



ADOM Special Synod 1 June 2024

New Cranmer Society: Briefing 27 May 2024

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Overview

- ▶ Special rules of a Special Session of Synod
- ▶ 3 Bills:
 - ▶ Professional Standards Uniform Legislation Amendment Bill 2024
 - ▶ Archbishopric Legislation Amendment Bill 2024
 - ▶ Statute Law Amendment Bill 2024
- ▶ Questions



Special Rules of a Special Session

- ▶ Synod Act 1972 (ADOM) s 26-28
 - ▶ This is a Special Session by virtue of the Archbishop's mandate
 - ▶ The purpose is “for the special purpose of considering the following items of business:
 1. Sessional Orders for this special session
 2. Professional Standards Uniform Legislation Amendment Bill 2024
 3. Archbishopric Legislation Amendment Bill 2024
 4. Statute Law Amendment Bill 2024”
 - ▶ **“No other business**
28 No business required by an Act or resolution of the Synod to be done at an ordinary session shall be done at a special session unless with the consent of a majority of two-thirds of the clergy and of the laity then present and with the consent of the Archbishop.”
- ▶ Sessional Orders
 - ▶ Closing date and time for submission of amendments to the Bills
 - ▶ 3:00pm Thursday 30 May
- ▶ Standing Orders

Professional Standards Uniform Legislation Amendment Bill 2024

- ▶ Background:
 - ▶ Shared scheme and legislation with Diocese of Bendigo (and possibly others in future)
 - ▶ Result of a review started nearly 2 years ago with input from CCYP, Kooyoora, and Bendigo Diocese
 - ▶ Need to have some of these changes in place by 1 July for compliance with Vic state legislation and undertakings with CCYP
- ▶ Three categories of amendment:
 - ▶ Substantive changes to
 - ▶ Align with state government legislation
 - ▶ Implement recommendations from CCYP, and
 - ▶ Fill a few gaps and loopholes
 - ▶ Insertion of headings where provisions were missing them
 - ▶ Standardisation to normal legislative drafting practice - references, “shall” v “must”, gender neutrality

Professional Standards Uniform Legislation Amendment Bill 2024

- ▶ Significant changes:
 - ▶ Changes to definitions [cl 7 amd s 3]
 - ▶ Clarifying role of Diocesan Corporation (MADC)
 - ▶ Expansion of “neglect” - mostly from CCYP
 - ▶ Replacing “child pornography” with “child abuse material” - in line with *Crimes Act 1958 (Vic)* [see also cl 17 amd s 18]
 - ▶ **Additional acts of misconduct [cl 9 amd s 5]**
 - ▶ Reportable conduct under the *Child Wellbeing and Safety Act 2005 (Vic)* [see also cl 62 amd s 76]
 - ▶ Significant failure to follow standards and guidelines in codes of conduct
 - ▶ Knowingly permitting people to engage in ministry or service without a relevant clearance
 - ▶ Overriding purposes now apply to regulations [cl 11,12 amd s 9]
 - ▶ Failure to report Person of Concern to Director [cl 14 amd s 17]
 - ▶ Clarifying that s 26 applies to proceedings as well as complaint [cl 22 amd s 26]

Professional Standards Uniform Legislation Amendment Bill 2024

▶ Significant changes (2):

- ▶ Clarification about PSC options and powers [cl 26, 28 amd s 33, 35(2)]
- ▶ **PSC may act if risk of church worker remaining in any role, not just their present role and may immediately suspend clearance [cl 30, 31, 33, 35 amd s 37, 38, 40, 42]**
- ▶ Expansion of clearance for ministry to include a certificate stating that a Church worker is fit to hold a role or receive a letter of good standing for ministry outside the Diocese [cl 41, 42 amd s 49, 50]
- ▶ Fit for ministry generally, not just fitness for a role [cl 44 amd s 52]
- ▶ Clarification about the issues to consider in a determination of fitness [cl 44 ins s 52(2) referring to matters in s 80]
- ▶ Clarification about conditions on clearances and how they are handled [cl 46, 47 amd s 54 and 56, see also cl 55, 56 amd s 64, 66]
- ▶ **New offence for willful or reckless engagement in ministry without clearance [cl 48 amd s 57, see also cl 57 amd s 67]**

Professional Standards Uniform Legislation Amendment Bill 2024

- ▶ Significant changes (3):
 - ▶ Church workers must hold clearance for service before they hold a role office or position (not 30 days to apply) [cl 51 amd s 60]
 - ▶ Two new grounds relating to Persons of Concern - failure or refusal to enter into a safety arrangement where one required and while waiting for the outcome of an objection to a refusal to grant clearance [cl 59 amd s 67Q]
 - ▶ Expansions of misconduct to include all parts of s 5 [cl 60 amd s 68]
 - ▶ Board more limited powers [cl 64 amd s 78]
 - ▶ Clarifies that Board can direct OPS or exercise its own powers [cl 67, 68 amd s 81, 81A]
 - ▶ Allows Board to rely on decisions of other bodies [cl 80 amd s 105]
 - ▶ Audit of compliance broader [cl 102 amd s 184]

Professional Standards Uniform Legislation Amendment Bill 2024

- ▶ What it doesn't do:
 - ▶ No significant change to the oversight regime for Kooyoora
 - ▶ No change to the lack of mechanisms for addressing rising costs and length of proceedings - who watches the watcher? Audit and review are just for compliance, not value for money or quality of service
 - ▶ No mechanism to address complaints about Kooyoora processes - eg procedural fairness, undue delay
 - ▶ No significant change in the relationship between Kooyoora, PSC, the Board and the Diocese
 - ▶ Kooyoora remain the only permitted service provider (they never were a regulator despite what people said last synod)
 - ▶ Retain the same level of independence from ADOM (not really addressing CCYP concerns that ADOM “outsource” their responsibility wrt child safety)
 - ▶ No review of Kooyoora competitors that have emerged since ADOM created Kooyoora
 - ▶ No mechanism to change provider

Archbishopric Legislation Amendment Bill 2024

- ▶ Background:
 - ▶ Archbishop's 70th birthday is on a Sunday next February, farewell evensong scheduled at the Cathedral
 - ▶ Lack of clarity whether he ceased in his office at the beginning or the end of that day
 - ▶ Opportunity to clean up a few other loose ends
- ▶ Amendments made:
 - ▶ Remove "Melbourne" from the title [cl 2 amd s 1, see also Sch 1]
 - ▶ Clarification of the election process after election act changes from last Synod and role of Episcopal Standards Committee [cl 3, 7 amd s 10]
 - ▶ Clarification about exact date on which Archbishop ceases to hold office [cl 4 amd s 5]
 - ▶ Gender neutral language [sch 2]
 - ▶ Remove obsolete provisions [cl 6 rep s 21, 22, 23]
 - ▶ Council of the Diocese not AiC determines stipend of Ab [cl 8 amd s 9]

Statute Law Amendment Bill 2024

- ▶ Background:
 - ▶ Typically we pass one of these every few Synod sessions
 - ▶ Supposed to be uncontroversial clean up of errors or missed consequential changes from previous amendments
- ▶ Amendments:
 - ▶ Remove inadvertent overlap of membership of AiC after an election [cl 1 amd s 12(1) *Archbishop in Council Act 2018*]
 - ▶ Clarification of churchwarden as parish nominator [cl 2, 3, 4 amd s 19, 22D, sch 1 *Parish Governance Act 2013* and sch 2 *Parish Governance Regulations 2014*] - missed changes from *Clergy Act 2022*
 - ▶ Missed changes of terminology for MATC [cl 5 amd s 6, 22 *Melbourne Anglican Trust Corporation Act 2018*]

Questions and Comments

