

Safe Ministry to Children Ordinance 2018

No 26, 2018

Long Title

An Ordinance to prescribe a framework for safe ministry to children in the Diocese of Sydney and for related purposes.

Preamble –

A. In 2004 the General Synod adopted the Safe Ministry Policy Statement which states that the Anglican Church of Australia is committed to the physical, emotional and spiritual welfare and safety of all people, particularly within its own community, and includes the commitments to carefully recruit and train its clergy and church workers, adopt and encourage safe ministry practices by its clergy and lay church workers, and provide pastoral support to and supervision of any person known to have abused a child or another vulnerable person.

B. In 2014 the General Synod adopted the Charter for the Safety of People within the Churches of the Anglican Communion which includes the commitments to adopt standards for the practice of pastoral ministry by clergy and other church personnel, to assess the suitability of persons for ordination as clergy or appointment to positions of responsibility in the church, and to promote a culture of safety in parishes and church organisations by education and training.

C. In 2017 the General Synod passed the Safe Ministry to Children Canon 2017 which was adopted by the Synod of the Diocese of Sydney pursuant to the General Synod – Safe Ministry to Children Canon 2017 Adopting Ordinance 2017 with such adoption commencing on a date determined by resolution of the Standing Committee or a date to be determined at the 2nd Ordinary Session of the 51st Synod, if the Standing Committee has not resolved that the Ordinance should commence by that date.

D. It is desirable to implement a framework for safe ministry to children in the Diocese which reflects the arrangements under the Safe Ministry to Children Canon 2017 pending the commencement of the General Synod – Safe Ministry to Children Canon 2017 Adopting Ordinance 2017 (which is expected if the Standards in that Canon are amended to a form that is suitable and workable for implementation in the Diocese of Sydney).

The Standing Committee of the Synod of the Diocese of Sydney ordains as follows.

1. Name

This Ordinance is the *Safe Ministry to Children Ordinance 2018*.

2. Adoption of Framework

The Standing Committee adopts the framework set out in the Schedule.

3. Commencement

Except for this clause, this Ordinance commences on 1 January 2019.

4. Cessation

This Ordinance ceases to have effect upon the commencement of the General Synod – Safe Ministry to Children's Canon 2017 Adopting Ordinance 2017.

Schedule

PART 1 – PRELIMINARY

1. Title

The framework set out in this Schedule is to be known as the Safe Ministry to Children Framework.

2. Object

The object of this framework is:

- (a) to prescribe a code of conduct for safe ministry to children;
- (b) to prescribe minimum standards and guidelines for safe ministry to children; and
- (c) to implement the Protocol so far as it provides for obtaining and taking into account Ministry

Safe Ministry to Children Ordinance 2018

Suitability Information before authorising clergy and church workers to undertake ministry to children.

3. Interpretation

In this framework , unless the context otherwise requires:

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

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

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

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

church worker means a lay person undertaking any ministry to children:

- (a) who is authorised by the Archbishop; or
- (b) who is employed by a Church body; or
- (c) who, for payment or not, holds a position or performs a function with the actual or apparent authority of a Church authority or Church body;

clergy means a person who is a bishop, priest or deacon in the Anglican Church of Australia;

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

cogent means clear, logical and convincing;

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

controlled by the diocese means that the majority of the members of the body with management responsibilities is elected or appointed under an ordinance of the diocese or under the Constitution of the Church body by one or more of the Archbishop, the Synod and the Standing Committee;

diocesan audit means an audit as to whether:

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

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

Church body audit means an audit as to whether:

- (a) any code of conduct that applies to clergy and church workers in a Church body in respect of which the Standing Committee has made a determination under clause 5(3) gives substantial effect to the standards of conduct and the guidelines for conduct contained in the prescribed code of conduct as appropriately adapted to the context of the Church body;
- (b) any standards and guidelines for safe ministry to children that apply to clergy and church workers in a Church body in respect of which the Standing Committee has made a determination under clause 8(3) give substantial effect to the applicable prescribed standards and guidelines as appropriately adapted to the context of the Church body;

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

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

licence means a licence issued by the Archbishop;

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

- (a) is required to hold a working with children check, or a working with vulnerable people check

Safe Ministry to Children Ordinance 2018

by reason that the person has contact with a child as part of engaging in a regulated activity;
or

- (b) exercises a pastoral ministry which has direct, regular and not incidental contact with children; or
- (c) provides services to children that are ancillary to the exercise of a pastoral ministry within paragraph (b) which involve:
 - (i) contact with children during an overnight activity (such as camps and similar activities);
or
 - (ii) close, personal contact with children (such as changing clothes, washing and toileting); or
- (d) supervises the ministry of a person within any one or more of paragraphs (a) to (c); or
- (e) performs a professional standards role; or
- (f) performs a safe ministry role;

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

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

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

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

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

professional standards role means a role in:

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

under a professional standards process;

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

Safe Ministry Board means the Safe Ministry Board established pursuant to the Safe Ministry Board Ordinance 2001;

safe ministry role means a role:

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

but excludes a role as a member of the Synod and, if the Diocese has established a diocesan safe ministry authority separate from the Standing Committee excludes a role as a member of the Standing Committee;

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

standards for safe ministry with Persons of Concern means the standards for safe ministry with Persons of Concern for clergy and church workers;

standards of screening means the standards of screening for clergy and church workers;

standards of training means the standards of training for clergy and church workers;

Standing Committee means the Standing Committee of the Synod;

Synod means the Synod of the Anglican Church Diocese of Sydney;

working with children check has the same meaning as in the National Register Canon 2007;

working with vulnerable people check has the same meaning as in the National Register Canon 2007.

- (2) In this framework, unless the context otherwise requires, a reference to “diocese” means “Diocese of Sydney” and cognate words have a corresponding meaning.

PART 2 - CODES OF CONDUCT

4. Prescribed code of conduct

- (1) The code of conduct is prescribed in the First Schedule.
- (2) The Standing Committee prior to amending the First Schedule shall consult with the Safe Ministry Board as to the proposed amendments to the prescribed code of conduct.
- (3) Any amendments to the prescribed code of conduct shall not deal with or concern the faith, ritual or ceremonial of the Anglican Church of Australia other than in relation to the spiritual abuse of a child or the confession of child abuse.
- (4) Subject to clause 5, clergy and church workers in the diocese shall:
 - (a) observe the standards of conduct, and
 - (b) follow the guidelines for conduct, unless there are cogent reasons for not doing so, contained in the prescribed code of conduct.

5. Equivalent code of conduct

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

6. Publication of prescribed code of conduct

- (1) The Diocesan Registrar shall publish the prescribed code of conduct on the Safe Ministry website.
- (2) The Diocesan Secretary shall table at each ordinary session of the Synod any amendments to the prescribed code of conduct, since the preceding ordinary session of the Synod.

PART 3 - STANDARDS AND GUIDELINES

7. Prescribed standards and guidelines

- (1) Standards of screening, standards of training and standards for safe ministry with Persons of Concern are prescribed in the Second Schedule.
- (2) The Standing Committee prior to amending the Second Schedule shall consult with the Safe Ministry Board as to the proposed amendments to the prescribed standards and guidelines.
- (3) Any amendments to the prescribed standards and guidelines shall not deal with or concern the faith, ritual or ceremonial of the Anglican Church of Australia other than in relation to the spiritual abuse of a child or the confession of child abuse.
- (4) Subject to clause 8, clergy and church workers in the diocese shall observe:
 - (a) the standards, and
 - (b) the guidelines unless there are cogent reasons for not doing so,applicable to them that give effect to the prescribed standards and guidelines.

8. Equivalent standards and guidelines

- (1) In this clause **Church body** does not include the diocese or a diocesan safe ministry authority.
- (2) The prescribed standards and guidelines shall not apply to clergy and church workers in a Church body which:
 - (a) is registered or approved or funded to provide services to children pursuant to the laws of the Commonwealth or a State or Territory; or

Safe Ministry to Children Ordinance 2018

- (b) provides services to children pursuant to a contract or arrangement with the Commonwealth or a State or Territory or an agency or authority of the Commonwealth or a State or Territory.
- (3) Subject to subclause (2), the prescribed standards and guidelines shall apply to clergy and church workers in a Church body unless the Standing Committee by a two-thirds majority, on application by the Church body, determines that the Church body has equivalent standards for observance, and guidelines to be followed, by its clergy and church workers for safe ministry to children as appropriately adapted to the context of the Church body that give substantial effect to the applicable prescribed standards and guidelines.
- (4) The Diocesan Registrar shall publish on the Safe Ministry website a list of all Church bodies that have been determined under subclause (3) to have equivalent standards and guidelines, the date on which the determination was made, the applicable prescribed standards and guidelines for which the Church body has equivalent standards and guidelines, and if applicable the period during which the determination had effect.

9. Publication of prescribed standards and guidelines

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

PART 4 – AUDIT

10. Audit

- (1) In this clause:
church worker has the same meaning as in the National Register Canon 2007;
independent person means a person who:
 - (a) is not a member of the clergy or a church worker; and
 - (b) has experience in undertaking audits of a similar nature to a Church body audit and a diocesan audit.
- (2) The Diocesan Registrar shall appoint an independent person to undertake a Church body audit and a diocesan audit of the diocese at intervals of three years or such lesser period as determined by the Standing Committee, and provide as soon as practicable after the completion of the audit:
 - (a) a report of the Church body audit to the Standing Committee; and
 - (b) a report of the diocesan audit to the Standing Committee and the Safe Ministry Board .
- (3) The Standing Committee shall determine the scope of the Church body audit and the diocesan audit.
- (4) The independent person undertaking the Church body audit shall be given access to such records and information, as requested by the independent person undertaking the Church body audit as is reasonably necessary to enable the Church body audit to be undertaken.
- (5) The independent person undertaking the diocesan audit shall be given access to such records and information, as requested by the independent person undertaking the diocesan audit as is reasonably necessary to enable the diocesan audit to be undertaken.
- (6) The Diocesan Registrar shall as soon as practicable after:
 - (a) the report of the Church body audit has been provided to the Standing Committee, and
 - (b) the report of the diocesan audit has been provided to the Standing Committee and Safe Ministry Boardpublish the report on the Safe Ministry website.
- (7) The Diocesan Registrar is authorised to provide:
 - (a) the report of the Church body audit to an agency or authority of the Commonwealth or a State or Territory with responsibility for child safe standards in institutions providing services for children; and
 - (b) the report of a diocesan audit to an agency or authority of the Commonwealth, or an agency or authority of the State or Territory in which the diocese is located, with responsibility for child safe standards in institutions providing services for children.

Safe Ministry to Children Ordinance 2018

PART 5 – GENERAL

11. Diocesan safe ministry authority

The diocesan safe ministry authority shall at the request of General Secretary of the General Synod promptly inform the General Secretary of the details of the screening and training of persons from the diocese who are being considered for appointment or election for a General Synod professional standards role or a General Synod safe ministry role.

PART 6 – COMING INTO FORCE

12. Coming into force of particular provisions

(1) Subject to this clause, this framework will come into force on the commencement of the Safe Ministry to Children Ordinance 2018.

(2) The standards of screening, standards of training and standards for safe ministry with Persons of Concern prescribed under subclause 7(1) shall come into force on the date specified in the Second Schedule.

FIRST SCHEDULE

Interpretation

1. In this Schedule:

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

Code of conduct

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

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

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

SECOND SCHEDULE

PART 1 - INTERPRETATION

Interpretation

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

accredited training means:

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

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

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

denominational authority means a person or body of another denomination having authority to ordain, license, elect, appoint, dismiss or suspend a member of the clergy or a lay person of that denomination;

diocesan authority means a person or body of another diocese of the Anglican Church of Australia having authority to ordain, license, elect, appoint, dismiss or suspend a member of the clergy or a lay person of that diocese;

Safe Ministry to Children Ordinance 2018

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

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

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

licensed clergy means clergy issued with a licence;

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

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

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

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

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

Province means a member church of the Anglican Consultative Council other than the Anglican Church of Australia and includes part of a Province;

provincial authority means the person or body in a Province having authority to ordain, license, elect, appoint, dismiss or suspend a member of the clergy or a lay person of that Province;

psychological assessment means consideration of a psychological report that includes an assessment of psychosexual maturity of the person by a registered psychologist;

responsible authority means:

- (a) a provincial authority; or
- (b) a diocesan authority; or
- (c) a denominational authority;

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

Safe Ministry Check means a check that includes the applicable Safe Ministry Check as prescribed from time to time by the Standing Committee

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

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

screening authority means:

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

PART 2 - STANDARDS OF SCREENING

Application

2. (1) This Part applies to all persons ordained as deacons, or licensed as clergy, elected as the Archbishop, or appointed as church workers, after this Part comes into force.
- (2) This Part so far as it requires a working with children check, or a working with vulnerable people check by reason that the person has contact with a child as part of engaging in a regulated activity, or a criminal history assessment, or a risk assessment, applies to all persons licensed as clergy, elected as the Archbishop, or appointed as church workers, when this Part comes into force.

Safe Ministry to Children Ordinance 2018

- (3) This Part so far as it requires a national register assessment and a safe ministry assessment by the screening authority applies to all persons licensed as clergy, elected as the Archbishop, or appointed as church workers, when this Part comes into force, except where the screening authority is reasonably satisfied this has previously been done, and where not so satisfied provided that these assessments are undertaken by 1 January 2021.
- (4) Subject to subclauses (2) and (3), this Part does not apply to persons ordained as deacons, licensed as clergy, elected as the Archbishop, or appointed as church workers, when this Part comes into force.

Deacons

3. The standards of screening for a person to be ordained as a deacon are:
 - (1) the person holds an unconditional working with children check, or an unconditional working with vulnerable people check by reason that the person has contact with a child as part of engaging in a regulated activity, where required by or able to be obtained under the laws of the Commonwealth or a State or Territory; and
 - (2) the following assessments by the screening authority:
 - (a) where a working with children check, or a working with vulnerable people check by reason that the person has contact with a child as part of engaging in a regulated activity, is not required by or is not able to be obtained under the laws of the Commonwealth or a State or Territory, a criminal history assessment or a risk assessment;
 - (b) a national register assessment;
 - (c) a safe ministry assessment;
 - (d) a medical assessment;
 - (e) a psychological assessment; and
 - (f) where the person was previously authorised for ministry in a Province or in another diocese of the Anglican Church of Australia or another denomination, a church ministry assessment, except where reasonably satisfied this has previously been done.

Licensed clergy or the Archbishop

4. The standards of screening for a member of the clergy to be licensed, or to be elected as the Archbishop, are:
 - (1) the person holds an unconditional working with children check, or an unconditional working with vulnerable people check by reason that the person has contact with a child as part of engaging in a regulated activity, where required by or able to be obtained under the laws of the Commonwealth or a State or Territory; and
 - (2) the following assessments by the screening authority:
 - (a) where a working with children check, or a working with vulnerable people check by reason that the person has contact with a child as part of engaging in a regulated activity, is not required by or is not able to be obtained under the laws of the Commonwealth or a State or Territory, a criminal history assessment or a risk assessment;
 - (b) a national register assessment;
 - (c) a safe ministry assessment; and
 - (d) where the person was previously licensed for ministry in a Province or in another diocese of the Anglican Church of Australia or another denomination, a church ministry assessment, except where reasonably satisfied this has previously been done.

Authorised or paid church workers

5. The standards of screening for church workers to be authorised or to undertake paid ministry to children are:
 - (1) the person holds an unconditional working with children check, or an unconditional working with vulnerable people check by reason that the person has contact with a child as part of engaging in a regulated activity, where required by or able to be obtained under the laws of the Commonwealth or a State or Territory; and
 - (2) the following assessments by the screening authority:
 - (a) where a working with children check, or a working with vulnerable people check by reason that the person has contact with a child as part of engaging in a regulated activity, is not required by or is not able to be obtained under the laws of the

Safe Ministry to Children Ordinance 2018

Commonwealth or a State or Territory, a criminal history assessment or a risk assessment;

- (b) a national register assessment;
- (c) a safe ministry assessment; and
- (d) where the person was previously authorised for ministry in a Province or in another diocese of the Anglican Church of Australia or another denomination, a church ministry assessment, except where reasonably satisfied this has previously been done.

Voluntary church workers

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

- (1) the person holds:
 - (a) an unconditional working with children check, or
 - (b) an unconditional working with vulnerable people check by reason that the person has contact with a child as part of engaging in a regulated activity, or
 - (c) a conditional working with children check that authorises the voluntary ministry to be undertaken, or
 - (d) a conditional working with vulnerable people check by reason that the person has contact with a child as part of engaging in a regulated activity that authorises the voluntary ministry to be undertaken,
where required by or able to be obtained under the laws of the Commonwealth or a State or Territory; and
- (2) the following assessments by the screening authority:
 - (a) a criminal history assessment, if the person:
 - (i) is aged 18 years or more,
 - (ii) is not required or is not able to obtain a working with children check, and
 - (iii) is eligible to apply for a National Police History Check; and
 - (b) a national register assessment; and
 - (c) a safe ministry assessment, if the person is aged 13 years or more.

Professional standards personnel and safe ministry personnel

7. The standards of screening for professional standards personnel, and safe ministry personnel, who have not otherwise been screened as a deacon, a licensed member of the clergy, the Archbishop, or an authorised, paid or voluntary church worker, are a national register assessment by the screening authority.

Creation and retention of records

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

PART 3 - STANDARDS OF TRAINING

Application

9. (1) This Part applies to all persons ordained as deacons, or licensed as clergy, elected as the Archbishop, or appointed as church workers, or elected or appointed as professional standards personnel or safe ministry personnel, after this Part comes into force.
- (2) This Part applies to all persons licensed as clergy, elected as the Archbishop, or appointed as church workers, or elected or appointed as professional standards personnel or safe ministry personnel, when this Part comes into force, provided that accredited training is undertaken by 1 January 2021.

Accredited training

10. The standards of training for clergy and church workers are satisfactory completion of accredited training:

- (1) (a) by the Archbishop, within three years prior to his election; or
- (b) by clergy, and authorised, paid or voluntary, church workers, within three years prior to being ordained, licensed, or authorised, or appointed to undertake ministry to children, except where the Archbishop or his delegate is satisfied there are exceptional circumstances and in such case the training is to be completed as soon as practicable but not later than three months after being ordained, licensed, or authorised, or

Safe Ministry to Children Ordinance 2018

- appointed to undertake ministry to children; or
- (c) by professional standards personnel, who are not a licensed member of the clergy, the Archbishop, or an authorised paid church worker, within three years prior to election or appointment to a professional standards role; or
 - (d) by safe ministry personnel, who are not a licensed member of the clergy, the Archbishop, or an authorised paid church worker, within three years prior to election or appointment to a safe ministry role; and
- (2) by clergy and church workers in paragraph (a), at intervals of not more than three years after prior satisfactory completion of accredited training.

Creation and retention of records

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

PART 4 - STANDARDS FOR SAFE MINISTRY WITH PERSONS OF CONCERN

Standards

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

Creation and retention of records

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

PART 5 - COMING INTO FORCE OF PARTICULAR PROVISIONS

14. (1) Parts 2 (except clause 6), 3 and 4 when read with Part 1 of this Schedule shall come into force on 1 January 2019.
- (2) Clause 6 (except subclause 6(2)(b)) when read with Part 1 of this Schedule shall come into force on 1 January 2020.
- (3) Clause 6(2)(b) when read with Part 1 of this Schedule shall come into force on a date determined by the Standing Committee.

THIRD SCHEDULE

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

Definitions

1. In this Protocol:
- Assessing Province** means the Province in which a Church authority is to assess whether the Church worker should be authorised for ministry;
- Authorising Province** means the Province or Provinces in which the Church worker is authorised, or has previously been authorised, to undertake ministry by a Church authority;
- Church authority** means the person or body responsible for authorising Church workers to undertake ministry in the Authorising Province or the Assessing Province;
- Church worker** means a member of the clergy or a lay person who:
- (a) is authorised, or has previously been authorised, to undertake ministry by a Church authority of the Authorising Province; and
 - (b) has applied to undertake authorised ministry, or has been nominated for appointment to a position or office involving the undertaking of authorised ministry, in the Assessing Province;
- Ministry Suitability Information** means a written statement by a Church authority of the Authorising Province about the Church worker that discloses:
- (a) whether or not there has been; and

Safe Ministry to Children Ordinance 2018

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

Province includes part of a Province.

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

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

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

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

3. The Assessing Province will have and maintain a system for the assessment of the suitability of a Church worker to undertake authorised ministry in the Province that includes the following requirements:

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

I Certify that the Ordinance as printed is in accordance with the Ordinance as reported.

R TONG
Chair of Committees

I Certify that this Ordinance was passed by the Standing Committee of the Diocese of Sydney on 24 September 2018.

D GLYNN
Secretary

I Assent to this Ordinance.

GN DAVIES
Archbishop of Sydney
25/09/2018