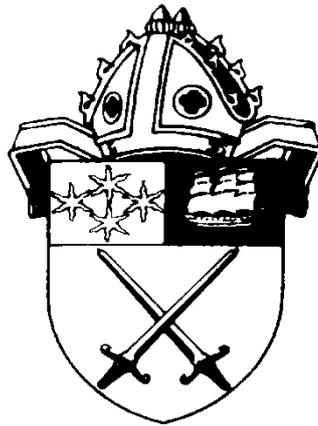


THE ANGLICAN CHURCH OF AUSTRALIA
THE DIOCESE OF BUNBURY
WESTERN AUSTRALIA



**SECOND SESSION
OF THE
FORTIETH SYNOD
2018 - 2020**

BOOK SIX - 2019

DIOCESAN LEGISLATION

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DIOCESAN LEGISLATION PROCESS FOR CONSIDERATION OF BILLS

Step 1 General principles

- i) **MOVER:** "I MOVE FOR LEAVE TO BRING IN A BILL FOR A STATUTE TO BE KNOWN AS" (Give TITLE AND PAGE NUMBER, in Business Paper)
- ii) **SECONDER** formally seconds.
- iii) **MOVER:** speaks on the general principles of the Bill and or reason for bringing it before Synod.
- iv) **OTHERS:** may speak (Clause 9, Rules of Debate in Synod apply as applicable).
- v) **PRESIDENT:** puts the motion (if lost the matter ends here)

Step 2 In Committee

- vi) **PRESIDENT:** "DOES ANY PERSON WISH TO DEBATE THE BILL IN COMMITTEE?"
 - Either:** If no member answers "yes" the motion that the bill do now pass may be moved forthwith.
 - or:** If any member answers "yes" then the Synod shall without motion, forthwith be deemed to have resolved itself into Committee to consider the bill in detail.
- vii) **CHAIRPERSON OF COMMITTEES** takes the Chair
 - a. The Bill will then be considered clause by clause with the Preamble and title being left until last.
 - b. The Mover only needs to speak when there is a desire to amend a clause, oppose or accept an amendment, or make an explanation.
 - c. When the committee has completed its consideration of the Bill the Synod shall be deemed to be reconvened. The chairperson shall report to the President the Bill as agreed in Committee.

Step 3

In Synod

- i) PRESIDENT: "THAT THE REPORT BE AGREED TO"
The Bill cannot move ahead until the Chairperson has endorsed a copy of the Bill as a true copy as agreed to by the Committee when completed at this or a subsequent sitting.

- ii) MOVER: "I MOVE THAT THIS BILL DO NOW PASS"

**BILL 01: THE BUNBURY DIOCESAN COMMUNITY CARE STATUTE
2013 - 2014**

FULL NAME OF MOVER: Dr Renae Barker
FULL NAME OF SECONDER: Mrs Phyl Winchcombe

EXPLANATORY MEMORANDUM

Bishop-in-Council is seeking Synod's permission to repeal The Bunbury Diocesan Community Care Statute 2012-2014 in Synod 2019.

THE BUNBURY DIOCESAN COMMUNITY CARE STATUTE 2013-2014

The Bunbury Diocesan Community Care Statute 2013-2014 has been reviewed by the Trustees and Bishop-in-Council concerning matters of likely and potential governance risk and reputation during 2017-2019. This review was caused by the legislation passed by the Western Australian Government with the updated Associations Incorporations Act 2015 (from 1987) applying to all charities and not-for-profit organisations and groups; and, the establishment of the Australian Charities and Not-for-Profit Commission (ACNC) in 2011-2012 as a regulatory body for charities and NGOs. Both pieces of legislation and implementation are critical in considering risk and reputation for the Diocesan and parish entities currently in existence. The ACNC has since had its own legislation updated by the Commonwealth Government in 2015 and again in 2016 and more recently.

The review of this Statute highlighted The Bunbury Diocesan Community Care Statute 2013-2014 as it is written, no longer meets the requirements of the ACNC legislative expectations and consequently, the ATO and the ACNC will no longer provide charitable status or DGR status without the Diocesan Statute and model Objects being amended for each entity on a case by case basis.

This creates a governance risk for the Diocese and parishes which will not be able to manage the individual requirements for each parish entity with the need for referral to Synod on each occasion with the consequent time delays and misalignment with the state and commonwealth legislation.

The increased penalties for directors and officers within the updated legislation applying to these entities is beyond the parish capacity and the risk is more appropriately held by the Trustees together with the increasing reporting obligations and governance requirements.

In its response, the Bishop-in-Council together with Trustees took the decision to enable and support Boniface Care as the Diocesan entity which can support individual parishes in their mission outreach within their parishes, pre-empting the establishment of separate entities to gain DGR (tax deductible gift recipient status) for donations.

The Diocesan Secretary has been tasked with providing executive, secretarial and governance support to the Boniface Care Council on behalf of the Diocese as the executive officer, and the Diocesan Registrar provides the financial support. This minimises the governance risks for this entity.

There are two current parish entities established under this specific Statute: St George's Community Care in Dunsborough in 2014; and Church of The Way Community Care in 2016. St George's was able to achieve DGR status at the time it was established; while Church of The Way Community Care did not because the Diocesan legislation was no longer fit-for-purpose according to the ACNC and the ATO.

A third entity, St Mary's Community Care Busselton was established in 1998 under separate legislation similar to Boniface Care.

Repealing this Statute will not affect the existence of these entities. However, it will effectively ensure no further entities are established and instead, parishes seeking assistance with mission work locally can continue to establish their own community care committees as Sub-Committees of the Parish Council as provided by The Parochial Statute 2017-2018. Parishes will be able to work with, and be supported by Boniface Care in its governance and activities; and, apply for grants and funding under the auspices of Boniface Care.

As part of the preparation for the repeal of this Statute, the Diocese through Bishop-in-Council has provided amendments proposed for the Bunbury Diocesan Anglicare Council Statute 1991-2013 in the proposed updating of The Bunbury Diocesan Anglicare Council Statute 1991-2019 to include statutory safeguards for these two Community Care entities if required.

Bishop-in-Council is seeking Synod's permission to repeal this Statute in Synod 2019.

MOVER: I move for leave to repeal "The Bunbury Diocesan Community Care Statute 2013-2014".

BILL 02: THE BUNBURY DIOCESAN ANGLICARE COUNCIL STATUTE 1991-2013

FULL NAME OF MOVER: Rev'd Cn Karon Austin
FULL NAME OF SECONDER: The Hon. Murray Montgomery

Bishop-in-Council is seeking Synod's permission to update and amend The Bunbury Diocesan Anglicare Council Statute 1991-2013; and for it to be known as "The Bunbury Diocesan Anglicare Council Statute 1991 – 2019".

EXPLANATORY MEMORANDUM

The current Bunbury Diocesan Anglicare Council Statute 1991-2013 requires updating and bringing in line with the Western Australian Associations Incorporations Act 2015 (updated from 1987) and the standards expected by the Australian Charities and Not-for-Profit Commission (ACNC) which was established in 2011-2012 and which has since had its legislation updated by the Commonwealth Government in 2015 and 2016 and subsequently in July 2019. The current Bunbury Diocesan Anglicare Council Statute 1991-2013 needs to retain its currency and be fit-for-purpose. At the March and May 2018 meetings of the Boniface Care Council, Members requested Bishop-in-Council and Trustees consider its request for this work to be done by the Diocesan Secretary which was approved. This took place during 2018 - 2019 and has been considered by the Boniface Care Council, following consultation with members of Boniface Care Council, Anglicare WA Inc., the Diocesan Advocate, the Diocesan Solicitor, Bishop-in-Council and Trustees.

"The Bunbury Diocesan Anglicare Council Statute 1991–2019" is now presented to Synod for its approval on pages 10-17 of Book 6. The new wording is underlined and in *italics*.

Also attached is the current "The Bunbury Diocesan Anglicare Council Statute 1991-2013" for information on pages 18-21 of Book 6.

MOVER: I move for leave to bring in a Bill for a Statute to be known as "The Bunbury Diocesan Anglicare Council Statute 1991-2019".

THE BUNBURY DIOCESAN ANGLICARE COUNCIL STATUTE 1991 - 2019

It is considered desirable to establish a Council of the Diocese to promote ministry without discrimination, for the relief of poverty, sickness, suffering, distress, misfortune, destitution or helplessness, throughout the Diocese of Bunbury.

Be it enacted by the Bishop, Clergy and Laity of the Diocese of Bunbury in Synod assembled:

1. This Statute shall be known as 'The Bunbury Diocesan Anglicare Council Statute 1991-2019'.
2. **Boniface Care**
 - a) Boniface Care and its Council (referred to as The Bunbury Diocesan Anglicare Council in this Statute; and, also known as Anglicare South with its 'Anglicare Council' in The Bunbury Diocesan Anglicare Council Statute 1991-2013) is hereby constituted by the Anglican Diocese of Bunbury Synod.
3. **Boniface Care Council**
 - a) The Boniface Care Council is established as the governing body of Boniface Care, what was previously known as The Bunbury Diocesan Anglicare Council. It is accountable to Bishop-in-Council through the rules and policies laid out in this Statute and as approved by the Synod of the Anglican Diocese of Bunbury.
4. **Notification**
 - a) All the necessary legal bodies of the State and Federal Governments will be notified of changes to this Statute now known as "The Bunbury Diocesan Anglicare Council Statute 1991-2019".
5. **Schedules**
 - a) This Statute enables Schedules to be added when required.

6. Membership

The Boniface Care Council shall consist of:

- a) Ten members of whom no more than five shall be clergy (and all members being resident in the Diocese), who shall be appointed as follows:
 - (i) Synod shall elect three members at the First Session of each triennial Synod who shall hold office for the duration of that Synod and until their successors are appointed. They need not be Synod members.
 - (ii) The Bishop of the Diocese shall appoint two members, one of whom shall Chair the Boniface Care Council and both appointments shall be for the duration of the Synod.
 - (iii) Boniface Care Council itself at its last meeting before the First Session of Synod will appoint five members who will be resident within an area of the Diocese where a Boniface Care service is operated. The term of membership will be for the duration of Synod. These members need not be Synod members.
- b) There shall be one ex-officio member, being the Diocesan Secretary who is employed by The Bunbury Diocesan Trustees, appointed by the Bishop-in-Council to the Boniface Care Council to be the executive officer for the Boniface Care Council and its work. As an ex-officio appointment, the Diocesan Secretary has no voting rights.

7. The Objects

Provided nothing is undertaken for the private gain of any member of Boniface Care and its Council and that all activities be of a non-profit nature; and provided that Boniface Care Council shall not have authority to distribute benefits or funds to persons, bodies, organisations or institutions which are not Registered Public Benevolent Institutions within the meaning of Section 995-1 Income Tax Assessment Act 1997, the Objects are as follows:

- a) The undertaking of all benevolent works and services relating to health and welfare of all persons without discrimination who are in necessitous circumstances.

- b) The relief of poverty, sickness, suffering, distress, misfortune, destitution or helplessness.

8. Meetings of Boniface Care Council

- a) The Chairperson shall convene the Boniface Care Council regularly, provided that not less than four meetings shall be held each year.
- b) Members as laid out in S.5 shall be notified of the meeting at least one week in advance by the Executive Officer of the Council.
- c) Resolutions and decisions may be made between meetings via email, electronic means, or teleconferences or through posted correspondence as agreed by the Council.
- d) A resolution is agreed with 50 percent plus one of the membership approving the decision.
- e) A quorum is 50 percent plus one of all the members present at the meeting or via electronic means with a deadline, or teleconference with one from each class of membership being present.
- f) Boniface Care Council must provide a written report each year for the Synod of Anglican Diocese of Bunbury to report on its work and be accountable for its activities when required.

9. Sub Committees

- a) Boniface Care Council may establish sub-committees as required to undertake and enable the work of Boniface Care and its Council.
- b) The Council must ensure each sub-committee is chaired by a member of the Council or is a Chairperson appointed by the Council who will report back to the Council on their work and with any recommendations requiring a decision.
- c) A sub-committee may include members who are not members of the Boniface Care Council. Membership of all sub-committees must be approved by the Boniface Care Council.

- d) The Council must set the terms of reference for each sub-committee and is the only body in addition to Bishop-in-Council which can make the decision to end the work of a Boniface Care Council sub-committee.

10. Disqualifications and Vacancies

- a) Any member who misses three consecutive meetings without leave to do so, shall lose their entitlement to sit on the Boniface Care Council.
- b) All absences to be notified to the Chairperson.
- c) Vacancies occurring shall be filled by the Bishop-in-Council (for Synod elected members), the Bishop (for the Bishop's appointments) and, Boniface Care (for their appointments) which are notified to the Bishop-in-Council for endorsement.
- d) A member will be disqualified for reasons of: ill-health (for more than three meetings); not meeting Safe Church compliance requirements in line with the Diocesan Statutes; an undeclared criminal record; involvement with disciplinary matters relating to the Diocesan Tribunal (for clergy) and contrary to the current code of conduct; adverse advice from Professional Standards for both laity and clergy; or being subject to police initiated investigations into criminal matters.

11. Incorporation of Boniface Care

- a) The adoption of this Statute by Synod of the Diocese will be the means of including Boniface Care under the incorporation of The Bunbury Diocesan Trustees, which is incorporated under an Act of Parliament, cited as the 'Church of England Diocesan Trustees and Lands Act 1918'.

12. Disputes and Disciplinary Matters

- a) If there is a dispute, the Boniface Care Council will seek to resolve the matters by involving the Archdeacon of the Diocese to mediate and conciliate the dispute in consultation with the Chairperson and the Diocesan Secretary.

- b) Where the dispute involves either the Chairperson or the Diocesan Secretary, the individual affected will not be involved in handling the dispute.
- c) If the complaint involves the Chairperson or the Diocesan Secretary, the Bishop will be notified directly.
- d) All other complaints are to be made to the Diocesan Secretary as the Executive Officer and the Chairperson for the Boniface Care Council, for action to be taken.
- e) The Diocesan Grievance and Complaints Procedure will be followed as appropriate to assist in responding to any complaints and grievances.

13. Financial Matters

- a) The finances of Boniface Care are managed by the Diocesan Office and a report made to the Council at each meeting and monthly.
- b) The appropriate financial reports are made as required legally to all State and Federal authorities each year.
- c) The reporting requirements laid out by the Synod of the Anglican Diocese of Bunbury apply to Boniface Care.
- d) The financial year for Boniface Care runs from July to June each year.
- e) The Boniface Care Council must not operate any bank accounts outside the Diocesan control and is accountable to Bishop-in-Council and Trustees.
- f) There must be two signatories on the Boniface Care bank accounts.
- g) Boniface Care cannot own, buy or sell any property or assets, land or buildings without the authority and approval of the Bunbury Diocesan Trustees.

14. Employment Matters

- a) Boniface Care Council may not employ any person in a paid role without the authority of the Bunbury Diocesan Trustees.

15. Record Keeping

- a) Records shall be kept of the activities of Boniface Care, its Council meetings, the decisions made and all its fiduciary and financial responsibilities, meeting the community standards and expectations of record keeping and access to information.
- b) A record of members of the Council, their membership details shall be maintained by the Diocesan Secretary.
- c) Privacy and confidentiality will be maintained in line with current legislation from State and Federal Governments.

16. Meeting the Objects of Boniface Care

- a) Boniface Care supports all Diocesan parishes and communities who may approach the Council for assistance and support in local mission activities concerning benevolent works and services relating to health and welfare of all persons without discrimination who are in necessitous circumstances; and, the relief of poverty, sickness, suffering, distress, misfortune, destitution or helplessness.
- b) Boniface Care Council will work with Anglicare WA and members of Anglicare Australia and other mission-based entities of the Anglican Church of Australia as stakeholders on mission support and service delivery within the Diocese's parishes and communities.
- c) Boniface Care Council is a signatory from time to time, to the Memorandum of Understanding with Anglicare WA and commits to meet regularly as agreed with Anglicare WA in a Joint Working Party while this remains active.

17. Safe Church

- a) All the Safe Church obligations laid out in Diocesan legislation, policies and procedures for the Anglican Diocese of Bunbury apply to Boniface Care and its Council.
- b) The Diocesan Code of Conduct and Faithfulness in Service apply to Boniface Care and its lay and clergy members.

18. Dissolution of Boniface Care and its Council

- a) Upon the dissolution of Boniface Care, any assets remaining after the satisfaction of all outstanding debts and liabilities will be transferred to another fund approved under Section 78 (i) (a) (ii) of the Income Tax Assessment Act and which is also a member and part of the Anglican Church of Australia including The Anglican Bunbury Diocesan Trustees.
- b) Boniface Care will notify the Australian Tax Office of the date of dissolution of Boniface Care and its Council.

19. Interim

- a) With the passing of the Statute:
 - (i) Synod acknowledges and accepts responsibility for the actions and decisions of the Bunbury Diocesan Anglicare Council 1986-1991; and 1991-2013; and
 - (ii) Synod shall continue to elect their three members of the Boniface Care Council 3 (a) (i); and
 - (iii) The Bishop of the Anglican Diocese of Bunbury shall appoint the Bishop's two members 3 (a) (ii); and
 - (iv) Synod accepts as members of Boniface Care Council, those appointed by the Boniface Care Council at its meeting prior to this Synod and as endorsed by Bishop-in-Council.

THE BUNBURY DIOCESAN ANGLICARE COUNCIL STATUTE 1991-2013

Whereas it is considered desirable to establish a Council of the Diocese to promote ministry without discrimination, for the relief of poverty, sickness, suffering, distress, misfortune, destitution or helplessness, throughout the Diocese of Bunbury.

Be it enacted by the Bishop, Clergy and Laity of the Diocese of Bunbury in Synod assembled:

1. This Statute shall be known as “The Bunbury Diocesan Anglicare Council Statute 1991”.

2. Council

The Bunbury Diocesan Anglicare Council (to be known as Anglicare South and hereinafter referred to as “Anglicare Council”) is hereby constituted. The Deputy Commissioner of Taxation for Western Australia will be advised of any amendments to this Statute, as it may affect tax deductibility status.

3. Membership

The Anglicare Council shall consist of:

(a) Ten members, of whom no more than five shall be Clergy (and all being resident within the Diocese), who shall be appointed as follows:

(i) Synod shall elect three members at the First Session of each triennial Synod who shall hold office for the duration of that Synod and until their successors are appointed. They need not be Synod members.

(ii) The Bishop of the Diocese shall appoint two members, one of whom shall Chair the Anglicare Council, and their appointment shall be for the duration of Synod.

(iii) Anglicare Council itself at its last meeting before the First Session of Synod will appoint five members who will be resident within an area of the Diocese where an “Anglicare South” is facility is operated. The term of membership will be

for the duration of Synod. They need not be Synod members.

- (b) There shall be three ex-officio members, one of whom shall be the Chief Executive Officer (CEO) of Anglicare WA or his/her appointee and the others being the General Manager, South West Region and the General Manager, Great Southern Region.

4. Objects of the Anglicare Council

Provided that nothing below is undertaken for the private gain of any member of Anglicare Council, and that all activities be of a non-profit nature, and provided that Anglicare Council shall not have authority to distribute benefits or funds to persons, bodies, organisations or institutions which are not Registered Public Benevolent Institutions within the meaning of Section 995-1 Income Tax Assessment Act 1997.

- (a) The undertaking of all benevolent works and services relating to health and welfare of all persons (without discrimination) who are in necessitous circumstances.
- (b) The relief of poverty, sickness, suffering, distress, misfortune, destitution or helplessness.

5. Meetings of Anglicare Council

The Chair shall convene Anglicare Council regularly, provided that not less than four meetings shall be held in each year.

6. Disqualifications and Vacancies

Any member who misses three consecutive meetings without leave to do so, shall lose their entitlement to sit on Anglicare Council. Vacancies occurring shall be filled by the Bishop-in-Council (for Synod elected members), the Bishop (for his appointments) and Anglicare Council (for their appointees).

7. Incorporation of Anglicare Council

The adoption of this Statute by the Synod of the Diocese will be the means of including Anglicare Council under the incorporation of The Bunbury Diocesan Trustees, which is incorporated under an Act of Parliament, cited as the "Church of England Diocesan Trustees and Lands Act 1918".

8. **Dissolution of Anglicare Council**

Upon the dissolution of Anglicare Council:

- (a) Any assets remaining after the satisfaction of all outstanding debts and liabilities will be transferred to another fund approved under Section 78 (i) (a) (ii) of the Income Tax Assessment Act.
- (b) Anglicare Council will notify the Australian Taxation Office of the date of the dissolution of the Council.

9. **Interim**

With the passing of this Statute:

- (a) Synod acknowledges and accepts responsibility for the actions and decisions of the interim Bunbury Diocesan Anglicare Council 1986-1991.
- (b) Synod shall elect their three members of Anglicare Council 3 (a) (i).
- (c) The Bishop of the Diocese shall appoint his two members 3 (a) (ii).
- (d) Synod accepts as members of Anglicare Council those appointed by The Bunbury Diocesan Anglicare Council at their meeting prior to this Synod.

MOVER: I move this Bill do now pass.

BILL O3: THE PAROCHIAL STATUTE 2017-2018

FULL NAME OF MOVER: Dr Renae Barker
FULL NAME OF SECONDER: The Ven. Julie Baker

EXPLANATORY MEMORANDUM

The Parochial Statute 2017-2018 Schedules have had a number of variations brought to Bishop-in-Council since the Statute was passed at Synod 2017-2018. Those variations to the Schedules are now brought to Synod for Synod's approval. The variations seek to clarify original intent in the Schedules, and propose a new Schedule 10 in response to the decision to remove The Bunbury Diocesan Community Care Statute 2013-2014 from the Statutes. The proposed amendments are underlined and in italics.

MOTION

- 1. I move for leave to bring a Bill to update The Parochial Statute 2017-2018 to be known as "The Parochial Statute 2017-2019".**

Schedule 1 Clause 4: Parish Council Membership. a) (iv) A maximum of six councillors two of whom must be appointed by the priest and four must be elected [Insert] 'each year'.

Schedule 1 Clause 5: Eligibility for Parish Councillors Items a) – e) [Insert a new Clause 5 b). 'All councillors are elected or appointed on an annual basis.'

Schedule 1 Clause 11: Establishment of Sub-Committees. 11 m) Sub-committees may include a Finance sub-committee, a [**Delete:** 'local committee'] [Insert Capital Letters] 'Local Committee for another parish centre, an Op Shop committee, and other Mission work.

Schedule 1 Clause 13: The Agenda of an Annual Meeting of Parishioners. 13.g) Reports, as determined by Parish Council and provided to the Parish Council at the meeting before the Annual Meeting of Parishioners shall be presented [Insert] 'two weeks before the Annual Meeting of Parishioners, to enable informed voting to take place, and must include reports from:....

Schedule 1 Clause 15: Method of Election for Position [Insert] 15. d) The electoral Roll must be reviewed annually or more frequently as required by the Wardens and reported to Parish Council to ensure

currency of membership details before closing the Roll four weeks before the Annual Meeting of Parishioners. The Roll is re-opened once the voting is completed and the Annual Meeting of Parishioners is concluded for the year.

Clause 15 . f) [Insert] A secret ballot is held for all positions, whether there are too few nominations for the vacant positions, the exact number of nominees or too many nominees.

Clause 15. h) All nominations must be submitted on the required Form in Schedule 6 signed by **[Delete 'two']** [Insert] a Nominator [Insert] and a Secunder who are Voting Parishioners and [Insert] the nomination agreed by the person nominated.

Clause 15. i) [Insert] A minimum of two scrutineers [Insert] or more as required must be appointed by the Chair [Insert] and will attend all services [Insert] at all the centres the week before the Annual Meeting of Parishioners and the day of the Annual Meeting of Parishioners.

All the numbers from c) onwards is amended from a) – o) to a) – q).

Schedule 1 Clause 16. Chairperson. 16. a) The Priest-in-Charge must normally convene and chair all meetings of parishioners and the Parish Council. [Insert] Any variations must be advised to the Bishop.

Schedule 1 Clause 25. Employment of Church Workers. 25. b) The wardens, together with the Priest-in-Charge and the Oversight Committee appoint, review and dismiss all employees and Church Workers [Insert] after consulting with the Diocese and confirming the process and receiving approval for appointment, review and dismissal of employees before these steps are taken.

[Insert] Clause 25 c) The Trustees of the Diocese are the legal employers of all employees and no employment or dismissal can occur without the explicit approval of the Trustees.

Schedule 4 Safe Church Clause 1. Safe Church 1 d) A Safe Church Contact Person is a person appointed by the parish and **[Delete: 'L' and 'c']** [Insert] licensed by the Bishop to co-ordinate Safe Church matters within a parish.

Clause 1 e) **[Delete: 'c']** [Insert] licensed

Clause 1 g) (i) Attendance in the parish and at church for a minimum of one year [Insert] before being appointed.

Clause 1 h) (v) [Insert] Roster leaders when supervising

Clause 1 h) (v) k) [Insert] Media Co-ordinators

All the numbers to be updated from (v) a) – h) to a) – k).

Schedule 5. Church Worker Performance – Sharing Ministry Within A Parish. Clause 2. Principles of Safe Church e) [Insert] Being mindful and respectful...

Schedule 5. Clause 3 A Church Worker is a person who is or was at the relevant time: d) A person in a position of trust in a Diocesan agenda or ministry including worship leaders, lay [~~Delete: 'pastors'~~] [Insert] ministers, youth and children's workers and others engaged in worship, welcoming and leading worship, caring for parishioners and carrying on the work of this church.

Schedule 5. Clause 5. Competency, Proficiency, Performance Support and Development. [Insert] a) Each Parish must have an Oversight Committee as a sub-committee of the parish council, comprising: ...

Clause 5 a) (i) The Priest-in-Charge; [Insert] or a delegate appointed by the Bishop when required; and

Change numbering for Clause 5. a) (i) – (vi) to (i) – (v)

Schedule 5. Clause d) The role of this Committee is to ensure the proper processes for recruitment, selection, appointment of church workers are followed [Insert] including those working in Safe Ministry to Children and vulnerable persons; and, there is appropriate support, training and supervision provided for those church workers.

Schedule 5 Clause 6. Parish and Diocesan Support for Church Worker Competency. a) The support process for Church Workers considers [~~Delete: 'their'~~] [Insert] the individual's competency. All performance is assessed as 'competent' or 'not yet competent'. The objective is not the judgement of the individuals, but [Insert] a person's competency in a role; and the individual will always be treated with respect.

Schedule 5. Clause 8. Competency in tasks and Roles. a) (iii) Must initiate a performance review where it is considered an informal process will not be effective [Insert] ; or, where this has been carried out and has not generated the required changes to the individual's performance to be made.

Schedule 6 Nomination Form for Election to an Office in the Parish.

Name of [~~Delete~~: 'Nominator'] [Insert] Secunder (Voting Parishioner)

The Parochial Statute 2017 [Insert] – 2018.

Schedule 7. Declarations for Offices in a Parish.

After the last dot point [Insert]

If appointed as a Warden or Parish Councillor I acknowledge Public Liability insurance held by the Diocese is valid only on condition the Diocesan policies and procedures are followed. We agree to the following:

- All landed property is owned by the Diocese and is held in the name of the Bunbury Diocesan Trustees
- All documentation pertaining to property, land and assets held in the name of the Bunbury Diocesan Trustees (including vehicles, and leased items) are to be signed only by the Trustees.
- All grant applications, shire applications, permits, sales, purchase documentation and real estate contracts, rental agreements and all legal documents are to be signed only by the Trustees.

Schedule 9. Declaration and Registration on the Electoral Roll as a Voting Parishioner

After 5 dot points [Insert] Or

- Is a member of the Anglican Church; or, is a member of another Christian Church (delete as appropriate) [Insert] 'and' who is a member of this parish and no other.

[Insert]

Schedule 10

COMMUNITY CARE MINISTRIES WITHIN A PARISH

Be it enacted by the Bishop, Clergy and Laity of the Diocese of Bunbury in Synod assembled and noted:

The Bunbury Diocesan Community Care Statute 2013-2014 was removed from the Statutes of the Diocese of Bunbury in 2019.

This Schedule is known as “The Community Care Ministries within a Parish” Schedule:

1. The relationship with the Synod of the Diocese and all Community Care Ministries within a parish established under The Bunbury Diocesan Community Care Statute 2013-2014 remains consistent with arrangements previously in place with the Diocese and its Synod prior to the Statute being enacted.
 - a) All Community Care Ministries were formed under the authority of the Bunbury Diocesan Trustees and the Bishop-in-Council. The Trustees are incorporated in an Act of Parliament cited as “The Anglican Church of Australia Diocesan Trustees and Land Act 1918”.
 - b) All Community Care Ministries had reporting obligations to the Bishop-in-Council and the Synod of the Diocese. Such Community Ministries set up by The Bunbury Diocesan Community Care Statute are now subject to The Parochial Statute 2017- 2019; and where there is conflict in the arrangements, The Parochial Statute will have precedence.
 - c) The Community Ministries set up by The Bunbury Diocesan Community Care Statute 2013-2014 may choose at any point to be considered as ‘Sub-Committees’ of the Parish Council, as set out in Schedule 1 of this Parochial Statute 2017-2019; rather than separately established Management Committees from the time this Schedule is approved.
 - d) The Community Care Ministries will comply with the relevant financial, legal, governance and safe church requirements as set

out by The Parochial Statute, all other Diocesan statutes and by Bishop-in-Council and Trustees as required from time to time.

- e) There is no change to the employment relationship of any employees who continue to be employees of the corporation 'Bunbury Diocesan Trustees' acting under the direction of the local Parish Council, rather than the Management Committee, but which may delegate its authority to the local Sub-Committee as enabled by this Statute.
- f) The Parish Council with any community care ministries so established, and all such similar ministries may choose to work with Boniface Care, a Diocesan entity with the relevant legal and financial charitable status recognised by both State and Federal Government legislation, to support its local ministries.
- g) A Community Care Ministry so established under the Bunbury Diocesan Community Care Statute 2013-2014, may be dissolved in line with the Constitution previously established under this Statute which states:
- (i) A Community Care Ministry may be dissolved after consultation with the Bishop; and
 - (ii) A General Meeting of the Parish so recommends to the Bishop-in-Council' or
 - (iii) The Bishop-in-Council, after consultation with the Committee, makes a determination.
- h) In the event of a Community Care Ministry being dissolved, the amount that remains after such dissolution and the satisfaction of all debts and liabilities being resolved, shall be transferred to another organisation with similar purposes which is not carried out for the profit or gain of its individual members. This will be Boniface Care or another Anglican organisation as directed by the Bishop-in-Council and the Trustees.
- i) If the Deductible Gift Recipient Status is revoked, and the Ministry is wound up and its DGR status is revoked (whoever occurs first), any surplus in the assets shall be transferred to another charitable organisation to which income tax deductible gifts can be made. This will be Boniface Care or another Anglican organisation as directed by the Bishop-in-Council and the Trustees.

MOTION

MOVER: I move this Bill do now pass.

BILL 04 THE PROFESSIONAL STANDARDS STATUE 2004

EXPLANATORY STATEMENT TO BE INSERTED PRIOR TO THE PROFESSIONAL STANDARDS STATUTE 2004

NOTICE TO SYNOD: Dr Renae Barker
NOTICE TO SYNOD: The Ven. Julie Baker

EXPLANATORY MEMORANDUM

According to the General Synod's Safe Ministry to Children Canon 2017 which was adopted by the Diocese of Bunbury's Synod in 2017, the Code of Conduct referred to within The Diocesan Professional Standards Statute 2004 is called 'Faithfulness in Service' and the specific sections within the Code, Sections 3 and 5 of 'Faithfulness in Service' apply to this Statute. The following explanation is added to the front of The Professional Standards Statute 2004.

Statement to be inserted at the front of The Professional Standards Statute 2004.

"The Safe Ministry to Children Canon 2017 was adopted by the Diocese of Bunbury in 2017. This Safe Ministry to Children Canon 2017 refers to a Code of Conduct called 'Faithfulness in Service'. Where this Code refers to the Safe Ministry to Children, in particular, Section 3 'Putting this Code into Practice' and Section 5 'Children', these Sections now apply where the Code of Conduct is referenced in this Professional Standards Statute 2004."

BILL 05 THE LICENSING STATUTE 2017

FULL NAME OF MOVER: Dr Renae Barker
FULL NAME OF SECONDER: Rev'd James Tabor

EXPLANATORY MEMORANDUM

All clergy who are licensed in the Diocese of Bunbury are required to sign their acceptance of the document called 'Faithfulness in Service' as part of the Safe Church requirements prior to receiving a licence to operate in the Diocese of Bunbury.

Currently, The Licensing Statute 2017 in Schedules 4, 5 and 6 refers both to a Code of Conduct and Faithfulness in Service applying to all clergy.

It is proposed to amend each Schedule to clarify it is clergy who are required to sign to Faithfulness in Service; and the choice to sign up to the Diocesan Code of Conduct will be at the individual clergy person's discretion.

The Diocesan Code of Conduct provides guidance for the expectations of conduct and behaviour by lay leaders and laity generally and church employees and is referred to in Schedules 7 and 8. This document is approved by Bishop-in-Council and may from time to time be updated and amended by the Diocese.

In so doing, Schedules 4, 5 and 6 seek to distinguish the clergy person's responsibilities and commitment to Faithfulness in Service.

Notwithstanding this distinction, all lay people and lay leaders may choose to use Faithfulness in Service as their higher standard for behaviour and conduct.

MOTION

MOVER: I move for leave to bring in a Bill for a Statute to be known as "The Licensing Statute 2017-2019".

The proposed amendments for "The Licensing Statute 2017" are in Schedule 4, 5, and 6 on page 28ff, Book 6 and those matters being deleted are shown here.

Schedule 4 Clergy 'Living'

Clause 23. Permission to Officiate

- a) All clergy holding a Permission to Officiate must comply with all requirements of Safe Church [**Delete:** 'the Code of Conduct'] and Faithfulness in Service.

Schedule 5 Faithfulness in Service [Delete: ', The Code of Good Conduct'] and Professional Standards Statute 2004

[Delete: '2. Code of Good Conduct

- a) All clergy are required to affirm and consent to the principles and values and actions contained in the document known as the 'Anglican Diocese of Bunbury's Code of Good Conduct'.]

Amend and Renumber '2 b)' and '2 c)' as '1 b)' and '1 c)'.

Amend and Renumber '3. Professional Standards Statute 2004' as Number 2.

Amend and Renumber '4. Declaration' as Number 3.

Amend:

- 3.a) All clergy holding the Bishop's Licence are required to sign the Declaration concerning the documents known as Faithfulness in Service [**Delete:** ', the Anglican Diocese of Bunbury's Code of Good Conduct] and The Professional Standards Statute 2004 to affirm and consent to the principles and actions contained within them.

DECLARATION

For Clergy holding the Bishop's Licence

Amend Para. 1

It is a requirement of the Diocese that each person holding the Bishop's Licence should comply with Faithfulness in Service. In addition, [**Delete:** 'The Diocesan Code of Good Conduct and] The Professional Standards Statute 2004 provides the principles, standards and behaviour expected of all clergy.

Amend Para. 2

I, (Full name)being a Cleric in good standing within the Diocese of Bunbury, do solemnly declare I have received a copy of 'Faithfulness in Service'; **[Delete:** 'the Diocesan Code of Good Conduct'] and The Professional Standards Statute 2004 and hereby commit to abide by them.

Schedule 6 Performance Development, Competency and Capacity

[Delete: 1. a) (ii) 'The Code of Good Conduct'] and renumber 1.a) (i) – (vi)

MOTION

MOVER: I move this Bill do now pass.

**BILL 06: THE BUNBURY DIOCESAN ADMINISTRATION
STATUTE 1989**

FULL NAME OF MOVER: Dr Renae Barker
FULL NAME OF SECONDER: The Ven. Julie Baker

EXPLANATORY MEMORANDUM

The Diocese continues to update its legislation to ensure its language is gender neutral. This work was commenced last year.

The Bunbury Diocesan Administration Statute 1989 needs updating to remove gendered language.

The proposed amendment for The Bunbury Diocesan Administration Statute 1989 is in Book 6, p.31 Clause 3. Function of the Administrator, line 1:

- (a) During the term of [**Delete:** 'his'] [Insert] *the Administrator's* administration of the Diocese, the Administrator shall use and exercise all the powers which the Bishop may use under the authority of any current statute of the Diocese, excepting always those powers which may only be used by a person in Episcopal Orders or by the Bishop of the Diocese.

MOTION

MOVER: I move for leave to amend The Bunbury Diocesan Administration Statute 1989 and for it to be known as "The Bunbury Diocesan Administration Statute 1989-2019".

BILL 07: THE CONSTITUTION ACT 1904-2005

FULL NAME OF MOVER: Dr Renae Barker
FULL NAME OF SECONDER: The Hon. Kevin Prince

EXPLANATORY MEMORANDUM

The Constitution Act 1904-2005 needs updating to meet the changes made in The Parochial Statute 2017-2018 and The Interpretations Statute 1994-2017 concerning the definition of the Voting Parishioner.

In addition, the language of “The Constitution Act 1904-2005” is to be updated to ensure it is gender neutral. However:

Clause 13 states:

It shall not be competent for the Synod to make any alteration in the Constitution herein adopted unless notice shall have been given at a previous Session at least twelve months prior to the motion of alteration being brought forward, and it shall not be competent for the Synod to pass such motion unless affirmed by three-fourths of the members present. As regards the preamble adopted, no provision is made for its alteration except insofar as may be necessary to bring this Constitution into conformity with the Constitution of the Anglican Church of Australia.

Consequently, the following Amendments were proposed for consideration by Synod with the 12 months’ notice of amendments being provided in these Motions at the Synod in 2018.

MOTION

MOVER: I move for leave to bring in a Bill for a Statute to be known as The Constitution Act 1904 – 2019. The proposed amendments for 2019 are on page 28, Book 6 and are underlined and in Italics.

The amendments proposed for consideration by Synod in 2019 are underlined and in italics and are as follows:

'Clause 3 Electors' be amended to include the declaration of electors as Voting Parishioners as approved in 2017 in The Parochial Statute 2017-2018 and The Interpretations Act 2017.

This text shall be deleted:

3. Electors:

[**Delete:** Every person of the age of 18 who shall have signed a declaration in the following form: "I declare that I am a communicant member of the Anglican Church of Australia", shall be qualified to vote at the election of members of Synod.]

And the following words inserted:

Clause 3 Electors

Every person of the age of 18 years who shall have signed a declaration as a Voting Parishioner in the following form:

"I declare I am a baptised, communicant member who:

- *Has regularly attended public worship for at least three months in a parish within the Diocese; and*
- *Has attained the age of 18 years; and*
- *Has taken communion at least three times in the parish in the preceding 12 months; and*
- *Has elected to be on the parish electoral roll of this parish and no other except with the approval of the Bishop.*
- *Is a member of the Anglican Church; or, is a member of another Christian Church (delete as appropriate) who is member of this parish and no other."*

shall be qualified to vote at the election of the members of Synod.

Clause 5. Absence, Resignation and Vacancies Paragraph 2; and Clause 10. Voting by Houses c) be amended to remove all male language and replace it with gender neutral language.

Clause 5. Absence, Resignation and Vacancies

Para 2: Any lay member of Synod may, by writing under the [**Delete:** 'his'] [Insert] lay member's hand, addressed to the Bishop of the Diocese, resign [**Delete:** 'his'] [Insert] the lay member's seat in Synod. In the event of such vacancy, or on the receipt of such resignation by the Bishop, the necessary steps shall be taken for the election of a member of Synod, who, in all things pertaining to the office and tenure of a member of Synod, shall occupy the position formerly occupied by the member of Synod whose place [**Delete:** 'he'] [Insert] the lay member fills.

Clause 9. Voting by Houses c) If a proposition be carried by a majority of both Houses, voting separately or together, and the Bishop be doubtful whether [**Delete:** 'he'] [Insert] the Bishop will assent to or dissent from the same, [**Delete:** 'he'] [Insert] the Bishop may delay [**Delete:** 'his'] [Insert] the Bishop's decision for not longer than three months. If [**Delete:** 'he'] [Insert] the Bishop should then dissent from it, all action thereupon shall be suspended until the next annual or special meeting of Synod, and should such proposition be then confirmed by two-thirds of each of the Houses present and voting, and the Bishop still dissent, it shall be referred to the provincial council – if such constituted – whose decision shall be final. If there be no provincial council, appeal shall be made to the Primate, who together with two Godly and learned persons, appointed by [**Delete:** 'himself'] [Insert] the Primate, shall sit and decide the matter in appeal, and their decision, or the decision of the majority, of whom the Primate shall be one, shall be final.

Schedule 1

The paragraph commencing:

AND I/WE FURTHER DECLARE that I/we am/are a confirmed [**Delete:** communicant members of the Anglican Church of Australia, having communicated at least three times in the year, of which Easter was one, and seen to be (a) faithful and regular worshipper(s) with this Community of Faith] Voting Parishioner/s within the twelve months preceding this Declaration.

MOTION

MOVER: I move this Bill do now pass.