



# Anglican Church of Australia

## Royal Commission Working Group

### CONSULTATION PAPER - REDRESS AND CIVIL LITIGATION SUBMISSION

This submission is made by the Royal Commission Working Group (RCWG) appointed by the Standing Committee of the General Synod of the Anglican Church of Australia (**ACA** or **Anglican Church**) to coordinate a response on its behalf of to the Royal Commission into Institutional Responses to Child Sexual Abuse (**Royal Commission**). The submission responds to questions in the *Consultation Paper: Redress and civil litigation* issued by the Royal Commission in January 2015 (**Consultation Paper**).

The ACA operates under a decentralised structure and its core units of organisation are the 23 dioceses. There are also mission agencies, social welfare agencies, Anglican schools and parachurch organisations with varying degrees of autonomy. A detailed document outlining the structure of the Anglican Church of Australia was provided to the Royal Commission in June 2013 and it is attached again for your information.

While the RCWG, in preparing this submission has consulted with all dioceses and some Anglican agencies, it should not be assumed that all views expressed in this submission are commonly held by all 23 dioceses and agencies. It should be noted that each diocese has responsibility for the development, adoption and implementation of redress schemes operating within their jurisdiction. Each autonomous agency, school and organisation has a similar responsibility.

#### PREFACE

The ACA is committed to responding to the needs of survivors of abuse. There has been a common approach to developing consistent procedures for supporting those who come forward through the Church's complaints and investigation processes. In many dioceses this has extended to the development of redress schemes to provide pastoral support and practical assistance, including monetary payments, to people who have been abused. These schemes are promoted as an alternative to civil proceedings but the ACA acknowledges the right of a survivor to choose how they wish to engage with the Church and their right to initiate civil proceedings at any time.

Redress schemes offer the opportunity to provide a timely, holistic and compassionate response to survivors. While in this submission the RCWG has focussed on the operational implications of the questions in the Consultation Paper this should not be seen as a retreat from its commitment to support a process designed to address the financial, emotional and spiritual needs of survivors.

## STRUCTURAL ISSUES

### 1. Should there be a single, national redress scheme led by the Australian government or an alternative approach?

The ACA considers that whatever model for the delivery of redress is adopted it is essential that there be consistency in outcomes for survivors irrespective of which institution is involved or where the abuse occurred. A fundamental principle of any redress scheme must be that survivors are treated in substantially the same manner where their abuse and its impact are similar and ideally a scheme which operates consistently within a jurisdiction.

The ACA favours a model for the delivery of redress that responds in a timely manner to survivors and does not divert resources from their support into the administration of the scheme. The ACA favours an holistic model which provides an opportunity for survivors' views to be acknowledged and honoured (for example meetings with representatives of institutions at which their stories can be heard and an apology received). The more that the administration and implementation of redress is removed from institutions, including the ACA, the more difficult it will be to ensure that the three important elements of redress identified in the Consultation Paper can be effectively implemented.

The RCWG considers an effective model for the delivery of redress is through a universal joint scheme for government and non-government institutions and survivors that contains the following features:

- (a) institutions in each jurisdiction to establish a corporate vehicle along the lines of the Financial Ombudsman Service (**the Scheme**);
- (b) the applicable State or Territory government to provide the necessary legislative underpinnings for the Scheme;
- (c) the Scheme through its constitution and policies and procedures to give effect to the mandated elements and principles of redress such as outlined in this submission;
- (d) the Scheme to be implemented by its officers (where an institution does not have an accredited scheme or where a survivor does not wish to deal with an institution), or by accredited institutions (where an institution satisfies the criteria set by the Scheme in its own redress processes ); and
- (e) the operation of the Scheme to be subject to regular audit to ensure delivery conforms to the mandated elements and principles of redress.

### 2. Should there be redress processes and outcomes for future institutional child sexual abuse?

The ACA supports redress processes and outcomes for future institutional child sexual abuse. Redress schemes within the ACA do not distinguish between past and future child sexual abuse. They are designed to provide an holistic response to survivors and in particular to respond to their personal needs.

It is important that survivors of future child sexual abuse have a choice whether to engage in civil litigation or in a redress scheme. One aspect of a redress scheme is a monetary payment. It is important to the ACA that a redress scheme also offers a pastoral approach to survivors that provides other outcomes such as the opportunity to hear an apology from a Bishop or a senior Anglican Church officer in the relevant diocese, to receive counselling and spiritual support, and to have other needs addressed.

Some survivors will not wish to engage in civil litigation which by its nature is adversarial. Further, some survivors will have desired outcomes beyond monetary compensation and accordingly will wish to participate in a redress scheme. It is of paramount importance that this choice is maintained for survivors.

## **DIRECT PERSONAL RESPONSE**

### **3. What are the principles for an effective direct personal response?**

The ACA supports the opportunity, through a redress scheme, to provide a direct and genuine personal response to survivors should they wish to engage with the Anglican Church. The seven principles identified in the Consultation Paper as they are applied in the dioceses and agencies of the ACA are critical to ensuring such a direct personal response to survivors is effective. In some cases being responsive to survivors' needs will involve an on-going process over a considerable time.

It is important that training, professional supervision or other similar supports for institutional leaders are put in place to ensure that direct personal responses continue to be effective for survivors.

### **4. What are the principles for the interaction between a redress scheme and direct personal response?**

The ACA is committed to providing an holistic personal response to survivors of child sexual abuse whether or not the survivor participates in a redress scheme. The direct personal response begins when the survivor makes contact with the Anglican Church and continues for as long as the survivor wishes to engage with the Anglican Church. Usually the first response will be provided by an experienced person with responsibility for guiding survivors through the relevant diocesan or agency complaint and redress processes.

An essential component of responding to survivors is offering an empathetic, direct personal engagement. This will commonly involve a meeting with a senior officer of the Anglican Church (usually a Bishop) in which the survivor can choose to tell their story and describe the impact of the abuse, be listened to, receive an apology and be informed as to how the Anglican Church has responded to the abuse to make every effort to ensure there is no reoccurrence. The survivor will have control as to the timing and extent of the direct personal response and will be offered support throughout the process.

## **COUNSELLING AND PSYCHOLOGICAL CARE**

**5. What are the options for expanding the public provision of counselling and psychological care for survivors?**

***and***

**6. What are the relative effectiveness and efficiency of the options in meeting survivors' needs?**

The provision of counselling and psychological care to survivors by appropriately trained and accredited counsellors is essential. The training should include information about child sexual abuse, post-traumatic stress disorder, trauma, the effects of child sexual abuse in the family and other relationships, and issues that arise from child sexual abuse occurring in institutions. The accreditation should be provided by professional bodies for counsellors and psychologists such as the Psychotherapy and Counselling Federation of Australia and the Australian Psychological Society.

Counselling and psychological care for survivors should encompass:

- (a) specialised counsellors being made accessible to rural, remote and indigenous communities;
- (b) specialised family and relationship counselling when required; and
- (c) on-going episodic counselling on a needs basis during the survivor's lifetime.

It is also essential that the provision of counselling and psychological care for survivors be adequately funded. It is not possible for the RCWG to assess the relative effectiveness and efficiency of the three options identified in the Consultation Paper to meet survivors' needs without knowledge of the qualifications and experience required of those providing this specialised care and the extent of available funding from the Australian government and other sources.

It is likely to be unsustainable for institutions to provide counselling and psychological care for survivors without limit as to time and amount. One method to ensure the provision of on-going counselling and psychological care would be the one off payment by institutions, of an actuarially determined amount for each survivor, into a dedicated, externally managed fund, with any shortfall in the fund to be met by government.

## **MONETARY PAYMENTS**

### **7. What are the principles for the assessment of monetary payments, including possible table or matrices, factors and values?**

The principles for assessment of monetary payments must be uniform irrespective of which institution is involved and where the abuse occurred. The use of clear criteria in tables or matrices will ensure that like cases are treated in like fashion and that the amount of monetary payment is the same or similar for survivors in similar circumstances.

The severity of the abuse and its impact are the principal relevant factors and accordingly should form part of the table or matrix. The meaning of the term “distinctive institutional factors” referred to in the Consultation Paper is unclear. Further, it would be unsatisfactory for the monetary payment to vary according to the institution in which the abuse occurred. This would potentially undermine the acceptance of a redress scheme by survivors.

It is essential that there be acceptance by all institutions of the prescribed factors included in such tables or matrices, and that they are applied in a consistent way. Otherwise there will be disparity in the amount of monetary payments for survivors.

### **8. What should be the average and maximum monetary payments that should be available through redress?**

In order for redress schemes to be effective, fair and viable long term the sustainability of individual institutions’ contributions to monetary payments should be taken into account. It will be important for institutions to know the quantum of average payments in addition to a specified maximum cap. This is reflected in the statements in the Consultation Paper about the quantum of average payments and the broad assumptions that underpin the actuarial modelling.

The RCWG cannot yet express a view on the amount of the maximum payment that should be available through a redress scheme. Before any particular maximum amount is determined, further research and consultation should occur.

Whatever maximum cap is recommended by the Royal Commission the overall cost of providing redress should remain the same. The RCWG considers that a higher level of proof should be satisfied for payment in a higher range and that additional procedures may need to be applied.

If the overall cost of monetary payments is too high it may jeopardise the viability of some institutions which currently provide valuable services to children and the broader community.

**9. Whether there should be an option for payments by instalments which should be offered by a redress scheme?**

The RCWG supports the availability of payments by instalments should survivors wish to receive instalments. The Anglican Church's experience has been that survivors prefer lump sum monetary payments. The RCWG suggests that this option could be coordinated by an externally managed fund into which institutions pay a lump sum and from which instalments could be paid to survivors.

**10. How should past monetary payments be treated under a new redress scheme?**

The present value of past monetary payments should be taken into account under any new redress scheme. Otherwise there will be inequities between survivors in the level of monetary payments received.

## **REDRESS SCHEME PROCESSES**

**11. What should be the eligibility for redress, including the connection required between the institution and the abuse and the types of the abuse that should be included?**

### **Eligibility**

There should be clear criteria for assessing the connection between the abuse suffered by the survivor and the institution. The Consultation Paper suggests three possible connections:

- (a) the abuse occurs on premises of the institution or where activities of an institution take place or in connection with the activities of the institution, in circumstances where the institution is or has been treated as being, responsible for the contact in which the abuse was committed between the abuser and the survivor;
- (b) the abuse is engaged in by an official of the institution in circumstances where the institution has or its activities have, created, facilitated, increased or in any way contributed to the risk of the abuse or the circumstances or conditions giving rise to that risk;
- (c) the abuse happens in any other circumstance where an institution is or should be treated as being responsible for adults being in contact with children.

These suggested connections include circumstances in which the ACA should not be seen as responsible for the abuse as set out in the circumstances below (the paragraph numbers corresponding to the paragraph numbers above):

- a) the ACA commonly makes its premises available to the community through licensing or similar arrangements. It should be clear that the ACA is not responsible for any child sexual abuse that occurs on its premises when a licensee or other person is undertaking an activity on its premises, such as in the case of a community or business activity operating independently out of a church hall.
- b) the ACA undertakes its ministry through its “officials” being clergy, paid employees and volunteers. The suggested connection will generally exist in the case of clergy by virtue of their status. However, the suggested connection in the case of paid employees and volunteers is too wide and would inevitably encompass situations where the abuse occurs in circumstances completely unrelated to any responsibility of that person. In these cases the responsibility of the ACA should be limited to situations where the person is acting within the course of their responsibility.
- c) the other circumstances giving rise to the responsibility of the actual/deemed responsibility of the institution require clear definition as otherwise there will be a lack of clarity as to whether a survivor is eligible for participation in a redress scheme.

### **Types of Abuse**

The Consultation Paper queries whether a redress scheme should be extended to other forms of abuse including “physical assault, exploitation, deprivation and neglect”. Some dioceses in the ACA have experience in responding to complaints of abuse in these categories, particularly historical abuse occurring in children’s homes.

While it is possible to respond to other forms of abuse on an individual basis, a redress scheme designed to encompass the broadest definition of abuse would require complex eligibility criteria and assessment processes. The RCWG supports a redress scheme designed to respond to the needs of survivors of sexual abuse, and physical abuse which was unlawful at the time the abuse took place.

## **12. What should be the appropriate standard of proof?**

In the redress schemes operated by the ACA there is a distinction as to the standard of proof between past child sexual abuse where the perpetrator is dead or is no longer connected with the Church or cannot be identified, and such abuse where the alleged perpetrator denies its occurrence.

In the former situation, the standard of proof is “plausibility” in the sense that there will be acceptance that the abuse occurred where it is clear that the survivor participated in Anglican Church activities and the alleged perpetrator was connected with the Anglican Church.



In the latter situation, the standard of proof is “the balance of probabilities“. The rationale for the higher standard of proof in these circumstances is one of fairness, given that in cases where the abuse is denied, that denial can be tested in a disciplinary process.

**13. Should deeds of release be required?**

The RCWG supports a deed of release being signed by a survivor, when agreement has been reached about the amount of monetary payment. A deed of release will bring finality as to the monetary payment for both the survivor and the relevant diocese or agency of the Anglican Church.

It may be necessary to review the amount of monetary payment if there is a material change in circumstances. Where that situation is established a previously signed deed of release should not prohibit a further response.

Before signing a deed of release, a survivor should be required to obtain independent legal advice. The relevant diocese or agency of the Anglican Church should pay for that advice up to a specified reasonable amount.

The ACA acknowledges the pain that many survivors have experienced from the silence surrounding their abuse. In acknowledgement of the additional trauma inflicted by this silence, the RCWG supports deeds of release containing no confidentiality obligation on the part of the survivor. Nor would any deed of release preclude payments for any on-going counselling and psychological care through the fund referred to in the answer to Questions 5 and 6 above.

**14. Are there any other key elements of redress scheme processes?**

The RCWG does not consider that there are any other key elements of redress scheme processes.

**FUNDING REDRESS**

**15. What are appropriate funding arrangements?**

The RCWG accepts that the relevant diocese or agency of the ACA should fund the various elements of redress for survivors who satisfy the eligibility requirements including the connection with the ACA.

**16. What are appropriate funder of last resort arrangements?**

The funder of last resort should be government: whether the Australian government or the government of the jurisdiction where the institution existed. It would not be appropriate for institutions to fund redress for survivors who were not abused in their institutions. One of the important functions of government is to provide community services which otherwise would not be available. In this respect the government would be acting on behalf of the community and in a role similar to paying compensation for crimes.



**17. What level of flexibility that should be allowed in implementing redress schemes and funding arrangements?**

The RCWG supports flexibility in implementing redress schemes provided there is consistency in the provision of redress to survivors irrespective of the institution or the jurisdiction in which the abuse occurred.

**18. Are there are other issues on which direction or guidance might be required for interim arrangements?**

It is likely that there will be some delay between the recommendations of the Royal Commission for redress schemes and their implementation. In the intervening period institutions should review their redress schemes in the light of the issues outlined in the Consultation Paper, and publish details of their redress scheme on their websites.

**19. Should limitation periods be reformed and any changes applied retrospectively?**

The RCWG supports the reform of limitation periods to provide a greater period of time for survivors to commence civil litigation. This reform would recognise the significant delay for survivors in coming to terms with their abuse and deciding to commence civil litigation.

There are significant difficulties in making any changes to limitation periods retrospective. These difficulties include prejudice for institutions where, through the loss of records and/or the unavailability of relevant witnesses, they will be unable to obtain a fair trial. At the very least there should be an opportunity for the court to refuse an extension of the limitation period, or to dismiss proceedings, where there is actual prejudice such that the institution is unable to obtain a fair trial.

**20. Should the duty of institutions be reformed and any changes applied retrospectively?**

**Statutory duty of care**

The creation of a statutory duty of care requiring institutions to take reasonable care to prevent sexual abuse of children in their care is unlikely to extend the scope of the duty of care which applies to institutions under the general law.

**Vicarious liability**

Reversing the onus of proof for institutions' vicarious liability for child sexual abuse would create incoherence in the law as other employers are not vicariously liable for other torts unless it was proved that the tort occurred in the course of employment.

### **Absolute liability**

Imposition of strict liability upon institutions for sexual abuse is likely to work unfairly. It would impose liability upon those institutions which have put in place proper systems to care for children, where without fault on their part, abuse has occurred. Any such reform is likely to impair the ability of institutions to obtain affordable insurance and may even cause some institutions to cease providing particular services that benefit the community.

### **Retrospectivity**

Any such changes should not be applied retrospectively as institutions have arranged insurance on the basis of the existing law.

#### **21. How should difficulties in identifying a proper defendant in faith-based institutions with statutory property trusts be addressed?**

The RCWG accepts that each diocese and agency of the ACA should ensure that there is a corporation or a nominal defendant which can be sued where there is child sexual abuse. A condition for an institution providing services to children should be that there is adequate insurance for child sexual abuse by its officials. Further consultation with the insurance industry will be required to determine whether such insurance cover will be available to all institutions.

A proposal to make the assets of property trusts available to meet claims of child sexual abuse creates complex legal difficulties. Those trusts are in many instances for specific religious charitable purposes, the assets of which, under the current law, are not available to meet such claims.

#### **22. Should non-government institutions adopt principles for how they will handle civil litigation in relation to child sexual abuse claims?**

All institutions should handle both mediation and civil litigation in relation to child sexual abuse claims sensitively and compassionately. The ACA is committed to handling mediation and litigation in relation to child sexual abuse claims in a timely and responsible way. The ACA is open to exploring how adoption of model guidelines for litigation could significantly reduce the stress associated with civil litigation for survivors.

#### **23. Will any changes have any and if so what adverse effects on insurance availability or coverage for institutions?**

While it is likely that any reforms to civil litigation will have an effect on insurance, at least the level of premiums and perhaps the inclusion of additional exclusionary conditions, it is not possible to obtain advice from the insurers of the ACA without knowing details of any particular reform.

Dated: 9 March 2015



**Anglican Church of Australia**

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General Synod

**OUTLINE  
OF  
THE STRUCTURE  
OF  
THE ANGLICAN CHURCH OF AUSTRALIA**

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# Anglican Church of Australia

## General Synod

### OUTLINE OF THE STRUCTURE OF THE ANGLICAN CHURCH OF AUSTRALIA<sup>1</sup>

#### 1. HISTORY

- 1.1. The Anglican Church of Australia ('ACA') has its origins in chaplaincies to the settlements of the various Australian colonies. The chaplains were clergy of the Church of England and were accountable to the Bishop of London and the governor of the colony. This changed in 1824 when Letters Patent appointed Thomas Hobbes Scott as Archdeacon of New South Wales under the jurisdiction of the Bishop of Calcutta. When Scott resigned in 1829, William Grant Broughton was appointed to replace him. Subsequently, Broughton was consecrated on 14 February 1836, as Bishop of Australia. The Letters Patent directed him to: 'erect, found, make, ordain, and constitute all the Territories and Islands comprised within or dependent upon our Colonies of New South Wales, Van Diemen's Land, and Western Australia into a Bishop's See or Diocese, to be styled the Bishopric of Australia'.
- 1.2. Tasmania was created a separate diocese out of the Diocese of Australia in 1842 and in 1847 the dioceses of Adelaide, Melbourne and Newcastle were established. On the creation of these three new Australian dioceses, the Diocese of Australia ceased to exist and the Bishop of Australia became the Metropolitan of Australasia and the Bishop of Sydney. The territory of the Adelaide Diocese encompassed present-day South Australia and Western Australia. The Diocese of Perth was severed from Adelaide by Letters Patent in 1857. Newcastle covered the whole of present-day northern New South Wales and southern Queensland. The Diocese of Melbourne covered the whole of present-day Victoria. Further divisions of these vast dioceses occurred over the next fifty years.
- 1.3. Broughton, as Metropolitan of Australasia, convened a month-long conference in Sydney, in October 1850. All the bishops of the province were in attendance: Nixon (Tasmania), Perry (Melbourne), Short (Adelaide), Tyrrell (Newcastle) and George August Selwyn, Bishop of New Zealand (1841-1869). The constitutional arrangements for the colonial church, its legal status, the discipline of clergy and the ability to make local administrative decisions were matters of primary concern to the bishops.
- 1.4. The bishops decided to establish synods, including laity as full members, so that local rules could be made to order the common life of the Church. They agreed that the English Canons of 1604 were 'generally binding upon ourselves and the clergy of our respective dioceses. Where they cannot be literally complied with, in consequence of the altered state of circumstances since the enactment of the Canons, we are of [the] opinion that they must be, as far as possible, complied with in substance.'

<sup>1</sup> Prepared to assist the Royal Commission into Institutional Responses to Child Sexual Abuse.

- 1.5. In the decade following the 1850 conference, diocesan bishops in Australia had to take the initiative for local decision-making, however uncertain it was whether English ecclesiastical law applied in their own colony. Each Australian diocese worked out its own constitution to create a synod with power to regulate the life of the diocese. The Australian Colonies Act 1850 (UK) separated Victoria from New South Wales as an independent colony in 1851. Bishop Perry (Melbourne) took advantage of this new colonial structure and obtained the passage of the Church of England Act 1854 (Vic) through the Victorian legislature. This Act allowed the Church in Victoria to convene assemblies for the management of Church life. Tasmania followed suit in 1858. The three dioceses in New South Wales (Sydney, Newcastle and Goulburn) obtained similar constitutional framework legislation from the New South Wales Parliament in 1866. Leaders of the dioceses in Queensland, South Australia and Western Australia, as a matter of principle, proceeded by way of consensual compact because they wished to preserve separation from the State.
- 1.6. In 1872, Bishop Frederic Barker, as Metropolitan of Australia, convened a meeting of delegates from each diocese who agreed to form a General (National) Synod for the whole Australian colonial church. It was to meet every five years, but 'Determinations' of the General Synod only became law in a diocese when adopted by the diocesan synod.
- 1.7. The Church of England Australia was organised on the basis that it was part of the Church of England, not merely 'in communion with', or 'in connection with', the Church of England. Thus any changes to doctrine or practice in England were to be applied in Australia, unless the local situation made the change inapplicable.
- 1.8. Legislation was passed in each of the States dealing with temporal affairs of the Church, including administration of trusts on which property for the purposes of the Church is held.
- 1.9. A new national constitution was agreed in 1961 and came into force on 1 January 1962. This created a new church, the Church of England in Australia, and severed the legal nexus with the Church of England. Each State and Territory legislature passed enabling Acts in similar but not identical terms annexing the constitution as a schedule. The wording of the covering act may affect the force of the constitution in a particular state or territory. The South Australian Act contains an 'escape clause' which allows the Diocese of Adelaide, and any diocese formed out of Adelaide, to withdraw from the constitution by resolution passed at two successive synods.

A list of the relevant legislation appears below:

#### **New South Wales**

- Anglican Church of Australia Constitution Act, 1961, No.16

#### **Queensland**

- The Church of England in Australia Constitution Act of 1961
- Anglican Church of Australia Act, 1977 (change of name)

**South Australia**

- The Church of England in Australia Constitution Act, 1961
- Church of England in Australia Constitution Act Amendment Act, 1980 (change of name)

**Tasmania**

- The Church of England Constitution Act, 1973
- Anglican Church of Australia Constitution Amendment Act, 1992 (change of name)

**Victoria**

- Church of England in Australia Constitution Act, 1960
- Anglican Church of Australia Constitution (Amendment) Act, 1977 (change of name)

**Western Australia:**

- Church of England in Australia Constitution Act, 1960
- Anglican Church of Australia Act, 1976 (change of name)

**1.10.** On 24 August 1981 the name of the Church was changed to The Anglican Church of Australia.



## **2. LEGAL CHARACTERISATION**

### **2.1. Prior to 1962**

The Anglican Church of Australia was initially an established church. Subsequently it became a voluntary religious organisation based on each diocese. This is described in *Wylde v Attorney-General (NSW)* (1948) 78 CLR 224; *Scandrett v Dowling* (1992) 27 NSWLR 487.

### **2.2. Since 1962**

Since the 1961 constitution came into effect on 1 January 1962, the Church has been characterised as a national voluntary religious association as described in *Scandrett v Dowling*.

### 3. THE CONSTITUTION OF THE ANGLICAN CHURCH OF AUSTRALIA

The 1961 Constitution gives the General Synod wide plenary powers. However, General Synod canons declared to affect 'order and good government' in a diocese or the property of a diocese have no effect in a diocese until adopted by ordinance of that diocese. Resolutions of General Synod are not binding on a diocese. Under the 1961 Constitution the diocese remains the central entity of Australian Anglicanism. The key provisions of the Constitution are Sections 5, 7, 26, 30, 51 and Chapter IX.

#### 3.1. Key Provisions

##### 3.1.1. Section 5 provides for plenary power of the Church:

*Subject to the Fundamental Declarations and the provisions of this chapter this Church has plenary authority and power to make canons, ordinances and rules for the order and good government of the Church, and to administer the affairs thereof. Such authority and power may be exercised by the several synods and tribunals in accordance with the provisions of this Constitution.*

##### 3.1.2. Section 7 provides for the diocese to be the unit of organisation of the Church.

*A diocese shall in accordance with the historic custom of the One Holy Catholic and Apostolic Church continue to be the unit of organisation of this Church and shall be the see of a bishop.*

##### 3.1.3. Section 26 sets out the powers of the General Synod, including the power to make canons and rules relating to the order and good government of the Church relating to discipline:

*Subject to the terms of this Constitution Synod may make canons rules and resolutions relating to the order and good government of this Church including canons in respect of ritual, ceremonial and discipline and make statements as to the faith of this Church and declare its view on any matter affecting this Church or affecting spiritual, moral or social welfare, and may take such steps as may be necessary or expedient in furtherance of union with other Christian communions.*

##### 3.1.4. Section 30 provides a comprehensive scheme to prevent canons that affect the order and good government of the Church in a diocese or the church trust property of a diocese from taking effect in that diocese unless that diocese adopts the canon. The section provides mechanisms for determining whether or not a canon has the relevant effect, namely:

- Deeming, where the canon affects the ritual, ceremonial or discipline of the church (sub-section (a));

- If the General Synod declares the canon to have the relevant effect (sub-section (b));
- If the General Synod does not make such a declaration but a diocese notifies its opinion that the canon has the relevant effect and:
  - The General Synod Standing Committee agrees with that opinion (sub-section (c)(i)(ii));
  - The Appellate Tribunal determines that the canon has the relevant affect (sub-section (c)(iii));
  - A diocesan synod may by ordinance exclude a canon which it has previously adopted (sub-section (d)).

The text of Section 30 follows:

*Subject to the preceding section and unless the canon itself otherwise provides, a canon duly passed by General Synod shall come into force on and from a date appointed by the President, being not later than one calendar month from the date upon which the canon was passed. The canon as on and from the appointed date shall apply to every diocese of this Church and any ordinance of any diocesan synod inconsistent with the canon shall to the extent of the inconsistency have no effect.*

*Provided that:-*

- (a) Any canon affecting the ritual, ceremonial or discipline of this Church shall be deemed to affect the order and good government of the Church within a diocese, and shall not come into force in any diocese unless and until the diocese by ordinance adopts the said canon.*
- (b) If General Synod declares that the provisions of any other canon affect the order and good government of the Church within, or the church trust property of a diocese, such canon shall not come into force in any diocese unless and until the diocese by ordinance adopts the said canon.*
- (c) If General Synod should not so declare the synod of a diocese or the diocesan council may declare its opinion that the provisions of the said canon affect the order and good government of the Church within or the church trust property of such diocese and notify the President within one month thereafter and then the following provisions shall apply:-*

- (i) *If the said diocesan synod or council declare its opinion as aforesaid within a period of two years from the date of the passing of the said canon and the Standing Committee advises the President that it agrees with the said opinion the canon shall not and shall be deemed not to have come into force in such diocese unless and until it is adopted by ordinance of the diocesan synod;*
- (ii) *If the said diocesan synod or council declare its opinion at any time after the expiration of the said period of two years and the Standing Committee advises the President that it agrees with the said opinion the said canon shall cease to apply to the said diocese as from the date of the said declaration and shall not after such date again come into force in such diocese unless and until it is adopted by ordinance of the diocesan synod;*
- (iii) *If the Standing Committee in either case should not so advise the President he shall refer the question raised by the said opinion to the Appellate Tribunal for its determination and unless the Appellate Tribunal determines the question in the negative the canon shall be deemed not to have come into force in the said diocese in the first case or to have force or effect in the said diocese after the date of the said declaration in the second case until the diocesan synod by ordinance adopts the said canon.*
- (d) *Any canon adopted as aforesaid by a diocesan synod may by ordinance be excluded at a subsequent date.*
- (e) *This section shall not apply and shall be deemed never to have applied to a canon to alter this Constitution.*

**3.1.5. Section 51** empowers diocesan synods to make ordinances for the order and good government of the Church within the diocese:

*Subject to this Constitution a diocesan synod may make ordinances for the order and good government of this Church within the diocese, in accordance with the powers in that behalf conferred upon it by the constitution of such diocese.*

**3.1.6. Chapter IX** (sections 53 to 63) provides for the establishment of the following tribunals:

- Diocesan tribunals to deal with disciplinary matters;
- Provincial tribunals to hear and determine appeals from diocesan tribunals and original jurisdiction as prescribed by diocesan synods;
- The Special Tribunal to deal with disciplinary matters relating to diocesan bishops or bishops assistant to the Primate in his capacity as Primate;
- The Appellate Tribunal to hear and determine appeals from diocesan and provincial tribunals and the Special Tribunal and to determine or express an opinion on questions arising under the Constitution.

A copy of Chapter IX is attached (Attachment 1).

### **3.2. Membership of General Synod and Frequency of Sessions**

Chapter IV of the Constitution governs the composition and procedure of the General Synod.

The General Synod is comprised of three Houses:

- The House of Bishops, comprised of Diocesan Bishops.
- The House of Clergy, comprised of ordained priests, including Assistant Bishops.
- The House of Laity, comprised of lay Anglicans.

The numbers of clergy and lay members is determined pursuant to a formula which is appended to the Constitution. Each diocese governs by ordinance the method of electing its clerical and lay representatives to the General Synod.

Section 17(a) of the Constitution provides for clerical and lay representative members from amongst Aboriginal and Torres Strait Islander Anglicans to be members of the General Synod.

The most recent session of the General Synod, the fifteenth, comprised 23 Diocesan Bishops, about 115 clergy members and about 115 lay members.

Section 23 of the Constitution allows for ordinary sessions of the Synod to be held at intervals not exceeding four years and for special sessions of the Synod to be convened if necessary.

In practice, the General Synod has convened at three yearly intervals since 1985, but, for operational reasons rather than reasons of policy, the next session of the General Synod will be held after a four year interval.

### 3.3. General Synod Standing Committee

Every ordinary session of the General Synod appoints a Standing Committee which continues in office until the appointment of their successors.

The Standing Committee is governed by Rule II.

The Standing Committee is comprised of:

- The Primate, who shall be the President;
- The Metropolitans of the Provinces including any bishop exercising the authorities, powers, rights and duties of a Metropolitan as provided in the Constitution;
- The Chairman of Committees for the time being of the Synod;
- The Secretaries for the time being of the Synod;
- Three Bishops to be elected by the House of Bishops;
- Nine members of the House of Clergy to be elected by the House of Clergy;
- Nine members of the House of Laity to be elected by the House of Laity;
- Two persons nominated by the National Aboriginal and Torres Strait Islander Anglican Council, being one Aboriginal person and one Torres Strait Islander person, who are members of Synod;
- The General Secretary for the time being of the Synod.

The Primate calls meetings of the Standing Committee. In practice, the Standing Committee meets in May and November over three days on each occasion.

The duties and powers of the Standing Committee are set out in sections 5 and 6 respectively of Rule II:

5. *It shall be the duty of the Standing Committee:-*
- (a) *To act as advisers to the Primate in all such matters as he may refer to them arising out of the rules and canons of Synod or affecting the general welfare of the Anglican Church of Australia.*
  - (b) *To make arrangements for the sessions of the Synod, and to prepare the business to be brought before the Synod.*
  - (c) *To propose such business as may appear to the Committee to be necessary or desirable to be brought before the Synod.*
  - (d) *To print a report of the proceedings of the Synod from time to time, and all documents ordered by the Synod to be printed.*
  - (e) *To apportion among the dioceses on an equitable basis the necessary working expenses of the Synod*

*and of the Standing Committee and other expenses specially authorised by the Synod; to collect such apportionments, and therewith to defray the expenses aforesaid.*

- (f) *To make elections to vacant offices as the Synod shall from time to time determine.*
  - (g) *To consider and report upon any matter which the Synod may from time to time refer to it and to carry out or assist in carrying out the resolutions passed by the Synod.*
  - (h) *To communicate the canons of the Synod to the dioceses, and conduct such correspondence as may be necessary for the forwarding of the work of the Synod.*
  - (i) *To procure and have in custody all requisite documents and funds in connection with the proceedings of the Synod.*
  - (j) *To consider such matters as by the Constitution it is directed to consider and to advise the President of Synod thereon.*
  - (k) *By resolution to request the Primate to convene a special session of Synod under Sec. 23b of the Constitution.*
  - (l) *To attend to all such other business as the Synod may from time to time refer to it.*
  - (m) *To present a report of its proceedings including an audited statement of receipts and expenditure to the Synod at every ordinary session thereof and an interim report of its proceedings annually to all members of Synod through the diocesan bishops.*
  - (n) *To invest and deal with the moneys of the General Synod not immediately required in such manner as the Standing Committee may from time to time determine.*
6. *The Standing Committee is hereby authorised:-*
- (a) *To appoint a Secretary and a Treasurer who need not be members of the Committee and an Auditor who shall not be a member of the Committee.*
  - (b) *To delegate any portion of its powers and duties to committees with obligation to report to the Standing Committee, but the powers so delegated shall be strictly defined and be revocable by the Standing Committee at pleasure.*



*(c) To deliberate and confer upon all matters affecting the interests of the Anglican Church of Australia and cognisable by the Synod.*

*(d) To communicate with the civil powers and all such bodies and persons as it shall consider necessary, to present petitions and addresses to all such bodies and persons, and take such action with reference to national issues and public functions as it should consider desirable, to confer with or co-operate with other Christian bodies on such subjects and at such times as it may think fit - provided that any such action taken by the Standing Committee under this sub-section and not previously sanctioned by the Synod shall be reported to the Synod at its next meeting.*

*(e) To obtain such expert opinion as it may seem desirable upon the legal and constitutional validity of rules and canons made by or proposed to be brought before the Synod.*

In summary, the Standing Committee makes arrangements for sessions of the General Synod and conducts the business of the General Synod between sessions.

### **3.4. Executive Committee of the General Synod Standing Committee**

At its first meeting after a session of the General Synod, the Standing Committee elects an Executive Committee comprised of:

- The Primate as Chair (ex officio);
- The General Secretary (ex officio);
- The Treasurer (ex officio);
- 6 members of the Standing Committee of whom there shall be at least:
  - 2 with finance qualifications or experience
  - 1 member of the House of Bishops
  - 1 member of the House of Clergy
  - 1 member of the House of Laity

The responsibilities of the Executive Committee are as follows:

1. The Executive Committee will deal with such matters as are referred to it by the Standing Committee for advice or action.
2. In addition the Executive Committee shall:
  - a. Review and approve a draft budget each year for recommendation to the Standing Committee.
  - b. Have authority to approve up to \$30,000 expenditure.
  - c. Receive monthly finance reports and present a financial report to the Standing Committee.

The Executive Committee meets for a day at least twice a year about six weeks before a meeting of the Standing Committee. Occasionally, additional meetings are held.

### 3.5. The Primate

The *Primate Canon, 1985* regulates the election of the Primate. Briefly, the Canon provides for a Board of Electors which consists of:

- all members of the House of Bishops
- 12 members of the clergy
- 12 members of the laity.

The Canon provides for reserves to be appointed if members of the House of Clergy or the House of Laity are unable to attend a meeting of the Board.

All Diocesan Bishops are automatically candidates for election, unless they have attained the age of 70 years.

The Primate's term of office is six years, renewable for a further three years.

The office of Primate becomes vacant upon:

- termination of the period for which the person has been elected;
- resignation;
- the Synod passing a resolution declaring the position to be vacant;
- the incumbent is seen to be an ineligible bishop;
- the incumbent attaining the age of 70 years.

The Primate Canon provides that Information on the National Register concerning candidates be disclosed to the Board at specified stages of an election.

The Primate's formal functions are limited to:

- convening sessions of the General Synod, meetings of the General Synod Standing Committee, meetings of the Executive Committee of the Standing Committee, meetings of the Primate Election Board and meetings of the Bishops
- appointing Aboriginal and Torres Strait Islander members of the General Synod on the recommendation of the National Aboriginal and Torres Strait Islander Council;
- presiding at sessions of the General Synod;
- exercising a casting vote in elections to various offices in the Church under *Rule III*;
- chairing the General Synod Standing Committee;
- chairing the Executive Committee of the Standing Committee;
- chairing meetings of the Bishops;
- appointing the Bishop to the Defence Force;
- passing sentence on the recommendation of the Special Tribunal;
- appointing Chairs and members of Expert Reference Commissions and Task Forces on the recommendation of the General Synod Standing Committee pursuant to the *Strategic Issues, Commission, Task Forces and Networks Canon 1998*;
- functions in relation to the revocation of relinquishment or deposition from holy orders under the *Holy Orders, Relinquishment and Deposition Canon, 2004*;
- membership of Anglican Board of Mission – Australia Limited;

- attendance at meetings of the Primates of the member churches of the Anglican Communion;
- membership of the Heads of Churches meeting and the Executive of the National Council of Churches in Australia;
- presidency of the Australian College of Theology Limited; and
- numerous other formal positions as chairman or president.

The Primate does not have extensive executive powers, nor does he have the power to intervene in the governance or management of a diocese.

### **3.6. The General Secretary**

The administration of the affairs of the General Synod is carried out by the General Secretary and the staff of the General Synod Office. Currently, the General Synod Office has five full-time staff including the General Secretary and four part-time staff. The National Register Officer, a part-time member of staff administers the National Register and provides administrative assistance to the Episcopal Standards Commission. The General Secretary has limited powers in relation to the administration of the General Synod and its bodies and has no power to intervene in the governance or management of the dioceses or their agencies or in the affairs of parachurch organisations.

### **3.7. Professional Standards Commission**

The Professional Standards Commission was established pursuant to the *Strategic Issues, Commissions, Task Forces and Networks Canon, 1998*.

Pursuant to Section 12A of that canon, the functions of the Professional Standards Commission are:

- (a) *to examine questions of professional standards, safe ministry practices and training, and care and support for ordained and authorised lay ministry, referred to it by the Primate, the Standing Committee or the General Synod, and to report thereon to the referring party and the Standing Committee;*
- (b) *to make recommendations to the Standing Committee on matters relating to professional standards, safe ministry practices and training, and care and support for ordained and authorised lay ministry.*

As with other Commissions, the Chair and members of the Commission are appointed by the Primate on the recommendation of the Standing Committee. Members of the Commission have expertise in matters central to the Commission's work. The Commission meets three times each year.

Since its inception, the Commission has developed a number of resources for use by dioceses and their agencies for preventing and responding to child sexual abuse.

The Commission has prepared a "Roadmap" of national professional standards resources titled *The Path to Safer Ministry* which was approved by the Standing Committee in November 2011. The Roadmap is a guide to all the resources

approved either by the General Synod or the Standing Committee. It may be found on the General Synod website by following this link:

[http://www.anglican.org.au/content/governance/Commissions/Professional\\_Standards.aspx](http://www.anglican.org.au/content/governance/Commissions/Professional_Standards.aspx)

### **3.8. Key Canons of General Synod relating to Discipline and Child Protection**

*Offences Canon 1962* – identifies a conduct giving rise to disciplinary action.

*Holy Orders, Relinquishment and Deposition Canon 2004* – provides for deposition from holy orders upon proof of an offence and prevents avoidance of disciplinary action by voluntary relinquishment of holy orders.

*Episcopal Standards Canon 2007* – establishes mechanisms for addressing questions of bishops' fitness for office

*Special Tribunal Canon 2007* – establishes the Episcopal Standards Commission to handle complaints about the conduct of diocesan bishops and the Special Tribunal to determine charges of offences against diocesan bishops.

*National Register Canon 2007* – establishes a register of Information of sexually misconduct of clergy and church workers.

All these canons except the Offences Canon had predecessors.

### **3.9. Resolutions of the General Synod Adopting National Statements and Standards**

The General Synod has passed resolutions adopting resources to promote child protections, namely, *Safe Ministry Policy Statement*, *Safe Ministry Checks* and *Faithfulness in Service* (a code of conduct).

The General Synod has passed numerous resolutions making recommendations to dioceses and to government concerning child protection.

### **3.10. Resolutions of the General Synod Standing Committee relating to professional standards and child protection**

The General Synod Standing Committee has passed numerous resolutions recommending that dioceses or their organisations adopt resources or take courses of actions to prevent or respond to child sexual abuse and in relation to other professional standards matters.

A document setting out the text of resolutions of the General Synod and the Standing Committee is attached (Attachment 2).

#### 4. DIOCESES OF THE ANGLICAN CHURCH OF AUSTRALIA

There are 23 dioceses in the Anglican Church of Australia.

These dioceses vary considerably in a number of respects:

- in geographical and numerical size;
- in resources available to them;
- constitutionally;
- in arrangements for management of their affairs;
- in theological and ecclesiological outlook;
- in expectations of and support for the General Synod and its various bodies and activities.

Some dioceses are incorporated. Others are unincorporated associations.

Some dioceses operate under a consensual compact while others are constituted by state legislation. The Diocese of the Northern Territory was established as a Missionary Diocese by a canon of the General Synod but is no longer a Missionary Diocese.

All dioceses have:

- a diocesan bishop
- a synod
- a diocesan council (or standing committee)
- parishes
- a diocesan tribunal to deal with offences
- a body to deal with questions of fitness for office.

Some dioceses have:

- assistant bishops
- one or more welfare agencies operating within their boundaries
- one or more schools operating within their boundaries
- parachurch organisations operating in conjunction with or outside of parishes.

All diocesan synods pass laws (known as ordinances, acts or canons) to regulate their affairs. Usually, unlike General Synod legislation, there is no mechanism for, say, parishes to decline to adopt diocesan legislation. Whether or not diocesan legislation is legally binding depends on its character. Legislation relating to property is usually binding.

Diocesan legislation comes into force only when the bishop assents to it.

Subject to the 1961 Constitution referred to above, the dioceses are autonomous. No other body or person in the Church has power to intervene in the governance or management of a diocese.

## **4.1. Diocesan Bishops**

### **4.1.1. Appointment**

The method of appointing diocesan bishops varies from diocese to diocese. There are two principal models. Under the first model the bishop is elected by the diocesan synod. That synod may be served by a nomination committee elected by the synod. The second model provides for a committee or board elected by the diocesan synod to appoint the diocesan bishop. There are various mechanisms for dealing with deadlocks in the appointment process.

### **4.1.2. Tenure of Diocesan Bishops**

Usually diocesan bishops retire at the age of sixty-five or seventy. Most dioceses provide for the office of diocesan bishop to become vacant upon physical or mental unfitness, bankruptcy, conviction for a relevant offence.

Some dioceses have provisions to extend the bishop's tenure.

### **4.1.3. Powers and Duties of Diocesan Bishops**

Diocesan bishops exercise the primary leadership role in a diocese. That leadership is exercised both pastorally and temporally. The temporal leadership is usually defined in various ordinances of the diocese or constitutions of diocesan bodies. The diocesan bishop's functions include:

- chairing meetings of the Synod, the diocesan council and various other diocesan bodies;
- licensing clergy and laity to minister in parishes, as chaplains or in other roles;
- appoints persons to membership of various diocesan bodies;
- implementing recommendations of disciplinary bodies; and
- approval of liturgy.

Diocesan bishops may withhold their assent to diocesan legislation.

## 5. PARISHES

Dioceses are comprised of parishes in numbers ranging from the low twenties to the high two hundreds.

Traditionally, parishes are defined geographically. However, in the last decade or so, dioceses have introduced the concept of congregations centring on special interests or established outside of traditional structures in order to reach out and minister to people not attracted to the traditional parish model.

A parish is traditionally organised in a manner paralleling a diocese, usually having:

- a priest (also known as a vicar, minister, pastor, senior pastor, presbyter or incumbent)
- churchwardens (also known as wardens)
- a parish council.

Many parishes also employ staff such as:

- curates (also known as an assistant ministers or assistant pastors etc);
- pastors or workers engaged to minister to particular community sectors such as women's' pastors, youth workers etc; and
- clerical staff.

### 5.1. Parish Clergy

The traditional view at law is that parish clergy are holders of an office appointed by the diocesan bishop, not employees of either the diocesan bishop, the diocese or a parish.

The processes for appointing parish clergy vary from diocese to diocese but they may be described broadly as follows. The diocese and the parish appoint representatives to a board or committee to identify appropriate candidates. Agreed candidates are submitted to the diocesan bishop for approval. The diocesan bishop causes a request to be made for a report from the National Register to determine whether the National Register holds any Information concerning sexual misconduct or child abuse relevant to the appointment. If the diocesan bishop approves the appointment, they issue a license to the appointee to minister in the relevant parish. The duration of the appointment is not usually specified and, in some dioceses, the licence is expressed to be terminable by the diocesan bishop either at will or on giving a specified period of notice.

Diocesan ordinances regulate the duties, powers and disciplinary regime applicable to parish clergy.

Typically, the powers of parish clergy include:

- overall leadership of the parish and responsibility for the spiritual health and pastoral care of parishioners;
- conduct and control of divine service;
- appointment of staff, with the concurrence of the churchwardens and/or parish council and the diocesan bishop;
- appointment of persons to ministries conducted within the parish; and
- appointment of one churchwarden and one or more parish councillors.



## 5.2. Churchwardens

The usual role of churchwardens includes responsibility for parish property, administration of finances and reporting to the diocesan bishop for any deviations from authorised liturgy.

Churchwardens often have informal roles as the parish priest's confidants.

There are usually three churchwardens, one appointed by the parish priest and two elected by parishioners.

Churchwardens are also members of the parish council.

Churchwardens' tenure is usually from one annual general meeting to the next.

## 5.3. Parish Council

The parish council commonly has at least a consultative role but may also have a deliberative role in relation to spiritual and temporal matters within a parish. This varies from diocese to diocese.

The number of parish councillors may vary but the usual pattern is for the parish priest to appoint one member for every two elected by the parishioners.

Parish councillors' tenure is usually from one annual general meeting to the next.

## 5.4. Parish Staff

Staff are appointed by the parish priest, usually with the approval of the parish council and the diocesan bishop. Terms of employment are usually agreed at least by the churchwardens if not also the parish council.

## 5.5. Parish Activities

Parishes conduct a wide variety of activities reflecting their composition and the demography of their locality. A parish typically conducts the following kinds of activities:

- Divine service. Some services might be designated "youth" services.
- Pastoral ministry, primarily spiritual counselling.
- Bible studies, usually held in parishioners' homes on weekdays.
- Youth ministry:
  - Youth groups meeting on weekdays or weeknights or on late Sunday afternoon.
  - Youth camps, probably conducted by a diocesan youth ministry organisation.
- Children's ministry such as crèches and Sunday Schools.
- Youth clubs such as CEBS (formerly known as Church of England Boys' Society) and GFS (formerly known as Girls' Friendly Society).
- Children's and Youth holiday clubs.
- Community outreach and welfare activities.
- Evangelism.

## 6. PROVINCES OF THE ANGLICAN CHURCH OF AUSTRALIA

- 6.1. The Diocese of Australia was founded in 1836 and the Diocese of Tasmania separated in 1842. The Diocese of Australia ceased to exist in 1847 on the creation of the dioceses of Sydney, Adelaide, Melbourne and Newcastle.
- 6.2. Thereafter, grouping of dioceses into Provinces tended to follow colonial boundaries except that the Northern Territory is part of the Province of Queensland.

At least 3 contiguous dioceses are required to form a province. Each Province has a Synod whose members are representatives of the dioceses comprising the province, elected or appointed according to the rules of that diocese. The powers of provincial synods are limited. Provincial synods do not meet as frequently as diocesan synods. The diocesan bishop of the senior diocese of a province presides over the provincial synod.

The senior diocese of each Province is located in a mainland capital city. The diocesan bishop of a senior diocese is known as “Archbishop” of that diocese and Metropolitan of the relevant Province.

- 6.3. The present distribution of dioceses is:

**Province of Queensland:** Brisbane (1859), Rockhampton (1892), North Queensland (1878), Northern Territory (1968).

**Province of New South Wales:** Sydney (1847), Newcastle (1847), Goulburn (1863) & Canberra (1949), Armidale (1867), Bathurst (1870), Riverina (1888), Grafton (1914)

**Province of Victoria:** Melbourne (1847), Ballarat (1875), Bendigo (1902), Gippsland (1902) Wangaratta (1902)

**Province of South Australia:** Adelaide (1847), Willochra (1915), The Murray (1970)

**Province of Western Australia:** Perth (1857), Bunbury (1904), North West Australia (1910)

**Extra Provincial:** Tasmania (1842)

### 6.4. Notes

Carpentaria (1900) was absorbed into North Queensland in 1996. St Arnaud (1926) was absorbed into Bendigo in 1976. Kalgoorlie (1914) was absorbed into Perth in 1973.

Within the worldwide Anglican communion, the Anglican Church of Australia is known as the Province of Australia.

A map showing the provinces and dioceses of the Anglican Church of Australia is attached (Attachment 3).

## **7. DEFENCE FORCE CHAPLAINCY**

The Anglican Church of Australia provides chaplains to the Australian Defence Force.

*Defence Force Ministry Canon 1985* provides for the Primate, with the approval of a majority of Metropolitans and the Defence Force Board, to appoint a Bishop to the Defence Force.

### **7.1. Bishop to the Defence Force**

The Bishop to the Defence Force is a bishop assistant to the Primate.

The role of the Bishop to the Defence Force is to be responsible to the Primate for the episcopal oversight of chaplains serving in the Defence Force and the Church's ministry to Defence Force personnel and their families.

The term of office of the Bishop to the Defence Force expires on resignation or attaining the age of sixty-five years.

The stipend of the Bishop to the Defence Force is paid by the Commonwealth Government.

### **7.2. Defence Force Chaplains**

The Defence Force appoints and pays the stipends of the Defence Force Chaplains and the Bishop.

The Primate licenses Defence Force Chaplains on the recommendation of the Bishop to the Defence Force or he delegates that function to the Bishop to the Defence Force.

The stipends of the Defence Force Chaplains are paid by the Commonwealth Government.

### **7.3. Defence Force Board**

The *Defence Force Board Canon 1985* establishes a Defence Force Board, the successor to the Armed Services Board established in 1996.

The Board comprises:

- The Bishop to the Defence Force as Chair
- Three members of the clergy, at least one of whom has experience as a chaplain
- Three lay persons.

The clergy and lay members of the Board are elected by the House of Clergy and the House of Laity respectively at a session of the General Synod.

The Defence Force Board's functions are primarily to act as a resource to the Primate, the bishops, the synod and the General Synod Standing Committee on all matters concerned with ministry of the Church to Defence Force personnel and their families and to administer funds allocated to it by the General Synod.

#### **7.4. Defence Force Anglican Chaplaincy Incorporated**

Defence Force Anglican Chaplaincy Incorporated is a incorporated association operating since 2011. DFACI's objects include, most relevantly, to be the professional Association for those delivering the mission of the Church to the Defence Force personnel and their families (clause 3(b)). Pursuant to that object, the Association has promulgated a code of practice to which members must adhere.

#### **7.5. Ministries of Defence Force Chaplains**

There are currently 40 full-time Anglican Defence Force chaplains.

The chaplains are either stationed in Defence Force establishments or on deployment. Current deployments are in the Middle East.

Historically, chaplains' ministry included Sunday schools, scripture in schools, Confirmation classes and also initial training establishments for officers and other ranks where 15-18 year olds were and are recruited.

Last century, far more 15-18 year olds were recruited than currently. At HMAS Leeuwin, WA boys finished their last two years of high school and 15 year olds were recruited at HMAS Nirimba Quakers Hills NSW the Apprenticeship training school. In the Army, the Junior Apprentice School scheme for over 15 year olds ended towards the end of the 1990s.

This century, practically all recruits are over 17.

Initial training establishments have historically been and currently are as follows:

- Officers:  
ADFA, RMC Duntroon in Canberra, HMAS Creswell in the ACT and RAAF East Sale.
- Other ranks:  
HMAS Cerberus in Victoria for naval recruits, Kapooka in Wagga Wagga NSW for Army and RAAF Forest Hill in Wagga for Air Force recruits.

This century chaplains' ministry to children is much reduced compared to last century. Chapel congregations are much reduced, Sunday schools are virtually non-existent and confirmations occur only sporadically. Rarely are recruits under 17. The bulk of ministry for those under 18 occurs in initial recruiting bases and other specialist training schools subsequent to initial training.

Defence Force chaplains' ministries include chapel familiarisation, chapel services and character guidance classes. Family pastoral counselling and pastoral services such as baptism, confirmations, weddings and funerals may involve children from time to time. There is a particularly heavy load of pastoral care for chaplains at the 7 initial training facilities for those close to but under 18 as they adjust to service culture and being away from home.

Ministry to children occurs mostly in initial training bases (referred to above) and at training schools:

- Army: Puckapunyal, Singleton, Wodonga;
- Navy: HMAS Cerberus, Watson, and Cresell, Platypus;
- RAAF: East Sale, Wagga Wagga and Amberely.

From time to time chaplains have covered for local clergy or taught scripture in local schools in the vicinity of Defence establishments.

## 8. MISSION AGENCIES

The three major missionary societies associated with the Anglican Church of Australia are Anglican Board of Mission-Australia Limited, the Bush Church Aid Society of Australia and the Church Missionary Society.

### 8.1. Anglican Board of Mission – Australia Limited

ABM is a corporation limited by guarantee.

ABM is effectively owned by the Anglican Church of Australia. The company has two members – one being the Anglican Church of Australia Trust Corporation and the other being the Primate of the Anglican Church of Australia. ABM was incorporated with the consent of General Synod under the Anglican Board of Mission – Australia Canon 2001 which authorises General Synod Standing Committee to do those things required of it in the ABM Constitution.

ABM's objects include leading, encouraging and serving the Church in Christ's mission in the world by:

- (i) Educating and stimulating the Church in the responsibility of mission;
- (ii) Recruiting, training and supporting persons to serve in churches of the Anglican Communion;
- (iii) Engaging in and providing assistance to activities such as would foster evangelism and church growth within Aboriginal and Torres Strait Islander Communities in Australia and member Churches of the Anglican Communion;
- (iv) Engaging in and providing assistance to sustainable development activities, activities for the relief and eradication of poverty, and emergency relief operated under ecumenical auspices or in churches of the Anglican Communion or in partnership with such churches;
- (v) Engaging in and providing assistance to ecumenical and other activities relevant to the objectives of the Company.

The General Synod Standing Committee appoints six directors, one from each Province of the Church and one from the Diocese of Tasmania. The directors so appointed may appoint an additional four directors. The Associates elect one director. The directors appoint an Executive Director.

The company reports to every ordinary session of the General Synod of the Church and to the Standing Committee in years when an ordinary session of the General Synod is not convened.

ABM has had some involvement in the provision of ministry to children both in Australia and overseas. So far as it can determine, this has been limited to the provision of personnel, namely missionaries, who have provided ministry as, for example, teachers, parish clergy and medical staff, and support for institutions which delivered such ministry, such as schools, parishes and medical facilities.

Such ordained personnel are usually licensed by the Bishop of the diocese in which they work and are subject to diocesan policies.

From the records available at this time, it appears that, in Australia, ABM had a connection with St Francis' House in Semaphore, South Australia and St Mary's Home for Children in Alice Springs, Northern Territory. Both of these institutions were care providers and hostel/dormitory accommodation for Aboriginal children.

It appears that ABM's main contribution was in the provision of staff but the extent of the connection is not completely clear. The information held in ABM's office concerning these ministries is somewhat limited as most of ABM's archival material is held in the Mitchell Library and is only in a partially catalogued state.

## 8.2. The Bush Church Aid Society of Australia

The Bush Church Aid Society of Australia was formed in 1919 and was incorporated in 1939.

The Bush Church Aid Society of Australia is a voluntary mission society that works in association with the Anglican Church of Australia and the various Anglican Dioceses to provide clergy and other Christian workers to remote, regional and rural communities in Australia. These clergy are known as BCA Field Staff.

The Bush Church Aid Society of Australia is a company limited by guarantee. Its objects which may be summarised as providing ministry and a wide range of practical help to persons in sparsely settled areas of Australia.

The membership comprises persons who demonstrate practical commitment to the Society.

The Council consists of five officers (President, Vice-President, Chair, National Director and Honorary Treasurer) and twenty other Ordinary Councillors elected by the members. Sixteen Ordinary Councillors are allocated from various states and four others with no residency requirement.

Ministry is provided to children in parishes ministered to children through Sunday School, Kids' Clubs and Youth Groups. They sometimes teach biblical classes in state schools. In the past, the Society also provided school term-time hostels for children who were required to board in regional towns in order to attend the local primary or high school. The hostels were managed by a husband and wife team who had gone through a candidature process with the Society.

Hostels were located at –

Wilcannia	1920 - 1949
Wentworth Falls, "Coorah"	1940 - 1950
Mungindi Boys Hostel	1930 - 1963
Mungindi Girls Hostel (separate)	1940 - 1961
Port Lincoln Girls Hostel	1944 - 1971
Bowral Girls Hostel	1945 - 1959
Moree Boys Hostel	1963 - 1972
Broken Hill	1950 - 2001
Forbes Hostel	1996 - 2001

The personnel who provided these ministries were usually licensed by the Bishop of the diocese in which they worked and were subject to diocesan policies and procedures.

### 8.3. Church Missionary Society

CMS-Australia is an Australian public company limited by guarantee established under the Corporations Act 2001 (Commonwealth). It is the coordinating body for the state branches who are a mix of corporations limited by guarantee and incorporate or associations.

The Church Missionary Society is a voluntary society whose membership is comprised principally of members of the Anglican Church of Australia and, as such, is not under the authority of the General Synod. Its ethos and theological base is that of the Anglican Church; it has no other doctrinal statements. It is based upon those evangelical and protestant principles of the Church Missionary Society of the United Kingdom from its foundation.

Each branch has its own constitution but for the purposes of consistency all branches have adopted the same Principles and Objects as contained in the CMS-Australia constitution.

CMS Branches are involved in the following work with children and youth:

- camps for Primary age and Secondary age children and youth;
- all-age conferences incorporating children and youth programs;
- CMS personnel attending children's and youth programs run by parish churches and schools.

Nationally, these activities are the domain of branches. Over time, for consistency, the policies and protocols that sit around these activities have been developed by CMS-Australia and have been cascaded down to branches.

CMS established five centres in the Northern Territory and there was a school in each of these:

- Roper River was established in east Arnhem Land in 1908 and this moved to Ngukurr in 1940. CMS cared for 'half-castes' at Roper River and some thirty-five to forty of these people were transferred to Groote Eylandt in 1924. Others were cared for at Roper River over the following years.
- Emerald River on Groote Eylandt was started in 1921. It was relocated to Angurugu in 1943. CMS administered a hostel for aboriginal girls at Angurugu, to enable them to attend school.
- In 1925 Oenpelli was established in north-east Arnhem Land with a small school and later a girls' hostel.
- CMS's work with people of mixed ancestry was scaled down during the 1930s but some were still in the Society's care until they were moved to Sydney during World War II.
- The centre at Numbulwar was started in 1952.



- CMS administered Umbakumba on Groote Eylandt from 1958 to 1966. This settlement had been started as a commercial venture for a QANTAS flying boat base and for general trade.

All the CMS missions were initially within the former Diocese of Carpentaria but were owned and administered by CMS. Clergy were licensed by the Bishop and so were ecclesiastically under his authority. In 1968 the Anglican Diocese of the Northern Territory was established. All the CMS centres were handed over either to the authority and ownership of that Diocese or of the newly established Aboriginal Land Councils. By 1980 all had been transferred to these Councils or to the Diocese and in 1985 the Aborigines Committee of CMS was disbanded.

CMS policy for many years has been that missionaries of the Society serve under the authority of the local church or institution in which they work. Therefore CMS has no structures overseas. In several countries CMS was responsible for starting what became Anglican Dioceses and Provinces and missionaries worked within these.

## 9. ANGLICAN WELFARE AGENCIES

Anglicare Australia is a network of welfare agencies established under the *Strategic Issues, Commissions, Task Forces and Networks Canon 1998*. Part of Anglicare's role is to advocate for clients of its members' services, primarily to government.

The attached spreadsheet (Attachment 4) sets out by province and diocese the number of welfare agencies which are members of Anglicare Australia in the following categories:

1. Those providing services directly to children, that is, having children in their direct and sole care for periods of time.
2. Those providing services indirectly to children, that is, where children may be present at the relevant service but under the care of others (e.g. grandchildren visiting relatives in aged care). "Indirect care" has been given a broad interpretation.
3. Whether the agency is controlled by a diocese.
4. Whether the agency is independent of the diocese(s) in which it operates.

Organisations operating direct care will also provide indirect care on occasions.

There is a total of 39 members of Anglicare Australia.

Two of these members operate nationally, in every province.

### 9.1. Legal Structures of Anglican Welfare Agencies

There is a plethora of legal forms of organisation throughout the network. The most common forms are company limited by guarantee, incorporated association, and simply as part of the Diocese (notably Anglicare Sydney and Anglicare Southern Queensland). However those that are independent still often have a place reserved for the Bishop as visitor or an identified seat(s) on the board for Diocesan or parish nominees. Each independent agency has an individual constitution.

### 9.2. Child Protection Regimes

Child protection legislation exists at State and Territory level. Since 2007, there has been a growing response and interest from Federal Government. In general Diocesan child protection rules are less onerous than those of States and Territories and are therefore not adopted, or their requirements can be assumed to have been covered if organisations follow the State and Territory laws as required. Organisations applying for current funding must be compliant with the government legislation. Government is not cognisant of, nor does it generally recognise, Church rules in child protection. No organisation would be funded to operate direct children's services if they are not compliant.

### 9.3. Processes for responding to child sexual abuse

The design of processes for responding to child sexual abuse in welfare agencies depends on the requirements of the government legislation and the structure of each organisation. Usually, responses are managed at the top level of organisations and are overseen by the CEO who is usually the licensed person for the operations of services.

### 9.4. Anglicare Code of Ethics

The Anglicare Australia Code of Ethics was agreed to by all existing members at the annual general meeting in 2009. New members must commit to the Code of Ethics on becoming members. Of particular interest is the third point under service provision:

*Anglicare members will be bound by, and contribute to the development and improvement of the appropriate regulations and professional standards;*

and the Governance statement:

*Anglicare members will operate at the highest and most transparent level of governance and financial stewardship.*

The Anglicare Code of Ethics is Attachment 5.

### 9.5. Other Peak Bodies

Many Anglicare members are also members of their relevant peak bodies. Such peak bodies may be by locality (local Council of Social Services for example), or by service type (association of child welfare organisations for example). In the Anglicare Australia code of ethics, Anglicare members undertake to be a part of development of standards etc and will do so through these groups as well as through Anglicare Australia. The degree to which these organisations control their members would need to be explored with each individually.

## 10. ANGLICAN SCHOOLS

There are 147 Anglican Schools. Anglican Schools Australia (ASA) is a network of Anglican schools established under the *Strategic Issues, Commission, Task Forces and Networks Canon 1998* and organises itself on a provincial basis. Under the ASA constitution all Anglican Schools are automatically members of ASA but only those who pay the levy are deemed the financial members. ASA's member schools are listed below by province:

ACT	4
NSW	57
QLD	25
SA	12
TAS	3
VIC	29
WA	<u>18</u>
	148

ASA provides a national forum for Anglican schools and it engages with external bodies on matters which affect the Church's mission through Anglican Schools. It does not have a governance role with its member schools, nor does it have authority to make requirements of the members.

Governance arrangements for each school are varied. Anglican Schools have a relationship with their dioceses. Some are members of their diocesan schools commission or come under some diocesan control. For many the relationship lies in the diocese having the right to nominate or approve some appointments to the governing body, or in having ex officio clergy members on the schools' governing bodies. The principal may be appointed by the diocese, or nominated by the governing body for the approval of the bishop or bishop in council, or be appointed by the governing body. The Chair of the governing body may be elected by the governing body or by the bishop or bishop in council or as a nomination of the governing body to the diocese or schools commission for approval.

Some dioceses have Schools Commissions which own and manage schools. In general the diocese through the bishop or bishop in council approves the constitution of the commission and appoints some of the members of the commission and the commission reports annually to the diocesan synod.

Schools have policies and procedures for dealing with child abuse. Any instance of child sexual abuse occurring in the school context would normally be known by the principal but all school professionals are mandated to report child sexual abuse to the relevant authorities. School professionals include principals, teachers, counsellors and others. Schools commissions may require child protection policies but they would accord with state requirements which take precedence. Independent schools would not necessarily inform the diocese of an instance of abuse, though the principal might inform the bishop in confidence.

In general Anglican Schools would also be members of the relevant state independent schools body. The state independent schools bodies federally come together as the Independent Schools Council of Australia (ISCA) but, as education is administered by states, it is the state bodies which have a role to play in advising on matters which might include administering child protection policies and procedures. The state independent schools bodies do not have any mandating role.

Teacher registration is managed by the States. There is a body ATRA (Australasian Teacher Regulatory Authorities) which was established to facilitate cooperation and collaboration across the Australian and New Zealand jurisdictions in the regulation of the teaching profession.

A table showing the total number of Anglican schools, the numbers directly controlled by dioceses, controlled by a diocesan schools commission or which are independent and the legal characterisation of those which are not independent is attached (Attachment 6).

## 11. PARACHURCH ORGANISATIONS

There are five parachurch organisations associated with the Church. CEBS, GFS and the Mothers' Union tend to mirror the structure of the Church in that there are local branches in parishes and/or dioceses with a national council. Although these parachurch organisations support the Church and are supported by the Church, they are independent.

### 11.1. CEBS – The Anglican Boys' Society (Australia) Incorporated

The name *CEBS* derives from *Church of England Boys' Society*.

The aims of CEBS Australia are to nurture the spiritual development of boys to maturity and encourage their lifelong involvement in the Church. CEBS branches are based in parishes. Branches are governed within the framework of the Constitution of the Society for the particular diocese in which the branch is located. In each diocese CEBS has its own Diocesan Council. The dioceses, in turn, are governed within the framework of the Society for the relevant state of Australia. Each State Council is responsible for the administration and pastoral oversight of branches within the State which are not governed by a Diocesan Council.

There is a national council called the Australian Council of the Society. The Australian Council consists of the following persons:

- a) A President, Vice-Presidents, Chairman, Secretary, and Treasurer.
- b) Two representatives of each State Council and each Diocesan Council of the Society.

The affairs of the Society between council meetings are administered by an Executive Committee comprising the Chairman, the Secretary and the Treasurer.

The Australian Council's authority is limited to:

- administering the affairs of the Society on a national level
- deciding matters of a national character
- interpreting the Constitution.

In many respects, the activities of CEBS are similar to those of scouting movement with a spiritual foundation.

### 11.2. GFS Australia Inc.

GFS Australia Inc. is an incorporated association which previously operated as a company limited by guarantee until April 2013.

GFS is an organisation within the Anglican church operating at a parish level providing weekly (or fortnightly) school term sessions to children starting from 4 or 5 years of age and continuing through to adult years. In the course of their activities they have met in larger groups (several parish groups, diocesan, state or national) for camps over weekends, or longer. The organising committees are diocesan based with some state based committees (NSW and Victoria) and we also have a national executive committee.

The national body is governed by a National Executive comprised of its officers (Chair, Vice-Chair, Treasurer and Secretary) and no more than three Ordinary

Members, each of whom are elected by the Members at the Annual General Meeting.

Each GFS within a diocese is governed by its own constitution and follows the directions of its relevant diocese. Each GFS reports to its diocese.

Various state legislation relating to child protection is also applicable and each diocesan GFS follows its appropriate legislative procedures.

GFS has operated as a provider of parish based or school based groups mainly to girls but in some dioceses it operates under the name of Kidsplus, Kidslink which include boys within their groups.

The Townsend groups are a ministry of GFS to adults operating in many dioceses. They have succeeded children's groups which no longer operate

GFS currently has children's and adult ministry groups in Perth\*, South Australia, Melbourne\*, Ballarat, Gippsland\*, Wangaratta, Bendigo, Sydney\*, Tasmania, Newcastle, Grafton, Brisbane\*, Rockhampton\*, North Queensland\*. (Dioceses marked \* are currently operating children's groups but all would have been operating with children's groups at some stage in their history).

### **11.3. The Australian Council for the Mission to Seafarers Inc.**

The Australian Council for the Mission to Seafarers Inc. oversees, supports and encourages the work of all *Mission to Seafarers* centres located around the Australian continent.

The Council is guided by the Constitution and Canons of the Anglican Church of Australia. It seeks to promote throughout its Australian seafaring centres an atmosphere of family and a sense of service and solidarity in its maritime ministry.

The centres minister to seafarers and their families.

The biennial national conference of representatives from the centres elect six of their colleagues to sit on the Council on a voluntary basis.

The Council employs a full-time National Coordinator to carry out the executive work of the Council.

### **11.4. The Church Army in Australia**

The Church Army was formed in Australia in 1932 for the purpose of identifying, equipping, sending and supporting evangelists. It works in partnership with churches and organisations to reach people who do not normally have meaningful contact with the church.

Many Church Army evangelists work in Anglican parishes.

### **11.5. The Council of the Mothers' Union in Australia Incorporated**

The Council of the Mothers' Union in Australia Incorporated is a part of the Worldwide Mothers' Union.

The governing body for Australia is the Australian Council which meets once every eighteen months and consists of a total of 40 members:

#### The Executive Committee

- President
- Secretary
- Treasurer
- Two Vice Presidents
- Immediate Past President
- Heads of Departments –
  - Caritas and Promotion & Development
  - Education, Mia Mia,
  - Overseas and Northern Outreach,
  - Prayer and Spirituality,
  - Publication,
  - Social Responsibility

#### Diocesan Presidents

- From the 22 Dioceses
- President of the Northern Territory branch

#### Life Vice Presidents

- No more than four.

The working body is the Australian Executive Committee which meets once in every year, and runs the organisation between meetings of the Australian Council.

The primary purpose of Mothers' Union Australia is summarised in its Mission Statement: *Sharing Christ's love by encouraging, strengthening and supporting marriage and family life.*

The names of the different departments listed in the membership of the Executive above suggest the nature of the Mothers' Union's activities.



## **12. PERSONS UNDERTAKING MINISTRY WITHIN THE ANGLICAN CHURCH OF AUSTRALIA**

### **12.1. Clergy**

There are three orders of clergy: Bishops, Priests and Deacons.

Bishops are the spiritual leaders of dioceses. They are officeholders, not employees.

Priests who are licensed as incumbents in parishes are also officeholders.

Priests may be appointed as assistant priests in parishes or may occupy administrative positions in diocesan organisations. Even though they may hold licenses from their Diocesan Bishops, they may be employees.

Deacons are the first stage of ordained ministry. In most dioceses they are ordained as priests within a year or two of ordination as deacons. In some dioceses there is a permanent diaconate, that is, deacons who do not become incumbents of parishes remain as deacons.

### **12.2. Lay Persons**

Some parishes and church organisations employ lay persons, usually as youth workers or pastoral workers. Many of these are licensed to their ministries by diocesan bishops.

Most lay ministry in churches is conducted by volunteers. This includes teaching Sunday School, leading in youth groups, reading services, reading the Scriptures and praying in services, community outreach work and pastoral work.

### **12.3. Ordination and Licenses**

A person may be consecrated as a bishop or ordained as a priest or a deacon but may not function in those capacities unless licensed by the diocesan bishop. This is similar to professions such as lawyers who may be qualified to practise but may not do so unless authorised by a professional body.

## 13. DISCIPLINE

### 13.1. Diocesan Bishops

The disciplinary process for diocesan bishops is complex.

The *Special Tribunal Canon* establishes the Episcopal Standards Commission whose function is to investigate complaints against bishops and to determine whether the conduct complained of constitutes an offence or conduct suggesting unfitness for office. If *prima facie* an offence has been committed, the Commission may promote a charge in the Special Tribunal unless the relevant diocese has by ordinance excluded the Commission's power.

If the complaint is of conduct which does not warrant a charge but nevertheless suggests unfitness for office, the Commission may only investigate that complaint if the relevant diocese has adopted the Episcopal Standards Canon. If an investigation warrants, the Commission may refer the complaint to the Episcopal Standards Board.

On finding that an offence has been committed, the Special Tribunal may make recommendations for action by the Primate ranging from rebuke to deposition from Holy Orders.

The Episcopal Standards Board has power to make a range of determinations similar to those of the Special Tribunal. Failure of the subject Bishop to comply with the determination constitutes an offence in respect of which the Episcopal Standards Commission may promote a charge in the Special Tribunal.

The General Synod Standing Committee has appointed an Episcopal Ministry Task Force to review all these arrangements and to propose a new system for consideration at the next session of the General Synod in late June 2014.

### 13.2. Other Clergy

Assistant bishops, priests and deacons may be subject to charges in diocesan tribunals or investigation by a professional standards board (or similar body) constituted by their diocese to investigate fitness for office. The General Synod has approved a model professional standards ordinance to cover disciplinary processes in relation to complaints of sexual misconduct and child abuse against clergy. Most dioceses have passed ordinances along these lines, some adopting the model ordinance without modification, others with varying degrees of modification.

The diocesan tribunals and professional standards boards have powers similar to those of the Special Tribunal and the Episcopal Standards Board. Determinations and recommendations of those bodies are referred to the diocesan bishop.

### 13.3. Laity

Lay persons licensed to ministry within a diocese and volunteers are subject to disciplinary processes of diocesan professional standards boards in many cases.

#### **13.4. Disciplinary Administration within Dioceses**

Each diocese has appointed a Director of Professional Standards (DPS) whose function is to receive complaints of sexual misconduct and, in some cases, all kinds of misconduct. Complaints are usually investigated by independent professional investigators who report to a professional standards committee (or similar) which then determines whether a charge should be promoted in the diocesan tribunal or the matter should be referred to the professional standards board (or similar). Some Directors are retained by more than one diocese.

#### **13.5. National Register**

The *National Register Canon 2007* establishes a register on which Information involving sexual misconduct against both children and adults and other forms of child abuse is recorded by Directors of Professional Standards and is available on enquiry to authorised persons as a tool to assist in determining whether or not to issue a licence to a person or to employ a person in a relevant role.

Reports are sought from the National Register in relation to candidates for election to the role of Primate, membership of the Appellate Tribunal, membership of the Special Tribunal, membership of the Episcopal Standards Board and appointment to the role of General Secretary of the General Synod.

Security measures protect the integrity of the data on the National Register and protocols govern access to Information. The software is currently being improved in light of experience of its use and the uploading of historical Information is not yet complete.