

## ACTS OF SYNOD 2021

### Class 1 (Barrier Act Procedure)

No	Act	Reference
Interim 1	Safe Church Policy and Code of Conduct	21.18

### Class 2 (Others)

No	Act	Reference
1	Changes to ATO Reporting	21.15.1
2	Improvement to Recording Acts of Synod	21.15.4
3	Remit to L&A Committee re Handling Any Issues re NSW Property Act	21.15.5
4	Head of Entity for Reportable Conduct: Presbytery Clerks	21.20
5	Complaints Handling Procedure	21.21.1
6	Handbook Changes: Safe Church Matters	21.21.3
7	Mission Subcommittee to Handle Sponsorship for Chhapara High School	21.32.3
8	Mutual Eligibility (Free Church of Scotland Continuing) 2021	21.34.2
9	Membership of Psalmody Committee	21.49.3
10	Changes to Superannuation Level	21.52.1
11	Minimum Stipend Levels	21.54.2
12	Stipend Assistance Hawkesbury Nepean	21.54.3
13	Holding of Peter McIntosh Martin Estate	21.55
14	Re Estate of Margaret Isabel Hockett	21.62
15	Holding of Deed Box	21.63
16	Trustees for Victoria	21.65.1
17	Barrier Act Remit – Repeal of Act 1, Class 1, 2014 Re Child Safety	21.21.2

### CLASS 1 – ACTS WHICH HAVE PASSED THE BARRIER ACT

#### INTERIM ACT 1 - Safe Church Policy and Code of Conduct (2021)

Wednesday 5<sup>th</sup> May 2021

(Minutes 21.18)

Synod transmit the following overture to Presbyteries under the terms of the Barrier Act and meantime pass the same as an interim act in force until next Synod. Returns are to be in the hands of the Clerk of Synod by 30 November 2021:

WHEREAS Synod is committed to the careful development and refining of its Safe Church standards,

AND WHEREAS minor amendments to the 2019 Safe Church Policy and Code were suggested by the Northern Presbytery, and further amendments and additions have been advised by the Law & Advisory committee following its review of state legislation, insurance requirements, and the recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse, NOW THEREFORE Synod, with the consent of presbyteries, enact and ordain, for the PCEA Australia-wide the amendments to the existing Safe Church Policy and Code of Conduct (Act 1, Class 1, 2019) as set out in Appendices 1 and 2 of the Law and Advisory Alternative Majority Report 2021.

### CLASS 2 – ACTS OF SYNOD OF GENERAL INTEREST TO THE CHURCH

### **ACT 1 – Changes to ATO Reporting**

Wednesday 5<sup>th</sup> May 2021

(Minutes 21.15.1)

In view of ATO's new procedures delete the words in 3.14a [B.e] being Act of Synod 2018:

3.14e the minister/s and any employees are issued with a PAYG payment summary immediately following 30th June each year and that the PAYG Payment Summary is sent to the Australian Taxation Office.

And replace with:

3.14e The requirements of the Australian Taxation office are followed in regard to reporting taxable stipend payments.

### **ACT 2 – Improvement to Recording Acts of Synod**

Wednesday 5<sup>th</sup> May 2021

(Minutes 21.15.4)

It is important that Acts of Synod past and present be available and accessible to all interested parties. This is not currently achieved in the Handbook/Decision Book which has limitations and evident gaps. Synod instructs the Law & Advisory committee to consider how this end could be better achieved and to bring proposals to the next ordinary meeting.

### **ACT 3 – Remit to L&A Committee re Handling any issues re NSW Property Act**

Wednesday 5<sup>th</sup> May 2021

(Minutes 21.15.5)

Synod note that the resolution of Synod 2013 for the NSW Parliament to amend The Synod of Eastern Australia Property Act 1918 cannot be fulfilled under current Government rules. Synod resolved to continue with the 1918 Act and directs the Law & Advisory Committee to provide advice on handling any potential difficulties at its next ordinary meeting.

### **ACT 4 – Head of Entity for Reportable Conduct: Presbytery Clerks**

Wednesday 5<sup>th</sup> May 2021

(Minutes 21.20)

Synod resolve that the "Head of Entity/Organisation" for the purposes of the Reportable Conduct Scheme should, for the time being, be taken as the Clerk of the relevant presbytery. Synod instructs the Law and Advisory Committee to give further consideration to this matter and report back to the next ordinary meeting.

## **ACT 5 – Complaints Handling Procedure**

Wednesday 5<sup>th</sup> May 2021

(Minutes 21.21.1)

Synod adopt the Complaints Handling Procedures contained in Appendix 3 of the alternative Law and Advisory Report 2021, as a child focussed and accessible standard to be used throughout the PCEA.

*The wording of Appendix 3 as follows:*

### **COMPLAINTS HANDLING PROCEDURES**

#### **1. MAKING A COMPLAINT**

If you are a child, young person or vulnerable adult who has been abused then it is important that you tell someone about it.

Anyone who has reasonable grounds to believe that a child or other vulnerable person has been abused or is at risk of abuse should also report this.

**1.1 Who should you speak to?** You can speak directly to the minister or one of the elders, or you can speak to any leader of a church activity such as a Sunday school teacher or youth leader. All our leaders have been trained to listen to your complaint, to take it seriously, and to report it to the session. You also have the right to go directly to the police or relevant government agency to report abuse.

**1.2 What if the abuser is one of the church leaders?** As a Church we try to be very careful about who we appoint to leadership positions but it is a sad reality that sometimes even a person who was trusted to be a suitable leader may use that position of trust wrongly to abuse others. This is unacceptable and it is important that it is reported to another leader in the Church, or directly to the police or relevant government agency.

**1.3 What if the abuse happened somewhere else?** Even if the abuse happened somewhere else, such as at school, or at a friend's house, you can still speak to the leaders at your church about this. They will listen to you and seek to help you.

#### **1.4 What if the victim is now an adult?**

Abuse by a church leader should be reported even if it happened a long time ago. It may not be easy for a victim to speak about the abuse they experienced but the Church should seek to ensure that help and support are provided to the victim, who should be encouraged to bring a report to police.

#### **1.5 What is abuse?**

Children and vulnerable people have a right to be safe, protected, and looked after in their family, daily life and at church activities. Abuse is when a leader, adult, or even another young person, uses their power or position of trust in a wrong way to hurt or exploit by doing things to a child or vulnerable person, or making them do things, that are inappropriate or distressing. It can take many forms, including physical, sexual and emotional abuse, as well as neglect and exploitation.

### **2. OUR RESPONSE TO A COMPLAINT OR DISCLOSURE OF ABUSE**

**2.1 We will treat all disclosures seriously and record the details** - Our Church is committed to

processes that strive for truth and confidentiality and will treat all allegations seriously and act upon them. A child or young person may disclose, deliberately or inadvertently, that he/she is a victim of abuse. Alternatively there may be reasonable grounds to suspect that a child or young person has been or is being abused. 'Reasonable grounds' is a subjective concept, but this does not remove responsibility from a person to act. In all cases, details will be recorded of what happened, when and where it happened, details of persons present or witnesses, using the complainant's own words as far as possible.

**2.2 We will be compassionate** - We are to ensure as far as possible that a compassionate response is a priority in all reported allegations especially at the time when details are sketchy and it is not yet certain that the allegations are accurate. At these times, when emotions may run high, leaders are not to pass judgment but to offer care and support to the aggrieved person(s) and, if practicable, to the alleged offender.

**2.3 We will report abuse to the relevant church body and the proper civil authorities** - Leaders and any others in the congregation who hear such disclosures or have reasonable grounds for concern should report the matter to the minister or an elder. You also have the right to go directly to the police or relevant government agency yourself and can ask advice from the congregational Protection Officer. From that time the session (or the presbytery if the allegation is against a minister), will appoint a suitable elder who will be the only one to have carriage of the matter for reportable conduct and will become the liaison person with the police and/or relevant government agency. This procedure shall also apply if a child discloses that the abuse has occurred somewhere else other than the church.

**2.4 We will not let fear of being wrong prevent us from reporting abuse** - The fear of being wrong is not sufficient ground for not reporting the concerns.

**2.5 We will take immediate steps to minimise the risk of further harm** – As soon as the session becomes aware of a complaint of abuse they must carry out a risk assessment to identify risks of harm that exist and they must take steps to ensure that those risks are minimised in order to protect the safety of children and vulnerable.

**2.6 We will keep careful and confidential records** – Confidential records (as a record apart) will be kept by the session clerk and controlled under the privacy legislation of the Church. These records will contain the details of any alleged abuse and the steps taken to process the alleged abuse with the resolution of the process and any conditions placed on the parties involved with all relevant supporting documents (or attested copies) attached. Copies will be kept with the session records for 50 years and then archived at the direction of Synod. A duplicate certified copy of the above records will be lodged with the presbytery clerk.

### **3. INVESTIGATING A COMPLAINT**

**3.1 Initial stage** - At the initial stage, allegations of child sexual abuse when the alleged victim is still under 18 years of age must not be further investigated by the Church, and neither should the child/young person or the accused be questioned by the Church. When the matter involves criminal behaviour, this must be investigated first by the police.

**3.2 Confidentiality** - There will be no disclosure to any interested parties connected with allegedly

abused child to avoid contamination of evidence and prejudice of investigations. Although the Church minister and session are to be advised, at this stage it will not become a matter for session to act upon nor of presbytery involvement (unless a minister of the Church is the accused).

**3.3 Precautionary suspension** - Any church leader or worker who is accused will be stood down by the session or presbytery from his/her position until the police investigations and Church investigations are concluded.

**3.5 Investigation according to Biblical standards** – When any police investigation is concluded the Church will conduct its own investigation. It is possible that charges arising from the police investigation may not be proved to the satisfaction of the civil court. Nevertheless, the standards of conduct required by the Word of God are to be maintained by the Church. Irrespective of any other action that may be taken, the Church reserves the right to exercise its own powers of discipline over adherents, members and office-bearers.

**3.6 Disciplinary action** – Following investigation by the Church, any minister, office-bearer or other leader found guilty of the sexual abuse of a child, young person, or other vulnerable person, will be immediately removed from office and from all other positions or roles they may hold within the Church.

#### **4. PROVIDING SUPPORT AND ASSISTANCE**

**4.1 We will seek to provide appropriate support to victims** - Appropriate sensitive pastoral care will be extended to any child, young person or vulnerable adult who has made a disclosure of abuse, by the following protocols:

- not pushing the child or young person to disclose details of the alleged assault
- not attempting to investigate the allegation
- assuring the person that they are understood; that their disclosure is being taken seriously; that what has happened is not their fault and that they are correct in disclosing the incident.
- not making contact with the alleged offender to discuss the case.
- maintaining confidentiality by speaking only to those parties recommended by the police (or delegates), even though this may cause emotional tension.

**4.2 We will provide ongoing care and support for victims and their families** – This is the responsibility of the session and will normally be carried out by the minister or an elder. The Church should also assist victims and families to find information and obtain help from sources outside the Church if desired.

#### **5. REVIEW OF PROCEDURES**

##### **5.1 Commitment to review**

We are committed to regularly reviewing and improving our Safe Church standards to ensure that our Safe Church Policy, Code of Conduct and procedures are effective in protecting children and the vulnerable from harm. We also want our stated procedures to be clear, accessible and easy to follow for all.

An internal review is to be carried out after a complaint process has been concluded. Any causes of systemic failure should be identified and the views of leaders, complainants, and the victim or their family should be sought wherever possible. Details of the review are to be retained as confidential

records.

Safe Church training events may provide a regular opportunity for presbyteries to review, with leaders, how well they are able to understand and implement the Safe Church standards in their congregations.

Observations, comments and suggestions should be forwarded to the relevant Synod committee to facilitate improvements to the Church's policies and procedures.

### **5.2 Review with leaders**

Questions to leaders who were involved in reporting or investigating a complaint may be along the following lines:

- a. Was there some inadequacy or systemic failure in the Church's procedures, or in the implementation of these procedures, that resulted in harm to a child or other vulnerable person under your care?
- b. Were you as a leader/session clear about your duties?
- c. Was the complaint process easy to understand and follow?
- d. Was there anything unclear in the Safe Church Policy, Code of Conduct or complaints procedure, or anything in these documents that requires to be clarified or to be updated?

### **5.3 Review with complainants, victims or their families**

The views of complainants, victims or their families should be sought wherever possible in the review process. This will require particular care and sensitivity depending on the nature of the case. They may wish to submit responses in writing or prefer to meet with an appropriate person who has been appointed by the Church to talk with them and record their views. If it has not been possible to obtain these views then the reasons for this should be stated in the report. Questions may be along the following lines:

- a. Was the complaint process easy to understand and follow?
- b. Did you feel listened to and was your complaint taken seriously?
- c. Did you feel the Church handled the complaint appropriately?
- d. Did the Church take proper steps to protect children and the vulnerable from harm?

## **ACT 6 – Handbook Changes: Safe Church Matters**

Wednesday 5<sup>th</sup> May 2021

(Minutes 21.21.3)

Synod instruct the Law & Advisory Committee to draft proposals for the incorporation of Safe Church matters into the Handbook and to bring these proposals for the consideration of Synod at its next meeting.

## **ACT 7 – Mission Subcommittee to Handle Sponsorship for Chhapara High School**

Thursday 6<sup>th</sup> May 2021

(Minutes 21.32.3)

That Synod approve a subcommittee consisting of John Greensill (chair), David Kerridge and Alex Steel to manage the sponsorship/donation scheme for students at the Mission Higher Secondary School, Chhapara, India.

## **ACT 8 – Mutual Eligibility (Free Church of Scotland Continuing) 2021**

Thursday 6<sup>th</sup> May 2021

(Minutes 21.34.2)

The Synod of the Presbyterian Church of Eastern Australia (PCEA) recognises in the Free Church of Scotland Continuing (FCC) a church whose doctrines and contendings are largely similar to its own with adherence to the Westminster Confession of Faith a major requirement for office bearers. Synod, while declining to enter into the merits or otherwise of the division in the Free Church of Scotland in 2000, reaffirms the approval of mutual eligibility approved by PCEA Synod 2019 and notes that the FCC General Assembly in May 2019 the FCC reaffirmed the relation established by the pre-2000 Free Church of Scotland.

The Synod of the PCEA understands and is satisfied that FCC Presbyteries may issue calls to ministers of the PCEA, and likewise affirms the right of the PCEA Presbyteries to process calls to FCC ministers. In neither case does this mutual eligibility impinge on the right and responsibility of the relevant FCC or PCEA Presbytery to require the usual application for admission to be fully and satisfactorily completed and full and satisfactory Presbyterian certificates of character and attainment before admission. These include clearance under any relevant child protection legislation, and assurance that any incoming minister is familiar with the history, doctrine, and practice of the church so that he is able to subscribe to the formula of subscription intelligently and heartily and participate harmoniously and constructively in the life of the church.

*The other presbyteries should be promptly advised of a proposed invitation.*

Where a FCC minister is potentially or actually under call or appointment by the PCEA, he must, *inter alia*, (a) have read the history of the PCEA and also its Handbook of Practice and Procedure, and have answered satisfactorily questions on them; (b) assure the presbytery that he will maintain the simplicity and purity of the PCEA form of worship; and (c) answer satisfactorily concerning his adherence to the teaching of the Confession of Faith as per Formula of Subscription. His satisfactory compliance with this admission procedure is to be minuted by the Presbytery and must be met before a call or invitation is transmitted so that the minister may know that his acceptance will enable his admission.”

This Act may be cited as Mutual Eligibility (Free Church of Scotland Continuing) 2021.

## **ACT 9 – Membership of Psalmody Committee**

Thursday 6<sup>th</sup> May 2021

(Minutes 21.49.3)

Synod resolves that the psalmody committee structure be altered, so that it is made up of five full members. Sessions of all the congregations not represented on the committee will appoint a liaison to the committee. Should a session not appoint a liaison, the minister/interim moderator will be the default liaison.

## **ACT 10 – Changes to Superannuation Level**

Friday 7<sup>th</sup> May 2021

(Minutes 21.52.1)

Synod approves the committee’s proposal for changes in Section C in the reports, starting from 1/7/21.

### **ACT 11 – Minimum Stipen Levels**

Friday 7<sup>th</sup> May 2021

(Minutes 21.54.2)

Adjustment of the Minimum Stipend, Cash and Non-cash components (Excluding Manse, Car and Telephone) for 2021/2022 be made on 1<sup>st</sup> January annually in line with the movement in the *Wage Price Index* as published by the Australian Bureau of Statistics. In the event of a negative movement in any review period, no adjustment be made.

### **ACT 12 – Stipend Assistance Hawkesbury Nepean**

Friday 7<sup>th</sup> May 2021

(Minutes 21.54.3)

Stipend Assistance of up to \$ 12,500 for 2021/2022 Synodical year be granted to the Hawkesbury-Nepean Deacons' Courts as follows:

- Be strictly on a quarterly needs basis.
- Applications be submitted to the General Treasurer on a calendar quarter basis ie commencing 1<sup>st</sup> January/April/July/October and be accompanied with a Budget for the quarter being applied for.
- Be subject to the availability of funds.

### **ACT 13 – Holding of Peter McIntosh Martin Estate**

Friday 7<sup>th</sup> May 2021

(Minutes 21.55)

Synod grants approval for St Georges Deacons' Court to hold and administer \$180,000 of the \$212,172.18 currently held on account of the bequest received from the executor (NSW Trustee & Guardian) of the estate of the late Peter McIntosh Martin. The balance of \$32,172.18 (including accrued interest of \$19,291.47 earned since 21/11/2019 thereon) to be applied to the Synod of Eastern Australia *General Fund*.

### **ACT 14 – Re Estate of Margaret Isabel Hockett**

Friday 7<sup>th</sup> May 2021

(Minutes 21.62)

Re the estate of the late Margaret Isabel Hockett. The Treasurer presented the proposed motions and they were received. It was resolved as follows:

1. The bequest of \$794,669.29 received from the Estate of the late Margaret Isabel Hockett be applied to Synod General Funds.
2. A donation of \$10,000 be made from the Synod General to Annie Soper Christian School, Moyobamba, Peru. The funds to be applied as the school wishes.

It was further resolved:

In an endeavour to maintain *Real Value* (keep up with inflation) in the bequest received from the Estate of the late Margaret Isabel Hockett, \$200,000 be invested in equities and reviewed annually. Such investment be made in similar terms as relate to investment of Synod Capital Funds as detailed

*in Trust Corporations - Synod Investments (B TRUSTEES) Investment of Synod Funds. Handbook – Classified Decisions of Synod (2019 Page 102)*

It was further resolved that:

Synod make an ex gratia payment of \$4,000 to the Hastings River Congregation in memory of the late Margaret Isabel Hockett noting her long and faithful contribution to the ministry of the gospel in the Charge. The funds may be applied as the Deacons' Court decides.

**ACT 15 – Holding of Deed Box**

Friday 7<sup>th</sup> May 2021

(Minutes 21.63)

In recent years the Deed Box has been held at a solicitor's office in Taree. With the change of Synod Clerk it was resolved that the Deed Box be relocated and held secure by Daniel Butt and Co. Solicitors of Maclean, under the care of the newly appointed Clerk of Synod Rev David Kerridge, along with a Maclean elder, being appointed key holders and auditors of the content.

**ACT 16 – Trustees for Victoria**

Friday 7<sup>th</sup> May 2021

(Minutes 21.65.1)

Synod extend the appointment of RS Ward until 30th June 2022 and appoint Wesley Ian Hall as Trustee and Secretary for an initial period of 5 years commencing 1/9/2021 to be reviewed no later Synod 2026.

**ACT 17 – Barrier Act Remit – Repeal of Act 1, Class 1, 2014 re Child Safety Procedures**

Wednesday 5<sup>th</sup> May 2021

(Minutes 21.21.2)

Synod transmit the following overture to Presbyteries under the terms of the Barrier Act. Returns are to be in the hands of the Clerk of Synod by 30 November 2021:

WHEREAS the Procedures for Dealing with Allegations of Child Abuse and Sexual Misconduct contained in Act 1, Class 1, 2014 are not considered to be suitably accessible to children, families and volunteers,

AND WHEREAS all the key constitutional aspects of complaints handling, including requirements for confidentiality, reporting to civil authorities, and disciplinary outcomes are already contained in the PCEA Safe Church Policy,

AND WHEREAS the 2021 Synod has adopted new Complaints Handling Procedures which are more child-focussed and accessible,

NOW THEREFORE Synod repeal Act 1, Class 1, 2014 (Procedures for Dealing with Allegations of Child Abuse and Sexual Misconduct).