

THE ANGLICAN CHURCH OF AUSTRALIA

STANDING COMMITTEE OF GENERAL SYNOD

REPORT

SCGS MEETING DATED: 25 - 28 April 2013

SCGS AGENDA ITEM: 2013/1/12.1

FROM NAME:	General Secretary
FROM GROUP:	General Synod Office
AREA:	Professional Standards
SUBJECT:	The Operation and Audit of the National Register for 2012 and Amendment of National Register Protocols
DATE OF REPORT:	28 March 2013
MOTION:	<ol style="list-style-type: none"> 1. That the General Secretary's report dated 28 March 2013 on the operation of the National Register for 2012 be received. 2. That the audit report of Nexia Court dated 28 March 2013 be received. 3. That Nexia Court be retained be retained to conduct the audit for 2013 using Australian Accounting Standards on Assurance Engagements ASAE 3000: Assurance Engagements Other than Audits or Reviews of Historical Financial Information. 4. That the <i>Protocol for Provision of Information for Inclusion in the National Register</i> be amended to: <ol style="list-style-type: none"> i. reflect the reality that the Directors of Professional Standards enter Information on the National Register; ii. remove the condition that entry of Information be subject to the General Secretary's exercise of the power to make enquiries as to accuracy; iii. remove the distinction between provisional and final Information and the related steps in the process; iv. retain the General Secretary's power to make

	<p>enquiries as to accuracy but provide for that power to be exercised at any time and in any reasonable way and to add a power to request Directors of Professional Standards to amend Information on the National Register in light of the results of such enquiries; and</p> <p>v. require the Directors of Professional Standards to satisfy themselves of the accuracy of Information before they enter it on the National Register.</p> <p>5. That the <i>Protocol for Access to and Disclosure of Information</i> on the National Register be amended by adding a new clause 20B granting power to the General Secretary to have access to the National Register and to disclose relevant information to the Royal Commission Working Group.</p>
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REPORT

1. OPERATIONAL REPORT FOR 2012

1.1 Requirement for Report

Section 15(1) of the National Register Canon 2007 provides that:

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.

1.2 Standing Committee's Requirements for Content of Annual Operational Report

Pursuant to a resolution of the Standing Committee of General Synod made on 12th November 2010 under section 15 (1) of the National Register Cannon 2007 the General Secretary's operational report will include:

- (a) statistical information as to Information entered on the National Register and the use of the National Register under the protocols for access and disclosure, ascertaining information and amending information. Where the term case was used in the resolution for clarification the words persons and incidents will be used This statistical information will include:
- i. the number of persons and incidents on the National Register;
 - ii. the number of persons and incidents not yet entered on the Register by dioceses;
 - iii. the number of persons and incidents entered on the National Register but not verified;
 - iv. the number of requests for information made;
 - v. the number of requests for information made, matching information on the National Register;

- vi. the number of requests for own information/access received from persons in respect of whom information exists on the National Register;
- vii. the number of requests for amendment to own information received from persons in respect of whom information exists on the National Register;
- viii. the number requests for amendment have been:
 - agreed by the relevant Director of Professional Standards,
 - declined by the relevant Director of Professional Standards; and
- ix. to the extent possible, the frequency of use of the National Register by individual dioceses.

This operational report also includes:

- (b) Training of Users and maintenance of the National Register
- (c) The cost of running the National Register.
- (d) A report on the National Register Upgrade Project

1.3 National Register Statistical Information as at 31 December 2012

1.3.1 Number of Cases on the National Register

The National Register Canon 2007 defines Information as:

the matters, 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*

As at 31 December 2012, there were 273 incidents on the National Register. This compares to 31 December 2011 when there were 267 cases on the National Register

1.3.2 Number of Cases on the National Register and verified

Verification is required to be undertaken by Directors of Professional Standards (DPSs) to ensure that the information being entered is accurate, according to the information available to the Directors. Once information has been verified, it becomes available to the authorised users submitting report requests.

In 2012 cumulatively 193 cases had been entered and verified by the Directors of Professional Standards. In 2011 cumulatively 190 cases had been entered and verified by the Directors of Professional Standards.

1.3.3 Number of Cases entered on the National Register but not verified

As at 31 December 2012, there were a total of 53 cases which were entered onto the National Register but were not yet verified by the relevant Directors. In some instances, the verification has not occurred because of workload of the relevant DPS or incomplete Information available to them. Directors variously cite difficulties with their own hardware, internet connections and functionality of the software and their workloads as presenting obstacles to completing the verification process. To the extent that these issues are systemic, they are being addressed in the system upgrade.

As at 31 December 2011, there were a total of 77 cases which were entered onto the National Register but were not yet verified by the relevant Directors.

1.3.4 Number of Cases not yet entered on the Register by Dioceses

The National Register Officer contacted each of the Directors of Professional Standards to identify how many cases were not entered on the Register as at 31 December 2012. It has not been possible to ascertain the number of incidents not as yet entered on the National Register for a number of reasons, which include the following. The workload of the Directors of Professional Standards is a perennial issue. They also cite difficulties in the use of the software. This is being rectified in the National Register upgrade project. The Directors of Professional Standards work with a range of incidents, not all of which are required to be entered on the National Register. Distinguishing the different types of incidents is not a task that the Directors regularly undertake. Because cases can have connections with more than one diocese, it is not easy to determine which Director has responsibility for entering the case on the Register.

1.3.5 Number of Requests for Information

Requests for information can only be submitted by authorised persons. Authorised persons are defined in section 11 of the Canon:

Access to and disclosure of Information in the National Register shall, subject to sections 12 and 13, be limited to the following authorised persons:

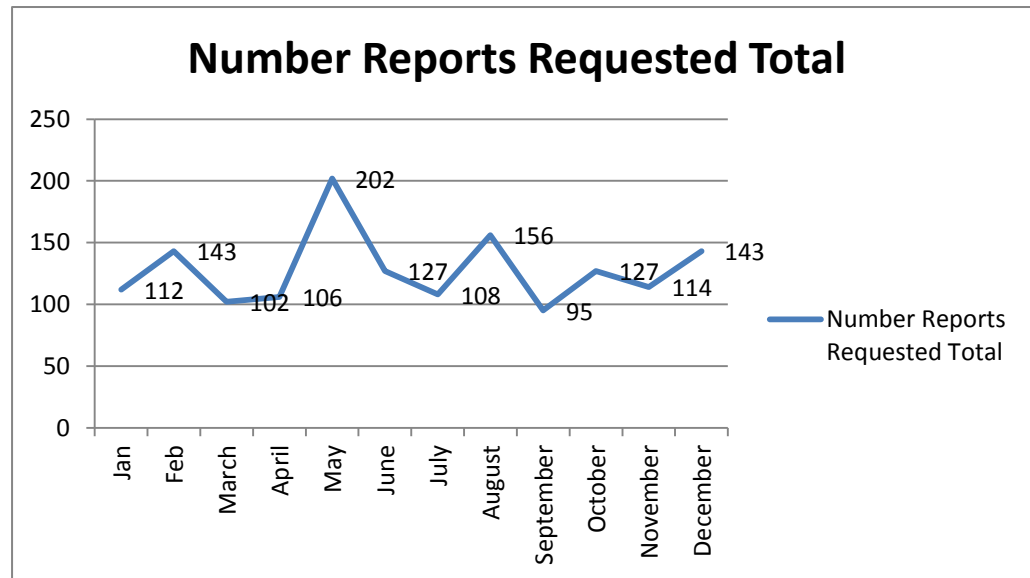
- (a) a diocesan bishop or delegate;*
- (b) the Bishop to the Defence Force or delegate;*
- (c) a Director of Professional Standards;*
- (d) the General Secretary;*
- (e) any person within the General Synod Office whose duties include assisting the General Secretary in maintaining the National Register; 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.

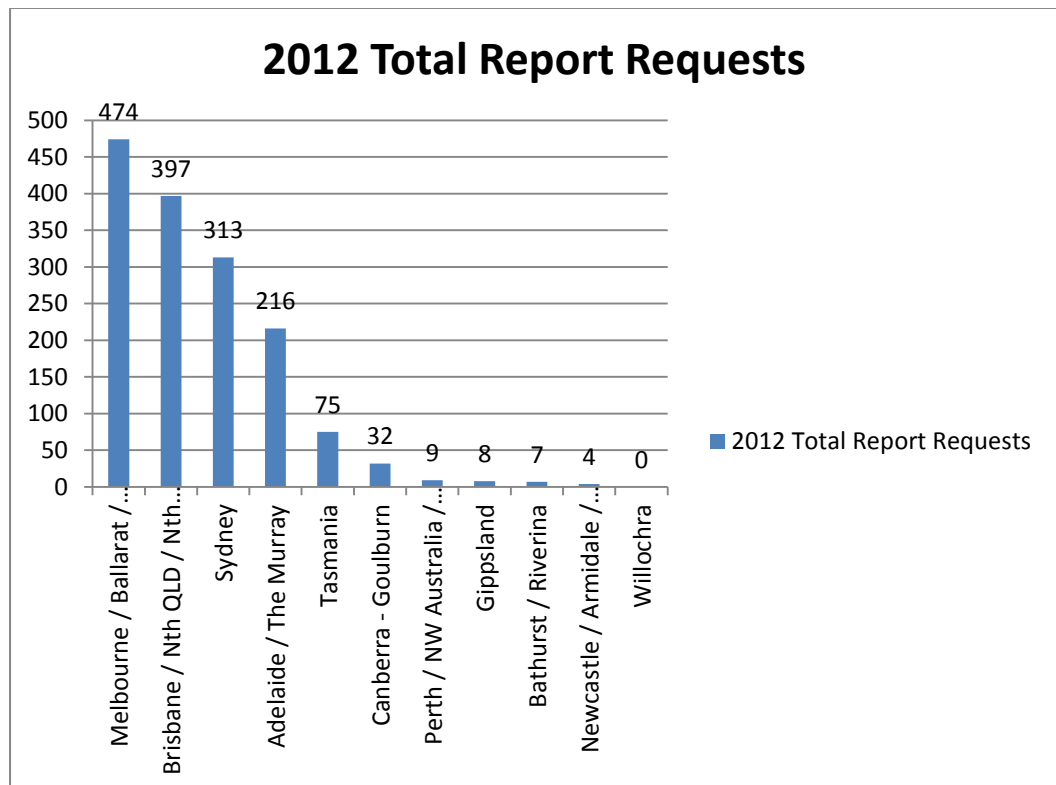
The requests are submitted via the National Register Report Request website (www.anglicanregister.org.au). Authorised users log in and submit their requests which are then downloaded to the National Register by the National Register Officer. Encrypted reports are sent back to the authorised user's designated email account.

During the period 01 January – 31 December 2012, 1535 requests were submitted by authorised users. This is an increase of 200 requests from 2011.

The graph below shows the monthly activity of requests for information during 2012.



The graph below shows the total requests for information during 2012 by groups of Diocese served by each Director of Professional Standards.



1.3.6 Number of requests for information made where information on the National Register matched request

Submitted requests require the first and last name of a person and their date of birth to enable a National Register search to be undertaken to identify whether the Register contains information relating to persons with a matching identity.

During 2012 there was a match for 8 requests for information. This is an increase of 2 matches compared to matches in 2011

1.3.7 Number of requests for own information/access received from persons in respect of whom information exists on the National Register

During the year up to 31 December 2012, the National Register Officer received no requests for own information or for information on who has had access to that same information.

During the year up to 31 December 2011, the National Register Officer received 3 requests for own information

1.3.8 Number of requests for amendments to own information

There was only 1 request for an amendment during 2012.

There were 3 requests for amendments during 2011.

1.3.8.1 Number of cases in which requests for amendment have been agreed

There was 1 request for amendment of information that was agreed during 2012.

There were 3 requests for amendment of information that were agreed during 2011.

1.3.8.2 Number of cases in which requests for amendment have been declined

No requests for amendment were declined in 2012.

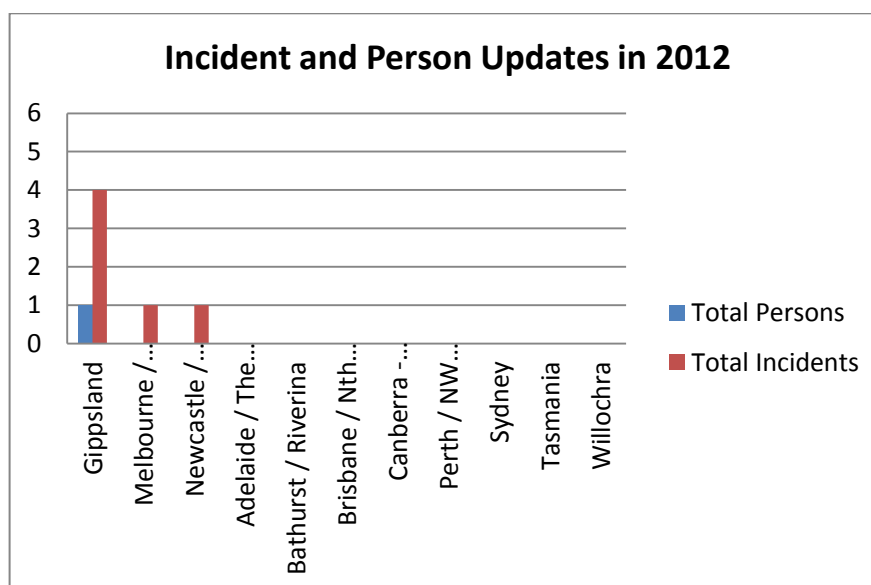
No requests for amendment were declined in 2011.

1.3.9 Frequency of Use of Register By Diocese – Updates and New Persons and Incidents

Updates to existing cases and new cases are entered into the National Register by the Directors of Professional Standards. As some Directors cover more than one diocese but have single access to the Register, the data cannot be analysed to determine on behalf of which diocese individual entries were made.

Fewer updates were made during 2012 as several of the DPSs were coming up to speed with using the Register.

The graph below shows the number of updates to persons and incidents in 2012 by DPS.



1.4 Training

Training in use of the Register is an ongoing rather than a one off process. Focused training is provided in order to meet specific needs of the Directors of Professional Standards as they arise.

There were 2 new users of the Register during 2012. The 2 new users are Directors of Professional Standards.

The change in DPS personnel late in 2011 and during 2012 has resulted in an increased number of DPSs who are unfamiliar with National Register functionality. There has, therefore, been increased concentration in training in order to develop a more established user base.

Re-training has also been taking place for some of the DPSs who needed re familiarisation to enable them to fully utilise the Register.

Working on a one-to-one basis with the Directors of Professional Standards is helping the Directors to grapple with the scope of requirements for updating the Register. This will be easier when the upgrade is completed. In order to reduce travel costs, where possible, visits have been made to the Synod Office in Sydney and telephone conversations have taken place for the purpose of this work.

Directors from the Dioceses of Canberra and Goulburn, Bathurst and Riverina, Gippsland, Brisbane, Perth and the Northern Territories received training during 2012.

1.5 Cost of Running the National Register

The Business Manager, Mr Michael Nicholls, has provided the following costs in relation to the running of the National Register:

Item	Cost
Direct Salary	\$32,027
Indirect Salary	\$22,131
Office Overheads	\$12,361
(Information Technology) IT	\$5,435
Travel	\$0.00
Total	\$ 71,954

Running costs of the National Register for 2012 are \$14,583 less than the costs for 2011.

The main cost of running the National Register is the salary of the personnel in the General Synod Office involved in the support and operation of the National Register during 2012. The costs for 2012 show gross salary and includes superannuation. The Direct Salary costs include the gross salary of the National Register Officer including superannuation. Indirect salary costs are an estimate of the value of the time spent by other GSO personnel, in particular on the IT upgrade

The Office Overhead costs include the rent of the National Register Officer's office space and National Register Audit fees.

The cost of IT includes hardware and software support costs and payments to service providers for the maintenance of web sites and hosting agreements and software and hardware upgrade costs.

There are no travel costs as DPSs have been to the General Synod Office for training and the Director of Professional Standards' meeting attended by the General Secretary took place in a location that was walking distance from the General Synod Office

1.6 National Register Upgrade Project

During 2011 and 2012 consultations were held with the Directors of Professional Standards (DPSs) regarding improvements to the National Register. This led to suggestions for improvement in the operability and functionality of the National Register.

The current system requires the Directors of Professional Standards to maintain separate case management databases on individual netbooks and transfer Information from the case management database to the National Register. The current system also requires authorised users seek reports via an enquiry website. The proposed system is comprised of a single database of Information provided by the DPSs from which authorised users can seek reports This simplifies processes, security and maintenance.

Scott Wallace of 7mile IT is the GSO's IT Project Manager. His role is to co-ordinate the Upgrade Project. Stephen Lee of Infocom is the GSO's hardware supplier and maintenance contractor.

In March 2012 Alan Henderson, a software developer trading as Henderson Technology, was engaged to carry out the National Register software update. He is working in conjunction with Scott Wallace and Infocom.

Websecure has been appointed to carrying out an assessment of the proposed security and an audit following the installation of the hardware that is to support the updated National Register software. The IT security assessment and audit is to include the security around the software, hardware and the administrative processes of the upgrade to the National Register.

Since March 2012 a Functional Requirement Specification (FRS) has been developed in consultation with the DPSs and the Professional Standards Commission.

After circulation of a draft and receipt of comments from DPSs, a further draft of the FRS was presented and discussed at the DPS Network meeting in November 2012. The discussion resulted in a consensus being reached regarding the design and functionality of the proposed updated National Register. The FRS was amended to reflect the agreed requirements.

User testing of the development software has taken place. Changes incorporated as a result of the testing were demonstrated to the DPSs at the DPS Network meeting in Canberra on the 21st February 2013. Further design changes were discussed and agreed with the DPSs during the meeting.

In February 2013 the Professional Standards Commission confirmed compliance of the FRS with the National Register Canon 2007 and National Register Protocols, subject to one matter arising in connection with the Protocol for Provision of Information for Inclusion in the National Register. Amendments to the Protocol are proposed in section 3 of this report.

Completion of the upgrade is anticipated in the last quarter of 2013.

2. NATIONAL REGISTER 2012 AUDIT

Section 15 of the Canon states that:

(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) appoint a 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.*

Persuant to the Standing Committee resolution last November, Nexia Court were engaged to carry out an Independent Assurance Compliance Audit on the operation of the National Register 2012. The audit was conducted in accordance with the Australian Accounting

Standards on Assurance Engagements ASAE 3000: Assurance Engagements Other than Audits or Reviews of Historical Financial Information. There are arrangements imposing duties of confidentiality and non-disclosure on Nexia Court.

Nexia Court's "assurance compliance report" for the National Register dated 28 March 2013 is attached (Attachment 1).

The Auditor's conclusion is qualified in two respects set out on the third page of Attachment 1.

The first qualification relates to a limitation on the scope of the audit. To satisfy themselves whether Information of all relevant clergy and lay persons has been entered onto the National Register, the auditors would have to audit the files of all Directors of Professional Standards. The cost of that exercise would be prohibitive.

The second basis for qualification relates to non-verification by DPSs of Information they have notified to the National Register. Two instances were identified in 2012 and 51 instances from previous years. The reasons for non-verification are set out in paragraph 1.3.4 of this report. Systemic issues are being addressed in the National Register upgrade. Issues relating to the workload of Directors can only be addressed by providing adequate resources. The Standing Committee allocated funds for assistance to clear backlogs late in 2009 but offers of assistance have not been taken up.

The audit report does not identify any non-compliance in the system or in its operation by the General Synod Office.

3. AMENDMENT TO NATIONAL REGISTER PROTOCOLS

3.1 Protocol for Provision of Information for Inclusion in the National Register

During consultations with the DPSs concerning the National Register software upgrade, it became apparent that the protocol for provision of Information for inclusion in the National Register creates inefficiency in entering Information on the National Register. This is illustrated below.

The Protocol prescribes the following process:

1. A DPS sends Information to the General Secretary (Clause 3). The DPS is not required to ensure that this Information is accurate.
2. The General Secretary has a discretionary power to make enquiries about the accuracy of the Information (Clause 3A).

This appears to assume that the General Secretary:

- (a) checks every item of Information that is sent to the National Register; and
- (b) is aware of the content of Information already on the National Register or of other information which would cause him or her to make enquiries about the accuracy of new Information received.

Neither of those assumptions is realistic.

Note that clause 3A does not say whether the General Secretary is required or empowered to do anything with the results of enquiries made under clause 3A. That is to be inferred from clause 4.

3. Subject to the General Secretary's enquiries under clause 3A:
 - (a) the General Secretary makes a provisional entry on the National Register (clause 4);
 - (b) the General Secretary provides the DPS with a copy of the provisional entry (clause 4);
 - (c) the DPS reviews the provisional entry (clause 5);
 - (d) the DPS notifies the General Secretary as to whether the provisional entry is accurate (clause 5);
 - (e) the General Secretary makes any amendments (clause 6);
 - (f) the General Secretary finally enters the Information (or amended Information) in the National Register.

Under the current practice, the General Secretary does not make amendments or finally enter Information in the National Register as described in steps (e) and (f) above. The current programme is written in such a way that only Directors of Professional Standards can enter or amend Information. That is the DPSs' preference and is more efficient.

I propose that the Protocol be amended to:

1. Reflect the reality that the DPSs enter Information on the National Register;
2. Remove the condition that entry of Information be subject to the General Secretary's exercise of the power to make enquiries as to accuracy;
3. Remove the distinction between provisional and final Information and the related steps in the process;
4. Retain the General Secretary's power to make enquiries as to accuracy but provide for that power to be exercised at any time and in any reasonable way and to add a power to request DPSs to amend Information on the National Register in light of the results of such enquiries; and
5. Require the DPSs to satisfy themselves of the accuracy of Information before they enter it on the National Register.

The National Register upgrade provides for DPSs to be prompted to check the accuracy of information before it is sent to the National Register. That is a practical step to enforce the requirement in 5 above.

Attached is a draft amended Protocol showing the proposed changes in tracking (Attachment 2) and a copy showing the Protocol in final form (Attachment 3).

The Professional Standards Commission supports the amendments.

3.2 Protocol for Access to and Disclosure of Information in the National Register

The Royal Commission into Institutional Responses to Child Sexual Abuse is likely to require production of Information notified or entered on the National Register. There is no power under the National Register Canon 2007 or the *Protocol for Access to and Disclosure of Information in the National Register* to provide such information to the Royal Commission voluntarily. This would require the Royal Commission to issue a subpoena for the production of relevant material which may hamper co-operation with officers of the Royal Commission.

It would assist the Royal Commission Working Group to have statistical information about child sexual abuse which is on the National Register. At present, the software does not enable queries to be made which would provide such information in a way that preserves anonymity. For example, to determine how many cases of child sexual abuse have been either notified or entered on the National Register, it is necessary to go to each file. There is no power either in the Canon or Protocol for access to the National Register for such purposes.

I recommend an amendment to the *Protocol for Access to and Disclosure of Information on the National Register* adding a new clause 20B granting power to the General Secretary to have access to the National Register and to disclose relevant information to the Royal Commission Working Group. The proposed amendment is set out in *Part 6: Access and Disclosure by the General Secretary* which is attached (Attachment 4).

The Chairman of the Professional Standards Commission has reviewed the matter and agrees with the proposed amendment.

3.3 Procedural Matter

Section 16 of the National Register Canon 2007 empowers the Standing Committee by two-thirds of the majority to revise any protocol made under the canon where it is necessary or convenient to carry out or give effect to the canon.

RECOMMENDATION

I recommend Nexia Court be retained to conduct the audit for 2013 using Australian Accounting Standards on Assurance Engagements ASAE 3000: Assurance Engagements Other than Audits or Reviews of Historical Financial Information.

ATTACHMENTS

1. Nexia Court Audit Report dated 28 March 2013.
2. Draft of the amended *Protocol for Provision of Information for Inclusion in the National Register*.
3. A copy showing the *Protocol for Provision of Information for Inclusion in the National Register* in the final form.
4. Part 6 Access and Disclosure by the General Secretary in tracking