

NATIONAL REGISTER CANON 2007

Canon No. 15, 2007 as amended by
Canon No. 13, 2010
Canon No. 09, 2014
Canon No. 10, 2017

The General Synod prescribes as follows:

Short title

- 1 This Canon may be cited as the "**National Register Canon 2007**".

Definitions

- 2 The dictionary in the Third Schedule defines particular words and expressions used in this Canon.

Object

- 3 The object of this Canon is to assist in providing for the physical, emotional and spiritual welfare and safety, and the protection from the risk of abuse, of all people having dealings with clergy and church workers by establishing a National Professional Standards Register to which authorised persons may have access and make disclosures of the Information therein.

Establishment of the National Register

- 4 There shall be a National Professional Standards Register of clergy and lay persons established and maintained in accordance with the provisions of this Canon.

Information about clergy

- 5¹ (1) The National Register shall be a register of all clergy:
- (a) against whom a notifiable complaint or a notifiable charge has been made unless it is exhausted; or
 - (b) in respect of whom there has been a relinquishment of, or consent to deposition from, Holy Orders arising out of sexual misconduct or child abuse;
 - (c) who have made an adverse admission or are the subject of an adverse finding; or
 - (d)² in respect of whom there has been an adverse check or an adverse criminal history check or an adverse Safe Ministry Check; or

¹ Amended by Canon 13, 2010.

² Amended by Canon 10, 2017

- (e) who have not been ordained as a priest or as a bishop, or issued with a licence or appointed by a Church authority, because of an adverse risk assessment.
- (2) The register of clergy shall contain the following matters:
- (a) Information relating to clergy; and
 - (b) in relation to each member of the clergy included in the register, a notation of the date on which the register was last altered.

Information about lay persons

- 6³ (1) Subject to this Canon the National Register shall be a register of all lay persons:
- (a) against whom a notifiable complaint or a notifiable charge has been made unless it is exhausted; or
 - (b) who have made an adverse admission or are the subject of an adverse finding; or
 - (c)⁴ in respect of whom there has been an adverse check or an adverse criminal history check or an adverse Safe Ministry Check; or
 - (d) who have not been ordained as a deacon, or issued with a licence or appointed by a Church authority, because of an adverse risk assessment.
- (2) The register of lay persons shall contain the following matters:
- (a) Information relating to lay persons; and
 - (b) in relation to each lay person included in the register, a notation of the date on which the register was last altered.

Maintenance of the National Register

- 7 (1) Subject to this Canon, the National Register shall be maintained by the General Secretary in such form as the Standing Committee shall approve so as to ensure the security of the Information therein.
- (2) The General Secretary shall issue forms necessary for the operation of the National Register and publish these forms on the website of the General Synod.

³ Amended by Canon 13, 2010.

⁴ Amended by Canon 10, 2017

Provision of Information for inclusion in the National Register

- 8⁵ (1) A Director of Professional Standards shall enter information in the National Register relating to any member of the clergy or lay person to which he or she has access in carrying out his or her responsibilities, in accordance with a protocol approved by the General Synod, or the Standing Committee by a two-thirds majority, as soon as practicable, and no later than one month after he or she has access to the Information.
- (2) A Director of Professional Standards shall advise the General Secretary if Information of which he or she is aware has not been entered in accordance with subsection (1) as soon as practicable after the expiration of the period specified in subsection (1).
- (3) The General Secretary shall:
- (a) after receipt of advice under subsection (2), promptly enter a caution in the National Register in relation to the member of the clergy or lay person, the subject of that Information; and
 - (b) no later than one month after the entry of that caution in the National Register, notify the member of the clergy or lay person concerned, by letter sent to his or her last known postal or electronic address, of:
 - (i) the entry of the caution; and
 - (ii) the right of that person to request in writing of the General Secretary the removal of the caution in accordance with subsection (5).
- (4) A Director of Professional Standards who has given the General Secretary advice in accordance with subsection (2) shall as soon as practicable after giving such advice notify that Information to the General Secretary.
- (5) The General Secretary shall promptly after the earlier of:
- (a) notification by a Director of Professional Standards under subsection (4); and
 - (b) the expiration of two months from receipt of a request in writing from the member of the clergy or lay person the subject of the caution requesting its removal,
- remove the caution from the National Register.

Exclusion from operation of the canon

- 8A⁶ (1) The General Synod, or the Standing Committee, may establish exclusion criteria, and shall publish any such criteria on the General Synod website.

⁵ Amended by Canon 13, 2010; amended by Canon 10, 2017.

⁶ Added by Canon 13, 2010.

- (2) If exclusion criteria are established they must include:
 - (a) a system of screening for sexual misconduct in relation to adults and child abuse;
 - (b) a code of conduct; and
 - (c) a system for making and dealing with complaints of sexual misconduct in relation to adults and child abuse.

- (3) The General Synod, or Standing Committee by a two-thirds majority, on application by a province or diocese may exclude from the operation of this Canon for such period as it determines:
 - (a) a Church body other than a parish; and
 - (b) a category of church workers;

if it is satisfied that the Church body or the category of church workers meets the exclusion criteria.

- (4) The exclusion of a Church body from the operation of this Canon shall not apply to any clergy employed by or exercising ministry within the Church body unless otherwise specified in the exclusion.

- (5) The General Synod, or the Standing Committee by a two-thirds majority, may in respect of an exclusion referred to in subsection (3) revoke the exclusion if it is satisfied that the Church body or the category of church workers no longer meets the exclusion criteria.

- (6) The General Secretary shall publish on the website of the General Synod a list of all Church bodies and categories of church workers excluded from the operation of this Canon and the date on which the exclusion took effect and if applicable the period during which the exclusion had effect.

Notification of Information in the National Register

- 97 (1) Subject to subsection (5), the General Secretary shall, as soon as practicable, and no later than one month, after the entry of Information in the National Register relating to a member of the clergy or a lay person (other than a changed entry relating to item 4 of each of the First and Second Schedules), notify the member of the clergy or lay person concerned of the entry of that Information by letter sent to his or her last known postal or electronic address where that address is known.

- (2)⁸ Where a Director of Professional Standards receives a police request or a withdrawal of the police request and is reasonably satisfied of its authenticity, the Director of Professional Standards shall forthwith:

⁷ Amended by Canon 09, 2014.

⁸ Inserted by Canon 09, 2014.

- (a) enter a notation of the police request in the National Register, or remove that notation, as the case may be; and
 - (b) make a police request record or a withdrawal of the police request record, as the case may be, and provide that record to the General Secretary.
- (3)⁹ Where the General Secretary receives a police request or a withdrawal of the police request and is reasonably satisfied of its authenticity, the General Secretary shall forthwith:
- (a) enter a notation of the police request in the National Register, or remove that notation, as the case may be; and
 - (b) make a police request record or a withdrawal of the police request record, as the case may be.
- (4)¹⁰ The General Secretary shall keep any such police request record or withdrawal of the police request record, as the case may be.
- (5)¹¹ Where the General Secretary receives a police request, or a police request record from a Director of Professional Standards, the General Secretary shall not notify the member of the clergy or lay person of the entry of Information in the National Register relating to that person until the sooner of the expiration of six months after the receipt of the police request or the receipt of a withdrawal of the police request, or a withdrawal of the police request record from a Director of Professional Standards, as the case may be.

Removal of Information in the National Register

- 10¹² (1) A Director of Professional Standards shall notify the General Secretary as soon as practicable after becoming aware that a notifiable complaint or a notifiable charge against a member of clergy or a lay person has been exhausted.
- (2) Where notification is received from the applicable Director of Professional Standards that a notifiable complaint or notifiable charge against a member of the clergy or a lay person has been exhausted, the General Secretary shall, as soon as practicable and no later than one month after receipt of the notification, remove Information in the National Register relating to that notifiable complaint or notifiable charge and notify:
- (a) the member of the clergy or lay person concerned of the removal of that Information by written notification sent to his or her last known postal or electronic address; and

⁹ Inserted by Canon 09, 2014.

¹⁰ Inserted by Canon 09, 2014.

¹¹ Inserted by Canon 09, 2014.

¹² Amended by Canon 13, 2010.

- (b) each authorised person who has had access to that Information, other than the person or persons in subsections 11(d) and (e), of the removal of that Information, by written notification.
- (3) Each authorised person referred to in subsection (2)(b), shall, as soon as practicable and no later than one month after the receipt of the notification referred to in that subsection, forward a copy of that notification to each Church authority to whom the authorised person has disclosed the Information.
- (4) Where notification is received from the applicable Director of Professional Standards that a member of the clergy or a lay person relating to whom there is Information in the National Register has died, the General Secretary shall, as soon as practicable and no later than one month after receipt of the notification, remove Information in the National Register relating to that member of the clergy or lay person.

Access to and disclosure of Information in the National Register

- 11 Access to and disclosure of Information in the National Register shall, subject to sections 12 and 13, be limited to the following authorised persons:
- (a) a diocesan bishop or delegate;
 - (b) the Bishop to the Defence Force or delegate;
 - (c) a Director of Professional Standards;
 - (d) the General Secretary;
 - (e) any person within the General Synod Office whose duties include assisting the General Secretary in maintaining the National Register; and
 - (f) such other persons as may be determined by the Standing Committee by a two-thirds majority;

who agree to abide by the protocols under this Canon approved by the General Synod, or the Standing Committee by a two-thirds majority.

Entitlement to ascertain the existence and obtain a copy of any Information in the National Register

- 12¹³ The General Secretary, on application by a person to ascertain whether there is any Information, and if so to obtain a copy of the Information, in the National Register relating to that person, shall, other than in respect of Information which is the subject of a police request, notify the person whether there is any such Information, and if so provide a copy of that Information to that person, in accordance with a protocol approved by the General Synod, or the Standing Committee by a two-thirds majority.

Entitlement to ascertain details of access to Information in the National Register

- 13 The General Secretary, on application by a person to ascertain whether there has been access to any Information in the National Register relating to that person by an authorised person, shall notify the person whether there has been any such access, and if so provide details of that access to that person, in accordance with a protocol approved by the General Synod, or the Standing Committee by a two-thirds majority.

Amendment of Information in the National Register

- 14 (1) The General Secretary, on application by a person to amend the Information in the National Register relating to that person, shall:
- (a) amend the Information in the National Register relating to that person, or
 - (b) include a statement of the person in the National Register,
- subject to any limitation on the length of any amendment or statement determined by the Standing Committee, in accordance with a protocol approved by the General Synod, or the Standing Committee by a two-thirds majority.
- (2) The General Secretary shall, as soon as practicable and no later than one month after making the amendment or including the statement referred to in subsection (1), notify by written notification each authorised person who has had access to that Information, other than the person or persons in subsections 11(d) and (e), of the making of that amendment or the inclusion of that statement.
- (3) Each authorised person referred to in subsection (2) shall, as soon as practicable and no later than one month after the receipt of the notification referred to in subsection (2), forward a copy of that notification to each Church authority to whom the authorised person has disclosed the Information.

Annual report and audit

- 15 (1) The General Secretary shall, as soon as practicable after the end of each calendar year, provide a report as to the operation of the National Register to the Standing Committee for that year containing such information as the Standing Committee may determine.
- (2) The Standing Committee shall:
- (a) determine the scope of an audit of the operation of the National Register to verify compliance with this Canon and the protocols under this Canon; and

- (b)¹⁴ appoint an independent person to undertake an audit of the operation of the National Register for each calendar year and provide a report to the Standing Committee as soon as practicable after the end of that year.
- (3)¹⁵ Each diocese shall provide access to such of its records and provide such information as requested by the independent person undertaking the audit as is reasonably necessary to enable the audit to be undertaken.
- (4)¹⁶ The General Secretary shall, as soon as practicable after the report of the audit has been provided to the Standing Committee, publish the report on the General Synod website.

Protocols

- 16 The Standing Committee by a two-thirds majority may revise any protocol or make any additional protocol under this Canon where it is necessary or convenient to carry out or give effect to this Canon.

Report to the General Synod

- 17 The Standing Committee shall prepare a report on the operation of this Canon for each ordinary session of the General Synod which shall include:
 - (a) any protocol under this Canon which the Standing Committee has approved or revised, and
 - (b) any other decision under this Canon which the Standing Committee has made,

since the last ordinary session of the General Synod.

Coming into force of particular provisions

- 18 (1) Paragraphs (a), (b), (c) and (f) of section 11 of this Canon shall not come into force until 1 March 2008.
- (2) The provisions of this Canon relating to the Episcopal Standards Board shall not come into force in a diocese unless and until the diocese adopts the Episcopal Standards Canon 2007 by ordinance of the synod of the diocese.

Repeal of the National Register Canon 2004

- 19 The National Register Canon 2004 is hereby repealed.

¹⁴ Amended by Canon 10, 2017

¹⁵ Added by Canon 10, 2017

¹⁶ Added by Canon 10, 2017

THE FIRST SCHEDULE - INFORMATION ABOUT CLERGY

- 1 Full name.
- 2 Date of birth.
- 3 Gender.
- 4 Last known postal and electronic address, and telephone numbers.
- 5 Date of ordination as a deacon and name of the diocese in which ordained.
- 6 Date of ordination as a priest and name of the diocese in which ordained.
- 7 Date of consecration as a bishop and name of the diocese in which consecrated.
- 8 Particulars of any current licence, and any past licence if available, including the diocese for which the licence is or was held.
- 9 Particulars of any current appointment, and any past appointment if available, including the Church authority by which the appointment was made, and the diocese in which the appointment is or was held.
- 10 Date of a notifiable complaint, and date or period and category of the alleged sexual misconduct or child abuse.
- 11 Date and reason the Investigator refrained from investigating a notifiable complaint.
- 12 Date of recommendation by the Investigator to the Church authority of a suspension from duties, office or an appointment by a Church body, or of a prohibition order, arising out of a notifiable complaint.
- 13 Date of reference of a notifiable complaint to a Determiner.
- 14 Date and particulars of a determination or recommendation of a Determiner relating to a notifiable complaint.
- 15 Date and particulars of any disciplinary action taken arising out of a notifiable complaint.
- 16 Date and particulars of any relinquishment of Holy Orders arising out of sexual misconduct or child abuse.
- 17 Date and particulars of any consent deposition from Holy Orders arising out of sexual misconduct or child abuse.
- 18¹⁷ Date, applicable jurisdiction and particulars of any adverse check.

- 19 Date, applicable jurisdiction and particulars of any adverse criminal history check.
- 20 Date, applicable diocese and particulars of any adverse Safe Ministry Check.
- 21 Name of the bishop or bishops and date of any decision by the bishop not to ordain the person as a priest or to issue a licence to the person or any refusal by the bishops to consecrate the person as a bishop because of an adverse risk assessment.
- 22 Name of the Church authority and date of any refusal by the Church authority to appoint the person because of an adverse risk assessment.
- 23¹⁸ Date, applicable jurisdiction and particulars of a notifiable charge.
- 24¹⁹ Date, applicable jurisdiction and particulars of an adverse admission.
- 25²⁰ Date, applicable jurisdiction and particulars of an adverse finding.

¹⁸ Added by Canon 13, 2010.

¹⁹ Added by Canon 13, 2010.

²⁰ Added by Canon 13, 2010.

THE SECOND SCHEDULE - INFORMATION ABOUT LAY PERSONS

- 1 Full name.
- 2 Date of birth.
- 3 Gender.
- 4 Last known postal and electronic address, and telephone numbers.
- 5 Particulars of any current licence, and any past licence if available, including the diocese for which the licence is or was held.
- 6 Particulars of any current appointment, and any past appointment if available, including the Church authority by which the appointment was made, and the diocese in which the appointment is or was held.
- 7 Date of a notifiable complaint, and date or period and category of the alleged sexual misconduct or child abuse.
- 8 Date and reason the Investigator refrained from investigating a notifiable complaint.
- 9 Date of recommendation by the Investigator to the Church authority of a suspension from duties, office or an appointment by a Church body, or of a prohibition order, arising out of a notifiable complaint.
- 10 Date of reference of a notifiable complaint to a Determiner.
- 11 Date and particulars of a determination or recommendation of a Determiner arising out of a notifiable complaint.
- 12 Date and particulars of any disciplinary action taken arising out of a notifiable complaint.
- 13²¹ Date, applicable jurisdiction and particulars of any adverse check.
- 14 Date, applicable jurisdiction and particulars of any adverse criminal history check.
- 15 Date, applicable diocese and particulars of any adverse Safe Ministry Check.
- 16 Name of the bishop and the date of any decision by the bishop not to ordain the person as a deacon or to issue a licence to the person because of an adverse risk assessment.
- 17 Name of the Church authority and date of any refusal by the Church authority to appoint the person because of an adverse risk assessment.
- 18²² Date, applicable jurisdiction and particulars of a notifiable charge.

²¹ Amended by Canon 10, 2017

²² Added by Canon 13, 2010.

19²³ Date, applicable jurisdiction and particulars of an adverse admission.

20²⁴ Date, applicable jurisdiction and particulars of an adverse finding.

²³ Added by Canon 13, 2010.

²⁴ Added by Canon 13, 2010.

THE THIRD SCHEDULE - DICTIONARY

In this Canon, and protocols approved under this Canon, unless the context otherwise requires:

adverse admission²⁵ means an admission by a person of conduct occurring within or outside of Australia:

- (a) in proceedings before a court or tribunal within or outside of Australia;
- (b) to a Church authority; or
- (c) to a Director of Professional Standards;

which is made or recorded in writing and which a Director of Professional Standards certifies constitutes sexual misconduct or child abuse by that person;

adverse check²⁶ means the cancellation, revocation, suspension of, and refusal to issue, a working with children check, or a working with vulnerable people check on account of known or suspected child abuse or sexual misconduct;

adverse criminal history check means a criminal history check of a person provided under legislation of the Commonwealth, a State or Territory, or another country disclosing the commission of a criminal offence by that person which a Director of Professional Standards certifies arises out of sexual misconduct or child abuse by that person;

adverse finding²⁷ means:

- (a) the conviction of a person of a criminal offence;
- (b) the finding that a person is guilty of a criminal offence without proceeding to a conviction; or
- (c) a finding against a person;

by a court or tribunal within or outside of Australia, which a Director of Professional Standards certifies constitutes sexual misconduct or child abuse by that person;

adverse risk assessment means an assessment that a person is unsuitable for ordination or the issue of a licence or an appointment:

- (a) made by or on behalf of a Church authority on the grounds of; or
- (b) certified by a Director of Professional Standards to arise out of; the risk of sexual misconduct or child abuse by that person;

adverse Safe Ministry Check means a Safe Ministry Check of a person disclosing sexual misconduct or child abuse or the risk of sexual misconduct or child abuse by that person;

Appellate Tribunal means the Appellate Tribunal established in accordance with the provisions of Chapter IX of the Constitution;

appointment includes employment;

authorised person means a person referred to in section 11;

²⁵ Added by Canon 13, 2010.

²⁶ Added by Canon 10, 2017

²⁷ Added by Canon 13, 2010.

bullying²⁸ means behaviour directed to a person which:

- (a) is repeated;
- (b) is unreasonable (being behaviour that a reasonable person, having considered the circumstances, would see as unreasonable, including behaviour that is victimising, humiliating, intimidating or threatening); and
- (c) creates a risk to the person's health and safety;

caution²⁹ means a notice that Information of which a Director of Professional Standards is aware and to which he or she has access in carrying out his or her responsibilities has not been entered in the National Register within the time specified in section 8(1);

child means anyone under the age of 18;

child abuse³⁰ means:

- (a) the following conduct in relation to a child:
 - (i) bullying³¹; or
 - (ii) emotional abuse; or
 - (iii) neglect; or
 - (iv) physical abuse; or
 - (v) sexual assault, sexual exploitation, sexual harassment or sexually inappropriate behaviour³²; or
 - (vi) spiritual abuse; or
 - (vii)³³ grooming; or
 - (viii)³⁴ a child offence; or
 - (ix)³⁵ failure without reasonable excuse to report child abuse;
- (b) the possession, production or distribution of child exploitation material.

child exploitation material³⁶ means material that describes or depicts a person who is or who appears to be a child:

- (a) engaged in sexual activity; or
- (b) in a sexual context; or
- (c) as the subject of torture, cruelty or abuse (whether or not in a sexual context) in a way that a reasonable person would regard as being, in all the circumstances, offensive. Child exploitation material can include any film, printed matter, electronic data, computer image or any other depiction;

child offence³⁷ means conduct that amounts to a criminal offence against the laws of the Commonwealth, a State or Territory, or another country which is equivalent to a criminal offence of the Commonwealth or a State or Territory involving the failure to disclose a criminal offence committed against a child to the police;

28 Added by Canon 13, 2010; amended by Canon 10, 2017

29 Added by Canon 13, 2010.

30 Renumbered by Canon 09, 2014.

31 Amended by Canon 13, 2010.

32 Amended by Canon 13, 2010; amended by Canon 10, 2017.

33 Added by Canon 10, 2017

34 Added by Canon 10, 2017

35 Added by Canon 10, 2017

36 Inserted by Canon 09, 2014

37 Amended by Canon 10, 2017

Church authority means a diocesan bishop or a person or body having authority to ordain, license, elect, appoint, dismiss or suspend a member of the clergy or a lay person;

Church body³⁸ means:

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

church worker means a lay person:

- (a) who is or was licensed or authorised by the bishop of a diocese; or
- (b) who is or was employed by a Church body³⁹; or
- (c)⁴⁰ who, for payment or not, holds or has held a position or performs a function with the actual or apparent authority of a Church authority or Church body, including an office, position or function:
 - (i) of leadership in a parish, diocese or General Synod body; and
 - (ii) as a member of the General Synod or a diocesan synod; and
 - (iii)⁴¹ as a member of a body controlled by a diocese or province or the General Synod; and
 - (iv) as a churchwarden, member of any parish council or member of any committee constituted by or by the authority of the General Synod, a diocesan synod or a parish council;

clergy means a person who is or has been a bishop, priest or deacon in this Church, but does not include a deceased person;

Controlled by a diocese or province or the General Synod⁴² means that the majority of the members of the body with management responsibility is elected or appointed:

- (a) in the case of a diocese, under an ordinance of the diocese, or under the constitution of the Church body by one or more of the bishop, the diocesan synod and the diocesan council;
- (b) in the case of a province, under an ordinance of the province, or under the constitution of the Church body by one or more of the metropolitan, the provincial synod and the provincial council;
- (c) in the case of the General Synod, under a canon of the General Synod, or under the constitution of the Church body by one or more of the Primate, the General Synod and the Standing Committee;

court or tribunal⁴³ means, in relation to an adverse finding or an adverse admission, a court or tribunal which has jurisdiction:

- (a) to make the adverse finding, or
- (b) to make an adverse finding in relation to the conduct which is subject to the adverse admission;

Defence Force Representative means the Bishop to the Defence Force or delegate or the Director of Professional Standards of the Defence Force or their successors in office;

³⁸ Amended by Canon 13, 2010; amended by Canon 10, 2017.

³⁹ Amended by Canon 13, 2010.

⁴⁰ Amended by Canon 13, 2010.

⁴¹ Amended by Canon 10, 2017

⁴² Added by Canon 10, 2017

⁴³ Added by Canon 13, 2010.

Determiner means:

- (a) the person or body in a diocese having power to make findings or recommendations relating to the conduct of clergy or church workers; or
- (b) the Special Tribunal; or
- (c) the Episcopal Standards Board; or
- (d) the Appellate Tribunal; or
- (e) any other person or body determining an appeal from a person or body having power to make findings or recommendations relating to the conduct of clergy or church workers;

diocesan bishop means the bishop of a diocese, or in the absence of the bishop the commissary appointed by the bishop, or in the time of a vacancy in the see the administrator of the diocese or their successors in office;

Diocesan Representative means the diocesan bishop or delegate or the Director of Professional Standards of the diocese;

Director of the Episcopal Standards Commission means:

- (a) the Director of the Episcopal Standards Commission appointed under the Special Tribunal Canon 2007; or
- (b) a person acting in that office;

Director of Professional Standards means:

- (a) the Director of Professional Standards of a diocese or the Defence Force or his or her successor in office; or
- (b) the person who carries out the functions of a Director of Professional Standards in a diocese or the Defence Force or his or her successor in office; or
- (c) the person who works in conjunction with the Investigator; or
- (d) the Director of the Episcopal Standards Commission or his or her successor in office; or
- (e) a person acting in such an office;

emotional abuse means acts or omissions in relation to a child where the child has suffered, or is likely to suffer, significant harm to his or her wellbeing or development;

Episcopal Standards Board means the Episcopal Standards Board constituted under the Episcopal Standards Canon 2007;

Episcopal Standards Commission means the Episcopal Standards Commission constituted under the Special Tribunal Canon 2007;

Exempt Information⁴⁴ means Information relating to a notifiable complaint or a notifiable charge, where the notifiable complaint or the notifiable charge has been exhausted;

exhausted⁴⁵ means a notifiable complaint or a notifiable charge which:

- (a) has been withdrawn; or
- (b) has been determined to be false, vexatious or misconceived; or

⁴⁴ Amended by Canon 13, 2010.

⁴⁵ Amended by Canon 13, 2010.

- (c) is one where a Determiner finds that it is more likely than not that the subject matter of the complaint did not occur; or
- (d) is one where a court or tribunal finds that it is more likely than not that the subject matter of the charge did not occur;

General Secretary means:

- (a) the General Secretary of the General Synod or his or her successor in office; or
- (b) a person acting in that office;

grooming⁴⁶ means conduct deliberately undertaken with the aim of engaging and influencing a person for the purpose of sexual activity;

independent person⁴⁷ means a person who

- (a) is not a member of the clergy; or church worker; and
- (b) has experience in undertaking audits of a similar nature to an audit of the operation of the National Register;

Information⁴⁸ means the matters other than Exempt Information, whether occurring before or after this Canon came into force:

- (a) relating to clergy specified in section 5(1):
 - (i) which are referred to in the First Schedule; and
 - (ii) which, as to any additional matters, are determined by the Standing Committee; or
- (b) relating to lay persons specified in section 6(1):
 - (i) which are referred to in the Second Schedule; and
 - (ii) which, as to any additional matters, are determined by the Standing Committee;

Investigator means the person or body in a diocese having power to investigate or cause to be investigated the conduct of clergy or lay persons or the Episcopal Standards Commission;

lay person means a person who has not been ordained, but does not include a deceased person;

licence includes an authority or permission to officiate;

National Register means the National Professional Standards Register referred to in section 4;

neglect means the neglect of a child where the child has suffered, or is likely to suffer, significant harm to his or her wellbeing or development;

notifiable charge⁴⁹ means the charge of a person of:

- (a) the commission of a criminal offence; or

⁴⁶ Added by Canon 10, 2017

⁴⁷ Added by Canon 10, 2017

⁴⁸ Amended by Canon 13, 2010.

⁴⁹ Added by Canon 13, 2010.

- (b) the engagement in professional misconduct; occurring within or outside of Australia, which a Director of Professional Standards certifies arises out of alleged sexual misconduct or child abuse by that person;

notifiable complaint means a complaint in accordance with the relevant canon, ordinance, rule or protocol received by a Director of Professional Standards of sexual misconduct or child abuse by a member of the clergy or a lay person, whenever and wherever occurring:

- (a) which has been communicated to the member of the clergy or lay person; or
(b) which the Director of Professional Standards has certified has been sent to the last known postal or electronic address of the member of the clergy or lay person or
(c)⁵⁰ which is the subject of a police request;

physical abuse means the physical assault of a child other than lawful discipline by a parent or guardian;

police request⁵¹ means:

- (a) a request made orally or in writing by an officer of a police service that a member of the clergy or lay person not be notified of Information relating to that person; or
(b) a further request or further requests up to a maximum of three further requests, each made before the expiry of the request or immediately preceding further request orally or in writing by an officer of a police service that a member of the clergy or lay person not be notified of the Information referred to in paragraph (a); or
(c) a further request made before the expiry of a third further request referred to in paragraph (b) or any further requests after that, but made before the expiry of the immediately preceding further request, orally or in writing by an officer of a police service that a member of the clergy or lay person not be notified of the Information referred to in paragraph (a), but only when the General Secretary is satisfied that, for special or exceptional reasons, the further requests should have effect under subsection 9(5).

police request record⁵² means a written record containing the name of the officer of the police service making a police request and his or her police service, the date of the making of the police request, the medium by which the police request is made, and the Information the subject of the police request;

police service⁵³ means the Australian Federal Police or the police service of a State or Territory of Australia;

professional standards role means a role undertaken as part of the professional standards policies and procedures and includes the role of a contact person, support person, Investigator and Determiner;

prohibition order means an order prohibiting a member of the clergy or a church worker from holding a specified position or office in or being appointed by a Church body or Church authority or from carrying out any specified functions in relation to any office or position in the diocese or in relation to any appointment by a Church body;

⁵⁰ Added by Canon 09 2014.

⁵¹ Added by Canon 09 2014.

⁵² Added by Canon 09 2014.

⁵³ Added by Canon 09 2014.

Safe Ministry Check means the questionnaire for the selection of ordination candidates, for the screening of clergy, and for the screening of church workers who have contact with children in his or her ministry, in use in a diocese or the Defence Force;

sexual assault⁵⁴ means any intentional or reckless act, use of force or threat to use force involving some form of sexual activity against a person;

(a) without their consent: or

(b) with their consent in circumstances where consent is not a defence to such conduct under the applicable laws:

- (i) of the Commonwealth, a State or Territory; or
- (ii) another country where those law are of a substantially similar nature to a law of the Commonwealth, a State or Territory which provides that consent is not a defence to such conduct;

sexual exploitation⁵⁵ means any form of sexual contact or invitation to sexual contact with a person, with whom there is a professional or pastoral or supervisory relationship, regardless of who initiated the contact, but does not include such contact or invitation within a marriage;

sexual harassment⁵⁶ means:

- (a) an unwelcome sexual advance, or an unwelcome request for sexual favours, by a person to another person, or
- (b) other unwelcome conduct of a sexual nature by a person in relation to another person,
whether intended or not, in circumstances in which a reasonable person, having regard to all the circumstances, would have anticipated that the other person would be offended, humiliated or intimidated;

sexually inappropriate behaviour⁵⁷ means conduct of a sexual nature, other than sexual assault, sexual exploitation or sexual harassment, or grooming, which is inconsistent with the standards of sexual conduct applicable to clergy or church workers;

sexual misconduct⁵⁸ means the following conduct in relation to an adult:

- (a) sexual assault; or
- (b) sexual exploitation; or
- (c) sexual harassment; or
- (d) sexually inappropriate behaviour; or
- (e) grooming;

Special Tribunal means the Special Tribunal established in accordance with the provisions of Chapter IX of the Constitution;

⁵⁴ Added by Canon 10, 2017

⁵⁵ Added by Canon 13, 2010; amended by Canon 10, 2017

⁵⁶ Added by Canon 10, 2017

⁵⁷ Added by Canon 10, 2017

⁵⁸ Amended by Canon 13, 2010; amended by Canon 10, 2017

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;

Standing Committee means the Standing Committee of General Synod;

Failure without reasonable excuse to report child abuse⁵⁹ means the failure without reasonable excuse to comply with the laws of the Commonwealth or a State or Territory requiring the reporting of child abuse to the police or other authority;

withdrawal of the police request⁶⁰ means a notification made orally or in writing by an officer of the police service concerned that it withdraws the police request relating to a member of the clergy or lay person;

withdrawal of the police request record⁶¹ means a written record containing the name of the officer of the police service making a withdrawal of the police request and his or her police service, the date of the making of the withdrawal of the police request, the medium by which the withdrawal of the police request is made, and the Information the subject of the withdrawal of the police request.

withdrawn in relation to a notifiable complaint includes the circumstance in which a Director of Professional Standards certifies that the person making the complaint has failed without reasonable excuse to comply with the relevant canon, ordinance, rule or protocol under which the complaint has been made;

working with children check⁶² means an authority to work with children issued under the laws of the Commonwealth or a State or Territory;

working with vulnerable people check⁶³ means registration to work with vulnerable people under the laws of the Commonwealth or a State or Territory.

⁵⁹ Added by Canon 10, 2017
⁶⁰ Added by Canon 09 2014.
⁶¹ Added by Canon 09 2014.
⁶² Amended by Canon 10, 2017
⁶³ Added by Canon 10, 2017