,353	
Parkside	120,884	19,341	
Payneham	80,916	12,947	
Plympton	109,314	17,490	
Port Adelaide	90,078	14,412	
Prospect	134,636	21,542	
Salisbury	207,067	33,131	
Semaphore	117,111	18,738	
Somerton Park	132,961	21,274	
St Cyprian's North Adelaide	44,685	7,150	
St John's Halifax Street	199,544	31,927	
St Luke's Adelaide	133,903	21,424	
St Mary Magdalene's	105,055	16,809	
St Mary's South Road	315,022	50,404	
St Peters All Souls	159,344	25,495	
St Peter's Cathedral	297,416	47,587	
Stirling	226,141	36,183	
Tea Tree Gully	130,404	20,865	TBR received, queries
The Barossa	158,581	25,373	
Toorak Gardens	112,410	17,986	
Two Wells	16,025	2,564	
Unley	411,084	65,773	
Walkerville	131,603	21,056	
Warradale	128,168	20,507	
Woodville	95,210	15,234	
Total	7,784,971	1,276,922	

2) Summited by: The Rev'd David Covington-Groth – Mitcham

In our 2022 Session of Synod, we explored a vision for the Diocese of Adelaide centred around the themes of Grow, Connect, Advocate, and Care. In order for the Synod to understand how we resource the implementation of this vision, continue to fund our central Synod Office functions, and steward effectively the assets entrusted to us, can the members of Synod please be provided the following information:

- a) What trusts and/or special purpose funds are under the stewardship of the Diocese of Adelaide or the Bishop of Adelaide?

Allan Pastoral Aid Fund (Provincial)
 Holiday Fund (Provincial)
 Study Fund
 Assistant Curate Fund
 Retirement Fund
 O'Leary Bakewell Memorial Fund
 Female Ministry Fund
 Allan Pastoral Aid Fund (Adelaide)
 Endowment of Churches
 External Ministry
 Trust of The See

- b) What other trusts and/or special purpose funds, that are not included in the Synod Accounts, contribute to the life of the Diocese of Adelaide or the ministry of the See of Adelaide from time to time?

The Leigh Trust

- c) What are the terms of these trusts and/or special purpose funds?

Allan Pastoral Aid Fund (Provincial)

The fund stems from a bequest by William Allen who died in 1856. The bequest was to aid the purposes contemplated by the (then existing) Pastoral Aid Fund. This fund was to aid *“ministers whose Parishes are in the opinion of the Synod, unable without such aid to provide for their adequate maintenance”*.

The disposal of the income of the fund is at the sole discretion of the Archbishop of Adelaide who is responsible for ensuring that the income is disposed in terms of the Allen bequest.

Two thirds of the net income of the fund is distributed to the three South Australian Diocese's in the same proportion as the Leigh Trust with the balance reinvested to ensure capital value is maintained.

Holiday Fund (Provincial)

The fund consists of gifts received from three estates which expressed a desire to provide support for rest and vacation for clergy (*Gift from Van Senden & Richardson, Estate of Mrs A M Terry, Estate of V M L Durant*)

Grants are paid every other year to eligible clergy.

Study Fund

Comprises two funds created from bequests

E V Gaitskell Scholarship Fund

“to be applied for the general purposes of the Priest Ordination Fund in the State of South Australia”.

The Diocesan Council in 1983, on the recommendation of the Committee of the Ordination Candidates Fund resolved that the bequest should be used to encourage postgraduate study in theology by suitably qualified ordination candidates, while leaving open the possibility of assisting ordination candidates studying for their primary theological degree.

William Somerville and Frances Caroline Milne Memorial Fund

“to be invested by the Synod and the annual income there from and any part of the capital to be used from time to time at the discretion of the Archbishop for the time being to assist theological students in the Diocese of Adelaide by way of a bursary or other financial assistance.

Assistant Curate Fund

This fund was created in 1995 by a Diocesan Council resolution regarding the Oborn & Trewin bequests.

Net income of the fund is to be used towards the support of assistant curates in parishes.

Retirement Funds

These are funds of the Diocese of Adelaide however eligibility was extended to clergy within the Province of SA by a 1985 resolution of Diocesan Council. The fund is an aggregation of funds from several bequests (*Marryat, Durant, Goodall & Reeve*) which each included a desire to support retired ministers without expressly creating a trust.

In recent years main nature of grants paid from this fund has been for assistance with moving and relocation costs for retiring clergy.

O'Leary Bakewell Memorial Fund

The fund had its originals in the 1943 gift of a property “St Michaels House” near Mt Lofty by Mrs A G O'Leary in memory of her father Mr J W Bakewell and a kinsman Mr L N Bakewell.

This property was gifted subject to an express trust that it be used for religious purposes and in particular for such purpose or purposes in connections with the Church of England (Anglican Church of Australia) as the Bishop (Archbishop) of Adelaide for the time being shall from time to time determine.

The O'Leary Bakewell Memorial Fund was created by resolution of Synod in 1984 utilising the proceeds of the sale of the property to the state government together with insurance monies received following the house's destruction during the 1983 Ash Wednesday bushfires.

Distributions from the O'Leary Bakewell fund are at the discretion of the Archbishop after consultation with Diocesan Council.

Female Ministry Fund

Irene Florence Jeffreys passed away in June 2004. She left one quarter of her estate to the Synod of the Diocese of Adelaide “to be used for providing or supplementing the stipends of women who are or may become deacons and/or priests in the Anglican Dioceses of Adelaide, Willochra and the Murray irrespective of where they were ordained.”

Allan Pastoral Aid Fund (Adelaide)

This fund receives the Diocese's distribution from the provincial fund.

Grants are provided at the Archbishop's discretion for the pastoral needs of clergy.

Endowment of Churches

This fund dates back to Parishes providing capital to supplement the income of clergy. It was originally managed on a Provincial basis but now each Diocese has a separate fund.

No distributions have been made from this fund for a number of years and are currently being reinvested into the fund.

A review into the history of the endowment and Trust deed is being undertaken by Secretary of Synod for consideration by Diocesan Council.

External Ministry

This fund comprises the 5% of net proceeds retained by the Synod on parish property sales as per the Parochial Administration Ordinance s79 (aa) (ii). These funds are to be used for the support of ministry and mission in areas of need beyond the Diocese.

Trusts of The See

The Trust primarily provides for the remuneration of the Bishop and Assistant Bishops of the Diocese of Adelaide and the maintenance of the See of Adelaide.

The Deed may be found on our website here [**Trusts of the See**](#)

- d) What are the total assets held in each trust and/or special purpose fund?
- e) What distributions have been made from these trusts and/or special purpose funds over the past two financial years?
- f) How have these distributions (if any) been used over the last two financial years?

2022-23	Assets	Income	Expenses	Comments on expenses paid
Allan Pastoral Aid Fund (Provincial)*	1,726,550	82,959	(50,600)	property holding costs and annual grant to SA dioceses
Holiday Fund (Provincial)	1,129,799	62,553	(46,097)	holiday fund grants paid
Study Fund	384,190	21,272	(20,805)	Archbishop scholarships & contribution to clergy conference
Assistant Curate Fund	89,127	4,934	(4,934)	contribution to parish curacy 2022
Retirement Fund	874,449	48,415	(10,744)	contribution to clergy removal costs
O'Leary Bakewell Memorial Fund	1,886,931	104,472	(81,054)	parish financial support
Female Ministry Fund	125,680	6,958	(7,048)	study support paid
Allan Pastoral Aid Fund (Adelaide)	138,478	29,666	-	no grants paid
Endowment of Churches	605,356	33,061	(33,061)	funds reinvested in Endowment Fund
External Ministry	418,830	23,189	(17,188)	grants paid to India, Africa & PNG
Trusts of The See*	11,653,156	521,344	(521,344)	costs of The See
2021-22				
Allan Pastoral Aid Fund (Provincial)*	1,534,505	94,882	(50,906)	property holding costs and annual grant to SA dioceses
Holiday Fund (Provincial)	1,094,884	61,735	(12,148)	correction to prior year grant payment
Study Fund	372,318	20,929	(20,000)	Archbishop scholarships & contribution to clergy conference
Assistant Curate Fund	86,373	4,870	(4,870)	contribution to curacy at Modbury 2022
Retirement Fund	847,426	47,782	(9,474)	contribution to clergy removal costs
O'Leary Bakewell Memorial Fund	1,828,618	103,107	(32,602)	parish financial support + Church Life survey
Female Ministry Fund	121,797	6,867	(13,832)	study support paid
Allan Pastoral Aid Fund (Adelaide)	134,199	29,566	(11,269)	pastoral grants to clergy
Endowment of Churches	554,859	30,922	(30,922)	funds reinvested in Endowment Fund
External Ministry	405,887	22,886	(4,058)	grant paid to India
Trusts of The See*	11,354,144	516,951	(516,951)	costs of The See

* total assets include property



Anglican Diocese
of Adelaide

Synod Operations Finance Report

The consolidated annual accounts may be found in the Reports & Accounts Book. This report details the Synod Operations component of the Synod consolidated financial statements for the year ended 30 June 2023. Transactions relating to Anglican Funds SA, Trust Funds, and The See are only included to the extent of income received and grants paid by Synod Operations.

For the year ended 30 June 2023 Synod Operations recorded an operating surplus of \$343k, a positive variance against the budgeted position. After allowing for redress settlements of \$395k, and receiving a bequest of \$250k, a net surplus of \$198k was recorded.

The 2024 budget was approved by Diocesan Council at its meeting in June 2023 and is presented to Synod to assist with the setting of the assessment rate for the 2024 year.

SYNOD OPERATIONS	2022	2023	2023	2024
	Actuals	Budget	Actuals	Budget
	\$'000	\$'000	\$'000	\$'000
Income:				
Assessment	1,238	1,075	1,240	1,075
Investment Income	354	360	363	355
Grant Income				
Leigh Trust	754	772	777	826
Anglican Funds SA	500	500	500	600
Special Funds	422	425	429	423
Other Income	121	0	47	0
Total Income	3,389	3,132	3,356	3,279
Less Grants Paid				
The See	-34	-44	-44	-74
Net Synod Operations Income	3,355	3,088	3,312	3,205
Funding:				
Bishops Office	-243	-364	-413	-291
Corporate	-641	-598	-634	-396
Governance	-695	-702	-786	-732
Ministry Services	-281	-342	-249	-303
Operations	-166	-282	-139	-345
Professional Standards	-352	-361	-305	-503
St Barnabas College	-271	-437	-443	-680
Total Funding Required	-2,649	-3,086	-2,969	-3,250
Operating Surplus / Deficit	706	2	343	-45
Less Settlements	-55	0	-395	0
Property Project Cost	-438	0	0	0
Add Bequest	0	0	250	0
Net Surplus / (Deficit)	213	2	198	-45

2022 Actual to 2023 Actual variances:

The Operating Surplus declined by \$363k primarily due to increases in stipends and no vacancies compared to 2022 as well as a deliberate investment into St Barnabas College.

Bishops' Office expenses were \$170k more than last year largely due to costs associated with the 175th anniversary celebration including the gathering for the Archbishop of Canterbury, in addition to stipend and allowance increases.

Governance expenses increased by \$91k since last year mostly due to General Synod and Adelaide Synod expenses.

St Barnabas College expenses increased by \$172k due to increased staffing associated with the Learning Community and the relationship with the University of Divinity as well as their increased charges.

Redress Settlements of \$233k were paid during the year. After adjustments for end-of-year accruals, an expense of \$395k has been recorded for the year ended 30 June 2023.

2024 Budget

Summary

A conservative approach has been taken for the 2024 budget, with a modest deficit of 45k impacted by increases in human resource related expenditure.

Assessment

The Assessment rate is budgeted to remain 14%. The lower income from Assessment reflects the first full year effect of the reduction from 16 to 14%.

Investment Income

The distribution from the Endowment Fund is budgeted to increase from 7.6 to 7.65 cents per unit.

Grant Income

Grant income received from Anglican Funds SA is budgeted at \$600k as AFSA's business and returns grow. The Leigh Trust regular grant is expected to increase slightly from a total of \$777k to \$826k based on advice received from the Trust.

Anglicare SA Support

Anglicare SA contributes \$30k to St Barnabas College and 50% of the costs of the Senior Chaplain.

Professional Standards

This budget line shows an increase because of the staffing and other costs associated with the Ministry Wellbeing program.

St Barnabas College

The budget increases again with the full year effect of the investment in staff and other costs for the Learning Community initiative as well as the full year costs associated with the University of Divinity.

Settlements

Consistent with previous years, no allowance has been made in the budget for critical incident or National Redress Scheme settlements to be paid in 2023/24. The Synod will continue to face these settlements in coming years.

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EXPLANATORY MEMORANDUM

Measure for the Professional Standards Ordinance Amendment Ordinance 2023

The purpose of this Measure is to amend the Professional Standards Ordinance 2015.

The Synod appointed Kooyoora Ltd to manage its professional standards operations in August 2022. Kooyoora is an independent not-for-profit organisation that has been providing similar services to charitable bodies including church organisations, schools and welfare agencies since 2017.

Drawing on its expertise across numerous Dioceses and other organizations, Kooyoora has made several recommendations for amendments to the Professional Standards Ordinance which have been considered and accepted as appropriate by Diocesan Council. This Measure is to give effect to those recommendations. Some of the amendments flow from Kooyoora's objective reading of the Ordinance and relate to clarifications of terminology (for example that the Code of Conduct referred to is Faithfulness in Service as adopted by the Diocese of Adelaide) and, in one case, the correction of a typographical error.

The substantive amendments relate to two areas:

1. Appointments to roles on Professional Standards bodies
2. Achieving consistency of reporting requirements where criminal activity suspected

1. Appointments

The Ordinance currently provides for the Professional Standards Committee to have a minimum of three members. Kooyoora's assessment is that that is not enough as the Professional Standards Committee is the body that has the most work to do. It is instrumental in assessment, triage and early intervention. The Measure would increase minimum number of members to five.

Conversely, the panel for the Professional Standards Review Board must have at least eight members, including three clergy and three lay people. The Review Board rarely meets, yet all members of the panel need to be updated and kept engaged 'just in case'. The Measure would remove the minimum membership criteria, while preserving the requirement that when a Board is convened from the panel, it must have both a lay and a clergy member.

To ensure proper procedural fairness and robust, defensible process it is important to ensure that the President and Vice President of the Professional Standards Board and the Professional Standards Review Board are experienced members of the legal profession. At present the President and the Deputy President of the Professional Standards Board must also be members of the Church, however this requirement does not apply to the President and the Deputy

President of the Professional Standards Review Board.

For consistency, and to ensure the greatest possibility of appropriate appointments, the Measure removes the requirement that the President and the Deputy President of the Professional Standards Board must be members of the Church. It remains the case that the other two members (one lay and one clergy) of the Professional Standards Board must be members of the Church.

It is also proposed to streamline the processes for appointment of members to professional standards bodies. It also allows for more flexibility in the arrangements with Kooyoora, for example by recognising that the Professional Standards Director's employment contract is with Kooyoora, rather than with the Synod.

2. Consistency of reporting requirements

Following amendment in 2022, the Professional Standards Director is required to take certain actions during an investigation, where the alleged misconduct may amount to illegal behaviour - s23. The proposed change is to include those requirements as part of the functions of the Director, thereby achieving consistency.

Clause Notes

Part 1 deals with necessary preliminary matters.

Clause 1 provides for the short title of the Ordinance.

Clause 2 is a relatively standard provision stipulating that the measure will come into operation on a date determined by the President.

Clause 3 provides for the amendment of the Ordinance in the manner set out in Part 2 of the Ordinance.

Part 2 contains the amendments proposed to the Ordinance.

Clause 4 substitutes the definition of Code of Conduct.

Clause 5 stipulates that the Code of Conduct is Faithfulness in Service as amended from time to time.

Clause 6 provides for the manner of appointment of members of the Professional Standards Committee, increasing its membership and establishing the expertise required within the Committee.

Clause 7 provides for the manner in which the Director holds office.

Clause 8 corrects a typographical error and includes reporting or supporting the complainant in reporting matters to the police as one of the Director's functions.

Clause 9 removes the requirement that the President and the Deputy President of the Professional Standards Board be members of the Church.

- Clause 10 outlines the way in which appointments are to be made to the panel of the Professional Standards Board.
- Clause 11 provides for the qualifications for appointment to the Professional Standards Review Board Panel.
- Clause 12 provides for the appointment of members to the Professional Standards Review Board Panel.

A MEASURE FOR

AN ORDINANCE to amend the *Professional Standards Ordinance 2015*.

NOW THE SYNOD HEREBY DETERMINES:

Part 1 - Preliminary

1 - Short title

This Ordinance may be cited as the *Professional Standards Ordinance Amendment Ordinance 2023*.

2 - Commencement

This Ordinance will come into operation on a date and at a time to be determined by the President.

3 - Amendment of principal ordinance

The *Professional Standards Ordinance 2015* is amended in the manner set out in Part 2.

Part 2 - Amendment of the *Professional Standards Ordinance 2015*

4 - Amendment of section 2 - Interpretation

Section 2(1), definition of “Code of Conduct” – delete the definition and substitute:

“**Code of Conduct**” means the code adopted under Part 2;

5 – Amendment of section 6 - Code of Conduct

Section 6 – delete the section and substitute:

Adoption of Code of Conduct

- 6(1) There will be a Code of Conduct for observance by Church workers in the diocese.
- (2) *Faithfulness in Service* is adopted as the Code of Conduct.
- (3) The Synod or the Diocesan Council may determine that *Faithfulness in Service* is varied for the purposes of its adoption under this section.
- (4) A determination under subsection (3) has effect according to its terms.
- (5) In this section:

“Faithfulness in Service” means the national code of that name adopted by General Synod in 2004, as amended from time to time by the Standing Committee of General Synod (and as further varied from time to time under this section).

6 – Amendment of section 11 – Membership of the PSC

(1) Section 11(1) – delete the subsection and substitute:

(1) The members of the PSC will be appointed:

- (a) by the Diocesan Council; or
- (b) under an arrangement established by the Diocesan Council in connection with the constitution of the PSC.

(2) Section 11(2) – delete the subsection and substitute:

(2) The members of the PSC will hold office:

- (a) on such terms and conditions as may be determined from time to time by the Diocesan Council; or
- (b) under an arrangement established by the Diocesan Council in connection with the constitution of the PSC.

(3) Section 11(3) – delete “three” and substitute:

five

(4) Section 11(4) – delete “must be constituted so far as reasonably possible so as collectively to” and substitute:

must include one or more persons who can

(5) Section 11(6) – delete “by the Diocesan Council.” and substitute:

by the Diocesan Council, or under an arrangement established by the Diocesan Council.

7 – Amendment of section 15 – Appointment

Section 15(3) – delete the subsection and substitute:

(3) The Director will hold office:

- (a) on such terms and conditions as may be determined from time to time by the Diocesan Council; or
- (b) under an arrangement established by the Diocesan Council in connection with the office of Director of Professional Standards.

8 – Amendment of section 16 – Functions of the Director

- (1) Section 16(1)(e) – delete “of the Director?” and substitute:

of the Director;

- (2) Section 16(1)(l) – delete paragraph (l) and substitute:

(l) in a case of alleged illegal behaviour:

- (i) to support a complainant in making a report to police or child protection authorities; or
- (ii) if the Director or the PSC considers it to be necessary, appropriate or in the interests of a victim or alleged victim – make a report to police or child protection authorities;

9 – Amendment of section 49 – Panel

Section 49(1)(a) – delete “and who are members of the Church”

10– Amendment of section 50 – Appointment of the Panel

- (1) Section 50(1) – delete the subsection and substitute:

(1)The members of the panel will be appointed:

- (a) by the Diocesan Council; or
- (b) under an arrangement established by the Diocesan Council in connection with the constitution of the Board and its supporting structures.

- (2) Section 50 – after subsection (1) insert:

(1a) The members of the panel will hold office:

- (a) on such terms and conditions as may be determined from time to time by the Diocesan Council; or
- (b) under an arrangement established by the Diocesan Council in connection with the constitution of the Board and its supporting structures.

- (3) Section 50(2) – delete “shall be filled by Diocesan Council” and substitute:

will be filled in the same manner as provided by subsection (1a).

11– Amendment of section 66 – Panel of Review Board Members

(1) Section 66 – after “from a panel of” insert:

up to

(2) Section 66(b) – delete the paragraph and substitute:

(b) at least one member of the clergy; and

(3) Section 66(b) – after the paragraph insert:

(c) at least one layperson.

12– Amendment of section 67 – Appointment of the Panel

(1) Section 67(1) – delete the subsection and substitute:

(1) The members of the panel will be appointed:

(a) by the Diocesan Council; or

(b) under an arrangement established by the Diocesan Council in connection with the constitution of the Review Board and its supporting structures.

(2) Section 67(2) – delete the subsection and substitute:

(2) The members of the panel will hold office:

(a) on such terms and conditions as may be determined from time to time by the Diocesan Council; or

(b) under an arrangement established by the Diocesan Council in connection with the constitution of the Review Board and its supporting structures.

(3) Section 67(4) – delete “shall be filled by Diocesan Council” and substitute:

will be filled in the same manner as provided by subsection (2)

PROFESSIONAL STANDARDS ORDINANCE 2015

An Ordinance relating to professional standards within the Church, and for other purposes

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The Synod hereby determines:

PART 1 - PRELIMINARY

Title

1. This Ordinance may be cited as the “Professional Standards Ordinance 2015”.

Interpretation

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

"Board" means the Professional Standards Board established under Part 12.

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

"Certificate of Conviction" means a certificate of conviction given under or in accordance with sections 42 or 43 of the *Evidence Act 1929* (SA) certifying as to the conviction of a Church worker of a criminal offence referred to in Part 3, Divisions 11, 11A or 12 of the *Criminal Law Consolidation Act 1935* (SA) or Parts 6 or 7 of the *Summary Offences Act 1953* (SA) or any equivalent provision in legislation which repeals or replaces those Acts, or any equivalent provision in any Commonwealth, State or Territory legislation;

"child" means a person under the age of 18;

"Church" means the Anglican Church of Australia;

"Church authority" means the Bishop or a person or body having administrative authority of or in a Church body to license, appoint, authorise, dismiss or suspend a Church worker;

"Church body" includes a parish, school and any body corporate, organisation or association that exercises ministry within, or on behalf of, the Church;

"Church worker" means a person who is or who at any relevant time was:

- (a) a member of the clergy; or
- (b) a person employed by a Church body; or
- (c) a person holding a position or performing a function with the actual or apparent authority of a Church authority or Church body;

but excludes a bishop subject to the jurisdiction of the Special Tribunal of the Church;

"**Code of Conduct**" means ~~the code adopted a code of conduct approved from time to time~~ under Part 2;

"**complainant**" means a person who makes a complaint;

"**complaint**" means a complaint under section 19 of this Ordinance;

"**Constitution**" means the Constitution of the Anglican Church of Australia;

"**Director**" means the Director of Professional Standards appointed under Part 5;

"**equivalent body**" means a body of another diocese exercising powers, duties or functions equivalent to those of the Director, the PSC the Board or the Review Board as the case may be, or where there is no such body, the bishop of the diocese;

"**faith**" has the same meaning as that expression has in the Constitution;

"**information**" means information of whatever nature and from whatever source relating to alleged misconduct on the part of a Church worker;

"**member of the clergy**" means a person in Holy Orders;

"**misconduct**" has the meaning in subsection (3) of this section;

"**national register**" means any national register established pursuant to a Canon of General Synod or a resolution of the Standing Committee of General Synod for the purpose of recording determinations of the Board and other equivalent bodies;

"**Professional Standards Committee**" or "**PSC**" means the Professional Standards Committee established under Part 4;

"**prohibition order**" means an order prohibiting a Church worker from holding a specified position or office in or being employed by a Church body or Church authority or from carrying out any specified functions in relation to any office or position in the diocese or in relation to employment by a Church body, and includes a variation of a prohibition order;

"**protocol**" means a protocol approved from time to time by the Diocesan Council under Part 3;

"**respondent**" means a Church worker whose alleged conduct is the subject of a complaint;

"**Review Board**" means the Professional Standards Review Board established under Part 14;

"**ritual**" has the same meaning as that expression has in the Constitution;

"**suspension order**" has the meaning in section 32.

(2) For the purposes of this Ordinance –

- (a) a person employed by a Church body; or
 - (b) a person holding a position or performing a function with the actual or apparent authority of a Church authority or Church body;
- will be taken to be engaged by a Church authority.

(3) The expression “**misconduct**” in relation to a Church worker means an activity or wilful or careless inactivity that –

- a) involves harassment, or causes harm to a person's physical, spiritual, emotional or financial well-being or, in the case of a child, to his or her development; or
 - b) is carried out by a person in a position of power or authority over another –
 - (i) for the inappropriate gratification of that person; or
 - (ii) for the exploitation of the other; or
 - c) involves the exploitation of an office or position within the Church or a Church body; or
 - d) brings an office within the Church or a Church body or, if relevant, brings the Church or a Church body more generally into disrepute; or
 - e) involves a breach of the standards of sexual conduct prescribed in the Code of Conduct;
- and includes:
- f) wilful or careless failure to comply with an undertaking given to or a direction imposed by a Church authority under section 104 of this Ordinance;
 - g) wilful or careless failure to comply with an undertaking given to the Board, the Review Board or the Church authority;
 - h) wilful or careless failure to comply with the provisions of section 17; and
 - i) a breach of the Offences Canon 1962 or any Canon amending or replacing that Canon which is in force in and is not excluded from this diocese;¹

by the Church worker whenever occurring which, if established, would on its face call into question:

- (i) the fitness of the Church worker, whether temporarily or permanently, to hold a particular or any office, licence or position of responsibility in the Church or to be or remain in the employment of a Church body, or in Holy Orders; or

¹ . Section 1 of the *Offences Canon 1962* provides for the following offences in respect of a person licensed by the Bishop:

1. Unchastity.
2. Drunkenness.
3. Habitual and wilful neglect of ministerial duty after written admonition in respect thereof by the bishop of the diocese.
4. Wilful failure to pay just debts.
5. Conduct, wherever occurring,
 - (a) which would be disgraceful if committed by a member of the clergy, and
 - (b) which at the time the charge is preferred is productive, or if known publicly would be productive, of scandal or evil report.
6. Any other offence prescribed by an ordinance of the Synod of the diocese.

- (ii) whether, in the exercise of the Church worker's ministry or employment, or in the performance of any duty or function, the Church worker should be subject to any condition ;

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

Membership of equivalent bodies

3. 1) The Director, the members of the PSC, the Board and the Review Board may constitute or be members of an equivalent body either generally or for a particular case or matter.
- 2) The Diocesan Council may enter into such agreements or arrangements as it sees fit with the relevant authority of another diocese as to the terms on which the powers and functions of the equivalent bodies or persons of that diocese are to be exercised by the persons holding office in or as delegates of the PSC, or by the members or the secretary of the Board or of the Review Board.

Overriding Purposes

4. The overriding purposes of this Ordinance and of any protocol made under this Ordinance, in their application to any complaint under this Ordinance, are to facilitate the just, quick and inexpensive resolution of the real issues in the complaint and to regulate fitness for ministry for the protection of the community.

Purposes to be given effect

5. The Director, the PSC, the Board and the Review Board must each seek to give effect to the overriding purposes when exercising any power given by this Ordinance or by any protocol and when interpreting any provision of this Ordinance or of any such protocol.

PART 2 – CODE OF CONDUCT

Approval of Code of Conduct

- ~~6. The Synod or the Diocesan Council shall from time to time by resolution approve a Code of Conduct for observance by Church workers in the diocese.~~

Adoption of Code of Conduct

6. (1) There will be a Code of Conduct for observance by Church workers in the diocese.
- (2) Faithfulness in Service is adopted as the Code of Conduct.
- (3) The Synod or the Diocesan Council may determine that Faithfulness in Service is varied for the purposes of its adoption under this section.
- (4) A determination under subsection (3) has effect according to its terms.
- (5) In this section:
“Faithfulness in Service” means the national code of that name adopted by General Synod in 2004, as amended from time to time by the Standing Committee of General Synod (and as further varied from time to time under this section).

Promotion of Code of Conduct

7. The Diocesan Council through the PSC and by such other means as may be considered appropriate shall take such steps as may be necessary or desirable to promote the knowledge, understanding and observance in this Church of any code of conduct applicable in the diocese.

PART 3 – PROTOCOLS

Making and content of protocols

8. (1) The Diocesan Council must from time to time consider and approve a protocol or protocols not inconsistent with this Ordinance for implementation in relation to information and complaints.
- (2) The protocol or protocols must include:
 - (a) procedures for dealing with information and complaints;
 - (b) the appointment, role and function of contact persons;
 - (c) provision for informing complainants and victims of alleged misconduct, and respondents, of rights, remedies and relevant procedures available to them;
 - (d) provision for assisting or supporting, as appropriate, any person affected by alleged misconduct the subject of information;
 - (e) an explanation of the processes for investigating and dealing with information and complaints;
 - (f) provisions for dealing fairly with each party to a complaint;
 - (g) processes for mediation, conciliation and reconciliation, as appropriate;
 - (h) provisions for information, reports, advice and recommendations to the Bishop and any other relevant Church authority at each stage of the process of dealing with a complaint or information;
 - (i) procedures for working, where necessary, with law enforcement, prosecution and child protection authorities of the States and Territories of the Commonwealth of Australia.
- (3) The Diocesan Council, through the Director and the PSC and by such other means as they may consider appropriate, must take such steps as may be necessary or desirable to promote throughout the community a knowledge and understanding of any protocol.

PART 4 – PROFESSIONAL STANDARDS COMMITTEE

Establishment of PSC

9. There shall be a Professional Standards Committee for the diocese constituted in accordance with the provisions of this Part.

Functions of the PSC

10. (1) The PSC has the following functions:
 - (a) to implement a protocol;
 - (b) to receive information;
 - (c) to act on information in accordance with the provisions of this Ordinance

- and any protocol;
- (d) to receive a complaint against a Church worker;
 - (e) to act on a complaint in accordance with the provisions of this Ordinance and any protocol and, where appropriate, to obtain independent legal advice for that purpose;
 - (f) to appoint suitable persons to fulfil the several roles required to implement the protocol in each particular case;
 - (g) where appropriate, to recommend conciliation or mediation;
 - (h) to investigate a complaint in a timely and appropriate manner;
 - (i) where appropriate, to recommend to the Diocesan Council any changes to a protocol and any other changes to Church processes, structures and education programmes that would reduce the risk of misconduct;
 - (j) subject to any limit imposed by the Diocesan Council to authorise such expenditure as may be necessary or appropriate to implement, in a particular case, a protocol and the provisions of this Ordinance;
 - (k) to advise any relevant Church body as to the financial, pastoral or other needs of a person affected by misconduct the subject of a complaint and in connection with any legal proceedings, anticipated or existing, against such Church body arising out of that alleged misconduct;
 - (l) to refer any information in its possession to a law enforcement, prosecution or child protection authority of a State or Territory or of the Commonwealth of Australia for which the information is or may be relevant;
 - (m) to maintain proper records of all information and complaints received and of action taken in relation to each of them; and
 - (n) to exercise such other powers and functions as are conferred on it by this or any other Ordinance or by a protocol.
- (2) The exercise of functions by the PSC under this Ordinance arises in respect of alleged misconduct of a Church worker:
- (a) resident or licensed in the diocese, or engaged by a Church authority;
 - (b) not resident or licensed in the diocese nor engaged by a Church authority but whose misconduct is alleged to have occurred in the diocese or when the Church worker was resident or licensed in the diocese or was engaged by a Church authority;
 - (c) wherever and whenever it is alleged to have been engaged in by a Church worker; and
 - (d) whether such misconduct is alleged to have occurred before or after the commencement of this Ordinance.
- (3) Any action taken by the PSC must be consistent with the principles of procedural fairness and natural justice.

Membership of the PSC

11. ~~(1) The members of the PSC shall be appointed by the Diocesan Council.~~

- ~~(2) The members of the PSC shall hold office on such terms and conditions as may be determined from time to time by the Diocesan Council.~~
- (1) The members of the PSC will be appointed:
- (a) by the Diocesan Council; or
- (b) under an arrangement established by the Diocesan Council in connection with the constitution of the PSC.
- (2) The members of the PSC will hold office:
- (a) on such terms and conditions as may be determined from time to time by the Diocesan Council; or
- (b) under an arrangement established by the Diocesan Council in connection with the constitution of the PSC.
- (3) The PSC must have at least ~~three~~ 5 members including the chair, any of whom may reside outside the diocese.
- (4) The membership of the PSC must include one or more persons who can be constituted so far as reasonably possible so as collectively to provide experience and appropriate professional qualifications in—
- (a) law;
- (b) the ordained ministry; and
- (c) human resources, pastoral ministry, investigations, social work, ethics or counselling.
- (5) The PSC must –
- (a) include at least one person who is not a member of the Church;
- (b) so far as is reasonably practicable have at least one man and one woman.
- (6) The chair of the PSC must be appointed by the Diocesan Council, or under an arrangement established by the Diocesan Council.
- (7) The members of the PSC may constitute or include the members of an equivalent body either generally or for a particular complaint or matter.
- (8) A member of the PSC must not act unless the member has agreed in writing to abide by this Ordinance.

Conduct of business

12. (1) The PSC may meet from time to time as determined by the chair or a majority of its members and may conduct its business by telephone or electronic communication.
- (2) The chair must convene a meeting of the PSC at the request of the Director.
- (3) The procedures of the PSC shall be as determined by the PSC.
- (4) A majority of the members shall constitute a quorum.
- (5) A decision taken other than at a meeting of the PSC, if supported by a majority of members of the PSC, constitutes a decision of the PSC.
- (7) The PSC must act in all things as expeditiously as possible.

Validity of proceedings

13. An act or proceeding of the PSC is not invalid by reason only of a vacancy in its membership and, notwithstanding the subsequent discovery of a defect in the nomination or appointment of a member, any such act or proceeding is as valid and effectual as if the member had been duly nominated or appointed.

Delegation of functions

14. (1) Subject to subsection (2), the PSC may delegate, upon such terms and conditions as the PSC may approve, any of its functions under this Ordinance to any person.
- (2) The PSC cannot delegate:
- (a) its functions under subsection (1);
 - (b) its functions under paragraphs (g) and (j) of section 10(1);
 - (c) its functions under Part 10; or
 - (d) its functions under section 57.
- (3) A delegation under this section must be made by instrument in writing signed by a member of the PSC.

Conflicts of interest

- 14A. If a member of the PSC has a personal interest in a matter that is, or forms part of, the subject matter of a complaint (including on account of their relationship with the complainant or the respondent), the member of the PSC must not act in relation to the matter.

PART 5 – DIRECTOR OF PROFESSIONAL STANDARDS

Appointment

15. (1) There shall be a Director of Professional Standards.
- (2) The Director shall be appointed by the Diocesan Council.
- ~~(3) The Director shall hold office on such terms and conditions as may be determined from time to time by the Diocesan Council.~~
- (3) The Director will hold office:
- (a) on such terms and conditions as may be determined from time to time by the Diocesan Council; or
 - (b) under an arrangement established by the Diocesan Council in connection with the office of Director of Professional Standards.
- (4) The Director may act in a corresponding capacity or as Director of Episcopal Standards for another diocese either generally or for a particular case or matter.

Functions of the Director

16. (1) The Director shall have the following functions:
- (a) to receive information and complaints on behalf of the PSC;

- (b) in his or her discretion to make a complaint against a Church worker;
- (c) to manage the implementation of any protocol in respect of any information and complaint;
- (d) to be the executive officer of the PSC;
- (e) to attend meetings of the PSC except for any part of a meeting which deals with the conditions of employment, remuneration or performance of the Director;²
- (f) to provide advice about the code of conduct, the protocol and procedures under this Ordinance;
- (g) to provide or arrange care or treatment of the complainant and respondent;
- (h) to provide input into education and vocational training programs for Church workers;
- (i) to provide advice to complainants and the respondent about the operation of the protocol, with particular emphasis on helping the respondent to understand and discharge his responsibilities under the protocol;
- (j) to keep proper records of complaints, decisions, meetings, employment screening details, police checks and people affected by any allegation of misconduct;
- (k) to consult and co-operate with other persons and bodies in the Church with responsibility for professional standards;
- ~~(l) in cases of alleged illegal behaviour, to support the complainant in making a report to police or child protection authorities;~~
- ~~(l) in a case of alleged illegal behaviour:

 - ~~(i) to support a complainant in making a report to police or child protection authorities; or~~
 - ~~(ii) if the Director or the PSC considers it to be necessary, appropriate or in the interests of a victim or alleged victim – make a report to police or child protection authorities;~~~~
- (m) to report to the PSC on any recommended changes to the protocol and any other changes to Church processes, structures and education programmes that would reduce the risk of misconduct; and
- (n) such specific functions and duties, consistent with this Ordinance, as may be determined from time to time by the PSC.

(2) The Director must act in all things as expeditiously as possible.

Conflicts of interest

16A. If the Director has a personal interest in a matter that is, or forms part of, the subject matter of a complaint (including on account of their relationship with the complainant or the respondent), the Director must not act in relation to the matter.

PART 6 – INFORMATION

Disclosure of information

17. (1) A member of the Clergy and a Church authority in the diocese must as soon as possible refer any information in his her or its possession or knowledge to the Director unless there are reasonable grounds to believe that the information is already known to the Director or the PSC.
- (2) This section does not affect the operation of the Canon Concerning Confessions 1989 of the General Synod or any other Canon or legislative instrument relating to confessions in force in the diocese.

Director to Report

18. Subject to this Ordinance, where the Director considers that the subject matter of information, if established, would constitute misconduct the Director must report the conduct to the PSC or, if appropriate, to an equivalent body.

PART 7 – COMPLAINTS

Who may make a complaint

19. Any person, including the Director, may make a complaint of misconduct to the PSC in relation to a Church worker.

Form of complaint

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

Further information and verification

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

Power to dismiss or take no further action

22. (1) The PSC may dismiss a complaint or take no further action in relation to a complaint if—

- (a) the PSC is of opinion that the complaint does not fall within the provisions of this Ordinance;
 - (b) the complainant has failed to provide further details to the PSC or to verify the allegations by statutory declaration when requested by the Director to do so;
 - (c) the complainant (other than the Director) has not given consent to the Director's giving notice of the complaint to the respondent and to the PSC's dealing with it under this Ordinance;
 - (d) the PSC is of opinion that the complaint is false, vexatious, misconceived, frivolous or lacking in substance; or
 - (e) the PSC is of opinion that there is insufficient reliable evidence to warrant an investigation or further investigation
- and may take no further action or delay further action in relation to a complaint if—
- (f) the behaviour the subject matter of the complaint has been or can properly be dealt with by other means; or
 - (g) the subject matter of a complaint is under investigation by some other competent person or body or is the subject of legal proceedings.
- (2) If a complaint is dealt with by the PSC under the preceding subsection, the PSC must give the complainant a written notice of the outcome including the reasons for the outcome.

PART 8 – INVESTIGATIONS

Investigation and report

23. (1) Subject to this Ordinance, the PSC must investigate each complaint as expeditiously as possible.
- (2) The PSC may investigate the conduct of the Church worker if –
- (a) the PSC has reason to believe that the conduct may amount to misconduct under this Ordinance; and
 - (b) notwithstanding that a complaint about the conduct has been withdrawn.
- (3) If, in the opinion of the Director, the alleged misconduct constitutes an offence –
- (a) if the offence is an indictable offence – the Director must take the action specified in subsection (3a); and
 - (b) if the offence is not an indictable offence – the Director may take the action specified in subsection (3a).
- (3a) For the purposes of subsection (3), the action is to refer any information concerning the alleged misconduct in the possession of the PSC to a member of a law enforcement, prosecution or child protection authority to which the information may be relevant.
- (4) In this section the expression "indictable offence" means an offence whether committed in or outside South Australia that is an indictable offence against a law of the Commonwealth or against a law of the State in which the offence is alleged to

have been committed.

Investigation by equivalent bodies

24. (1) The Director may, if the Director thinks it appropriate to do so, refer the complaint, or the investigation of the complaint, to an equivalent body or bodies.
- (2) When the PSC and an equivalent body or equivalent bodies have the power and duty to investigate a complaint concerning the alleged misconduct of the same Church worker and the respective bodies cannot agree on:
- (a) which body shall carry out the investigation or any parts of such investigation; or
 - (b) whether the complaint should be referred to the Board or to an equivalent body which has jurisdiction;

then the PSC must prefer the disagreement for decision by the Director and the persons acting in a corresponding capacity for every other diocese acting together.

- (3) The PSC shall act in accordance with the unanimous decision of the persons referred to in subsection (2) or, if such persons cannot agree within a reasonable time of the disagreement being referred, in accordance with the decision of the Primate or a member of the House of Bishops appointed by the Primate.
- (4) In all matters affecting the operation of this Ordinance the PSC and the Director shall cooperate with and assist an equivalent body.
- (5) In making a decision under subsection (2) the Director shall not be bound by the views or instruction of the PSC but shall take into account the most convenient course for all concerned and the proper and expeditious conduct of the investigation or referral as the case may be

Material to be obtained

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

Response of respondent

26. The PSC may by notice in writing to the respondent require the respondent –
- (a) to meet with an investigator to answer questions in relation to a complaint;
 - (b) to provide a detailed report to the PSC within a reasonable time specified in the notice in relation to any matter relevant to the investigation;
 - (c) to verify the report by statutory declaration or another specified manner.

Duties of the respondent

27. (1) The respondent must, subject to subsection (2) –

- (a) comply with a requirement of the PSC pursuant to paragraphs (a), (b) and (c) of the previous section; and
 - (b) truthfully answer any questions put by or on behalf of the PSC in the exercise of powers conferred by this Ordinance.
- (2) If the respondent declines to answer a question on the ground that the answer might tend to incriminate the person, a written record shall be made of the question and of the ground of refusal.
- (3) The respondent must –
- (a) not mislead the PSC or a member or delegate of the PSC;
 - (b) not unreasonably delay or obstruct the PSC or a delegate of the PSC in the exercise of powers conferred by this Ordinance; and
 - (c) attend a mediation, conciliation, neutral evaluation or other dispute resolution meeting arranged by the PSC in relation to a complaint.

Exercise of powers by the PSC

28. (1) At any time after the PSC receives a complaint, the PSC may:
- (a) recommend mediation, conciliation, neutral evaluation or other alternative resolution of the complaint; and
 - (b) exercise its powers under section 22 of this Ordinance to dismiss a complaint or to take no further action in relation to a complaint.
- (2) The fact that the subject matter of a complaint may be settled or resolved in whole or in part between the parties affected thereby does not prevent the PSC from taking any further action in accordance with the provisions of this Ordinance in respect of the complaint.
- (3) Any term of settlement or resolution referred to in subsection (2) which purports to prevent or to limit the taking of any such further action shall, for the purposes of this Ordinance, be of no effect.

PART 9 – CERTIFICATE OF CONVICTION

Summary hearing and recommendations

29. If, during the course of carrying out their duties under this Ordinance, the Director, the PSC or the Board receives a Certificate of Conviction of a Church worker, then:
- (a) If the person who receives the Certificate of Conviction is not the Director, the person must immediately hand the Certificate of Conviction to the Director;
 - (b) The Director must immediately provide a copy of the Certificate of Conviction to the secretary of the Board, stating that it is provided pursuant to this section;
 - (c) Upon receipt of the Certificate of Conviction by the secretary of the Board the President or Deputy President as the case may be must as soon as possible determine the membership of the Board for the purpose of making a recommendation under this Part;
 - (d) The Board may act pursuant to this section whether or not a complaint against the

Church worker has been referred to the Board;

- (e) Subject to giving the Church worker opportunity to show cause by such means as the Board may in its absolute discretion allow, the Board may make any of the recommendations referred to in section 51(1) in respect of the Church worker to whom the Certificate of Conviction relates.

No review of determination

- 30. A determination under this Part is not a reviewable decision for the purposes of Part 14.

Effect on other proceedings

- 31. No action taken under this Part shall, of itself, stay or preclude any act, proceeding, investigation or enquiry otherwise in progress or proposed under this Ordinance in respect of the Church worker to whom the Certificate of Conviction relates.

PART 10 – SUSPENSION AND PROHIBITION

Interpretation

32. (1) For the purposes of this Ordinance –

"suspension order" means an order suspending a respondent to a complaint from the duties of office or employment by a Church body and may include an order:

- (a) that from a specified date the respondent and his or her immediate family cease to reside in any accommodation provided by the Church body;
- (b) restricting or prohibiting the use by the respondent of a motor vehicle and any other property provided by the Church body;
- (c) prohibiting the attendance of the respondent at a particular church or place of worship or within a specified geographical area;

and includes a variation of a suspension order.

- (2) If a suspension order includes an order under paragraph (a) of subsection (1) the suspension order must include, for the duration of any period involved, an order that the respondent and, if appropriate, his or her immediate family be provided with a reasonable accommodation allowance from funds under the control of the Synod at a rate specified in the order.

PSC may recommend

- 33. (1) Subject to section 34, at any time after the PSC has commenced or caused to be commenced an investigation of a complaint it may recommend to the relevant Church authority that a suspension order or a prohibition order or both be made against the respondent.
- (2) Subject to section 34, the PSC may at any time and from time to time recommend the variation of a suspension order or a prohibition order or both.
- (3) Before making or varying a recommendation under this Part the PSC must give the respondent an opportunity to be heard.

Matters to be taken into account

- 34. Before making or varying a recommendation under section 33 the PSC must take into account:
 - (a) the seriousness of the misconduct alleged in the complaint;
 - (b) the nature of the material to support or negate the allegations;
 - (c) whether any person is at risk of harm;
 - (d) after consultation with the relevant Church body or its representative, the effect on the respondent, a relevant Church body and on the Church in the diocese of acting and of not acting under section 33;

- (e) any other allegations of misconduct previously made to the PSC or to an equivalent body within the previous 10 years; and
- (f) any other relevant matter.

Mandatory orders

35. If the PSC forms the opinion that –
- (a) the evidence of misconduct, if accepted, would establish misconduct on the part of the Church worker which would be likely to call into question the fitness of the Church worker, whether temporarily or permanently, to hold the office, licence or position then held or to be or remain in Holy Orders and that the evidence is sufficiently strong to justify such a finding; or
 - (b) there is an unacceptable risk of harm to any person; or
 - (c) as a result of the alleged misconduct there is, or there is an unacceptable risk that there will be, serious damage to the reputation of the Church or a Church body;
- the PSC must recommend to the relevant Church authority that a suspension order or a prohibition order or both, as the case may require, be made against the respondent.

Church authority may give effect to a recommendation

36. The relevant Church authority is authorised to give effect to a recommendation under sections 33 or 35.

Termination of suspension or prohibition

37. (1) Subject to subsection (2), a suspension order or prohibition order made by a Church authority pursuant to a recommendation under this Part must be terminated by the Church authority:
- (a) if the PSC terminates the investigation without referring the matter to the Board;
 - (b) upon any direction to that effect given by the Board;
 - (c) upon an agreement being made and in force in accordance with the provisions of Part 10; or
 - (d) upon the Church authority giving effect to a recommendation of the Board or the Review Board under section 103.
- (2) Upon an application being made to the Review Board in accordance with Part 15, the PSC must reconsider whether a suspension order or prohibition order should be made, continued, varied or revoked and may recommend accordingly to the Church authority.

Effect of suspension order or prohibition order

38. During the period of operation of a suspension order or prohibition order pursuant to the provisions of this Part or during a period when a person voluntarily stands down from a position while a complaint is dealt with under this Ordinance:
- (a) the respondent must comply with the terms of any suspension order or prohibition order;
 - (b) the respondent is ineligible for appointment to any position or function covered by any suspension order or prohibition order;
 - (c) the vacancy caused by the suspension order, prohibition order or standing down may be filled by another suitably qualified person; and
 - (d) subject to the terms of the suspension order or prohibition order the respondent is entitled to whatever stipend, salary, allowances and other benefits that he or she would otherwise have received and which are to be met or reimbursed from funds under the control of the Synod.

PART 11 – CONSENT DETERMINATION

Application and interpretation

39. (1) For the purposes of this Part:
- "a recommendation"** means any recommendation that the Board could make in respect of the respondent under section 61 if the alleged misconduct the subject of the complaint were established; and
- "the report"** means the report referred to in section 40 (1) and any amended report referred to in this Part and includes any documents and material referred to in or relevant to any part of the report.
- (2) This Part only applies if the Church authority is the Bishop.

PSC to report to the Bishop

40. (1) As soon as practicable after investigation of a complaint in accordance with Part 8, where the PSC has formed the opinion that the alleged misconduct the subject of the complaint, if established, would call into question whether–
- (a) the respondent is fit–
 - (i) to hold office or to be or remain in Holy Orders; or
 - (ii) whether temporarily or permanently to exercise ministry and perform any duty or function of the office; or
 - (b) in the exercise of ministry or in the performance of any duty or function the respondent should be subject to any condition or restriction;
- the PSC must prepare a written report comprising a report of its investigation and opinion and a recommendation.
- (1a) In acting under subsection (1), the PSC must take into account:
- (a) the seriousness of the misconduct alleged in the complaint;

- (b) the nature of the material provided in connection with the investigation;
 - (c) the extent to which it appears that any person is or has been at risk of harm;
 - (d) any findings of misconduct previously made in relation to the respondent; and
 - (e) any other relevant matter.
- (2) In preparing the report the PSC may consult with the complainant and with the respondent and must include in the report any expressed view of the respondent on the taking of action under this Part.
- (3) The report must-
- (a) state the facts on which its opinion and recommendations are based;
 - (b) be accompanied by copies of any documents and material referred to in or relevant to any part of the report; and
 - (c) state whether the PSC considers it appropriate for action to be taken under section 43.
- (4) A copy of the report signed by a member of the PSC must be delivered to the Bishop.

Bishop may request reconsideration

41. (1) Within 10 days of receiving a recommendation from the PSC the Bishop may request the PSC to reconsider the report.
- (2) if the Bishop does not request a reconsideration in accordance with the provisions of subsection (1) the provisions of section 43 shall apply.

Reconsideration by the PSC

42. (1) If the Bishop does request a reconsideration in accordance with section 41 (1) the PSC must as soon as practicable reconsider the report in the light of any further information made available to it.
- (2) If upon the reconsideration referred to in subsection (1) the PSC decides that the complaint should be dealt with under section 22 it shall inform the Bishop as if it were a direction made by the Bishop to give effect to a recommendation under section 103.
- (3) If upon the reconsideration referred to in subsection (1) the PSC decides not to alter the report it must inform the Bishop accordingly and cause a copy of the report to be delivered to the respondent, and the provisions of section 43 shall apply.
- (4) If upon the reconsideration referred to in subsection (1) the PSC decides to amend the report it shall deliver an amended copy of the report to the Bishop and to the respondent, and the provisions of section 43 shall apply.

Bishop to determine

43. Within 14 days of an event occurring which gives rise to the operation of this section the Bishop must determine either –
- (a) that implementation by agreement of the recommendation contained in the report would be appropriate; or

- (b) that implementation of the recommendation by agreement would not be appropriate.

Implementation by agreement

44. (1) If the Bishop makes a determination under paragraph (a) of section 43 the Bishop must invite the respondent to indicate whether or not he or she would agree to the implementation of the recommendation.
- (2) If the respondent agrees to the implementation of the recommendation the Bishop must cause the determination to be reduced to writing and be signed by the Bishop and the respondent and, subject to subsection (3), the determination shall take effect as if it were a direction made by the Bishop to give effect to a recommendation under section 103.
- (3) Where it is agreed that the determination should include a provision that –
- (a) the Church worker's licence or authority be permanently revoked;
 - (b) the Church worker cease permanently to hold any office then or previously held; or
 - (c) the Church worker be deposed from Holy Orders;
- the respondent may, within the period of seven days following the date of the signed agreement, withdraw from the agreement by written notice to the Bishop, whereupon the agreement will be ineffective and the determination will not be implemented in accordance with this section.
- (4) If no agreement is reached or if an agreement becomes ineffective under subsection (3), the Bishop must inform the PSC accordingly.
- (5) If agreement is reached under this section and is not rendered ineffective, the Bishop must inform the PSC accordingly and the facts referred to in section 40(3)(a) shall constitute a finding that the conduct referred to therein occurred for the purpose of –
- (a) any requirement by law to notify a person or authority that a finding has been made that the respondent engaged in conduct the subject of any such requirement to notify; and
 - (b) entering on the National register the details of information required by the provisions of the National Register Canon 2007.

Consequence of no agreement

45. If the Bishop informs the PSC either –
- (a) that implementation by agreement of any recommendation would not be appropriate; or
 - (b) that an agreement in accordance with this Part has not been reached or has become ineffective;

the PSC must refer the complaint to the Board in accordance with the provisions of this Ordinance.

Director to notify complainant

46. The Director must notify the complainant as soon as practicable of the result of any action

taken pursuant to this Part.

PART 12 – PROFESSIONAL STANDARDS BOARD

Constitution

47. There shall be a Professional Standards Board comprising three persons constituted and appointed in accordance with the provisions of this Part.

Functions of the Board

48. (1) Subject to the provisions of this Ordinance, the functions of the Board are –
- (a) to enquire into and determine a complaint referred to it under section 57; and
 - (b) to make a determination and, where appropriate, make a recommendation under section 61.
- (2) The Board has jurisdiction to exercise its functions in respect of a Church worker:
- (a) resident or licensed in the diocese, or engaged by a Church authority; and
 - (b) not resident or licensed in the diocese or engaged by a Church authority but whose conduct giving rise to the reference is alleged to have occurred in the diocese or whose omission giving rise to the reference is alleged to have occurred when the Church worker was resident or licensed in the diocese or was engaged by a Church authority.

Panel

49. (1) The members of the Board in a particular case shall be appointed from a panel comprising:
- (a) a President and a Deputy President, both of whom shall be or shall have been either a judicial officer or a practising barrister or solicitor of at least 10 years' standing of the Supreme Court of a State or Territory ~~and who are members of the Church;~~
 - (b) three members of the clergy of at least seven years' standing; and
 - (c) three laypersons who may or may not be members of the Church and at least two of whom are persons who are considered by the Diocesan Council as having professional experience, training or skills in a field that is relevant to addressing the needs of persons who are subjected to misconduct.
- (2) As far as reasonably practicable the members of the panel should comprise an equal number of men and women.

Appointment of the panel

50. ~~(1) The members of the panel shall be appointed by the Diocesan Council and shall hold office on such terms and conditions as may be determined from time to time by the Diocesan Council.~~

- (1) The members of the panel will be appointed:
 - (a) by the Diocesan Council; or
 - (b) under an arrangement established by the Diocesan Council in connection with the constitution of the Board and its supporting structures.
- (1a) The members of the panel will hold office:
 - (a) on such terms and conditions as may be determined from time to time by the Diocesan Council; or
 - (b) under an arrangement established by the Diocesan Council in connection with the constitution of the Board and its supporting structures.
- (2) Any vacancy in the membership of the panel ~~shall be filled by the Diocesan Council~~ will be filled in the same manner as provided by subsection (1a).

Appointment of the Board

51. (1) The members of the panel to be convened for a complaint referred to the Board shall be determined by the President or, if there is a vacancy in the office of President or if the President is unable to act, by the Deputy President.
- (2) For the purpose of any reference to the Board, the Board shall consist of the President or Deputy President, who shall be the presiding member, and one clerical and one lay member of the panel.
- (3) The Board must, so far as reasonably practicable, have at least one man and at least one woman.
- (4) A member of the Board may reside outside the diocese.
- (5) A member of the Board must not act in a matter unless the member has agreed in writing to abide by this Ordinance.
- (6) The members of the Board may constitute or include the members of an equivalent body either generally or for a particular complaint or matter.

Vacancies on the Board

52. (1) If a member of the Board, other than the presiding member, dies or is for any other reason unable to continue with any matter referred to the Board –
 - (a) the Board constituted of the presiding member and the other member may, if the presiding member so determines, continue and complete the reference; or
 - (b) if the presiding member so determines, a substitute member may be appointed to fill the vacancy.

Secretary

53. (1) There shall be a secretary to the Board who shall be appointed by or in accordance with a resolution of the Diocesan Council, and whose duties shall be defined by the President.
- (2) The secretary to the Board may act in a corresponding capacity for another diocese either generally or for a particular case or matter.

Quorum

54. The quorum for a meeting of the Board shall be all the members of the Board except where the Board by its presiding member makes directions under section 84 of this Ordinance.

Simultaneous sittings

55. The Board, separately constituted in accordance with this Part, may sit simultaneously for the purpose of matters referred to it or for conducting separate business of the Board.

Validity of proceedings

56. An act or proceeding of the Board is not invalid by reason only of a vacancy in its membership or of the membership of the panel and, notwithstanding the subsequent discovery of a defect in the nomination or appointment of members of the panel or the Board, any such act or proceeding is as valid and effectual as if the member had been duly nominated or appointed.

PART 13 – REFERENCE OF A COMPLAINT TO THE BOARD

Reference after investigation

57. As soon as practicable after investigation of a complaint in accordance with Part 8, and subject to the provisions of Part 11, where the PSC has formed the opinion that the alleged misconduct the subject of the complaint, if established, would call in question whether:
- (a) the respondent is fit–
 - (i) to hold office or to be or remain in Holy Orders; or
 - (ii) whether temporarily or permanently to exercise ministry and perform any duty or function of the office; or
 - (b) in the exercise of ministry or in the performance of any duty or function the respondent should be subject to any condition or restriction;
- the PSC must refer the complaint to the Board.

Procedure for reference

58. (1) The PSC must refer the complaint to the Board by delivering to the secretary of the Board a written report of its investigation and opinion signed by a member of the PSC.
- (2) Within 14 days of the date of the reference of the complaint to the Board or within 14 days of the date of the document or material coming into existence, whichever is the later, the PSC must cause to be delivered to the secretary of the Board any documents and material relevant to the reference.
- (3) The PSC, as soon as practicable after delivering the report referred to in subsection (1) to the secretary of the Board, shall, if they have not already been delivered to the respondent, cause to be delivered to the respondent a copy of the report and opinion

and notice that the respondent may advance any submissions to the Board if he or she wishes to do so.

- (4) The report referred to in subsection (1) may be the report referred to in Part 11 without any reference to any action taken or not taken under Part 11.

Convening of the Board

59. (1) Upon a complaint being referred to the Board, the President or Deputy President as the case may be shall as soon as possible determine the membership of the Board for the purpose of the reference.
- (2) The President or Deputy President as the case may require must thereupon cause to be convened a sitting for the purpose of giving directions.

Board to act expeditiously

60. (1) The board must deal with a complaint as expeditiously as possible.
- (2) The Board may, if it sees fit, proceed with the determination of a reference notwithstanding that there may be mediation or conciliation proceedings relating to the subject matter of the reference being conducted by or at the direction of the PSC and notwithstanding that there may be criminal or other proceedings being taken against the respondent or some other person.

Powers of the Board

61. (1) If the Board is satisfied² that the Church worker did commit any misconduct and that:
- (a) the Church worker is unfit-
 - (i) to hold a particular or any office, licence or position of responsibility in the Church or to be or remain in the employment of a Church body or in Holy Orders; or
 - (ii) whether temporarily or permanently to exercise ministry or employment or perform any duty or function of the office, licence or position;
 - or
 - (b) in the exercise of the Church worker's ministry or employment or in the performance of any duty or function, the Church worker should be subject to any condition;

the Board may determine in writing accordingly and may recommend to the relevant Church authority any one or more of the following:

- (c) that the Church worker be counselled;
- (d) that the Church worker be suspended from office or employment or from performing the function as the case may be for such period determined by the Board;
- (e) that the licence or authority of the Church worker be revoked;

² See section 90.

- (f) that the Church worker's contract of employment (if any) be terminated;
- (g) that the Church worker cease to hold any office then held;
- (h) that a prohibition order be made in terms specified by the Board;
- (i) that the Church worker's holding of office or employment or performance of the function, as the case may be, shall be subject to such conditions or restrictions as the Board may specify;
- (j) that the Church worker be directed to do or to refrain from doing a specified act;
- (k) that a charge be promoted against the respondent before the Diocesan Tribunal;
- (l) that the operation of a determination shall be suspended for such period and upon such conditions as the Board shall specify;
- (m) that the Church worker should be deposed from Holy Orders;
- (n) otherwise as the Board sees fit.³

(2) If the Board is satisfied⁴ that the Church worker is unfit –

- (a) to hold a particular or any office, licence or position of responsibility in the Church or to be or remain in Holy Orders or in the employment of a Church body; or
- (b) whether temporarily or permanently to exercise Ministry and perform any duty or function of office;

its recommendation must include any one or more of those specified in paragraphs (d), (e), (f), (g), (h) or (m) of subsection (1).

Power to dismiss or take no further action

62. (1) If the Board is not satisfied that the Church worker committed any misconduct or that the complaint is false, vexatious or misconceived, the Board may determine accordingly and must dismiss the complaint.
- (2) If the Board is satisfied that the Church worker did commit misconduct but is not satisfied as to any of the matters in paragraphs (a) and (b) of subsection (1) of section 61, the Board may determine accordingly and must take no further action in relation to the complaint.

Power to defer final recommendation

63. (1) The Board may defer making any final recommendation on a complaint and may for that purpose adjourn any hearing from time to time for a period or periods not exceeding in the aggregate 12 months, on terms that the Church worker undertake for a specified period and in a form approved by the Board to do one or more of the following acts or omissions –

³ Recommendations which might be made under paragraph (n) include participation in conciliation or mediation; an apology; an admonition; retraining of a specified nature; reparation of a specified nature.

⁴ See section 90.

- (a) stand down from the office or employment or from performing specified duties of office or employment;
 - (b) undertake counselling from a person approved by the Board;
 - (c) submit to periodic medical examination by a person approved by the Board;
 - (d) undertake a specified program of medical treatment or rehabilitation whether as an outpatient or inpatient;
 - (e) provide medical or other evidence requested by the Board to assist it in deciding on any final recommendation; and
 - (f) perform or refrain from performing some other specified act.
- (2) If at the time of deferring a final recommendation in accordance with this section the Board is satisfied that the Church worker is at that time either unfit to hold office or to exercise ministry or to perform any duty or function of the office or employment, any undertaking given by the Church worker must include an undertaking under paragraph (a) of subsection (1) in such form as the circumstances may require and as the Board may approve.
- (3) If within a period specified by the Board the Church worker declines to give an undertaking in accordance with subsection (1), the Board must proceed to make a determination and recommendation.
- (4) The Board may take into account the failure of the Church worker to comply with his or her undertaking under subsection (1) in deciding on any final recommendation on a complaint.

PART 14 – PROFESSIONAL STANDARDS REVIEW BOARD

Establishment of Review Board

64. There shall be a Professional Standards Review Board comprising 3 persons and constituted and appointed in accordance with the provisions of this Part.

Function of the Review Board

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

Panel of Review Board members

66. The members of the Review Board in a particular case shall be appointed from a panel of [up to 8](#) persons comprising:
- (a) a President and a Deputy President, both of whom shall be or shall have been either

a judicial officer or a practising barrister or solicitor of at least 10 years' standing of the Supreme Court of a State or Territory; and

- ~~(b) six other persons of whom —~~
~~(i) three shall be members of the clergy; and~~
~~(ii) three shall be laypersons.~~

(b) at least one member of the clergy; and

(c) at least one layperson.

Appointment of Panel

67. ~~(1) The members of the panel shall be appointed by the Diocesan Council.~~

~~(2) The members of the panel shall hold office on such terms and conditions as may be determined from time to time by the Diocesan Council.~~

(1) The members of the panel will be appointed:

(a) by the Diocesan Council; or

(b) under an arrangement established by the Diocesan Council in connection with the constitution of the Review Board and its supporting structures.

(2) The members of the panel will hold office:

(a) on such terms and conditions as may be determined from time to time by the Diocesan Council; or

(b) under an arrangement established by the Diocesan Council in connection with the constitution of the Review Board and its supporting structures.

(3) The members of the panel may constitute or include the members of an equivalent body either generally or for a particular complaint or matter.

(4) Any vacancy on the membership of the panel ~~shall be filled by the Diocesan Council~~ will be filled in the same manner as provided by subsection (2).

Convening a Review Board

68. (1) The members of the Review Board to be convened for any review of a decision of the Board shall be determined by the President or, if there is a vacancy in the office of President, by the Deputy President.

(2) For the purpose of any application to the Review Board, the Review Board shall consist of the President or Deputy President, who shall be the presiding member, one member of the clergy and one lay person.

(3) So far as it is reasonably practicable, the Review Board shall include at least one man and least one woman.

- (4) The quorum for a meeting of the Review Board shall be all the members of the Review Board except where the Review Board by its presiding member makes directions under section 84 of this Ordinance .
- (5) A member of the Review Board shall not act as a member unless the member has agreed in writing to abide by this Ordinance.

Vacancies on the Review Board

69. (1) If a member of the Review Board, other than the presiding member, dies or is for any other reason unable to continue with any matter referred to the Review Board—
 - (a) the Review Board constituted of the presiding member and the other member may, if the presiding member so determines, continue and complete the review; or
 - (b) if the presiding member so determines, a substitute member may be appointed to fill the vacancy.
- (2) Any vacancy in the membership of the Review Board, if required to be filled, shall be filled by the President or, if the President is not available, the Deputy President.

Secretary

70. There shall be a secretary to the Review Board who shall be appointed on such terms and conditions as may be determined from time to time by the Diocesan Council.

Simultaneous sittings

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

Validity of proceedings

72. An act or proceeding of the Review board is not invalid by reason only of a vacancy in its membership or in the membership of the panel and, notwithstanding the subsequent discovery of a defect in the nomination or appointment of a member of the panel or the Review Board, any such act or proceeding is as valid and effectual as if the member had been duly nominated or appointed.

PART 15 – APPLICATION FOR REVIEW

Interpretation

73. In this Part, "**reviewable decision**" means any finding of fact, determination or recommendation by the Board under sections 61 or 62 of this Ordinance.

Application to Review Board

74. Where the Board has made any reviewable decision, the respondent or the PSC may within 14 days from the date of the decision or such further period as the Review Board may allow, apply to the Review Board for review of the decision.

Documents and material to be delivered following application

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

President to determine membership of Review Board

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

Review Board may exercise the powers of the Board

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

Review Board to deal with application expeditiously

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

PART 16 – PROCEEDINGS OF THE BOARD AND THE REVIEW BOARD

Conduct of proceedings

79. Subject to the provisions of this Ordinance each of the Board and the Review Board—
- (a) must act with fairness and according to equity, good conscience, natural justice and

- the substantial merits of the case without regard to technicalities or legal forms; and
- (b) is not bound by the rules of evidence but may inform itself on any matter in such manner as it thinks fit.

Failure to appear

80. (1) The Board may make a determination in any proceedings in the absence of a person affected by the determination if satisfied that reasonable efforts were made to give that person an opportunity to appear.
- (2) The Review Board may make a determination in the proceedings in the absence of any submissions from or on behalf of a person affected by the determination if satisfied that reasonable opportunity was given to that person to make submissions.

Powers and duties

81. (1) Subject to this Ordinance, each of the Board and the Review Board –
- (a) may regulate the proceedings of its meetings as it sees fit;
 - (b) may inform itself from the record of or transcript of proceedings in any court or tribunal and may adopt any findings in, and accept as its own, the record of or transcript of proceedings in of any court or tribunal;
 - (c) may conduct its business and any proceedings by video link, conference telephone or by any electronic means of communication; and
 - (d) must give written reasons for any determination and recommendation, other than by way of directions in the course of an application, unless the determination is made by consent of the respondent and the PSC.
- (2) The Board must give the PSC and the respondent a reasonable opportunity to adduce evidence, to examine and cross-examine witnesses and to make submissions to the Board.
- (3) The Board may give any other person to whom notice of the proceedings was given or who satisfies the Board that he or she has a proper interest in the matter a reasonable opportunity to make submissions to the Board.

Review Board proceedings

82. (1) Subject to this Ordinance a review by the Review Board will be conducted upon a review of the material referred to in subsection (2) of section 83.
- (2) Subject to this Ordinance, the Review Board is not obliged –
- (a) to hold a hearing at which -

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

Matters to be considered

83. (1) Where a matter is referred to the Board the Board must consider the complaint and may make any finding on any relevant question of fact, taking into account –
- (a) the final report (if any) of the investigator including any attachments;
 - (b) such report of the PSC as may be submitted;
 - (c) any further material received from the complainant and the Church worker relevant to its consideration;
 - (d) any other relevant evidentiary material;
 - (e) whenever the conduct may have occurred, any standards prescribed by the code of conduct approved under this Ordinance;
 - (f) the conduct of the Church worker as it finds it to have been; and
 - (g) any failure of the Church worker to comply with a provision of this Ordinance.
- (2) Where an application for review is made to the Review Board, the Review Board may make any finding on any relevant question of fact, and in making its determination must take into account –
- (a) the determination and reasons of the Board;
 - (b) the evidentiary and any other material that was before the Board;
 - (c) any submissions made to the Review Board in relation to the review;
 - (d) any evidence admitted by the Review Board under section 82;
 - (e) whenever the conduct may have occurred, any standards prescribed by the code of conduct approved under this Ordinance;
 - (f) the conduct of the Church worker as it finds it to have been; and
 - (g) any failure of the Church worker to comply with a provision of this Ordinance.

Legal representation

84. The PSC may and the respondent at the respondent's own expense may appoint a legal

representative to assist in the process.

Directions

85. Each of the Board and the Review Board may at any time and from time to time give directions:
- (a) as to the inspection by and supply of copies to the respondent or any other person of the documents or material relevant to the reference; and
 - (b) as to the conduct of its inquiry into the reference or review;
- and for that purpose the Board or the Review Board may be constituted by the presiding member or by a member appointed for the purpose by the presiding member.

Appointment of a person to assist

86. Each of the Board and the Review Board may, for the purpose of any particular reference, appoint such person or persons to assist it in inquiring into (but not determining) a reference as the Board or the Review Board thinks fit.

Directions to PSC

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

Written evidence

88. Without limiting the meaning and effect of section 82, each of the Board and the Review Board may receive a statutory declaration or a signed statement without the need for the personal attendance of the maker of the statutory declaration or statement and may also in its discretion use electronic means such as video link or conference telephone to receive evidence and submissions.

Decisions of other bodies

89. (1) In any proceedings before it, where the Board or the Review Board is satisfied that the respondent—
- (a) has been convicted by a court within Australia of an offence involving misconduct;
 - (b) has been found guilty (without conviction) by a court within Australia of an offence involving misconduct;
 - (c) has admitted in proceedings before a court or tribunal within Australia having engaged in conduct involving misconduct;
 - (d) has been found by a court or tribunal within Australia to have engaged in conduct involving misconduct; or

- (e) has been disqualified by a court or tribunal within Australia from professional practice on account of conduct involving misconduct;
then—
- (f) a certificate, reasons for judgment or other record from the court or tribunal (as the case may be) shall be conclusive evidence that the respondent engaged in the conduct concerned; and
- (g) neither the respondent nor any other party shall be at liberty to call or give evidence or make submissions for the purpose of calling into question the conviction or finding of guilt of the respondent or denying that the respondent engaged in the conduct concerned.

(2) Nothing in this section affects the operation of Part 9 of this Ordinance.

Standard of proof

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

Members of Board and Review Board not to meet with parties

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

Disqualification where personal interest

92. (1) Where a member of the Board or the Review Board has a personal interest in a matter before it the member shall be disqualified from participating in the matter.
- (2) The opinion of the presiding member of the Board or the Review Board, as the case may be, as to whether any other member of the Board or the Review Board has a personal interest in a matter shall be conclusive.

Medical examination

93. (1) The PSC or the Board or the Review Board may require the respondent to submit within a specified time to a medical, psychiatric or psychological examination by a person approved by the PSC or the Board or the Review Board (as the case may be) the cost of which shall be met from church funds under the control of the Synod.
- (2) A copy of the report of an examination under subsection (1) shall be provided to the respondent, the Director, the PSC, the Board and, if applicable, the Review Board.

Duties of the respondent

94. (1) The respondent must, subject to subsection (2), truthfully answer any question put by or on behalf of the Board or the Review Board in the exercise of powers conferred by this Ordinance.
- (2) If the respondent declines to answer a question on the ground that the answer might tend to incriminate the respondent, a written record shall be made of the question and of the ground of refusal.
- (3) The respondent must –
- (a) not mislead the Board or the Review board or a member of either of them;
 - (b) not unreasonably delay or obstruct the Board or the Review Board or a member of either of them in the exercise of powers conferred by this Ordinance.

Limitation on promotion of a charge in the Diocesan Tribunal

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

Certain matters not to be inquired into

96. (1) Neither the Board nor the Review Board shall, in the course of considering a complaint or reconsidering a decision respectively:
- (a) inquire into any matter which is the subject of a completed inquiry by a Board under the Professional Standards Ordinance 2006 or this Ordinance; or
 - (b) inquire into any matter which is or has been the subject of any completed formal investigation or inquiry and determination conducted pursuant to any provision of the Constitution, the Clergy Discipline Ordinance 1983 or an ordinance of a diocesan synod in any case relating to the discipline or professional standards of Church workers by a board of inquiry, tribunal or other body;
- save to the extent of any fresh evidence that was not reasonably available during the previous formal investigation or enquiry, but may take into account the finding of any such formal investigation or enquiry.
- (2) Neither the Board nor the Review Board shall inquire into, make any findings in relation to or take into account any alleged breach of faith, ritual or ceremonial.

Costs

97. (1) Neither the Board nor the Review Board has the power to award costs of any complaint or matter before it.
- (2) A Church worker who is a respondent to a complaint to the Board or a party to proceedings before the Review Board may apply to the Diocesan Council for the provision of legal assistance.
- (3) The Diocesan Council may grant legal assistance to a Church worker on such terms and subject to such conditions as it shall determine.

Making of rules

98. (1) The President of the Board may make rules of the Board reasonably required in relation to the practice and procedure of the Board.
- (2) The President of the Review Board may make rules of the Review Board reasonably required in relation to the practice and procedure of the Review Board.
- (3) The rules of the Board or the Review Board made under this section may provide that, in relation to the exercise of specified functions, or in relation to matters of a specified class, other than the determination of an application including the making of a recommendation, the Board or the Review Board, as the case may be, may, at the direction of the presiding member, be constituted by a single member sitting alone.
- (4) The PSC, the respondent and any other party joined to a complaint or matter by leave of the Board or the Review Board must comply with the rules of the Board or the Review Board, as the case may be, and with any directions given by either the Board or the Review Board.

Practice and procedure

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

Determination of questions

100. (1) In any proceedings of the Board or the Review Board:
- (a) any question of law or procedure shall be determined by the presiding member; and
 - (b) any other question will be determined by majority decision of the members, and in the case of an equality of votes the opinion of the presiding member shall prevail.
- (2) Where the Board or the Review Board is constituted by a member sitting alone who is not the President or the Deputy President, any question of law that arises must be referred to the President or Deputy President for decision and any decision made on such a reference is a decision of the Board or the Review Board, as the case may be.

Open sittings

101. (1) Subject to subsections (2) and (3), any hearing of the Board or the Review Board must be held in public.
- (2) Each of the Board and the Review Board may direct –
- (a) that the whole or part of a proceeding be held in private; or
 - (b) that only persons or classes of persons specified by it may be present during the whole or any part of a proceeding.
- (3) Each of the Board and the Review Board may only make a direction under the preceding subsection if satisfied that the direction is necessary on one or more of the following grounds -
- (a) to comply with applicable legislation of the State or a Territory or the Commonwealth;
 - (b) prevent a real and substantial risk to the proper administration of justice that cannot be prevented by other reasonably available means;
 - (c) to protect the safety of any person;
 - (d) to avoid causing undue distress or embarrassment to a complainant (other than the Director) or witness (other than the respondent) in a proceeding that relates in whole or part to a complaint of a sexual offence as defined in section 4 of the *Evidence Act 1929* (SA);
 - (e) to avoid the disclosure of confidential information; and
 - (f) for any other reason in the interests of justice.

Provision of copies of determination and recommendation

- 102 (1) The Board and the Review board must cause a copy of the determination and recommendations, together with reasons, to be provided to –
- (a) the relevant Church authority;
 - (b) the complainant;
 - (c) the respondent; and
 - (d) the Director and the PSC.
- (2) The Director must cause to be entered in the national register all details of information required by the provisions of the National Register Canon 2007.

PART 17 – CHURCH AUTHORITY AND COMPLIANCE

Church authority to give effect

103. The Church authority to whom a recommendation under this Ordinance is made must and is empowered to do any acts to give effect to –
- (a) a recommendation of the PSC, the Board, an equivalent body or, if applicable, the Review Board; or
 - (b) any variation or modification of the recommendation consistent with any facts found by the body making the recommendation provided that the body making the recommendation agrees that the substance of the recommendation is preserved.

Compliance by Church worker

104. (1) A Church worker must –
- (a) comply with any undertaking given to the Board, the Review Board or the Church authority;
 - (b) comply with a direction made by the Church authority to give effect to a recommendation of the PSC, the Board or the Review Board, as the case may be, or any permitted variation or modification that recommendation; and
 - (c) comply with an agreement made under section 44 which is not rendered ineffective.
- (2) Failure of a Church worker who is a member of the clergy to comply with an undertaking, direction or agreement referred to in sub-section (1) is an offence.

- (3) Subject to section 95, the PSC may institute proceedings forthwith in the Diocesan Tribunal in respect of an offence against this section or, if the Church worker is no longer a Church worker, shall refer the matter, together with such relevant information concerning the alleged offence as may be in its possession, to the bishop of the diocese in which the former Church worker is then resident.

PART 18 – DEPOSITION FROM HOLY ORDERS

Effect of deposition

105. A person who has been deposed from Holy Orders in accordance with this Ordinance or in accordance with the provisions of any ordinance, act, canon, constitution, statute, legislative measure or provision of the General Synod or the diocesan synod of another diocese of this Church –
- (a) is incapable of:
 - (i) officiating or acting in any manner as a bishop, priest or deacon of this Church;
 - (ii) accepting or holding an office in this Church capable of being held only by a person in Holy Orders;
 - (b) ceases to have any right privilege or advantage attached to the office of bishop priest or deacon;
 - (c) shall not hold himself or herself out to be a member of the clergy; and
 - (d) is not capable of holding an office in the Church which may be held by a lay person without the prior consent of the Bishop.

Instrument of deposition

106. (1) The deposition of a person from Holy Orders by the Bishop pursuant to the recommendation of the Board or an equivalent body shall be effected by the execution by the Bishop of an Instrument of Deposition in or to the effect of the form in the Schedule.
- (2) The Bishop must forthwith:
- (a) register the Instrument in the Registry of the Diocese;
 - (b) deliver a copy of the Instrument to the Bishop of the Diocese in which the person who is the subject of the Instrument was ordained;
 - (c) deliver a copy of the Instrument to the Registrar of the Primate;
 - (d) cause relevant details to be forwarded to the Director for entry into the national register.

PART 19 – CONFIDENTIALITY AND PUBLICATION

Duty of confidentiality

107. (1) Subject to the provisions of this Ordinance, the Director, a member of the PSC, a member of the Board or the Review Board and a person employed or engaged on work related to the affairs of the PSC, the Board or the Review Board must not divulge information that comes to his or her knowledge by virtue of that office or position except:
- (a) in the course of carrying out the duties of that office or position;
 - (b) as may be authorised by or under this Ordinance or any protocol;
 - (c) as may be authorised or required by or under the National Register Canon 2007 or any canon prescribed by General Synod in substitution for that canon;
 - (d) in any proceedings before a diocesan tribunal, a provincial tribunal, the Special Tribunal or the Appellate Tribunal;
 - (e) as may be required by law; or
 - (f) to any insurer or insurance broker of a Church body where the information may give rise to or be relevant to a claim for indemnity by the Church body is against the insurer or is relevant to obtaining or continuing insurance cover.
- (2) The PSC may release to any person, including a Church authority, such material as it may determine with respect to any information or complaint.

Release of information by PSC

108. (1) The PSC must disclose to an equivalent body information in its possession concerning the alleged misconduct of a Church worker:
- (a) which is information relevant to, or arising during the course of, an investigation being undertaken by the PSC where the PSC knows that the Church worker is residing in the diocese of the equivalent body; or
 - (b) which is information concerning misconduct alleged to have occurred in the diocese of the equivalent body;
- and must co-operate with any equivalent body.
- (2) The PSC may disclose to a person or body of another church or Christian denomination exercising powers, duties or functions similar to those of the PSC, details of information in its possession concerning the alleged misconduct of a Church worker and the PSC must co-operate with such person or body to whom the information is disclosed.

Church authority may release information

109. The relevant Church authority may release to any person such material as the Church authority may determine with respect to any information, complaint or finding.

PSC reports

110. (1) Without disclosing the identity of any complainant or the details of any complaint, the PSC must report annually to the Diocesan Council on its activities for that calendar year.
- (2) Notwithstanding subsection (1), the report of the PSC pursuant to that subsection may identify a Church worker who has been exonerated from an allegation the subject of the complaint or who has been the subject of a determination or recommendation by the Board or the Review Board favourable to the Church worker.
- (3) The PSC must, in respect of every complaint with which it is dealing under this Ordinance, report either orally or in writing to the Bishop with such frequency and as fully as the Bishop may reasonably require.

PART 20 – INDEMNITY

Obligation to indemnify

111. The Diocesan Council must and is hereby authorised out of church funds under the control of the Synod to indemnify –
- (a) the Director and any delegate of the Director;
 - (b) any carer appointed under this Ordinance or any protocol;
 - (c) the members of the PSC and each of them;
 - (d) any delegate of the PSC;
 - (e) the members of the Board and each of them;
 - (f) the secretary of the Board;
 - (g) any person appointed by the Board pursuant to this Ordinance;
 - (h) the members of the Review Board and each of them;
 - (i) the secretary of the Review Board;
 - (j) any person appointed by the Review Board pursuant to this Ordinance; and
 - (k) the Bishop;

in respect of any act or omission respectively by them in good faith and in the exercise or purported exercise of powers or functions, or in the discharge or purported discharge of duties, under this Ordinance in relation to a Church worker.

PART 21 – REGULATIONS

Regulation making power

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

PART 22 – REPEAL, COMMENCEMENT AND TRANSITIONAL

Repeal

113. The Professional Standards Ordinance 2006 (hereinafter referred to as "the repealed Ordinance") is repealed.

Commencement

114. This Ordinance shall take effect on a date ("the commencement date") to be determined by the Bishop after consultation with the Diocesan Council.

Transitional

115. (1) The Code of Conduct approved under the repealed Ordinance as at the commencement date shall continue as a Code of Conduct approved under this Ordinance.
- (2) The members of the Professional Standards Committee and the Director of Professional Standards holding office under the repealed Ordinance at the commencement date shall continue in their respective offices under this Ordinance.
- (3) Any delegation of a function made by the Professional Standards Committee under the repealed Ordinance, other than a delegation not permitted under section 14 of this Ordinance, shall remain in force under this Ordinance.
- (4) Any step taken to refer any information, as defined in the repealed Ordinance, to a member of the Professional Standards Committee or the Director of Professional Standards under the repealed Ordinance shall continue to have effect under this Ordinance, unless the matter has been resolved or determined before the commencement date, and any action taken under Parts 4, 5 or 6 of the repealed Ordinance by the Professional Standards Committee, the Director of Professional Standards or any delegate in relation to such information shall continue to have effect as if it were action taken under this Ordinance and, in the case of a matter before the Professional Standards Committee, as if it were the subject of a complaint under this Ordinance, subject nevertheless to any decision of the Professional Standards Committee, director or delegate made after the commencement date.

- (5) Any suspension or prohibition order made under Part 6 of the repealed Ordinance having effect on the commencement date shall continue to have effect as if it were a suspension order or a prohibition order as the case may be under this Ordinance.
- (6) A Professional Standards Board constituted under the repealed Ordinance and holding office at the commencement date shall continue in office for the duration of the matter before it and shall have and may exercise any of the powers of a Board under this Ordinance in relation to that matter as if the matter were a complaint referred to the Board under this Ordinance.
- (7) If any question arises as to the powers of a Professional Standards Board acting under subsection (6) the matter shall be resolved by the President of that Board having regard to the matters referred to in section 79 of this Ordinance.
- (8) Any determination, recommendation or finding of fact of a Professional Standards Board acting under subsection (6) shall take effect as if it were a determination, recommendation or finding of fact made under this Ordinance.
- (9) Nothing in this Ordinance shall affect the validity or operation of any determination or recommendation made or given effect under the repealed Ordinance.

THE SCHEDULE

TO

I, _____ ARCHBISHOP
OF ADELAIDE do by these presents hereby depose you from Holy Orders
(particulars of which are set out below) in accordance with the recommendation of
the Professional Standards Board of the Diocese of Adelaide.

PARTICULARS OF HOLY ORDERS:

FULL NAME AND ADDRESS:

	ORDAINING BISHOP	PLACE	DATE
ORDINATION DEACON:	AS _____	_____	_____
ORDINATION PRIEST:	AS _____	_____	_____
CONSECRATION BISHOP:	AS _____	_____	_____

DATED:

SEALED:

Legislative History

Passed 18 October, 2015

Amended 15 October 2022 – Sections 10(3), 14A, 16A, 23(3), 23(3a), 40(1)(a), 40(1a)
& 57(a): effective 15 October 2022

EXPLANATORY MEMORANDUM

Measure for the St Barnabas' Theological College Ordinance 2010 Amendment Ordinance 2023

The main purpose of this Measure is to amend the St Barnabas' Theological College Ordinance 2010 to clarify the relationship between the College Council and Diocesan Council to achieve clarity and consistency of approach across all areas of Synod activity.

St Barnabas College was admitted as a College of the University of Divinity in November 2022. It is in the interests of St Barnabas College, the University of Divinity and the Synod to reflect the reality that Synod (and its management committee, Diocesan Council) bears the risk for the College's activities.

The proposed amendments will not affect the day-to-day operations of St Barnabas College or responsibilities of its Principal, rather tidy up anomalies or grounds for potential confusion about the governance relationship of the St Barnabas College with the Synod and Diocesan Council, and the concomitant delegation of authorities from the Synod to Diocesan Council and then to the officers of the Synod.

Those anomalies arise from now obsolete historical reasons related to the extraction of St Barnabas College from the Adelaide College of Divinity and the intention at the time for how St Barnabas College might be imagined.

The College is not a separate legal entity. It is an activity of The Synod of the Diocese of Adelaide of the Anglican Church of Australia Inc.

Synod is an incorporated association and Diocesan Council is the association's management committee. Consequently, Diocesan Council as the management committee of Synod, has ultimate responsibility for the activities and operation of the College.

The members of Diocesan Council cannot legally absolve themselves from the responsibility of being the ultimate decision makers about Synod's activities. Members of Diocesan Council need to be aware of and sufficiently informed to be comfortable with decisions concerning the activities and risk profile of all Synod's activities, including the College's operations.

Clause Notes

Part 1 deals with necessary preliminary matters.

Clause 1 provides for the short title of the Ordinance.

Clause 3 provides for the amendment of the Ordinance in the manner set out in Part 2 of the Ordinance.

Part 2 contains the amendments proposed to the Ordinance.

Clause 4 clarifies that Diocesan Council (when Synod is not in session) can delegate additional functions to the College and that the College reports to the Diocesan Council.

Clause 5 clarifies that the College Council is to provide copies of the minutes of its meetings to the Diocesan Council.

Clause 6 reflects the reality that the College's accounts are maintained by the Synod's Finance team.

A MEASURE FOR

AN ORDINANCE to amend the *St Barnabas' Theological College Ordinance 2010*.

NOW THE SYNOD HEREBY DETERMINES:

Part 1 - Preliminary

1 - Short title

This Ordinance may be cited as the *St Barnabas' Theological College Ordinance Amendment Ordinance 2023*.

2 - Commencement

This Ordinance will come into operation on a date and at a time to be determined by the President.

3 - Amendment of principal ordinance

The *St Barnabas' Theological College Ordinance 2010* is amended in the manner set out in Part 2.

Part 2 - Amendment of the *St Barnabas' Theological College Ordinance 2010*

4 - Amendment of section 4 – Functions and Powers

(1) Section 4(1)(g) – after “of the Synod” insert:

, by resolution of Diocesan Council,

(2) Section 4(4) – delete “of the Synod.” and substitute:

of the Synod, and reports to Diocesan Council to the extent required by Diocesan Council.

5 – Amendment of section 7 – Meetings of Council

Section 7(10) – after “of the Council” insert:

, and a copy of the minutes must be provided to Diocesan Council

6 – Amendment of section 14 – Financial Matters

(1) Section 14(1) – delete “cause proper accounting records to be kept” and substitute:

ensure proper accounting records are kept

(2) Section 14(2) – after “to an annual audit” insert:

as part of the accounts of the Synod,

**ANGLICAN CHURCH OF AUSTRALIA
DIOCESE OF ADELAIDE**

ST BARNABAS' THEOLOGICAL COLLEGE ORDINANCE 2010

An Ordinance to provide for St Barnabas' Theological College to be established by legislative measure as an authority of the Synod; to provide for the functions, governance and administration of the College; to make a related amendment to the *Diocesan Council and Ministry Units Ordinance 2007*; and for other purposes.

The Synod hereby determines:

Part 1—Preliminary

1—Title

This Ordinance may be cited as the *St Barnabas' Theological College Ordinance 2010*.

2—Interpretation

In this Ordinance, unless the context or subject matter otherwise dictates:

the College means the College continued in existence under Part 2;

the Council means the Council of the College referred to in section 5;

Principal means the Principal of the College appointed under section 10.

Part 2—Constitution of St Barnabas' Theological College

3—Continuation of St Barnabas' Theological College

- (1) St Barnabas' Theological College continues as an authority of the Synod constituted under this Ordinance.
- (2) The College is constituted by the Council and its staff, fellows, scholars and students.
- (3) Subsection (2) does not derogate from the status or powers of the Council as the governing body of the College (see especially section 5).

4—Functions and powers

- (1) The College has the following functions:
 - (a) to foster and provide facilities for study and research in the Christian faith;

- (b) to provide, in consultation with the Bishop, courses of study and formation appropriate to equip persons for lay or ordained ministry;
 - (c) to provide further education and formation for persons in the ministry of the Church to assist them in the development of academic and pastoral skills appropriate to their ministry;
 - (d) to publish books, journals, papers and other materials relating to the Christian faith;
 - (e) to cooperate with, and enter into affiliation with, universities and other bodies, as appropriate, in connection with the study of the Christian faith;
 - (f) to maintain a library to support the work of the College;
 - (g) to perform other functions assigned to the College by resolution of the Synod, by resolution of Diocesan Council, or by the Bishop after consultation with the Diocesan Council.
- (2) The College may, for the purpose of performing its functions, exercise any powers that are necessary or expedient for, or incidental to, the performance of its functions.
- (3) Without limiting subsection (2), the College may, in connection with the performance of the functions of the College, on behalf of the Synod—
- (a) maintain and use property (including any rights or privileges); and
 - (b) enter into agreements, arrangements and transactions, including for the provision of services or the performance of any work; and
 - (c) receive gifts, donations and financial allocations, hold, manage and invest funds and securities, and undertake expenditure; and
 - (d) charge fees and recover expenses; and
 - (e) establish admission rules and other requirements associated with the activities of the College and its students.
- (4) The College is, in the performance of its functions and the exercise of its powers, subject to the direction of the Synod, and reports to Diocesan Council to the extent required by Diocesan Council.

Part 3—Constitution of Council of College

5—Council of College

- (1) The College will be governed by a Council constituted in accordance with this Ordinance.

- (2) An act done or a decision made by the Council (including by performing a function or exercising a power of the College under this Ordinance) is an act or decision of the College.

6—Composition of Council

- (1) The Council consists of the following members:
 - (a) the Bishop, who will be the President of the College and the presiding member of the Council;
 - (b) 3 persons elected by the Synod who must be communicant members of this Church but who do not need to be members of the Synod;
 - (c) 2 persons appointed by the Diocesan Council who must be communicant members of this Church but who do not need to be members of the Synod or members of the Diocesan Council;
 - (d) 2 persons who the Bishop may from time to time appoint who do not need to be members of this Church but who must be members in good standing of a Christian Church;
 - (e) 3 persons who the Council may from time to time appoint who do not need to be members of this Church but who must be members in good standing of a Christian Church;
 - (f) the Principal *ex officio*.
 - (2) The members of the Council will be elected and appointed as follows:
 - (a) election of the members to be elected by the Synod pursuant to section 6(1)(b) will take place at the annual session of the Synod in each election year referred to in section 14 of the Constitution;
 - (b) members to be appointed by the Diocesan Council pursuant to section 6(1)(c) will be appointed at the first Diocesan Council meeting following the annual session of the Synod in the first year after an election year;
 - (c) members to be appointed by the Bishop pursuant to section 6(1)(d) will be appointed within one month of the annual session of the Synod in the first year after an election year; and
 - (d) members to be appointed by the Council pursuant to section 6(1)(e) will be appointed at the first College Council meeting following the annual session of the Synod in the second year after an election year.
- (2A) Unless otherwise provided, the persons elected or appointed pursuant to this Ordinance hold office until their successors are appointed.

- (3) A person or body making an appointment under subsection (1) (an *appointing authority*) must seek to ensure that the membership of the Council comprises persons who—
 - (a) together provide a broad range of backgrounds that are relevant to the activities of the College; and
 - (b) together have the abilities, knowledge and experience necessary to enable the Council to carry out its functions effectively.
- (4) The Bishop may appoint a person to attend a specified meeting of the Council, or any meetings of the Council held within a specified period, as the deputy of the Bishop (and, while so acting, the person may perform the functions and exercise the powers of the presiding member of the Council).
- (5) A person elected under subsection (1)(b) may be removed from office by resolution of the Synod.
- (6) A person appointed under subsection (1)(c), (d) or (e) may, in any event, be removed from office on any ground considered appropriate by the appointing authority.
- (6A) A casual vacancy for a person elected pursuant to subsection (1)(b) may be filled by the Council with the term of appointment expiring at the next annual session of Synod, at which a person will be elected to be a member of the Council for the unexpired portion of the term for which the person he or she replaces was elected.
- (6B) A casual vacancy for a person appointed pursuant to subsection (1)(c), (d) or (e) will be filled by the relevant appointing authority and any person so appointed will hold office for the unexpired portion of the term for which the person he or she replaces was appointed.
- (7) A member of the Council is eligible for re-election or re-appointment at the expiration of a term of office for a maximum of three consecutive terms of office.
- (8) No act or proceeding of the Council is invalid by reason only of a vacancy in the office of a member, or a defect in the appointment of a member.

7—Meetings of Council

- (1) If the President, or a deputy of the President, is not present at a meeting of the Council (or is unable to act), the members present at the meeting must decide who is to preside.

- (2) The Principal of the College will not have a vote at a meeting of the Council (but may otherwise participate in any proceedings as a full member of the Council).
- (3) The person presiding at a meeting of the Council will not have a deliberative vote at the meeting.
- (4) Subject to subsections (2) and (3), each member of the Council present at a meeting of the Council will have a vote on a matter arising for determination by the Council and, in the event of an equality of votes, the person presiding will have a casting vote.
- (5) A decision carried by a majority of votes cast under subsection (4) is a decision of the Council
- (6) Six members of the Council will constitute a quorum at a meeting of the Council (but for the purposes of determining a quorum the Principal of the College will not be counted).
- (7) A conference by telephone or other electronic means between members of the Council will, for the purposes of this section, be taken to be a meeting of the Council at which the participating members are present if—
 - (a) notice of the conference is given to all members of the Council in a manner determined by the Council for the purpose; and
 - (b) each participating member is capable of communicating with every other participating member during the conference.
- (8) A proposed resolution of the Council becomes a valid decision of the Council despite the fact that it is not voted on at a meeting of the Council if—
 - (a) notice of the proposed resolution is given to all members of the Council in accordance with procedures determined by the Council; and
 - (b) a majority of the members of the Council (other than the Principal) express concurrence in the proposed resolution by letter, facsimile transmission, e-mail or other written or electronic communication setting out the terms of the resolution (and for the purposes of this subsection the President will not have a deliberative vote but may exercise a casting vote in the event of an equality of votes).
- (9) The Council must meet at least 4 times in each calendar year.
- (10) The Council must cause accurate minutes to be kept of the business conducted at meetings of the Council, and a copy of the minutes must be provided to Diocesan Council.

- (11) Subject to this Ordinance, the procedure for the conduct of business at meetings of the Council will be determined by the Council.

8—Committees

- (1) The Council may appoint such committees of the Council as the Council thinks fit.
- (2) A committee of the Council may include persons who are not members of the Council.
- (3) A committee of the Council has such functions as are specified by the Council.
- (4) The President is entitled to attend and to take part in any meeting of a committee of the Council.

9—Delegation

- (1) The Council may delegate any of its functions or powers—
 - (a) to a specified person or body; or
 - (b) to a person occupying a specified office or position.
- (2) A delegation under this section—
 - (a) may be made subject to such conditions as the Council thinks fit; and
 - (b) if the instrument of delegation so provides—may be further delegated by the delegate; and
 - (c) is revocable at will and does not derogate from the power of the Council to act in any matter itself.

Part 4—Principal and staff

10—Principal

- (1) The office of Principal of the College is established.
- (2) The Principal will be appointed by the Council with the consent of the Bishop.
- (3) The Principal will hold office on terms and conditions, and for such period, determined by the Council after consultation with the Bishop.
- (4) The Council may, with the consent of the Bishop, appoint a person to act in the position of the Principal during the absence of the Principal or during

any period when the Principal is unable to act in his or her office or the office of Principal is temporarily vacant.

- (5) The Principal must be a communicant member of the Anglican Church.

11—Functions of Principal

- (1) The Principal will be—
 - (a) the academic and professional leader of the College; and
 - (b) a pastor to the students and staff of the College; and
 - (c) the person with the oversight of worship within the College’s community.
- (2) The Principal will also be responsible to the Council for—
 - (a) managing the staff and resources of the College; and
 - (b) giving effect to the policy and decisions of the Council; and
 - (c) undertaking other roles associated with activities of the College specified or approved by the Council.
- (3) The Council may give directions to the Principal with respect to any matter relating to the affairs of the College and the Principal must comply with any such direction.

12—Staff

- (1) The staff of the College will be appointed by the Principal within a staffing structure determined by the Council after taking into account the advice of the Principal.
- (2) Subject to subsection (3), a member of the staff of the College will hold office on terms and conditions determined by the Principal.
- (3) However, an appointment under subsection (2)—
 - (a) is subject to any obligation that binds the College or any agreement to which the College is a party; and
 - (b) must not be contrary to any policy of the Synod or any decision or direction of the Council.

Part 5—Miscellaneous

- (1) The Council may, after taking into account the advice of the Principal, appoint one or more academic boards with functions determined by the Council.
- (2) The Principal is entitled to attend and to take part in any meeting of a committee of an academic board.

14—Financial matters

- (1) The Council must ~~cause~~ ensure proper accounting records ~~to be~~ kept in relation to the financial affairs of the College, and must have annual financial statements prepared in respect of each financial year.
- (2) The financial statements and accounts of the College will be subject to an annual audit as part of the accounts of the Synod, by an auditor approved by the Diocesan Council.

15—Rules

- (1) The Council may make rules for the conduct of the affairs of the College.
- (2) A rule may not be made unless—
 - (a) notice of intention to make the rule has been given in the notice convening the meeting of the Council at which the rule is proposed to be made; and
 - (b) the resolution for making the rule is carried by a majority of at least two-thirds of those present and voting on the resolution; and
 - (b) the Bishop has consented to the rule.

16—Transitional provision

Notwithstanding section 6(7), in order to facilitate a smooth transition, and taking into account the terms already served, the members of the Council at the time the *St Barnabas' Theological College Ordinance Amendment Ordinance 2021* comes into operation are eligible for election or appointment for a maximum of four consecutive terms of office.

17—Related amendment

Subsections (1) and (2) of section 15 of the *Diocesan Council and Ministry Units Ordinance 2007* are repealed.

Legislative History

Amended 16th October 2021: sections 6 and 16: effective 1st November 2021

EXPLANATORY MEMORANDUM

Measure for the Parochial Administration Ordinance Amendment Ordinance 2023

The purpose of this Measure is to amend the Parochial Administration Ordinance 1985.

Synod holds parish trust property on trust for the members of each relevant parish in the Diocese in accordance with the Model Declaration of Trust 1985. This model applies to all but five parishes in the Diocese. As trustee for parish trust property, the Synod is the legal owner named on the Certificate of Title. Consequently, Synod bears the risk that attaches to property ownership. Such risks include duties owed under the Work Health & Safety laws and occupiers' liability. However, Synod currently has no power to act to reduce or mitigate against the risk of harm being caused, for example, as a result of property that has not been adequately maintained without the agreement of the Parish Council which effectively has a power of veto.

While honouring the Church's Synodal system of governance, and upholding the terms of the trusts on which parish trust property is held, there needs to be a mechanism allowing Synod to ameliorate risks posed to it by inadequately maintained parish trust property.

The scope of the proposed amendments and the outcomes sought are narrowly drawn. It is proposed that the circumstances must relate to managing parish trust property in such a way that Synod is put at risk.

Not all dioceses have adopted such a narrow scope for investigating parish affairs. Melbourne, for example, has gone much further and has developed a detailed process whereby its Archbishop in Council can initiate a parish review of wide-ranging matters (eg number of parishioners, solvency, ability to fill parish roles etc) that ultimately could result in the parish being closed down. That is not what is proposed here.

The Measure includes a procedure which would enable the Synod to initiate a risk minimisation/mitigation strategy for relevant parish trust property.

This procedure envisages that Diocesan Council would direct and authorise the Secretary of Synod to examine or review the affairs or activities of a parish or Parish Council in consultation with the Archdeacon:

- a) to ensure that Parish Trust Property, or any part of Parish Trust Property, is being properly managed, maintained and used;
- b) to determine whether Parish Trust Property, or any part of Parish Trust Property, could be put to a better or preferable use; or
- c) to determine whether other aspects of Parish Trust Property management may give rise to unreasonable risk.

The Parish Council would be required to co-operate with the review. The Secretary of Synod would prepare a draft report summarising:

- a) the nature and extent of the risk to Synod;
- b) the likely costs involved in making good the situation; and
- c) the ability of the Parish to afford the costs of making good.

The Parish Council has the opportunity to respond to the draft report before the report is finalised and presented to Diocesan Council, attaching any submissions from the Parish Council.

The proposed Ordinance amendment would also require the Diocesan Council to prepare and publish a Protocol to be followed when a review is conducted under these provisions. The Protocol would include further safeguards to ensure the powers were used having regard to due process, including the involvement of the area Archdeacon.

Once the report is finalised, the Diocesan Council would determine what action (if any) is to be taken. This could include a direction that the Synod engage appropriate professionals to undertake remedial work and that the cost of the works be paid for by the Parish. Where the Parish is not able to meet the costs of the remedial work, the Diocesan Council could direct the Parish to show cause why the Parish Trust Property (or a portion of it) should not be sold to cover the costs of the works.

Clause Notes

Part 1 deals with necessary preliminary matters.

Clause 1 provides for the short title of the Ordinance.

Clause 2 is a relatively standard provision stipulating that the measure will come into operation on a date determined by the President.

Clause 3 provides for the amendment of the Ordinance in the manner set out in Part 2 of the Ordinance.

Part 2 contains the amendments proposed to the Ordinance.

Clause 4 provides for the insertion of a new Part IXA which specifies:

- a) the circumstances in which a parish review can be directed and authorised
- b) how consultation and co-operation with the Parish Council are to occur in the review process
- c) what information and submissions need to be included in the review report which is to be prepared for Diocesan Council
- d) what action Diocesan Council may take following consideration of the review report
- e) that Diocesan Council is to develop a Protocol for use in association with the parish review process.

A MEASURE FOR

AN ORDINANCE to amend the *Parochial Administration Ordinance 1985*.

NOW THE SYNOD HEREBY DETERMINES:

Part 1 - Preliminary

1 - Short title

This Ordinance may be cited as the *Parochial Administration Ordinance Amendment Ordinance 2023*.

2 - Commencement

This Ordinance will come into operation on a date and at a time to be determined by the President.

3 - Amendment of principal ordinance

The *Parochial Administration Ordinance 1985* is amended in the manner set out in Part 2.

Part 2 - Amendment of the *Parochial Administration Ordinance 1985*

4 – Insertion of Part IXA

After section 86 insert:

PART IXA – PARISH REVIEW

Institution of review

- 86A. (1) The Diocesan Council may direct and authorise the Secretary of Synod to examine or review the affairs or activities of a parish or Parish Council for one or more of the following purposes:
- (a) to ensure that Parish Trust Property, or any part of Parish Trust Property, is being properly managed, maintained and used;
 - (b) to determine whether Parish Trust Property, or any part of Parish Trust Property, could be put to a better or more preferable use;
 - (c) to determine whether any other aspect of the management of Parish Trust Property may give rise to unreasonable risk.

- (2) The Secretary of Synod must act under subsection (1) in consultation with the Archdeacon for the relevant parish.

Note: An examination or review under this section will be called a “review for the purposes of this Part.

Parish co-operation

- 86B. (1) The Parish Council for a parish that is subject to a review must comply with any reasonable request made by the Secretary of Synod for the purposes of the review.
- (2) Without limiting subsection (1), a Parish Council must:
- (a) if requested to do so, meet with the Secretary of Synod, or a person nominated by the Secretary of Synod; and
 - (b) answer questions put by the Secretary of Synod, or a person nominated by the Secretary of Synod; and
 - (c) provide or prepare documents, records, financial statements and other information requested by the Secretary of Synod or by a person nominated by the Secretary of Synod; and
 - (d) take reasonable steps to support the Secretary of Synod in any other way in connection with the review.

Report

- 86C. (1) The Secretary of Synod must prepare a written report at the conclusion of a review under this Part.
- (2) The report must, insofar as is relevant to the review, include information about:
- (a) the management of any Parish Trust Property; and
 - (b) the state of any Parish Trust Property; and
 - (c) the nature and extent of any risk to the Synod; and
 - (d) the likely costs involved in addressing any matter that is relevant to the circumstances outlined in the report; and
 - (e) the ability of the relevant parish to pay for the costs identified in the report, and any reasonable options to address any inability of the parish to pay for those costs.

- (3) The Secretary of Synod must, before completing the report:
 - (a) provide a draft of the report to the Parish Council for the relevant parish; and
 - (b) allow the Parish Council to provide a response (including by providing additional information to the Secretary of Synod) to the report within a period, of at least 6 weeks, specified by the Secretary of Synod; and
 - (c) take into account any response or information provided by the Parish Council under paragraph (b).
- (4) The Secretary of Synod must, as soon as practicable after completing the report, provide the report to the Diocesan Council.
- (5) A copy of any written submission made by the relevant Parish Council must accompany the report provided to the Diocesan Council under subsection (4).

Action that may be taken by Diocesan Council

- 86D. (1) The Diocesan Council may, after receiving a report from the Secretary of Synod, determine what action (if any) should be taken in the circumstances.
- (2) For example, the Diocesan Council may:
- (a) require that the Parish Council engage a person to undertake any maintenance or remedial work on any Parish Trust Property or any part of Parish Trust Property; or
 - (b) require the Parish Council to set out a plan or scheme in connection with the management, maintenance, use or preservation of Parish Trust Property, or any part of Parish Trust Property; or
 - (c) require the Parish Council to provide reasons for why specified Parish Trust Property should not be sold.

Protocol

- 86E. (1) The Diocesan Council must develop and publish a protocol associated with the operation of this Part.
- (2) Without limiting subsection (1), the protocol may:

- (a) outline a process that will be adopted before the Diocesan Council determines to initiate a review under this Part; and
- (b) set out criteria, indicators and factors that the Diocesan Council may take into account in deciding whether or not to initiate a review under this Part; and
- (c) provide for additional processes and procedures in connection with the conduct of a review under this Part; and
- (d) set out or identify steps and action that should be taken by a Parish Council if their parish is the subject of a review under this Part; and
- (e) set out other steps and consultation that will be undertaken after a report has been prepared; and
- (f) deal with any other matter considered to be helpful or appropriate in connection with a review under this Part.

Council, the churchwardens, any officer appointed or assisting either the Parish Council or the churchwardens or any organisation affiliated or associated with the parish (or any congregation forming part of the parish) or held by any other person for the benefit of the parish (or any congregation forming part of the parish).

- (13) Any notice required to be served upon a person under this section will be deemed to be properly served if served either personally or by pre-paid post to the person's last known address.

Exercise of Powers by Synod

86. The several rights duties and powers conferred upon the Synod pursuant to Parts VI and IX of this Ordinance may be exercised by the Diocesan Council or by a committee appointed for that purpose in accordance with section 7 of the Diocesan Council and Ministry Units Ordinance 2007.

PART IXA – PARISH REVIEW

Institution of review

86A. (1) The Diocesan Council may direct and authorise the Secretary of Synod to examine or review the affairs or activities of a parish or Parish Council for one or more of the following purposes:

- (a) to ensure that Parish Trust Property, or any part of Parish Trust Property, is being properly managed, maintained and used;
- (b) to determine whether Parish Trust Property, or any part of Parish Trust Property, could be put to a better or more preferable use;
- (c) to determine whether any other aspect of the management of Parish Trust Property may give rise to unreasonable risk.

(2) The Secretary of Synod must act under subsection (1) in consultation with the Archdeacon for the relevant parish.

Note: An examination or review under this section will be called a “review” for the purposes of this Part.

Parish co-operation

86B. (1) The Parish Council for a parish that is subject to a review must comply with any reasonable request made by the Secretary of Synod for the purposes of the review.

(2) Without limiting subsection (1), a Parish Council must:

- (a) if requested to do so, meet with the Secretary of Synod, or a person nominated by the Secretary of Synod; and
- (b) answer questions put by the Secretary of Synod, or a person nominated by the Secretary of Synod; and

(c) provide or prepare documents, records, financial statements and other information requested by the Registrar or by a person nominated by the Registrar; and

(d) take reasonable steps to support the Secretary of Synod in any other way in connection with the review.

Report

86C. (1) The Registrar must prepare a written report at the conclusion of a review under this Part.

(2) The report must, insofar as is relevant to the review, include information about:

(a) the management of any Parish Trust Property; and

(b) the state of any Parish Trust Property; and

(c) the nature and extent of any risk to the Synod; and

(d) the likely costs involved in addressing any matter that is relevant to the circumstances outlined in the report; and

(e) the ability of the relevant parish to pay for the costs identified in the report, and any reasonable options to address any inability of the parish to pay for those costs.

(3) The Secretary of Synod must, before completing the report:

(a) provide a draft of the report to the Parish Council for the relevant parish; and

(b) allow the Parish Council to provide a response (including by providing additional information to the Secretary of Synod) to the report within a period, of at least 6 weeks, specified by the Secretary of Synod; and

(c) take into account any response or information provided by the Parish Council under paragraph (b).

(4) The Secretary of Synod must, as soon as practicable after completing the report, provide the report to the Diocesan Council.

(5) A copy of any written submission made by the relevant Parish Council must accompany the report provided to the Diocesan Council under subsection (4).

Action that may be taken by Diocesan Council

86D. (1) The Diocesan Council may, after receiving a report from the Secretary of Synod, determine what action (if any) should be taken in the circumstances.

(2) For example, the Diocesan Council may:

- (a) require that the Parish Council engage a person to undertake any maintenance or remedial work on any Parish Trust Property or any part of Parish Trust Property; or
- (b) require the Parish Council to set out a plan or scheme in connection with the management, maintenance, use or preservation of Parish Trust Property, or any part of Parish Trust Property; or
- (c) require the Parish Council to provide reasons for why specified Parish Trust Property should not be sold.

Protocol

86E. (1) The Diocesan Council must develop and publish a protocol associated with the operation of this Part.

(2) Without limiting subsection (1), the protocol may:

- (a) outline a process that will be adopted before the Diocesan Council determines to initiate a review under this Part; and
- (b) set out criteria, indicators and factors that the Diocesan Council may take into account in deciding whether or not to initiate a review under this Part; and
- (c) provide for additional processes and procedures in connection with the conduct of a review under this Part; and
- (d) set out or identify steps and action that should be taken by a Parish Council if their parish is the subject of a review under this Part; and
- (e) set out other steps and consultation that will be undertaken after a report has been prepared; and
- (f) deal with any other matter considered to be helpful or appropriate in connection with a review under this Part.

PART X - MISCELLANEOUS

Doubts and Disputes

87. The Diocesan Council may settle and determine all doubts and disputes that may arise with reference to any elections or transaction of business by churchwardens Vestries and Parish Councils and may from time to time make and alter rules not inconsistent with the provisions of this Ordinance for the conduct of elections and the transaction of business as aforesaid and may also settle and determine all doubts and disputes with reference thereto.

Commencement

88. (1) Subject to subsection (2) and (3) this Ordinance shall take effect on and from the 1st day of April 1986.

EXPLANATORY MEMORANDUM

NOTICE OF
MOTION 18 & 19

Constitution (Membership of Diocesan Council) Amendment Measure 2023.

Diocesan Council Governance Amendment Ordinance 2023.

Summary

The proposed Measures to change the Constitution and the Diocesan Council Ordinance 2007 continue the discussion at the last session of Synod. In addition, the findings and observations of the Consultant's Report on the purpose, size and composition of Diocesan Council add weight to the previously expressed concerns.

The Diocesan Council has provided a comprehensive report which leaves it up to the Synod to determine what changes if any should be made to the size and composition of the Diocesan Council in order to improve the governance of the Diocese.

As the Management Committee of the Diocese, which exercises the powers of the Synod in between the annual Synod meetings, the composition of the Diocesan Council should reflect the composition of the Synod with fewer office holders and a greater proportion of elected lay and clergy members, elected from and accountable to the Synod.

The Current Size and Composition of Diocesan Council¹

Ex Officio	Archdeacons	Elected	Appointed	Total
4 voting	2 voting	12 voting (4 clergy & 8 lay)	2 voting with up to 6 extra	20 voting Members
2 Non-Voting				2 non-Voting
6 Ex Officio	2 Archdeacons	12 Elected	2 Appointed plus extra 6	22 or 28 with the 6 extra

The Proposed Size and Composition of Diocesan Council

Ex Officio	Archdeacons	Elected	Appointed	Total
3 voting	0	14 Voting (6 clergy & 8 lay)	2 voting	19 voting Members
2 non-voting				2 non-voting
5 Ex Officio	0	14 Elected	2 Appointed	21 Members

¹ With 3 Assistant Bishops, the Diocesan Council would have 23 members however one of the Assistant Bishops is also Dean of the Cathedral reducing the size to 22

Please note the opportunity for an additional 6 members to be appointed to the Diocesan Council by ordinance remains under the provisions of the *Constitution*. These positions were removed from the *Diocesan Council Ordinance 2007* at last year's Synod meeting but they still remain in the *Constitution*.

While the following detailed explanations are quite dry, they are provided to fully inform Synod of the proposed amendments and the rationale for the changes drawing on the Glendinning Report. The basic propositions will however be familiar to most members of Synod as they largely follow the proposals advanced at the last meeting of the Synod.

Peter

The Ven Canon Peter Sandeman AM MAICD

Introduction

At our last session of Synod, following the failure of the Measure to amend the Constitution to achieve the necessary 2/3 majority in the House of the Laity, the following motion was moved and carried.

“That this Synod asks Diocesan Council to conduct a governance review focussing on the purpose, composition and size of Diocesan Council. The review would encompass comprehensive parish engagement and consultation with independent persons. Subsequently a report with recommendations will be made to the 2023 Synod.”

Subsequently the Diocesan Council established a Task Group which consulted widely and a report to Synod was endorsed by Diocesan Council and circulated.

The five papers circulated to members of Synod provide a lot of very useful information about the current governance of the Diocese, the consultation process and feedback, the consultant's excellent report, a discussion paper and a comparison of the structure of our Diocesan Council with other Dioceses.

The Diocesan Council has resolved to adopt a competencies framework for Diocesan Council, an assessment of the members of Diocesan Council to identify any competency gaps, and a protocol for managing conflicts of interest and duty.

Each of these initiatives will be very useful, however it does not appear any changes to the size and composition of the Diocesan Council are to be proposed to the Synod. Since this was the purpose of the Measures moved at the last session of Synod and much of the debate considered these issues, proposed changes to

the composition of the Diocesan Council are revisited in this Explanatory Memorandum. Hopefully this will help explain the Measures which have been moved for consideration by this year's session of Synod.

The Constitution and the Diocesan Council Ordinance

The size of the Diocesan Council is determined by Section 21 of the *Constitution* and Section 3 of the *Diocesan Council Ordinance 2007* (as amended by the last session of Synod). For ease of reference the two relevant sections are appended.

In order to understand how the size of Diocesan Council is arrived at it is necessary to understand the interaction between the *Constitution* and the *Diocesan Council Ordinance 2007*. Subsections 21 (1) (d) and (e) of the *Constitution* allow the Synod to increase the size of Diocesan Council through making an Ordinance and this has been achieved through the *Diocesan Council Ordinance 2007*.

Subsection 21 (1) (d) of the *Constitution* sets a minimum of 3 clergy and 6 lay members of Synod, while Subsection 3 (d) of the *Diocesan Council Ordinance 2007* expands this to 4 clergy and 8 lay members of Synod and provides for them to be elected by and from the members of the Synod.

Subsection 21 (1) (e) of the *Constitution* provides for up to 6 communicant Anglicans to become members of the Diocesan Council under the provisions of an Ordinance. Last year the Synod deleted Subsection 3 (e) of the *Diocesan Council and Ministry Units Ordinance 2007* that had provided for each of the Ministry Units to nominate a member of Diocesan Council, up to a total of 6.

The ability to appoint 6 additional members to the Diocesan Council through an Ordinance under Subsection 21 (1) (e) of the *Constitution* however still remains. It is proposed to remove this potential to increase in the size of Diocesan Council by finishing the task by deleting Subsection 21 (1) (e) from the *Constitution*.

At the last session of Synod, a proposed Measure to amend the *Constitution* sought to change the composition of Diocesan Council by restricting the number of Assistant Bishops on the Diocesan Council to one, deleting the ex officio membership of the two Archdeacons appointed by the Bishop, and removing the potential for appointment of up to six communicant members who need not be members of Synod.

This would have reduced the potential size of the Diocesan Council by 9 members from up to 29 members down to a more manageable size and to have a higher proportion of members directly elected by and from the Synod. This proposal

narrowly failed to obtain the 2/3 majority required to pass in the house of the laity and so lapsed.

The Size and Composition of the Diocesan Council

The consultant appointed by the Diocesan Council Ms Lynette Glendinning owner of Tempo Strategies, is very experienced in corporate governance and combines this with an unusual depth of knowledge of and experience in church governance. While Lynette's report did not make explicit recommendations for legislative changes, she did raise the key issues which echo the governance concerns which underpinned the changes proposed at the last session of Synod and which are revisited here.

The Glendinning Report contrasts the two roles of Diocesan Council, as a Council of Advice to the Archbishop and the Management Committee of the Diocese.

In the former role in giving advice to the Archbishop diversity is useful in bringing a broad range of perspectives, where divergent views are valued and consensus is not required.

As the Management Committee of the Synod with the ability to act on behalf of the Synod between sessions of the Synod, Glendinning emphasises the competence of members of Diocesan Council to make decisions on behalf of the Synod and the capacity to come to a shared mind.

Glendinning concludes that in its current form Diocesan Council is too large. *“When groups are larger than 12, decisions tend to be shaped by a smaller number of those who are informed, with others unable to effectively contribute or participate in the decision process...The risk of its size is primarily that DC will not make effective decision. It will either move quickly to a faux consensus based on the views of a few, or will take inordinate amounts of time to reach a shared judgement and take a decision.”*²

So size is an important consideration in enabling good governance, and so too suggests Glendinning, is composition both in term of the lay / clergy balance and in the proportion of the hierarchy.

The current membership of Diocesan Council comprises 22 persons³ of whom 20 are voting members.

Appointed by virtue of position:

² Glendinning, L Governance Review of Diocesan Council Tempo Strategies ACT 2023 P9

³ It would be 23 if the Dean was not one of the three Assistant Bishops

- the Archbishop
- the Assistant Bishop (if any) - currently three
- two Archdeacons
- the Dean (currently occupied by an assistant bishop)
- Secretary of Synod and Chancellor (non voting)

Elected by Synod:

- four elected clergy
- eight elected lay members

Appointed by Diocesan Council:

- two members (laity or clergy)

(There is still the provision in the *Constitution* for a further 6 members of the Diocesan Council.)

Glendinning observes; *“Given that the Synod comprises approximately 100 ordained persons and 150 laity, it is worth noting that Diocesan Council has proportionately more ordained persons than laypersons...While direct proportionality may not be necessary, DC ought to retain as close to a similar proportion of laity to clergy as is feasible when the critical competencies to govern the Diocese are considered.”*⁴

Glendinning also makes three references to the composition of Diocesan Council in relation to the distinction between elected members and those ex officio members who have been appointed roles with delegated authority from the Archbishop.

*“The archbishop is ultimately the accountable office bearer for the entity. He/she relies on a smaller group of people to exercise authority in order to steer the diocese and to treat risk. While all views may be valued at DC meetings, those in the episcopacy and those carrying Diocesan portfolios can be held to account more rigorously and are responsible to treat risk in ways that most elected members are not. This accountability is critical to good governance. Allowing the archbishop a number of appointments on DC is important in enabling DC to fulfill its role as a Council of Advice.”*⁵

“A risk for the current arrangements is that DC has as its continuing members, the Archbishop and episcopal delegates who, by virtue of both position and longevity, can exercise relatively more influence. This can leave new members

⁴ Glendinning, L Governance Review of Diocesan Council Tempo Strategies ACT 2023 P11

⁵ Glendinning, L Governance Review of Diocesan Council Tempo Strategies ACT 2023 P11

less empowered, since they must acquaint themselves with both current and historical reality in order to make an effective contribution.”⁶

“Those who function with delegated episcopal authority often are well placed to bring a whole of diocesan perspective. However, they may be constrained from expressing a view contrary to that of the bishop, or they may engage in forms of episcopal ‘groupthink’ that unnecessarily constrains diverse perspectives from others on DC. DC is not to be a forum whereby the clergy talk to their bishop and the laity observe.

If the number of bishops currently on DC is regarded as a risk, then it may be worth considering treating assistant bishops as non-voting members of DC. If it is not seen as a high risk, it may be preferable to maintain these helpful contributions but ensure that in deliberations, they are properly balanced with other views.

Ex officio membership has a place in all forms of corporate governance, but it must be carefully managed. Ex officio members are elected and appointed by virtue of role or position, rather than competence.”⁷

The current composition of the Diocesan Council has a large number of ex officio and appointed members who are not elected by the Synod and in that sense are not accountable to the Synod by virtue of election. The “episcopal delegates” as Glendinning calls them are the Assistant Bishops and Archdeacons whose formal roles are to act on behalf of the Archbishop.

Under the provisions of the *Constitution* of the potential 28 members of the Diocesan Council only twelve are elected by and are accountable to the Synod. While a temporary fix to reduce the overall number by 6 to 22 has been effected by the previous change to the *Diocesan Council Ordinance 2007*, Synod elected members of Diocesan Council still constitute only a small majority of 12 of the 20 voting members.

In accordance with the issues raised by Lynette Glendinning in her report.

1. to reduce the size of Diocesan Council,
2. to increase proportion of lay members closer to the lay /clergy ratio of Synod, and
3. to reduce the proportion of “episcopal delegates” on DC,

the following changes are to be proposed in the Measure to amend the *Constitution*.

⁶ Glendinning, L Governance Review of Diocesan Council Tempo Strategies ACT 2023 P12

⁷ Glendinning, L Governance Review of Diocesan Council Tempo Strategies ACT 2023 P13

Removal of the Potential for an Additional 6 Members of Diocesan Council

Subsection 4 (3) of the Measure to Amend the *Constitution* proposes to remove paragraph (e) from Subsection 21 (1) of the *Constitution*.

This is because while these positions have been deleted from the *Diocesan Council Ordinance 2007*, they still remain in the *Constitution*. It is important therefore that the *Constitution* be brought into line with the reduction in the size of Diocesan Council agreed to at the last session of Synod.

Accordingly, removal of Subsection 21 (1) (e) from the *Constitution* replicates last Synod's removal of the corresponding paragraph (e) from Section 3 of the *Diocesan Council Ordinance 2007*.

This would reduce the potential membership of Diocesan Council under the *Constitution* from 28 to 22 and remove the anomaly with the DC Ordinance.

Even if no other changes are agreed this is suggested to be the minimum amendment to the *Constitution* which should be carried.

Reduce the Number of Ex Officio and Appointed Clergy Members of DC

Given our Episcopal structure it is appropriate that an Assistant Bishop is an ex officio member of the Diocesan Council.

Given the role of the Cathedral as our mother church, it is also useful to have the Dean of the Cathedral as an ex officio member.

It is also appropriate that the Secretary of Synod and the Chancellor are ex officio non-voting members of Diocesan Council.

However, the presence of the two Archdeacons chosen by the Bishop and three Assistant Bishops make the Diocesan Council too large, too top heavy and with too great a proportion of episcopal and episcopally appointed delegates compared to elected members.

Glendinning refers to this as “...attending to the risk of disproportionate influence of those with positional authority”.⁸

In order to balance the numbers of lay and clergy voting members of Diocesan Council, the two appointed Archdeacons (plus the Dean of the Cathedral and the

⁸ Glendinning, L Governance Review of Diocesan Council Tempo Strategies ACT 2023 P12

Assistant Bishop), means these 4 appointed clergy members reduces the number of elected clergy positions to only 4 compared to 8 elected lay members. This careful balance of clergy to lay members of Diocesan Council is however eroded by the ex officio membership of an additional two Assistant Bishops (or one plus the Dean who both count as clergy).

Subsection 5 (2) of the Measure to change the *Constitution* proposes to delete subsection 21 (1) (b) under which the two Archdeacons are appointed as members of Diocesan Council.

In exchange it is proposed to create a further two elected clergy positions would be created by amending Section 3 (d) of the *Diocesan Council Ordinance 2007*.

Subsection 4 (2) of the Measure to amend the *Diocesan Council Ordinance 2007* amends Subsection 3 (d) by deleting the word “four” and replacing it with the word “six”. This would increase the number of elected clergy members from 4 to 6 thus preserving the balance of clergy to lay members. Senior clergy such as Archdeacons and Assistant Bishops could stand for election to these positions.

My reading of subsection 21 (1) (a) of the Constitution suggested that what was intended was the appointment of only one Assistant Bishop (if any) and that person should be an ex officio member of Diocesan Council. The lawyers inform me this assumption is not correct as under Section 33 (c) of the *Constitution* “*Words importing the singular shall include the plural and vice versa*”. Accordingly, all the Assistant Bishops are ex officio members of Diocesan Council. We now have three Assistant Bishops one of whom is also the Dean of the Cathedral.

Having four bishops as members of the Diocesan Council is I suggest, far more purple than was contemplated by the framers of our Constitution. As suggested in the Glendinning Report, there is a danger in episcopal “groupthink” or a disinclination for Assistant Bishops to express views contrary to the Archbishop. Perhaps more difficult to overcome is the preponderance of episcopal authority making it difficult for elected members to exercise real influence or express diverse views.

To return to the situation which I believe was contemplated under Section 21 (1) (a) of the *Constitution*; “*the Assistant Bishop (if any)*” being the single ex officio Assistant Bishop member of the Diocesan Council, requires a change to the constitution.

Subsection 5 (1) of the Measure to Amend the *Constitution* deletes the Assistant Bishops from 21 (1) (a) of the *Constitution*. Subsection 5 (2) of the Measure

provides for the Assistant Bishop (if any) to be a member of Diocesan Council and should there be more than one Assistant Bishop, gives the Bishop the responsibility of nominating which Assistant Bishop is the ex officio member of Diocesan Council

Should all the changes to the composition of Diocesan Council proposed by the Measures to change the *Constitution* and to amend the *Diocesan Council Ordinance 2007* be adopted, the Diocesan Council would be smaller and more representative of and accountable to the Synod. The Synod would elect a clear majority of 14 of the 21 members of the Diocesan Council.

Staggering the Election and Appointments to The Diocesan Council

The Glendinning Report identifies the weakness in having the terms of elected members of Diocesan Council all having the same three-year term being elected at the elections Synod at the beginning of the Synod triennium.

“Currently membership of DC is contiguous with the term of Synod. In contemporary governance practice, the membership of a governing body is carefully and properly staged to balance both continuity and corporate memory with renewal. A risk for the current arrangements is that DC has as its continuing members, the Archbishop and episcopal delegates who, by virtue of both position and longevity, can exercise relatively more influence. This can leave new members less empowered, since they must acquaint themselves with both current and historical reality in order to make an effective contribution. DC could address this risk by staggering the appointments of elected members, limiting the terms of office for those appointed and by attending to the risk of disproportionate influence of those with positional authority.”⁹

While apparently complex the staggering of elections and appointments to Diocesan Council can be achieved by some relatively simple amendments to the *Constitution* and *Diocesan Council Ordinance 2007*.

Taking elected members first (and assuming the above changes to the composition of Diocesan Council have been agreed to), the proposal is to have half of the elected members (3 clergy and 4 lay) elected for a three-year term to be elected as now at the election Synod. The other half of the elected members (3 clergy and 4 lay) would be elected for a 3-year term in the annual session of Synod following the election Synod

The staggered terms of election to Diocesan Council mean that an elected member of DC may cease to be a member of Synod for the last year of their term

⁹ Glendinning, L Governance Review of Diocesan Council Tempo Strategies ACT 2023 P12

and therefore be ineligible to continue as a member of DC. Section 4 of the Measure to amend the *Constitution* clarifies that should an elected member of the Diocesan Council otherwise cease to be a member of Synod, they will continue to be a member of the Synod for the remainder their term of office as a member of Diocesan Council.

Consequential Amendments

In order to ensure internal consistency, there are a small number of consequential amendments to the *Constitution* and the *Diocesan Council Ordinance 2007*.

If members of Synod would like to contact me with questions and any suggestions, I may be contacted on 0417 815 586 or at peter@sandeman.org

Peter

The Ven Canon Peter Sandeman AM MAICD

30 August 2023

CONSTITUTION

CHAPTER IV - THE DIOCESAN COUNCIL

Composition

21. (1) *There shall be a Diocesan Council which shall consist of:-*
- (a) the Bishop, the Assistant Bishop (if any), the Commissary (if any) or the Administrator (as the case requires and if not already a member of the Diocesan Council) and the Dean ex officio;*
 - (b) two Archdeacons appointed by the Bishop;*
 - (c) the Chancellor and the Secretary of Synod ex officio, who shall be nonvoting members;*
 - (d) so many members of the Synod being not fewer than three members of the clergy and six lay members of the Synod as the Synod shall by Ordinance determine;*
 - (e) such other communicants not exceeding six in number as the Synod shall by Ordinance determine who need not be members of the Synod;*
 - (f) not more than two other communicants whom the Diocesan Council may from time to time appoint and who need not be members of the Synod.*
- (2) *For the purposes of this section a non-voting member means a person who is entitled to be given notice of and to attend a meeting of the Diocesan Council and to speak at such meeting but not to vote thereat.*

DIOCESAN COUNCIL ORDINANCE 2007

Part 2—Diocesan Council

Composition

3. *The Diocesan Council will consist of:*
- (a) the persons referred to in paragraph (a) of section 21(1) of the Constitution ex officio;*
 - (b) two Archdeacons appointed by the Bishop pursuant to paragraph (b) of section 21(1) of the Constitution;*
 - (c) the Chancellor and the Secretary of Synod ex officio pursuant to paragraph (c) of section 21(1) of the Constitution (who will be non-voting members);*

- (d) *pursuant to paragraph (d) of section 21(1) of the Constitution, four members of the clergy and eight lay members of the Synod elected by the Synod;*
- (e) *deleted*
- (f) *not more than two other communicant members of the Church, as may be appointed by the Diocesan Council pursuant to paragraph (f) of section 21(1) of the Constitution.*

A MEASURE

to amend the *Constitution*.

NOW THE SYNOD HEREBY DETERMINES:

Part 1 - Preliminary

1 - Short title

This may be cited as the *Constitution (Membership of Diocesan Council) Amendment Measure 2023*.

2 - Commencement

This Measure will come into operation after it has been confirmed by the Synod in accordance with section 30(b) of the *Constitution*.

3 - Amendment of the *Constitution*

The *Constitution* is amended in the manner set out in Part 2.

Part 2 - Amendment of the *Constitution*

4 – Amendment of section 10 – Composition of Synod

Section 10(e) – delete “paragraph” and substitute:

paragraphs (d) and

5 - Amendment of Section 21 - Composition

- (1) Section 21(1)(a) - delete “the Assistant Bishop (if any)”
- (2) Section 21(1)(b) – delete paragraph (b) and substitute:
 - (b) the Assistant Bishop (if any) or, if there is more than one Assistant Bishop, an Assistant Bishop nominated by the Bishop at each election Synod;
- (3) Section 21(1)(e) - delete paragraph (e)
- (4) Section 21(3) – delete “paragraphs (d) and (e)” and substitute:

paragraph (d)
- (5) Section 21 – after subsection 3 insert:
 - (4) An Ordinance may deal with casual vacancies in the membership of the Diocesan Council.

Part 3 – Transitional provision

The Assistant Bishops holding office under section 21(1)(a), and the Archdeacons holding office under section 21(1)(b), of the *Constitution* immediately before the commencement of this measure will cease to hold office on that commencement and the Bishop may, at that time, nominate an Assistant Bishop under section 21(1)(b) as enacted by this measure (recognising that the Bishop will not necessarily be making that nomination at an election Synod).

CONSTITUTION

Arrangement

1. This Constitution is divided into Chapters as follows:-

CHAPTER I	THE DIOCESE OF ADELAIDE
CHAPTER II	THE BISHOP
CHAPTER III	THE SYNOD
CHAPTER IV	THE DIOCESAN COUNCIL
CHAPTER V	PARISHES
CHAPTER VI	THE SEAL
CHAPTER VII	AMENDMENT OF THE CONSTITUTION
CHAPTER VIII	INTERPRETATION

CHAPTER 1 - THE DIOCESE OF ADELAIDE

Membership of The Anglican Church of Australia

2. The Diocese is a diocese of The Anglican Church of Australia and where this Constitution or any Ordinance made hereunder is inconsistent with the Constitution of The Anglican Church of Australia or any Canon or Rule made thereunder and which is in force in or applies to or has force and effect in or is not excluded from operation within the Diocese, the latter shall prevail and the former shall to the extent of the inconsistency have no effect.

Government

3. Subject to the provisions of section 2 of this Constitution the authority and power to provide for the life and growth, the order and good government and the management of the affairs of the Diocese is vested in -
 - (a) the Bishop, and
 - (b) the Synod which for such purposes may exercise the powers hereinafter provided.

Operation of Constitution

4. This Constitution and all Ordinances made hereunder shall be binding on the Bishop, all members of the clergy and lay persons as members of the Church residing or worshipping within the Diocese and for all purposes connected with or relating to Church property including trust property.

CHAPTER II - THE BISHOP

Election

5. (1) Subject to the provisions of section 8 of the Constitution of The Anglican Church of Australia the Bishop shall be elected or appointed in such manner as the Synod shall by Ordinance determine.
- (2) A person elected or appointed Bishop shall not take office without first having signed a declaration in the form contained in the First Schedule hereto and a declaration of assent to the doctrine and formularies of The Anglican Church of Australia.

Bishop's Powers

6. Subject to this Constitution and the Ordinances of the Synod and to the Constitution of The Anglican Church of Australia and to the Canons or Rules mentioned in section 2 of this Constitution the Bishop as Ordinary and Chief Pastor of the Diocese shall have and may exercise within the Diocese all and singular the powers and authorities which are inherent in his office.
- 6A.(1) During the absence of the Bishop from the Province or during any period which may be proposed by the Bishop and agreed to by the Diocesan Council, the following provisions will apply:
- (a) subject to subsection (3), the powers vested in the Bishop by this Constitution will be exercised by a Commissary appointed in such manner as the Synod will determine by Ordinance;
 - (b) if no Commissary has been appointed pursuant to paragraph (a), or if the person appointed is unable or unwilling to act, and subject to subsection (3), the powers vested in the Bishop by this Constitution will be exercised by an Administrator appointed in accordance with subsection (2).
- (2) In the event of the Bishop's death, resignation or becoming incapable, and subject to subsection (3), the powers vested in the Bishop by this Constitution will be exercised by an Administrator who will be the Assistant Bishop (if any) or (if more than one) the Assistant Bishops in order of their

appointment as Assistant Bishops, or if none, or in his or her or their absence or incapacity or unwillingness to act, the person or persons appointed in order by the Diocesan Council to be the Administrator (which appointments may be made and rescinded from time to time as the Diocesan Council may determine), or if none or in his or her or their absence or incapacity or unwillingness to act, the Dean or in his or her absence or incapacity or unwillingness to act, the Archdeacons in order of seniority.

(3) The powers and authorities to be exercised by a Commissary or Administrator will not include powers and authorities vested in the Bishop by Chapter I, Chapter II and sections 17, 18, 19, 20 and 30 of this Constitution and will not include the authority to appoint an Archdeacon or the Dean.

(4) In this section –

incapable, in relation to the Bishop, has the meaning contained in the *Bishop (Incapacity) Canon 1995*.

CHAPTER III - THE SYNOD

The Synod

7. Without limiting the effect of section 3 of this Constitution there shall be a governing body for the management of the affairs of the Diocese which shall be The Synod of the Diocese of Adelaide of The Anglican Church of Australia Incorporated.

Object

8. The object of the Synod is to provide for the life and growth and the order and good government of The Anglican Church of Australia within the Diocese in accordance with the provisions of the said Constitution of The Anglican Church of Australia.

Powers of Synod

9. (1) Subject to the provisions of this Constitution the Synod shall have the following powers:-
- (a) to consider and if thought necessary to pass motions upon any matter concerning or affecting the Church of God or any part thereof and its members whether within or outside the Diocese;
 - (b) To consult with the Bishop on any matter on which the Bishop may agree to being consulted and to advise the Bishop;

- (c) To make alter or repeal such Ordinances (not being repugnant to this Constitution) as shall in its opinion be necessary for or conducive to the order and good government of The Anglican Church of Australia within the Diocese;
- (d) To purchase take on lease or in exchange, hire or otherwise acquire and hold any real or personal property, including any rights and privileges, for the purposes of the Synod, the general purposes of the Diocese, any special diocesan purpose, any purpose of or connected with The Anglican Church of Australia (whether within or outside the Diocese) or for any other religious purpose or purposes or for the advancement of religion (whether within or outside the Diocese);
- (e) To erect buildings and to renovate repair reconstruct alter improve add to and demolish any buildings or structures now or hereafter vested in the Synod;
- (f) To sell exchange lease let mortgage pledge hire dispose of turn to account or otherwise deal with all or any of the real and personal property of the Synod;
- (g) To accept donations whether of real or personal estate and devises and bequests whether or not such donations devises or bequests are subject to any trusts;
- (h) To raise or borrow money and secure the repayment thereof in such manner as the Synod shall think fit with power to issue debentures, grant mortgages, charges or securities upon or charging all or any of the property whether real or personal present or future of the Synod and to redeem or pay off either wholly or in part any existing or future security;
- (i) To receive moneys on deposit, current account or otherwise with or without allowance of interest and to receive on deposit titles deeds leases and other securities of any description;
- (j) To lend or advance money to any person or body either at interest or without interest and with or without security and in particular to persons parishes congregations and organisations within the Diocese and generally to receive hold invest and lay out moneys or securities for money upon and subject to such terms and conditions without any restriction whatever as the Synod may determine;
- (k) To give any guarantee in relation to mortgages loans investments and securities whether made or effected or acquired through the agency of the Synod or otherwise and generally to guarantee or become surety for the performance of any contracts and obligations;
- (l) To invest and deal with the moneys of the Synod not immediately required upon such securities and in such manner as may from time to

time be determined by the Synod and for that purpose to acquire and hold shares, stocks, debentures, debenture stock bonds, obligations securities or notes issued or guaranteed by any company or corporation constituted or carrying on business in Australia or elsewhere and debentures debenture stock bonds obligations and securities issued or guaranteed by any government commission public body or authority, municipal, local or otherwise in Australia or elsewhere and to acquire any such shares stock debentures debenture stock bonds obligations notes or securities by original subscription tender purchase exchange or otherwise and to subscribe for the same either conditionally or otherwise and to guarantee the subscription thereof and to exercise and enforce all rights and powers conferred by and incidental to the ownership thereof;

- (m) To hold and administer any property on trust;
 - (n) To appoint regulate and dissolve such committees for such purposes as the Synod may from time to time determine;
 - (o) To delegate to any person persons or body any right authority or power conferred upon or exercisable by the Synod save and except the making altering or repealing of any Ordinance, the amendment of this Constitution and the exercise of any right authority or power to which the Synod shall by Ordinance declare that this paragraph shall not apply;
 - (p) To employ or dismiss such officers and employees as may from time to time be required;
 - (q) To do all such things as may be required by the provisions of any trust deed relating to Church property or the exercise of patronage;
 - (r) To do all such other acts matters or things as shall be or may appear to be incidental or conducive to the life and growth and the order and good government of The Anglican Church of Australia in the Diocese including the power to carry out exercise and accept the transfer of the powers functions and property of any other body or organisation within The Anglican Church of Australia in the Diocese;
- (2) Nothing herein contained shall be deemed to restrict or in any way limit the powers conferred upon the Synod by virtue of the provisions of the Associations Incorporation Act 1956-1965 or any Act amending or replacing that Act or by any other law of the State of South Australia or the Commonwealth of Australia.

Composition of Synod

10. The Synod shall consist of:-

- (a) The Bishop;
- (b) The Chancellor;
- (c) Every licensed member of the clergy;
- (d) Lay members of the Synod representing each parish of the Diocese according to the following scale:-
 - I (i) for each parish having not more than 74 communicants, one lay member of the Synod;
 - (ii) for each parish having not fewer than 75 communicants nor more than 149 communicants, two lay members of the Synod;
 - (iii) for each parish having not fewer than 150 nor more than 249 communicants, three lay members of the Synod;
 - (iv) for each parish having not fewer than 250 nor more than 399 communicants, four lay members of the Synod;
 - (v) for each parish having not fewer than 400 communicants, five lay members of the Synod;

OR

 - II for each parish comprised of two or more congregations, a number of lay members of the Synod equal to the number of congregations comprising the parish;

whichever is the greater.
- (d1) The Secretary of Synod;
- (d2) Not more than five lay members appointed by the Bishop;
- (d3) Lay members each representing a congregation (whether registered or not) which functions independently of a parish and which, in the opinion of the Diocesan Council, may in time become a parish and which the Diocesan Council has resolved should in the meantime be accorded representation by one lay member in the Synod.
- (e) Such other persons (if not already members of the Synod) as may be appointed to the Diocesan Council pursuant to the provisions of paragraphs (d) and (f) of section 21(1) hereof but only for the duration of their appointment as aforesaid.

Chancellor

- 11. (1) The Chancellor shall be appointed by and shall hold office during the pleasure of the Bishop provided that a person shall not be Chancellor unless he or she is a communicant and or is or has been qualified for appointment as a Justice of the High Court of Australia, the Federal Court of Australia or the Supreme Court of South Australia and provided also that any

appointment to the office of Chancellor shall not terminate upon a vacancy occurring in the See but shall terminate upon a new Bishop taking office.

- (2) The Chancellor shall not take office without first having signed a declaration in the form contained in the Second Schedule hereto

Members of the Clergy

12. No member of the clergy shall be licensed by the Bishop without first having signed a declaration in the form contained in the Third Schedule hereto.

Lay Members of the Synod

13. (1) No person shall vote for the election of a lay member of the Synod unless at the time of such election he or she:

- (a) is a communicant, and
- (b) has attained the age of sixteen years, and
- (c) is a member of the parish for which the election is conducted and does not purport to be a member of any other parish in the Diocese, and
- (d) shall have signed a declaration in the form contained in the Fourth Schedule hereto.

- (2) No person shall be elected or appointed a lay member of the Synod pursuant to the provisions of paragraph (d) or (d1) or (d2) or (d3) or (e) of section 10 hereof unless at the time of such election or appointment he or she:

- (a) is a communicant, and
- (b) has attained the age of eighteen years, and
- (c) is a member of the parish for which the election is conducted or the appointment is made and does not purport to be a member of any other parish in the Diocese,

and the election or appointment shall not be effective until he or she shall have signed a declaration in the form contained in the Fifth Schedule hereto.

- (3) A person shall cease to be lay member of the Synod if:

- (a) by notice in writing to the Bishop he or she resigns, or
- (b) in the opinion of the Bishop he or she has ceased to be a communicant, or

- (c) he or she has been convicted or found guilty of any offence punishable either by imprisonment or by death and the Bishop declares his or her seat to be vacant, or
- (d) he or she has failed to attend any session of the Synod without leave of the Bishop and the Bishop declares his or her seat to be vacant, or
- (e) the Bishop is satisfied following receipt of a notice in writing from the parish council of the parish which the person was elected or appointed to represent, that the person has ceased to be a member of the parish, or
- (f) the parish which the person was elected or appointed to represent ceases to be a registered parish.

Term of Office

14. (1) All lay members of the Synod, other than those referred to in paragraphs (d1) and (e) of section 10 of this Constitution, shall be elected or appointed in an election year in such manner as the Synod shall by Ordinance determine and shall take office on the 1st day of July of that election year and shall hold office until the 30th day of June of the election year next following.
- (2) For the purposes of this section an election year shall be the third year after the last preceding election year provided that the Bishop with the approval of the Diocesan Council may in a particular case determine that an election year shall be the first or second year after the last preceding election year.
- (3) A casual vacancy arising under paragraph (d2) of section 10 may be filled by the Bishop. Any other casual vacancy in the office of lay member of the Synod shall be filled in such manner as the Synod shall by Ordinance determine.
- (3a) A lay member appointed under paragraph (d2) of section 10 shall be eligible for reappointment for one, but not more than one, consecutive term.
- (4) The Secretary of Synod shall keep a register of all members of the Synod and unless the Synod shall otherwise determine such register shall be *prima facie* evidence as to any person's entitlement to membership of the Synod and his or her lawful election or appointment.

Sessions of Synod

15. (1) Subject to subsection (4), there shall be a session of the Synod at least once in each calendar year to be held at a time and place to be determined by the Bishop after consultation with the Diocesan Council.
- (2) A special session of the Synod may be called at any time by the Bishop and shall be called whenever the Bishop receives a request for a special session

under the hand of ten lay members of the Synod from at least three parishes and five members of the clergy and the request is supported by the Diocesan Council.

- (3) The Synod may by Ordinance provide for the exclusion from sessions of the Synod of any member thereof who or whose parish is in default in complying with any provisions of this Constitution or of any Ordinance.
- (4) A session of the Synod may instead of being held at a place with members of the Synod being physically present, be held:
 - (a) remotely; or
 - (b) with some members of the Synod being physically present at one or more venues and other members participating remotely,
if
 - (c) the Bishop, after consultation with the Diocesan Council, determines that, because of special or extenuating circumstances, the session should be conducted under this subsection; and
 - (d) arrangements have been put in place (as determined to be appropriate by the Bishop after consultation with the Diocesan Council) so that the session may be conducted insofar as members are participating remotely, by:
 - (i) audio visual means; or
 - (ii) audio means; or
 - (iii) any other means of communication determined by the Bishop after consultation with the Diocesan Council.
- (5) If arrangements are put in place under subsection (4):
 - (a) a member of the Synod will be taken to be at the relevant meeting (and to form part of the quorum for the meeting) if the member registers as a participant at the meeting in a manner determined or approved by the Bishop as part of the arrangements put in place under subsection (4); and
 - (b) voting (including voting by orders) on any question or motion will be conducted in a manner (and using technology) determined or approved by the Bishop after consultation with the Diocesan Council; and
 - (c) other procedures specified, determined or approved by or under an Ordinance for the purposes of facilitating the conduct of the business of the Synod in the relevant circumstances may apply.

Quorum

16. A quorum of the Synod shall comprise not fewer than one fifth of the total number of members of the clergy and not fewer than one fifth of the total number of lay members of the Synod entitled to be present.

President

17. At every meeting of the Synod the Bishop shall preside. In his absence the person who, during any incapacity or absence from the Diocese of the Bishop would be the Administrator, shall preside.

Voting

18. (1) Except as otherwise provided in this Constitution the decision of the Synod shall be the decision of the majority of those members present and voting. The President of the Synod, whenever the Synod does not vote by orders, shall have a casting as well as a deliberative vote.
- (2) A decision in the election of a Bishop shall be made in such manner as the Synod shall by Ordinance prescribe: provided that general licence clergy shall not vote in such an election or in any separate meeting of the clergy forming part of the process of election.
- (3) Except as otherwise provided in this Constitution any member of the Synod may before a vote is taken require a vote by orders.
- (4) In the event of a vote by orders being required the question shall be put first to the lay members of the Synod voting separately then to the members of the clergy voting separately and then to the Bishop if present (other than general licence clergy) and no question shall be deemed to be resolved in the affirmative unless it is so resolved by a vote of the majority of those present in each of the orders of members of the clergy and lay members of the Synod and by the Bishop if present.
- (5) The members of the clergy who are entitled to vote or to require a vote by orders are those members of the clergy who are not general licence clergy.

Validity of Proceedings

19. (1) The Synod may proceed to the despatch of its business notwithstanding the failure of any parish to provide for its representation or any casual vacancy in the office of lay member of the Synod, notwithstanding a vacancy in the office of Bishop or Chancellor.
- (2) Neither the making altering or repealing of any Ordinance nor the exercise of any power of the Synod shall be vitiated by reason of:

- (a) the fact that any person to be elected or appointed to the Synod has not been elected or appointed; or
- (b) any informality with respect to the election or appointment of any member of the Synod; or
- (c) the failure to give or send a summons or notice of any kind or a copy of any measure to any member of the Synod, unless at the session of the Synod at which the power is exercised or the measure for the Ordinance is considered the Synod by a majority of two thirds of its members present and voting as a whole shall otherwise determine.

Ordinances

20. An Ordinance shall be made altered or repealed by measure passed in accordance with the following procedure:-

- (a) A copy of the measure shall have been sent to each member of the Synod not less than fourteen days before the first day of the session of the Synod at which the measure is to be presented;
- (b) On the passing of the measure (with or without amendment) the President may declare that the measure shall not take effect until it has been confirmed at a subsequent session of the Synod, or any member of the Synod may thereupon move that the measure shall not take effect until it has been confirmed at a subsequent session of the Synod. It shall not be possible to require a vote by orders for such a motion, and any such motion shall be deemed to have been passed if not less than one third of the members of the Synod present and voting vote in favour of the motion;
- (c) If the Bishop be absent or the See be vacant the measure shall not take effect until it has been confirmed at a subsequent session of the Synod at which the Bishop is present;
- (d) Subject to the passing or confirmation of the measure as the case may require, the Ordinance shall take effect from the date specified therein or, if no such date is specified, from the date of such passing or confirmation.

CHAPTER IV - THE DIOCESAN COUNCIL

Composition

21. (1) There shall be a Diocesan Council which shall consist of :-

- (a) the Bishop, ~~the Assistant Bishop (if any)~~, the Commissary (if any) or the Administrator (as the case requires and if not already a member of the Diocesan Council) and the Dean ex officio;
- (b) the Assistant Bishop (if any) or, if there is more than one Assistant Bishop, an Assistant Bishop nominated by the Bishop at each election Synod; two Archdeacons appointed by the Bishop;

(c) the Chancellor and the Secretary of Synod ex officio, who shall be non-voting members;

(d) so many members of the Synod being not fewer than three members of the clergy and six lay members of the Synod as the Synod shall by Ordinance determine;

(e) ~~deleted such other communicants not exceeding six in number as the Synod shall by Ordinance determine who need not be members of the Synod;~~

(f) not more than two other communicants whom the Diocesan Council may from time to time appoint and who need not be members of the Synod.

(2) For the purposes of this section a non-voting member means a person who is entitled to be given notice of and to attend a meeting of the Diocesan Council and to speak at such meeting but not to vote thereat.

(3) The method of election or appointment of the persons mentioned in paragraphs (d) ~~and (e)~~ of subsection (1) shall be as prescribed by Ordinance.

(4) An Ordinance may deal with casual vacancies in the membership of the Diocesan Council.

Powers

22. The Diocesan Council shall be a council of advice to the Bishop and the executive committee of the Synod and subject to the provisions of the several Ordinances of the Synod and to any general or special direction of the Synod shall have power in the name and on behalf of the Synod to exercise or perform all or any of the rights authorities and powers of the Synod save and except the making altering or repealing of any Ordinance the altering or repealing of this Constitution and the exercise of any right authority or power to which the Synod shall by Ordinance declare that this Section shall not apply.

Regulation of Affairs

23. The election or appointment of persons to and the regulation of the affairs of and the term of office of members of the Diocesan Council shall be prescribed by Ordinance of the Synod.

CHAPTER V - PARISHES

Registration

24. Subject to the provisions of Section 25 of this Constitution the conditions for registration and termination of registration of a parish, the qualifications for membership of a parish and the conditions for registration of changes in the

composition or name of a parish shall be determined and may be varied from time to time in such manner as the Synod shall by Ordinance determine.

Procedure for Registration of a Parish

25. The Synod shall not register a new parish unless the persons desiring to form it shall have held a meeting presided over by the Bishop or his nominee at which a resolution in the form contained in the Sixth Schedule hereto shall have been passed by a majority of those present and voting and the person presiding thereat shall have signed and delivered to the Secretary of Synod a certificate in the form of the Sixth Schedule.

Church Property

26. The fee simple or any other right title or interest of the Synod or of any parish or congregation or of any members of the Church in any land used for the purposes of the Church within the Diocese shall be vested in the Synod or in such other trustee or trustees as the Synod shall approve and upon such trusts as the Synod shall from time to time have approved or adopted.

CHAPTER VI - THE SEAL

Sealholders

27. The sealholders of the Synod shall comprise the Bishop and seven members of the Synod of whom not fewer than two shall be members of the clergy and not fewer than three shall be lay members of the Synod and who shall be elected by the Synod.

Use of Seal

28. Any deed instrument or document required to be made or executed under the seal of the Synod shall be deemed not to be duly made or executed unless two of the sealholders for the time being shall have signed the same and the Secretary of Synod or some other person authorised by the Diocesan Council to do so shall have countersigned the same.

Authority

29. The seal shall not be affixed to any deed instrument or document without the authority of the Diocesan Council or of a committee of the Diocesan Council if the Diocesan Council shall so determine.

CHAPTER VII - AMENDMENT OF THE CONSTITUTION

Procedure

30. This Constitution may be amended or repealed by measure passed in accordance with the following procedure:-

- (a) A copy of the measure shall be sent to each member of the Synod not less than fourteen days before the first day of the session of the Synod at which the measure is to be presented;
- (b) Voting on the measure (with or without amendment) shall be by orders in accordance with the provisions of section 18 hereof provided that the measure shall be deemed not to have been passed unless it is agreed to by two thirds of those present in each of the orders of lay members of the Synod and members of the clergy and by the Bishop and unless it is confirmed in like manner at a subsequent session of the Synod.

CHAPTER VIII - INTERPRETATION

Definitions

31 In this Constitution and in any Ordinance unless the context or subject matter otherwise indicates:-

- (a) "Administrator" means the administrator of the Diocese appointed pursuant to section 6A;

"Archdeacon" means a person appointed to such office by the Bishop who shall hold office for such period and shall have such powers and functions as the Bishop may from time to time determine;

"Assistant Bishop" means a person in bishop's orders appointed to such office in accordance with any ordinance provided that where the context requires reference to one such person only and there is more than one office of Assistant Bishop it shall mean the Assistant Bishops in order of seniority.

"Bishop" means the Bishop of the Diocese for the time being who is by virtue of the constitution of the Province of South Australia the Metropolitan Bishop of the Province and is styled the Archbishop of Adelaide. Except for the purposes of Chapters I and II and sections 17, 18, 19, 20 and 30 and the definitions of "Archdeacon" and "Dean", the expression shall include the Commissary or Administrator as the case requires during any incapacity or absence from the Diocese of the Bishop or during any vacancy of the See;

"Chancellor" means the Chancellor of the Diocese appointed pursuant to section 11 hereof;

"member of the clergy" or "licensed member of the clergy" means a bishop, priest or deacon holding a licence from the Bishop;

"Commissary" means a Commissary appointed pursuant to section 6A;

"Communicant" means a member of the Church who communicates at least three times in the year;

"Congregation" means a congregation of members of the Church who meet regularly for worship and which has been registered as a congregation by the Synod in such manner as the Synod shall by Ordinance determine;

"Dean" means the person appointed as the Dean of the Cathedral Church of St Peter by the Bishop, subject to such conditions (if any) as may be lawfully prescribed;

"Diocese" means the Diocese of Adelaide of The Anglican Church of Australia;

"lay member of the Synod" means a member of the Synod other than the Bishop, and any member of the clergy, and includes, if the Synod shall by Ordinance provide for the appointment or election of such persons, an alternate lay member of the Synod;

"Member of the Church" means a baptised person who attends the public worship of The Anglican Church of Australia and who declares that he or she is a member of The Anglican Church of Australia and not a member of any other religious denomination;

"Parish" means an ecclesiastical unit comprising members of the Church the pastoral care of whom has been committed to one or more members of the clergy licensed thereto by the Bishop and which has been registered as a parish in such manner as the Synod shall by Ordinance determine;

"General licence clergy" means members of the clergy who hold a general licence to officiate and no other licence.

"Secretary of Synod" means the secretary for the time being of the Synod appointed in such manner as the Synod shall by Ordinance determine. The Secretary of Synod shall be the Public Officer of the Synod;

"Synod" means The Synod of the Diocese of Adelaide of The Anglican Church of Australia.

- (b) Words importing the masculine shall include the feminine and vice versa;
- (c) Words importing the singular shall include the plural and vice versa;
- (d) Seniority of an Assistant Bishop or Archdeacon, shall be determined by the length of his or her continuous service in such office, and where two or more have the same length of service, by his or her seniority in priest's orders;
- (e) Headings to sections are for reference only and shall not affect the proper interpretation of this Constitution or any Ordinance;
- (f) Any reference to the Constitution of The Anglican Church of Australia includes any amendment thereof.

Reference of Questions to Appellate Tribunal

32. (1) Any resolution of the Synod referred to in section 63 of the Constitution of The Anglican Church of Australia shall be deemed to have been made if not less than one quarter of all the members of the Synod vote in favour of the resolution.
- (2) It shall not be possible to require a vote of orders for such a resolution.

THE FIRST SCHEDULE

(Section 5)

I _____ having been duly
elected or appointed as Bishop of the See of Adelaide DO HEREBY DECLARE

1. That subject to the provisions of The Anglican Church of Australia Constitution Act 1961-80 I submit to and agree to be bound by the Constitution of The Anglican Church of Australia and the Canons and Rules made thereunder from time to time in force insofar as they may apply.
2. That I submit to and agree to be bound by the Constitution of the Diocese of Adelaide and every Ordinance of the Synod from time to time in force.
3. That I will hold the said Office under and subject to all terms stipulations and provisions of the Trusts of the said See from time to time in force and will well and faithfully observe and perform the same and conform thereto in every respect.
4. That I will submit and conform to any sentence lawfully passed upon me and that I undertake and agree to give up to the Synod or other trustee for the time being on demand of the Administrator, the Synod or other trustee possession of such real and personal estate and effects as I may hold or be entitled to by virtue of my office at the time if and when sentenced according to the Constitution of The Anglican Church of Australia to suspension from office, expulsion from office, deprivation of rights or emoluments appertaining to office or deposition from holy orders and that in the event of such sentence I shall hold such real and personal estate and effects as tenant at will of the Synod or other trustee.

IN WITNESS whereof I have hereunto set my hand and seal this

_____ day of _____

_____ in the year of our Lord

in the presence of:

THE SECOND SCHEDULE

(Section 11)

I _____ having been appointed
Chancellor of the Diocese of Adelaide HEREBY ACKNOWLEDGE that The
Anglican Church of Australia, being an Apostolic Church, receives and retains the
Catholic Faith, which is grounded in Holy Scripture and expressed in the Creeds,
and within its own history, in the Thirty-nine Articles, in the Book of Common
Prayer and in the Ordering of Bishops, Priests and Deacons. Accordingly, I do
solemnly make the following declarations:

1. I firmly and sincerely believe the Catholic Faith and I give my assent to the doctrine of The Anglican Church of Australia as expressed in the Thirty-nine Articles of Religion, the Book of Common Prayer and the Ordering of Bishops, Priests and Deacons and I believe that doctrine to be agreeable to the Word of God.
2. I submit to and agree to be bound by the Constitution of the Diocese of Adelaide and every Ordinance made thereunder from time to time in force.
3. I promise to perform the duties of my office honestly, impartially, faithfully and to the best of my judgement and ability and in accordance with and subject to the said Constitution and Ordinances.

Signature: _____

Witness: _____

Date: _____

THE THIRD SCHEDULE

(Section 12)

I _____ being about to be licensed as a member of the clergy in the Diocese of Adelaide DO HEREBY DECLARE

1. That subject to the provisions of The Anglican Church of Australia Constitution Act 1961-80 I submit to and agree to be bound by the Constitution of The Anglican Church of Australia and the Canons and Rules made thereunder from time to time in force insofar as they may apply in the Diocese.
2. That I submit to and agree to be bound by the Constitution of the Diocese of Adelaide and every Ordinance from time to time in force.
3. That as a member of The Synod of the Diocese of Adelaide of The Anglican Church of Australia Incorporated I promise to perform the duties thereof and the duties of any office to which I may be elected or appointed pursuant to the said Constitution and Ordinances honestly, impartially, faithfully and to the best of my judgement and ability and in accordance with and subject to the said Constitution and Ordinances.
4. That I undertake and agree to give up to the Synod or other trustee for the time being on demand by the Bishop possession of such real and personal estate and effects as I may hold or be entitled to by virtue of any office or appointment or charge which I may now or hereafter hold or possess within the Diocese if and when sentenced according to the Constitution and Ordinances of the Diocese to deprivation or suspension or if and when my licence or authority or appointment is lawfully revoked or cancelled by the Bishop and that in the event of such deprivation, suspension, revocation or cancellation I shall hold such real and personal estate and effects as tenant at will of the Bishop for the time being.

Signature: _____

Witness: _____

Date: _____

THE FOURTH SCHEDULE

(Section 13 (1))

I DO HEREBY DECLARE that I am a member of The Anglican Church of Australia, that I am a communicant of the said Church, that I do not belong to any other religious denomination, that I have received the Holy Communion not less than three times during the past twelve months, that I have attained the age of sixteen years, that I am a member of the parish of:

.....

and that I do not consider myself to be a member of any other parish in the Diocese of Adelaide

Signature: _____ Witness: _____

Date: _____

THE FIFTH SCHEDULE

(Section 13(2))

I

of

DO HEREBY DECLARE

1. That I am a member of The Anglican Church of Australia and that I am a communicant of the said Church;
2. That I belong to no other religious denomination;
3. That I am a member of the Anglican Parish of and that I do not consider myself to be a member of any other Anglican parish in the Diocese of Adelaide.
4. That I have received the Holy Communion not less than three times during the past twelve months;
5. That I have attained the age of 18 years;
6. That I submit to and agree to be bound by:
(a) the Constitution of the Diocese of Adelaide;
(b) every Ordinance from time to time in force; and
(c) any lawful direction made under the Constitution or any Ordinance that applies to lay members of the Synod.
7. That I hereby accept the office of lay member of the Synod and any other office to which I may be elected or appointed pursuant to the said Constitution and Ordinances and promise to perform the duties thereof honestly, impartially, faithfully and to the best of my judgement and ability and in accordance with and subject to the said Constitution and Ordinances.
8. That I acknowledge that my appointment to the Synod relates to my membership of the Parish of for the duration of the three years of the current Synod triennium and that I may be removed from office if I cease to be a member of that Parish.

Signature: _____ Witness: _____

Date: _____

THE SIXTH SCHEDULE

(Section 25)

I

.....HEREBY CERTIFY
that at a meeting at which I presided held at
.....(place) ondate) of persons all of whom
declared themselves to be members of The Anglican Church of Australia and who
agreed to be bound by the Constitution of the Diocese of Adelaide and every Ordinance
from time to time in force thereunder and the pastoral care of whom has been committed
to one or more members of the clergy licensed thereto by the Bishop the following
motion was passed:-

"That this meeting, comprising members of The Anglican Church of Australia the
pastoral care of whom has been committed to one or more members of the clergy
licensed thereto by the Bishop being desirous of being registered as a parish under the
title of

.....

hereby requests the Synod to register such parish.

Signature: _____

Date: _____

Passed 19th September 1977. Confirmed 10th April 1980

References: The Constitution has been amended by the following Measures:

Constitution Amendment Measure 1980

Passed 10th April 1980. Confirmed 16th September 1980

Constitution Amendment Measure (No. 1) 1984

Passed 15th September 1984 - Confirmed 22nd September 1985

Constitution Amendment Measure (No. 2) 1984

Passed 17th September 1984 - Confirmed 20th September 1985

Constitution Amendment Measure 1986

Passed 22nd September 1986 - Confirmed 18th September 1987

Constitution Amendment Measure 1987

Passed 20th September 1987 - Confirmed 16th September 1988

The Constitution Amendment (Administrator) Measure 1989

Passed 17th September 1989 - Confirmed 16th September 1990

The Constitution Amendment (Membership of Synod) Measure 1994

Passed 17th September 1994 - Confirmed 28 July 1995.

The Constitution Amendment (Voting Age) Measure 1994

Passed 17th September 1994 - Confirmed 28 July 1995

The Constitution Amendment (Sessions of Synod) Measure 1998

Passed 6th September 1998 – Confirmed 16th December 1998

The Constitution Amendment (Term of Office) Measure 2000

Passed 29 May 1999 – Confirmed 20 May 2000

The Constitution Amendment (Diocesan Council) Measure 2006

Passed 29 October 2006 – Confirmed 26 May 2007

The Constitution Amendment (Date of Synod) Ordinance 2008

Passed 25 October 2008 – Confirmed 23 May 2009

The Constitution Amendment (Election of Lay Members of Synod) Ordinance 2009

Passed 24 October 2009 – Confirmed 22 October 2010

The Constitution Amendment (Section 31, Interpretation “Assistant Bishop”)

Passed 22 October 2010 – Confirmed 21 October 2011

The Constitution Amendment (Commissary, Virtual Meetings, Lay Members of Synod) Measure: Passed 16 October 2021 – Confirmed 15 October 2022

A MEASURE FOR

AN ORDINANCE to amend the *Diocesan Council Ordinance 2007*.

NOW THE SYNOD HEREBY DETERMINES:

Part 1 - Preliminary

1 - Short title

This Ordinance may be cited as the *Diocesan Council (Governance) Amendment Ordinance 2023*.

2 - Commencement

This Ordinance will come into operation upon the confirmation by Synod of the *Constitution (Membership of Diocesan Council) Amendment Measure 2023* in accordance with section 30(b) of the *Constitution*.

3 - Amendment of principal ordinance

The *Diocesan Council Ordinance 2007* is amended in the manner set out in Part 2.

Part 2 - Amendment of the *Diocesan Council Ordinance 2007*

4 - Amendment of Section 3—Composition

- (1) Section 3(b) –delete paragraph (b) and substitute:
 - (b) the person referred to in paragraph (b) of section 21(1) of the Constitution
- (2) Section 3(d) - delete “four” and substitute:

six

5- Amendment of Section 4 - Election and appointment of members

- (1) Section 4(1) - delete subsection (1) and substitute:
 - (1) Persons referred to in section 3(d) shall be elected to the Diocesan Council according to the following schedule:
 - (a) at each election Synod four lay members and three clergy members of the Synod will be elected to the Diocesan Council, to hold office until the next election Synod;
 - (b) at the first annual session of Synod following an election Synod, four lay members and three clergy members of Synod will be elected to the Diocesan

Council, to hold office until the first annual session of Synod following the next election Synod.

(2) Section 4(2) – delete subsection (2) and substitute:

(2) At its first meeting after the second annual session of Synod following an election Synod, the Diocesan Council may appoint the persons referred to in section 3(f), to hold office until the first meeting of Diocesan Council after the second annual session of Synod following the next election Synod.

(3) Section 4(4) – delete subsection (4)

6 – Amendment of Section 5 – Vacancies

Section 5(4) – after paragraph (a) insert:

(b) under section 3(b) will be filled by the Bishop;

7 - Schedule - Transitional provisions

After section 16 insert:

17 Completion of term

Members of the Diocesan Council holding office under section 3(d) immediately before the commencement of this *Diocesan Council (Governance) Amendment Ordinance 2023* will, subject to section 5, continue to hold office until the election Synod in 2025.

18 2025 Election Synod

(1) At the election Synod in 2025, six members of the clergy and eight lay members of Synod will be elected in accordance with section 3(d).

(2) The
(a) three clergy candidates; and
(b) four lay candidates,
recording the highest number of votes will hold office until the beginning of the next election Synod.

(3) The
(a) three clergy candidates; and
(b) four lay candidates,
recording the next highest number of votes will hold office until the beginning of the 2026 annual session of Synod.

DIOCESAN COUNCIL ORDINANCE 2007

AN ORDINANCE to provide for the appointment and the regulation of the affairs of the Diocesan Council; to repeal The Diocesan Council Ordinance 1980; and for other purposes.

THE SYNOD HEREBY DETERMINES:

Part 1—Preliminary

Title

1. This Ordinance may be cited as the “Diocesan Council Ordinance 2007”.

Interpretation

2. In this Ordinance, unless the context or the subject matter otherwise indicates:

“**election Synod**” means a Synod at which the elections held pursuant to *The Elections and Appointment Ordinance 1980* take place;

“**election year**” means an election year under section 14 of the Constitution;

Part 2—Diocesan Council

Composition

3. The Diocesan Council will consist of:
 - (a) the persons referred to in paragraph (a) of section 21(1) of the Constitution *ex officio*;
 - (b) the person referred to in paragraph (b) of section 21(1) of the Constitution;
~~two Archdeacons appointed by the Bishop pursuant to paragraph (b) of section 21(1) of the Constitution;~~
 - (c) the Chancellor and the Secretary of Synod *ex officio* pursuant to paragraph (c) of section 21(1) of the Constitution (who will be non-voting members);
 - (d) pursuant to paragraph (d) of section 21(1) of the Constitution, ~~four~~ six members of the clergy and eight lay members of the Synod elected by the Synod;
 - (e) deleted

- (f) not more than two other communicant members of the Church, as may be appointed by the Diocesan Council pursuant to paragraph (f) of section 21(1) of the Constitution.

Election and appointment of members

4. (1) ~~An Archdeacon appointed under section 3(b) will hold office until the Bishop appoints another Archdeacon in his or her place. Persons referred to in section 3(d) shall be elected to the Diocesan Council according to the following schedule:~~
- (a) ~~at each election Synod four lay members and three clergy members of the Synod will be elected to the Diocesan Council, to hold office until the next election Synod;~~
- (b) ~~at the first annual session of Synod following an election Synod, four lay members and three clergy members of Synod will be elected to the Diocesan Council, to hold office until the first annual session of Synod following the next election Synod.~~
- ~~(2) The persons referred to in section 3(d) will be elected by ballot at each election Synod and a person so elected will hold office until a successor is elected at an election Synod.~~
- ~~(2) At its first meeting after the second annual session of Synod following an election Synod, the Diocesan Council may appoint the persons referred to in section 3(f), to hold office until the first meeting of Diocesan Council after the second annual session of Synod following the next election Synod.~~
- ~~(3) deleted~~
- ~~(4) A person referred to in section 3(f) may be appointed by the Diocesan Council at any time and will hold office for such period as the Diocesan Council may determine or until the day preceding the date appointed for the first meeting of the Diocesan Council after an election Synod, whichever period is the shorter.~~

Vacancies

5. (1) A member of the Diocesan Council holding office under section 3(d) or (f) may resign by notice in writing to the Bishop.
- (2) A lay member of the Diocesan Council holding office under section (3)(d) will cease to be a member by force of this subsection if he or she ceases to be a member of the Synod other than in accordance with section 14(1) of the Constitution.

- (3) A member of the Diocesan Council holding office under section 3(d) or (f) will cease to be a member by force of this subsection if he or she is absent from three consecutive meetings of the Diocesan Council without leave of absence.
- (4) A casual vacancy—
 - (a) under section 3(d) will be filled by election at the next meeting of Synod;
 - (b) ~~deleted~~ under section 3(b) will be filled by the Bishop;
 - (c) under section 3(f) will be filled by the Diocesan Council.
- (5) A person appointed under subsection (4) will hold office for the balance of the term of the person's predecessor.
- (6) The Diocesan Council may continue to act despite a vacancy in an office.

Meetings and quorum

6. (1) The Diocesan Council must meet at least six times in each calendar year, at times and places determined by the Diocesan Council.
- (2) The Bishop will preside at a meeting of the Diocesan Council and in the absence of the Bishop the Assistant Bishop (if any) will preside and in the absence of the Assistant Bishop (if any) or in any other case the members present at the meeting will elect a chair.
- (3) Nine members of the Diocesan Council, comprising not less than four ordained persons and not less than four lay persons, form a quorum of the Diocesan Council.
- (4) In determining whether a quorum for a meeting has been established, non-voting members of Diocesan Council are not to be counted.

Committees

7. (1) The Diocesan Council may appoint such committees as the Diocesan Council thinks fit to assist the Diocesan Council in the performance of any function or to exercise any power of the Diocesan Council on behalf of the Diocesan Council.
- (2) A committee of the Diocesan Council may include members who are not members of the Diocesan Council but must have at least one member of the Diocesan Council as a member of the Committee.

- (3) A committee of the Diocesan Council has such functions as are specified by the Diocesan Council.
- 7A. (1) The Diocesan Council may delegate any of its functions or powers -
 - (a) to a committee of the Diocesan Council; or
 - (b) to a person occupying a specified office or position.
- (2) A delegation under this section -
 - (a) may be subject to such conditions as the Diocesan Council thinks fit; and
 - (b) is revocable at will and does not derogate from the power of the Diocesan Council to act in any matter itself.

Records

- 8. (1) The Diocesan Council must—
 - (a) keep proper records of its proceedings; and
 - (b) furnish to the Synod an annual report of its activities including the exercise of its powers on behalf of the Synod and of the activities of its committees including the exercise of their delegated powers and functions on behalf of the Diocesan Council and any other report required by the Synod from time to time;
 - (c) ensure proper records of its Committees are kept; and
 - (d) maintain a delegations register.
- (2) The annual report of the Diocesan Council must include a full account of the income and expenditure of all funds under the control and management of the Synod.
- (3) Diocesan Council shall report to Synod all new policies established by the Diocesan Council and amendments to existing policies, and Synod may by resolution amend any such policy.

Part 3 – sections 9 – 13 deleted

Part 4 – section 14 deleted

Part 5—Interim arrangements following repeal of MDC Ordinance

- 15. (1) deleted
- (2) deleted

- (3) The Diocesan Council may exercise such powers as may be conferred on it by the Rules of the Anglican Home Mission Society Inc.

Part 6—Repeal and Transitional arrangements

Repeal

16. *The Diocesan Council Ordinance 1980* is repealed.

17 Completion of term

Members of the Diocesan Council holding office under section 3(d) immediately before the commencement of this *Diocesan Council (Governance) Amendment Ordinance 2023* will, subject to section 5, continue to hold office until the election Synod in 2025.

18 2025 Election Synod

- (1) At the election Synod in 2025, six members of the clergy and eight lay members of Synod will be elected in accordance with section 3(d).

- (2) The

(a) three clergy candidates; and

(b) four lay candidates,

recording the highest number of votes will hold office until the beginning of the next election Synod.

- (3) The

(a) three clergy candidates; and

(b) four lay candidates,

recording the next highest number of votes will hold office until the beginning of the 2026 annual session of Synod.

Legislative History

Passed 26 May 2007.

Amended on and effective from 15 October 2022: sections 1,2,3,4(1), 4(3), 5(1), 5(3), 5(4), 6(3), 6(4), 7(2), 7(3), 7(4), 7A, 8(1), 8(3), 15(1), 15(2), 17 and deletion of Parts 3 and 4

Notes to Motion 24 SEXUAL HARASSMENT – Stephen Bloor & Joan Riley

The [Anti-Discrimination and Human Rights Legislation Amendment \(Respect at Work\) Act 2022 \(Cth\)](#) has made many significant changes to the way Sexual harassment is understood in the workplace. This Resepect@work fact sheet has been recommended to be read as context to this motion.

[Respect@work What does the law say about workplace sexual harassment?](#)

The Anti-Discrimination and Human Rights Legislation Amendment (Respect at Work) Act 2022 (Cth) seeks to implement seven of the 55 recommendations from the Australian Human Rights Commission's (AHRC) Respect@Work Report. Significantly, it imposes a positive duty on employers to "take reasonable and proportionate measures" to eliminate, as far as possible, certain discriminatory conduct including workplace sex discrimination, harassment, and victimisation.

The Respect@Work Report's recommendations proposed a new approach spanning government, employers and the community, to better prevent and respond to sexual harassment in the workplace and provide leadership and innovation in addressing this complex and difficult issue.

Community and political consensus is clear that Australia needs to change the way it thinks about what constitutes a 'safe workplace'.

The Act enacts legislative recommendations which shift the focus from reactive, complaints-based responses regarding individual incidents to a more proactive and preventative approach.

It puts the onus on employers to assume harassment and discrimination is happening and take action to prevent and eliminate it.

As such, the Diocese has an obligation to its employees, officers, volunteers and those we engage within it's 'positive duty' in preventing sex-based harassment and discrimination in the workplace. This motion is about ensuring that we have appropriate policies in place to meet our legal obligations.

There are four discussion papers arising from motions at the 168th Annual session:

1. Parish Rolls
2. Assessment Models
3. Diocesan Council Purpose size and Composition
4. Provision of Ordained Ministry

The discussion papers were circulated by the Secretary of Synod to Synod members well before the Notice Paper was issued and may be accessed here: <https://adelaideanglicans.com/synod-2023-discussion-papers/>

Notes to Motion 27 APPELLATE TRIBUNAL – Matthew Anstey and Andrew Minter

The motion noting the *Appellate Tribunal's Wangaratta Reference* cites several lengthy documents pertaining to this matter.

Here are the links to the full-text of these documents:

The Appellate Tribunal Wangaratta Reference: <https://anglican.org.au/wp-content/uploads/2020/11/AT-Wangaratta-formatted-11112020FINAL.pdf>

The full text of the book *Marriage, Same-sex Marriage and the Anglican Church of Australia: Essays from the Doctrine Commission* 2019: <https://garrattpublishing.com.au/product/9780648265948>

The full text of the book *The Line in the Sand: The Appellate Tribunal Opinion and the Future of the Anglican Church of Australia*, 2022: <https://www.australianchurchrecord.net/lits/>

Here also is a link to an article by an Anglican lawyer about the legal issues at stake and the subsequent creation of the Diocese of the Southern Cross, in *The Conversation* by Dr Renae Barker, Senior Lecturer in Law at The University of Western Australia, Advocate of the Diocese of Bunbury and member of General Synod: <https://theconversation.com/behind-the-split-of-the-anglican-church-in-australia-over-gay-marriage-188893>

Information on the Appellate Tribunal and its role in the Anglican Church of Australia (ACA) can be found on the website of the ACA (www.anglican.org.au). It says this by way of introduction:

“The Appellate Tribunal is a national tribunal. It can hear and determine appeals from any determination by the Special Tribunal or an appeal from a diocesan or provincial tribunal. Every appeal is by way of a re-hearing. It may also deal with references in any matter relating to the powers of General Synod and involving questions of faith, ritual, ceremonial or discipline matter in the Church, as specified by relevant sections of the Constitution of the Anglican Church of Australia.

The Tribunal consists of three diocesan bishops and four lay people. Lay members need to be both a qualified lay representatives of a diocese and a legal professional, either as a judge or a practising barrister or solicitor. Provisions for appointing members are laid out in the Appellate Tribunal Canon 1981.” (<https://anglican.org.au/governance/tribunals/appellate-tribunal-current-matters/>)

Notes to Motion 29 RESPONDING TO GAFCON AND THE KIGALI COMMITMENT

Matthew Anstey and Peter Sandeman

Our motion refers to two published documents, *The Kigali Commitment* and the *National Comprehensive Anglicanism Network's (NCAN) Response to the Kigali Commitment*.

The full-text of both is as follows:

GAFCON IV – The Kigali Commitment

[Christ] is the head of the body, the church; he is the beginning and the firstborn from among the dead, so that in everything he might have the supremacy. Colossians 1:18

Greetings from Kigali, Rwanda, where the fourth Global Anglican Future Conference (GAFCON) met from 17-21 April 2023, bringing together 1,302 delegates from 52 countries, including 315 bishops, 456 other clergy and 531 laity.

We were grateful for the extraordinary hospitality extended by Archbishop Laurent Mbanda and the Anglican Church of Rwanda. We were deeply saddened to hear the news of the loss of Laurent and Chantal's son Edwin, and we continue to offer our prayers of comfort for the Mbanda family.

We were also privileged to be welcomed and addressed by the Prime Minister of the Republic of Rwanda, the Right Honourable Edouard Ngirente who spoke of the significance of our gathering.

Our conference theme for 2023 'To Whom Shall We Go?' (John 6:68), along with our Bible studies in the Letter to the Colossians, focused our attention on Jesus, the one in whom all the fullness of God dwells in bodily form, the Lord of all creation and the head of his body, the church (Colossians 1:15-19; 2:9).

Our Chairman in his opening address encouraged us to be a repenting church, a reconciling church, a reproducing church and a relentlessly compassionate church. This is the church we want to be.

We were reminded that the purpose and mission of the church is to make known to a lost world the glorious riches of the gospel by proclaiming Christ crucified and risen, and living faithfully together as his disciples.

Our Fellowship Together

We gave thanks for God's goodness and faithfulness to the Gafcon movement since its inception in 2008, as we rejoiced in a new generation of emerging leaders. It is God who unites us to himself and to one other in the power of his Spirit (1 Corinthians 12:13). From the diversity of our different backgrounds and cultures we delighted in our unity in Christ and the love that we share.

Many among us are from contexts of persecution or conflict and we know that as one part of the body suffers, we all suffer. Some were unable to attend the conference because of this. We prayed for our brothers and sisters in Sudan, and for the suffering church. We also heard testimony of the power of the gospel to transform lives even in these circumstances through the prayer, kindness and compassion of Christians.

The Authority of God's Word

The current divisions in the Anglican Communion have been caused by radical departures from the gospel of the Lord Jesus Christ. Some within the Communion have been taken captive by hollow and deceptive philosophies of this world (Colossians 2:8). Such a failure to hear and heed God's Word undermines the mission of the church as a whole.

The Bible is God's Word written, breathed out by God as it was written by his faithful messengers (2 Timothy 3:16). It carries God's own authority, is its own interpreter, and it does not need to be supplemented, nor can it ever be overturned by human wisdom.

God's good Word is the rule of our lives as disciples of Jesus and is the final authority in the church.

It grounds, energises and directs our mission in the world. The fellowship we enjoy with our risen and ascended Lord is nourished as we trust God's Word, obey it and encourage each other to allow it to shape each area of our lives.

This fellowship is broken when we turn aside from God's Word or attempt to reinterpret it in any way that overturns the plain reading of the text in its canonical context and so deny its truthfulness, clarity, sufficiency, and thereby its authority (Jerusalem Declaration #2).

The Current Crisis in the Anglican Communion

Despite 25 years of persistent warnings by most Anglican Primates, repeated departures from the authority of God's Word have torn the fabric of the Communion. These warnings were blatantly and deliberately disregarded and now without repentance this tear cannot be mended.

The latest of these departures is the majority vote by the General Synod of the Church of England in February 2023 to welcome proposals by the bishops to enable same-sex couples to receive God's blessing. It grieves the Holy Spirit and us that the leadership of the Church of England is determined to bless sin.

Since the Lord does not bless same-sex unions, it is pastorally deceptive and blasphemous to craft prayers that invoke blessing in the name of the Father, Son and Holy Spirit.

Any refusal to follow the biblical teaching that the only appropriate context for sexual activity is the exclusive lifelong union of a man and a woman in marriage violates the created order (Genesis 2:24; Matthew 19:4–6) and endangers salvation (1 Corinthians 6:9).

Public statements by the Archbishop of Canterbury and other leaders of the Church of England in support of same-sex blessings are a betrayal of their ordination and consecration vows to banish error and to uphold and defend the truth taught in Scripture.

These statements are also a repudiation of Resolution I.10 of the 1998 Lambeth Conference, which declared that 'homosexual practice is incompatible with Scripture,' and advised against the 'legitimising or blessing of same sex unions'. This occurred despite the Archbishop of Canterbury having affirmed that 'the validity of the resolution passed at the Lambeth Conference 1998, I.10 is not in doubt and that whole resolution is still in existence'.

The 2022 Lambeth Conference demonstrated the deep divisions in the Anglican Communion as many bishops chose not to attend and some of those who did withdrew from sharing at the Lord's table.

The Failure of the Archbishop of Canterbury and the Other Instruments of Communion

We have no confidence that the Archbishop of Canterbury nor the other Instruments of Communion led by him (the Lambeth Conference, the Anglican Consultative Council and the Primates' Meetings) are able to provide a godly way forward that will be acceptable to those who are committed to the truthfulness, clarity, sufficiency and authority of Scripture. The Instruments of Communion have failed to maintain true communion based on the Word of God and shared faith in Christ.

All four Instruments propose that the way ahead for the Anglican Communion is to learn to walk together in 'good disagreement'. However we reject the claim that two contradictory positions can both be valid in matters affecting salvation. We cannot 'walk together' in good disagreement with those who have deliberately chosen to walk away from the 'faith once for all delivered to the saints' (Jude 3). The people of God 'walk in his ways', 'walk in the truth', and 'walk in the light', all of which

require that we do not walk in Christian fellowship with those in darkness (Deuteronomy 8:6; 2 John 4; 1 John 1:7).

Successive Archbishops of Canterbury have failed to guard the faith by inviting bishops to Lambeth who have embraced or promoted practices contrary to Scripture. This failure of church discipline has been compounded by the current Archbishop of Canterbury who has himself welcomed the provision of liturgical resources to bless these practices contrary to Scripture. This renders his leadership role in the Anglican Communion entirely indefensible.

Call for Repentance

Repentance defines and shapes the Christian life and the life of the church. Each day at the Conference, in response to God's Word in Colossians, we were led in a time of repentance.

Recognising our own sins, and in humility as forgiven sinners, we pray that those who have denied the orthodox Christian faith in word or deed would repent and return to the Lord (Jerusalem Declaration #13).

Since those who teach will be judged more strictly (James 3:1), we call upon those provinces, dioceses and leaders who have departed from biblical orthodoxy to repent of their failure to uphold the Bible's teaching. This includes matters such as human sexuality and marriage, the uniqueness and divinity of Christ, his bodily resurrection, his promised return, the summons to faith and repentance and the final judgment.

We long for this repentance but until they repent, our communion with them remains broken.

We consider that those who refuse to repent have abdicated their right to leadership within the Anglican Communion, and we commit ourselves to working with orthodox Primates and other leaders to reset the Communion on its biblical foundations.

Support for Faithful Anglicans

Since the inception of Gafcon, it has been necessary for the Gafcon Primates to recognise new orthodox jurisdictions for faithful Anglicans, such as the Anglican Church in North America (ACNA), the Anglican Church in Brazil, the Anglican Network in Europe (ANiE), the Church of Confessing Anglicans Aotearoa New Zealand, and the Diocese of the Southern Cross. We encourage the Gafcon Primates to continue to provide such safe harbour for faithful Anglicans.

In view of the current crisis, we reiterate our support for those who are unable to remain in the Church of England because of the failure of its leadership. We rejoice in the growth of the ANiE and other Gafcon-aligned networks.

We also continue to stand with and pray for those faithful Anglicans who remain within the Church of England. We support their efforts to uphold biblical orthodoxy and to resist breaches of Resolution I.10.

Appropriate Pastoral Care

Aware of our own sin and frailty, we commit ourselves to providing appropriate pastoral care to all people in our churches. This is all the more necessary in the current context of sexual and gender confusion, made worse by its deliberate and systematic promotion across the world.

Appropriate pastoral care affirms faithfulness in marriage and abstinence in singleness. It is not appropriate pastoral care to mislead people, by pretending that God blesses sexually active relationships between two people of the same sex. This is unloving as it leads them into error and places a stumbling block in the way of their inheriting the kingdom of God (1 Corinthians 6:9-11).

We affirm that every person is loved by God and we are determined to love as God loves. As Resolution I.10 affirms, we oppose the vilification or demeaning of any person including those who do not follow God's ways, since all human beings are created in God's image.

We are thankful to God for all those who seek to live a life of faithfulness to God's Word in the face of all forms of sexual temptation.

We pledge ourselves afresh to support and care for one another in a loving and pastorally sensitive way as members of Christ's body, building one another up in the Word and in the Spirit, and encouraging each other to experience God's transforming power as we walk by faith in the path of repentance and obedience that leads to fullness of life.

Resetting the Communion

We were delighted to be joined in Kigali by leaders of the Global South Fellowship of Anglican Churches (GSFA) and to host a combined Gafcon-GSFA Primates meeting. Together, these Primates represent the overwhelming majority (estimated at 85%) of Anglicans worldwide.

The leadership of both groups affirmed and celebrated their complementary roles in the Anglican Communion. Gafcon is a movement focused on evangelism and mission, church planting and providing support and a home for faithful Anglicans who are pressured by or alienated from revisionist dioceses and provinces. GSFA, on the other hand, is focused on establishing doctrinally based structures within the Communion.

We rejoice in the united commitment of both groups on three fundamentals: the lordship of Jesus Christ; the authority and clarity of the Word of God; and the priority of the church's mission to the world. We acknowledge their agreement that 'communion' between churches and Christians must be based on doctrine (Jerusalem Declaration #13; GSFA Covenant 2.1.6). Anglican identity is defined by this and not by recognition from the See of Canterbury.

Both GSFA and Gafcon Primates share the view that, due to the departures from orthodoxy articulated above, they can no longer recognise the Archbishop of Canterbury as an Instrument of Communion, the 'first among equals' of the Primates. The Church of England has chosen to impair her relationship with the orthodox provinces in the Communion.

We welcome the GSFA's Ash Wednesday Statement of 20 February 2023, calling for a resetting and reordering of the Communion. We applaud the invitation of the GSFA Primates to collaborate with Gafcon and other orthodox Anglican groupings to work out the shape and nature of our common life together and how we are to maintain the priority of proclaiming the gospel and making disciples of all nations.

Resetting the Communion is an urgent matter. It needs an adequate and robust foundation that addresses the legal and constitutional complexities in various Provinces. The goal is that orthodox Anglicans worldwide will have a clear identity, a global 'spiritual home' of which they can be proud, and a strong leadership structure that gives them stability and direction as Global Anglicans. We therefore commit to pray that God will guide this process of resetting, and that Gafcon and GSFA will keep in step with the Spirit.

Our Future Together

As we considered the future of our movement we welcomed the following seven priorities articulated by the General Secretary and endorsed by the Gafcon Primates.

We will engage in a **decade of discipleship, evangelism and mission (2023-2033)**.

We will devote ourselves to raising up the **next generation of leaders** in Gafcon through Bible-based theological education that will equip them to be Christ-centred and servant-hearted.

We will prioritise **youth and children's ministry** that instructs them in the Word of the Lord, disciples them to maturity in Christ and equips them for a lifetime of Christian service.

We will affirm and encourage the vital and diverse ministries, including leadership roles, of **Gafcon women** in family, church and society, both as individuals and as groups.

We will demonstrate the compassion of Christ through the many **Gafcon mercy ministries**.

We will resource and support **bishops' training** that produces faithful, courageous, servant leaders.

We will build the bonds of fellowship and mutual edification through **interprovincial visits of our Primates**.

Arising from our conference we encouraged the Primates Council also to prioritise discipleship for boys and men.

In order to pursue these priorities and to grow the work of the Gafcon movement, we endorsed the establishment of a foundation endowment. We also encouraged the Gafcon provinces to become financially self-sufficient, not only to advance mission but also to avoid being vulnerable to economic manipulation.

Most importantly of all, we commit ourselves afresh to the gospel mission of proclaiming the crucified, risen and ascended Christ, calling on all to acknowledge him as Lord in repentance and faith, and living out a joyful, faithful obedience to his Word in all areas of our lives. We will explore fresh ways to encourage each other, to pray for one another and to hold each other accountable in these things.

We commit ourselves into the hands of our almighty and loving heavenly Father with confidence that he will fulfil all his promises and, even through a time of pruning, Christ will build his church.

'To whom shall we go?'

We go to Christ who alone has the words of eternal life (John 6:68)

and then we go with Christ to the whole world. Amen

Kigali, Rwanda 21 April 2023

Here is the response from NCAN:

Australian Anglican Church in danger

Australian Anglicans who value our relationship to the Church of England and the Archbishop of Canterbury will be dismayed by recent decisions taken by the conservative Global Anglican Futures Conference (Gafcon). These decisions could see moves to take the Anglican Church of Australia out of communion with the Church of England.

At a meeting in Kigali, Rwanda, Gafcon rejected the authority of the Archbishop of Canterbury and the Church of England because they have authorised the blessing of same-sex marriages. The Gafcon position is that this is a rejection of Scriptural teaching and therefore of Scriptural authority. It also led Gafcon to reject the key structures that hold the Anglican Communion together (Archbishop of Canterbury; Lambeth Conference; Anglican Consultative Council; the Primates meetings).

Sydney Diocesan leaders were prominent in the Gafcon move. The statement rejecting the Archbishop of Canterbury's authority was prepared by a committee chaired by a Sydney regional bishop, Dr Michael Stead, who is also Chair of the Australian Anglican Church's Doctrine Commission. The Archbishop of Sydney, Kanishka Raffel, is now vice-chair of Global Gafcon.

Given that Sydney Diocese now has majority control of the Australian General Synod, it is entirely conceivable that there might be an attempt to take the Australian Church out of communion with the Church of England, a status upheld in our church's constitution. This is something all faithful Anglicans must resist strongly.

First, is it true that the Church of England has rejected Scriptural authority? The interpretation of Scripture is rarely easy or straightforward. Down through the ages, Christians have disagreed quite markedly on how to interpret certain biblical texts. Indeed, there is a whole theological discipline around issues of biblical interpretation called 'hermeneutics'.

The Kigali Statement sweeps these complexities aside in favour of what it calls the 'plain meaning' of Scripture. But 'plain' according to whom? The claim is that Gafcon's interpretation of Scripture is the only way to interpret the text. They claim to have access to the real (and only) meaning of Scripture and to objective truth, while those who disagree have, to their mind, dismissed biblical authority altogether.

That view is not only untrue but deeply hurtful to faithful Christians who seek to follow biblical teaching and to interpret the text for today's world — people who take into account the diversity of Scripture and the different contexts out of which it arises.

In short, the Church of England has not rejected Scriptural authority, either explicitly or implicitly. It has interpreted the text in one way that may differ from ways in which some other Anglicans read the text. Instead of dismissing and rejecting one another, we need to recognise that we all love and take seriously the Bible as the source of the church's teaching and life. We need to come together in open dialogue in a spirit of respect to listen to one another as together we discern the Bible's meaning for us today.

Second, what can we do to protect the Anglican Church which is our spiritual home? We value a church where differences, and diversity of gifts, convictions and perspectives are welcomed as adding to the rich tapestry of God's wisdom in the Body of Christ. We seek a church where disagreements and conflicts, are borne with. We are committed to finding and living in the truth together and not apart. We believe that this is the tried and tested way in history by which our witness to the love of God in Christ is experienced as transformative and upbuilding. This is the way of a truly comprehensive Anglicanism; something we believe is critical in times of conflict, division and fragmentation.

A number of concerned Anglicans from around Australia have formed the National Comprehensive Anglicanism Network (NCAN), as a base from which a truly comprehensive Anglicanism in this country can be protected and promoted. We will soon launch a website with resources and mailing list to connect all who desire to uphold the church's unity and witness to the gospel. In the meantime if you wish to register your interest for joining our mailing list, once it is established, please contact support@ncan.au with your details. If you wish to make a donation towards the work of Comprehensive Anglicanism, please contact donations@ncan.au to receive further information.

Grace and peace

Rt Rev'd Dr Stephen Pickard

Chair, National Committee

National Comprehensive Anglicanism Network

Brenton Gear Biography



Brenton Gear is the Director, Green Adelaide in the Department for Environment and Water. His background includes training as a geographer, working in regional South Australia in wetland restoration and park management, leadership within Aboriginal community engagement and oversight of key environmental policy programs.

Green Adelaide is a Landscape Board that has been formed to provide leadership for urban sustainability and climate-resilience. Brenton's role is leading the organisation that supports the Board to deliver key priorities related to greening, urban water management, rewilding, nature education and coastal management.

Notes to Motion 36 FIRST NATIONS PEOPLE - Cameron Burr & Matthew Anstey

We here provide the full-text of three documents referred to in the motion:

1. Uluru Statement from the Heart¹

We, gathered at the 2017 National Constitutional Convention, coming from all points of the southern sky, make this statement from the heart: Our Aboriginal and Torres Strait Islander tribes were the first sovereign Nations of the Australian continent and its adjacent islands, and possessed it under our own laws and customs. This our ancestors did, according to the reckoning of our culture, from the Creation, according to the common law from 'time immemorial', and according to science more than 60,000 years ago.

This sovereignty is *a spiritual notion: the ancestral tie between the land, or 'mother nature', and the Aboriginal and Torres Strait Islander peoples who were born therefrom, remain attached thereto, and must one day return thither to be united with our ancestors. This link is the basis of the ownership of the soil, or better, of sovereignty.* It has never been ceded or extinguished, and co-exists with the sovereignty of the Crown.

How could it be otherwise? That peoples possessed a land for sixty millennia and this sacred link disappears from world history in merely the last two hundred years?

With substantive constitutional change and structural reform, we believe this ancient sovereignty can shine through as a fuller expression of Australia's nationhood.

Proportionally, we are the most incarcerated people on the planet. We are not an innately criminal people. Our children are alienated from their families at unprecedented rates. This cannot be because we have no love for them. And our youth languish in detention in obscene numbers. They should be our hope for the future.

These dimensions of our crisis tell plainly the structural nature of our problem. This is the *torment of our powerlessness.*

We seek constitutional reforms to empower our people and take a rightful place in our own country. When we have power over our destiny our children will flourish. They will walk in two worlds and their culture will be a gift to their country.

We call for the establishment of a First Nations Voice enshrined in the Constitution.

Makarrata is the culmination of our agenda: *the coming together after a struggle.* It captures our aspirations for a fair and truthful relationship with the people of Australia and a better future for our children based on justice and self-determination.

We seek a Makarrata Commission to supervise a process of agreement-making between governments and First Nations and truth-telling about our history.

In 1967 we were counted, in 2017 we seek to be heard. We leave base camp and start our trek across this vast country. We invite you to walk with us in a movement of the Australian people for a better future.

2. Design Principles of the Aboriginal and Torres Strait Islander Voice – see separate pdf.

¹ Available online at https://www.referendumcouncil.org.au/sites/default/files/2017-05/Uluru_Statement_From_The_Heart_0.pdf

Design Principles of the Aboriginal and Torres Strait Islander Voice

A Voice to Parliament would be a permanent body to make representations to the Australian Parliament and the Executive Government on legislation and policy of significance to Aboriginal and Torres Strait Islander peoples. It would further the self-determination of Aboriginal and Torres Strait Islander peoples, by giving them a greater say on matters that affect them.

The following are the design principles of the Voice to Parliament agreed by the First Nations Referendum Working Group:



The Voice will give independent advice to the Parliament and Government

- The Voice would make representations to the Parliament and the Executive Government on matters relating to Aboriginal and Torres Strait Islander peoples.
- The Voice would be able to make representations proactively.
- The Voice would be able to respond to requests for representations from the Parliament and the Executive Government.
- The Voice would have its own resources to allow it to research, develop and make representations.
- The Parliament and Executive Government should seek representations in writing from the Voice early in the development of proposed laws and policies.



The Voice will be chosen by Aboriginal and Torres Strait Islander people based on the wishes of local communities

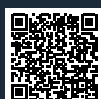
- Members of the Voice would be selected by Aboriginal and Torres Strait Islander communities, not appointed by the Executive Government.
- Members would serve on the Voice for a fixed period of time, to ensure regular accountability to their communities.
- To ensure cultural legitimacy, the way that members of the Voice are chosen would suit the wishes of local communities and would be determined through the post-referendum process.



The Voice will be representative of Aboriginal and Torres Strait Islander communities, gender balanced and include youth

- Members of the Voice would be Aboriginal and/or Torres Strait Islander, according to the standard three part test.
- Members would be chosen from each of the states, territories and the Torres Strait Islands.
- The Voice would have specific remote representatives as well as representation for the mainland Torres Strait Islander population.
- The Voice would have balanced gender representation at the national level.

Get informed.
[Voice.gov.au](https://voice.gov.au)




Australian Government

3. The Australian Bishops present at Lambeth support for the First Nations peoples (Aboriginal and Torres Strait Islander) of Australia²

The Australian bishops present at the Lambeth conference 2022 celebrate the support of the bishops called together by the Archbishop of Canterbury for the Lambeth Conference 2022 for the 'Statement of Support regarding Indigenous Peoples in Canada and around the world'. The Statement recognized and regretted the impacts of colonization that 'stripped Indigenous peoples of their agency, identity, languages, cultures and governance; colluded with the Doctrine of Discovery (in the Australian context, the aspirations and impact of British imperialism), including corrosive government policies; denigrated their spiritual heritages; prohibited ceremonies and stole their land'. We also acknowledge that many First Nations peoples rejoice in the gift of the Gospel of Jesus Christ and now serve the church in leadership throughout Australia.

With deep repentance the Australian bishops present at Lambeth 2022 recognize that the Anglican Church of Australia colluded in the above and within our own history aided the forced removal of First Nations children from their parents (the Stolen Generations) which has resulted in inter-generational trauma for many First Nations peoples. The Anglican Church of Australia acknowledges its own sinfulness in this regards, has sought forgiveness, but continues to walk with First Nations peoples on the long journey of reconciliation.

The Australian bishops present at Lambeth 2022 recognize the issues brought about by the colonization of Australia on the First Nations peoples that need our prayer, advocacy, and action include: poverty; climate change, in particular, but not exclusively, rising sea levels that are having devastating consequences for the Torres Strait Islander peoples; inadequate housing; under employment; youth suicide; appallingly high levels of youth and adult incarceration; deaths in custody; substance abuse and addiction; domestic and other forms of violence, low levels of education, and the ongoing presence of racism among the general population of Australia and its institutions, including the church.

The Australian bishops present at Lambeth 2022 acknowledge the riches that First Nations cultures bring to the Australian people and rejoice that this is beginning to be valued by many in Australia and the Church. We support the 'Uluru Statement from the Heart' and encourage a First Nations voice to be heard in the federal and state parliaments of our land. We join with the bishops present at Lambeth 2022 in committing ourselves to 'walk with and support Indigenous peoples around the world...'

The Australian bishops present at Lambeth 2022

The Most Rev'd Geoff Smith – Primate

The Most Rev'd Dr Kay Goldsworthy

The Most Rev'd Dr Philip Freier

The Rt Rev'd Chris McLeod

The Rt Rev'd Dr Keith Joseph

The Rt Rev'd Cameron Venables

The Rt Rev'd Jeremy Greaves

The Rt Rev'd John Roundhill

The Rt Rev'd Grant Dibden

The Rt Rev'd Dr Greg Anderson

² Available online at <https://www.abmission.org/news/latest-news/australian-bishops-support-first-nations-peoples/>

The Rt Rev'd Dr Mark Short
The Rt Rev'd Dr Richard Treloar
The Rt Rev'd Dr Peter Stuart
The Rt Rev'd Dr Matthew Brain
The Rt Rev'd Ian Coutts
The Rt Rev'd Charles Murry
The Rt Rev'd Sonia Roulston
The Rt Rev'd Carol Wagner
The Rt Rev'd Dr Paul Barker
The Rt Rev'd Dr Brad Billings
The Rt Rev'd Kate Prowd
The Rt Rev'd Jeremy James
The Rt Rev'd Clarence Bester
The Rt Rev'd Genieve Blackwell
The Rt Rev'd Donald Kirk
The Rt Rev'd Murray Harvey
The Rt Rev'd Dr Tim Harris
The Rt Rev'd Denise Ferguson
The Rt Rev'd Peter Grice