



SAFE MINISTRY TO CHILDREN STATUTE 2022

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Long Title

A Statute to prescribe a code of conduct, minimum standards and guidelines for safe ministry to children in the Diocese of North West Australia in a manner that is based on framework set out in the General Synod *Safe Ministry to Children Canon 2017*.

The Council of the Diocese of North West Australia resolves as follows.

NAME

1. This is the Safe Ministry to Children Statute 2022.

DEFINITIONS AND INTERPRETATION

2. In this Statute, the following terms have the meanings given in this section:

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, ability diversity and age; and
 - ii. is delivered by persons who are authorised, and/or online training which is authorised, by the Diocesan Council; or
- (b) training of another Church body or organisation that the Diocesan Council has determined is equivalent to the training in paragraph (a);

adult means a person who is 18 years of age or above;

Bishop means the Bishop of the Diocese;

child means anyone under the age of 18 years;

child abuse means:

- (a) the following conduct in relation to a child:
 - (i) bullying; or
 - (ii) emotional abuse; or
 - (iii) neglect; or
 - (iv) physical abuse; or
 - (v) sexual assault, sexual exploitation, sexual harassment or sexually inappropriate behaviour; or
 - (vi) spiritual abuse; or
 - (vii) grooming; or
 - (viii) a child offence; or
 - (ix) failure without reasonable excuse to report child abuse;
- (b) the possession, production or distribution of child exploitation material;

Church authority means the Bishop or a person or body having authority to ordain, license, elect, appoint, dismiss or suspend a church worker;

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 constituted by Statute of the Synod or in respect of which the Synod has power to make Statutes;

Church body audit means an audit as to whether –

- (a) any code of conduct that applies to church workers in a Church body in respect of which the Diocesan Council has made a determination pursuant to section 6 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 requirements in this Statute for safe ministry to children that apply to church workers in a Church body in respect of which the Diocesan Council has made a determination under section 10 give substantial effect to the applicable requirements as appropriately adapted to the context of the Church body;

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;

church worker means a person aged 13 years or older undertaking any ministry in the Diocese:

- (a) who is licensed or authorised by the Bishop; 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 this Church;

code of conduct means the code of conduct prescribed pursuant to section 3;

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);

criminal history assessment means consideration of a National Police History Check of the person, or, in the case of a volunteer aged 13 to 17 years, a Volunteer National Police Certificate;

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;

Diocese means the Anglican Diocese of North West Australia;

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 Diocesan Council has made a determination pursuant to section 6;
- (b) the diocese has standards, and guidelines unless there are cogent reasons for not doing so, that give effect to the prescribed standards and guidelines;
- (c) a diocese has in place procedures which:
 - (i) effectively monitor observance by church workers in the diocese of the standards, and guidelines unless there are cogent reasons for not doing so, 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
- (d) the procedures in paragraph (c) have, in all material respects, been followed, and
- (e) any additional standards and guidelines for safe ministry to children prescribed by a diocese are inconsistent with the prescribed standards and guidelines, or equivalent standards and guidelines applicable to a Church body in respect of which the Diocesan Council has made a determination pursuant to section 10;

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

Faithfulness in Service means *Faithfulness in Service – A national code for personal behaviour and the practice of pastoral ministry by clergy and church workers* adopted by the Synod of the Diocese including any amendments made thereto from time to time;

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

independent person means a person who –

- (a) is not a church worker; and
- (b) has experience in undertaking audits of a similar nature to a Church body audit and a diocesan audit;

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;

licence means a licence, an authority, or a permission to officiate issued by the Bishop;

licensed clergy means clergy to whom the Bishop of the Diocese has issued a licence;

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

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

- (a) is required to hold a working with children check 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;

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;

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 to others in the parish or congregation;

Persons of Concern Policy means the Policy for Safe Ministry in a parish where there is a risk of harm by a Person of Concern that is prescribed by the Synod from time to time;

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

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

prescribed standards and guidelines means the standards and guidelines prescribed under this canon 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:

- (d) recommending or determining whether an action is to be taken; or
 - (e) providing support to a person;
- under a professional standards process;

Province means –

- (a) a member church of the Anglican Consultative Council other than the Anglican Church of Australia and includes part of a Province; and
- (b) a church that is recognised as a member church of the Anglican Communion by the Synod;

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 the personal, social and psychosexual maturity of the person by a registered psychologist experienced in psychological assessment;

Registrar means the person holding the office for the time being as the registrar of the Diocese;

responsible authority means –

- (g) a provincial authority; or
- (h) a diocesan authority; or
- (i) a denominational authority;

safe ministry assessment means consideration of the person's completed Safe Ministry Check, and, if applicable, information provided by a person's former minister or a referee as part of the Safe Ministry Check;

Safe Ministry Check means a check that includes the applicable Safe Ministry Check as prescribed from time to time by the Diocesan Council;

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

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 of the diocese and, if a diocese has established a diocesan safe ministry authority separate from its diocesan council excludes a role as a member of the diocesan council;

Safe Ministry Training National Benchmarks means the set of national benchmarks for safe ministry training as determined by the Safe Ministry Commission of the Anglican Church of Australia.

screening authority means –

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

spiritual abuse means the mistreatment of a child by actions or threats when justified by appeal to God, faith or religion where the child has suffered, or is likely to suffer, significant harm to his or her wellbeing or development;

working with children check means an authority to work with children issued under the laws of Western Australia;

Prescribed code of conduct

3. The prescribed code of conduct for safe ministry to children in the Diocese 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).
4. Subject to clause 6, church workers in the Diocese must –
 - (a) observe the standards of conduct contained in the prescribed code of conduct, and

- (b) unless there are cogent reasons for not doing so, follow the guidelines for conduct contained in the prescribed code of conduct.

Equivalent code of conduct

5. The prescribed code of conduct does not apply to church workers in a Church body which has a code of conduct for safe ministry to children applicable to them under –
 - (a) the laws of the Commonwealth or Western Australia; or
 - (b) a requirement or condition for registration, approval or funding to provide services for children under the laws of the Commonwealth or Western Australia; or
 - (c) a contract or arrangement with the Commonwealth or Western Australia or an agency or authority of the Commonwealth or Western Australia.
6. The prescribed code of conduct also does not apply to church workers in a Church body if the Diocesan Council determines on application by the Church body, that the Church body has an equivalent code of conduct, as appropriately adapted to the context of the Church body, that gives substantial effect to the standards and the guidelines contained in the prescribed code of conduct.
7. The Registrar shall publish on the Diocesan website, a list of all Church bodies that have been determined pursuant to section 6 to have an equivalent code of conduct, the date on which the determination was made, and if applicable the period during which the determination has effect.

Mandatory Safe Ministry Requirements

8. Subject to sections 9 and 10, church workers in the Diocese must observe the requirements for screening, training and safe ministry with Persons of Concern that are set out in this Statute.

Equivalent Safe Ministry Requirements

9. The requirements for screening, training and safe ministry with Persons of Concern do not apply to 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 Western Australia; or
 - (b) provides services to children pursuant to a contract or arrangement with the Commonwealth or Western Australia or an agency or authority of the Commonwealth or Western Australia.
10. The requirements also do not apply to church workers in a Church body if the Diocesan Council determines that the Church body has equivalent requirements for safe ministry to children, as appropriately adapted to the context of the Church body, that give substantial effect to the requirements set out in this Statute.
11. The Registrar shall publish on the Diocesan website a list of all Church bodies that have been determined pursuant to section 10 to have equivalent requirements, along with the date on which the determination was made, the applicable requirements that are equivalent, and if applicable the period during which the determination has effect.

Screening Requirements

12. The requirements for screening church workers are listed in the first column in the following table and shall apply to all church workers in the categories set out columns 2 to 4 where indicated by the letter 'Y':

Screening requirements	Type of church worker		
	a person to be ordained as a deacon and all clergy being appointed / licensed for ministry in the diocese for the first time	church workers who undertake paid ministry to children	church workers who undertake unpaid ministry to children
Working with Children Check: an unconditional working with children check, where required by the laws of Western Australia,	Y	Y	Y
Criminal History Assessment: where a working with children check is not required by and is not able to be sought under the laws of Western Australia, a criminal history assessment	Y	Y	Y
National Register Assessment	Y	Y	Y
Safe Ministry Assessment	Y	Y	Y
Medical Assessment	Y	Y	
Psychological Assessment	Y	Y	
Church Ministry Assessment: 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	Y	Y	

13. A screening requirement set out in the table in section 12 is not required to be carried out if the screening authority is satisfied on reasonable grounds that an identical or materially similar form of screening has previously been carried out in respect of the relevant church worker with results which have not called in question the fitness of the church worker to undertake ministry to children, and that there has subsequently been no material adverse change in the fitness of the relevant church worker to conduct ministry to children.

Training Requirements

14. All church workers who undertake ministry to children must satisfactorily complete accredited training within the three years prior to commencing any role involving ministry to children and at intervals of not more than three years after prior satisfactory completion of accredited training.
15. All licensed clergy must satisfactorily complete accredited training within the three years prior to commencing any role in the diocese and at intervals of not more than three years after prior satisfactory completion of accredited training.
16. A person is not required to complete accredited training within the relevant period set out in sections 14 or 15 if the Bishop or his delegate is satisfied there are exceptional circumstances and in such case the training is to be completed within such other period specified by the Bishop or his delegate. Where a determination is made under this provision the Bishop shall notify the Registrar in writing of the exception that has been made and the date by which training must be completed.

Supervision Requirements

17. A church worker who is under the age of 18 years shall, except in an emergency, undertake all ministry to children under the direct supervision of at least one church worker who is aged 18 years or over.

Persons of Concern

18. All church workers and Persons of Concern must comply with the Persons of Concern Policy.

Audit

19. The Diocesan Council shall appoint an independent person to undertake a Church body audit and a diocesan audit of the Diocese at intervals of four years or less, and provide as soon as practicable after the completion of the audit:
- (a) a report of the Church body audit to the Diocesan Council and the Church body concerned; and
 - (b) a report of the diocesan audit to the Diocesan Council and the diocesan safe ministry authority.
20. The Diocesan Council shall determine the scope of the Church body audit and the diocesan audit.
21. 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.
22. 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.
23. The Diocesan Registrar shall as soon as practicable after:
- (a) the report of the Church body audit has been provided to the Diocesan Council, and
 - (b) the report of the diocesan audit has been provided to the Diocesan Council and diocesan safe ministry authority.
 - (c) publish the report on the Diocesan website.

Record Keeping

24. Accurate records of:
- (a) the screening of church workers,
 - (b) the satisfactory completion of accredited training by church workers
- are to be created and maintained in a secure manner by or on behalf of the screening authority.
25. 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 by or on behalf of the person responsible for its implementation within the Church Body.
26. The Registrar or a person nominated by the Registrar may, for reasonable and legitimate purposes, inspect all records maintained by a parish in relation to its obligations under this Statute.
27. The Registrar or a person nominated by the Registrar may require the minister to provide any of the following information in relation to persons undertaking ministry to children in the parish:
- (a) full name,
 - (b) date of birth,
 - (c) working with children check number (or application number) and expiry date, and
 - (d) date of verifying the clearance with the regulator and outcome

General

28. A person performing a function under this Statute is to keep confidential any personal information obtained in the course of fulfilling that function, except where its disclosure:
- (a) is required by law or a Statute of the Diocese;
 - (b) is made with the consent of the person to whom the information relates;
 - (c) is reasonably necessary to protect any person from the risk of being harmed;
 - (d) is reasonably necessary for the purpose of fulfilling a function under this Statute, including undertaking an assessment of whether a person is suitable to undertake ministry to children; or
 - (e) is necessary for the purpose of taking or initiating any professional standards or disciplinary action against a church worker.
29. The Registrar or a person nominated by the Registrar 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 position or a General Synod safe ministry position.

Transitional Provisions

30. The screening authority who issued a licence or otherwise appointed a church worker holding a licence or otherwise in office on the date on which this Statute comes into effect must ensure that the church worker has satisfied all the relevant screening requirements set out in the table in section 12 by 1 January 2023.
31. Each church worker aged 16 years or older who holds office on the date on which this Statute comes into effect and has not satisfactorily completed relevant accredited training before that date must complete relevant accredited training within 60 days of the date on which this Statute comes into effect.
32. Section 14 does not apply to church workers aged 13 to 15 until the Diocesan Council approves accredited training for church workers aged 13 to 15 years. Each church worker aged 13 to 15 years who holds office on the date on which the Diocesan Council approves accredited training for church workers aged 13 to 15 years must complete accredited training within 60 days of the date on which the Diocesan Council approves such accredited training.

REGULATIONS

The Synod or Council of the Diocese may from time to time make, amend or repeal regulations (e.g. policies and procedures) not inconsistent with the provisions of this Statute providing for records arising out of or incidental to the operation of this Statute and for all or any of the purposes, whether general or to meet particular cases, which may be convenient for the administration of this Statute or which may be necessary or expedient to carry out the overriding purposes of this Statute.

RESPONSIBILITIES

Review

The Synod or Council of the Diocese will review the operation of this Statute on or before six years after its commencement.

CERTIFICATIONS AND ASSENT

I Assent to this Statute.

G Nelson
Bishop