

NATIONAL REGISTER AMENDMENT CANON 2017

Canon 10, 2017

The General Synod prescribes as follows:

Title

- 1 (1) This canon is the National Register Amendment Canon 2017.
- (2) In this canon, the **principal canon** is the National Register Canon 2007.

Amendment of section 5

- 2 Section 5 of the principal canon is amended by deleting “working with children” in paragraph (d) of subsection (1).

Amendment of section 6

- 3 Section 6 of the principal canon is amended by deleting “working with children” in paragraph (c) of subsection (1).

Amendment of section 8

- 4 Section 8 of the principal canon is amended by:
 - (a) in subsection (1), deleting “notify the General Secretary of Information” and substituting “enter Information in the National Register”;
 - (b) deleting subsection (2);
 - (c) renumbering subsection (3) as subsection (2) and in the renumbered subsection (2) deleting “notified” and substituting “entered”;
 - (d) renumbering subsection (4) as subsection (3) and in the renumbered subsection (3):
 - (e) in paragraph (a), deleting “(3)” and substituting “(2)”;
 - (f) in paragraph (b), deleting “(6)” and substituting “(5)”;
 - (g) renumbering subsection (5) as subsection (4) and in the renumbered subsection (4) deleting “(3)” and substituting “(2)”;
 - (h) renumbering subsection (6) as subsection (5) and in the renumbered subsection (5)(a) deleting “(5)” and substituting “(4)”.

Amendment of section 15

- 5 Section 15 of the principal canon is amended by:
- (a) in subsection (2)(b), deleting “a person” and substituting “an independent person”;
 - (b) adding the following subsections:
 - (3) 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) 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.

Amendment of the First Schedule

- 6 The First Schedule of the principal canon is amended by deleting “working with children” in paragraph 18.

Amendment of the Second Schedule

- 7 The Second Schedule of the principal canon is amended by deleting “details” and “working with children” in paragraph 13.

Amendment of the Third Schedule

- 8 The Third Schedule of the principal canon is amended by:
- (a) deleting the punctuation at the beginning and end of the defined words and expressions;
 - (b) inserting the following definition after the definition of “adverse admission”:

adverse check 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;
 - (c) deleting the definition of “adverse working with children check”;
 - (d) deleting the definition of “bullying” and substituting the following definition:

bullying 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;

- (e) in the definition of “child abuse”:
- (i) inserting “sexual exploitation,” after “sexual assault” in paragraph (a)(v);
 - (ii) inserting “or” at the end of paragraph (a)(vi); and
 - (iii) inserting the following paragraphs after paragraph (a)(vi):
 - (vii) grooming; or
 - (viii) a child offence; or
 - (ix) failure without reasonable excuse to report child abuse;
- (f) inserting the following definition after the definition of “child exploitation material”:
child offence 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 sexual offence committed against a child to the police;
- (g) in the definition of “Church body”, deleting “formed by or by the authority of the synod of a province or a diocese or” and substituting “, and is controlled by a diocese or province or”;
- (h) in paragraph (c)(iii) of the definition of “Church worker”, deleting “incorporated by the General Synod, a diocese or a diocesan synod” and substituting “controlled by a diocese or province or the General Synod”;
- (i) inserting the following definitions after the definition of “clergy”:
- controlled by a diocese or province or the General Synod** 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;
- (j) inserting the following definitions after the definition of “General Secretary”:
grooming means conduct deliberately undertaken with the aim of engaging and influencing a person for the purpose of sexual activity;
independent person 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;
- (k) in the definition of “sexual exploitation”, deleting “an adult” and substituting “a person”;

- (l) inserting the following definitions after the definition of “Safe Ministry Check”:
sexual assault 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) of another country where those laws are of a substantially similar nature to laws of the Commonwealth, a State or Territory which provide that consent is not a defence to such conduct;
- (m) inserting the following definitions after the definition of “sexual exploitation”:
sexual harassment 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 behaviour 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;
- (n) deleting the definition of “sexual misconduct” and substituting the following definition:
sexual misconduct 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;
- (o) inserting the following definition after the definition of “Standing Committee”:
failure without reasonable excuse to report child abuse 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;
- (p) deleting the definition of “working with children check” and substituting the following definition:
working with children check means an authority to work with children issued under the laws of the Commonwealth or a State or Territory;

- (q) inserting the following definition after the definition of “working with children check”:

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

Secretaries’ Certification of copy of Canon as passed [SO63(20)]

We certify that the Canon above is a copy of the Canon as passed on the 6th day of September 2017.

Dated: 8 September 2017

(sgd) Katherine Bowyer

Clerical Secretary

(sgd) Timothy Reid

Lay Secretary

Primate’s appointment when the canon shall come into force [SO63(19)]

I appoint the 6th day of September 2017 as the date on which this canon shall come into force.