

Constitution of the Diocesan Protection and Safety Council

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1. Names

Full Title: The Catholic Diocese of Maitland-Newcastle's Child Protection and Community Safety Advisory Council

Functional Title: Diocesan Protection and Safety Council

2. Statement of Purpose

"If one member suffers, all suffer together with it" (1 Cor 12:26). These words of Saint Paul forcefully echo in my heart as I acknowledge once more the suffering endured by many minors due to sexual abuse, the abuse of power and the abuse of conscience perpetrated by a significant number of clerics and consecrated persons. Crimes that inflict deep wounds of pain and powerlessness, primarily among the victims, but also in their family members and in the larger community of believers and nonbelievers alike. Looking back to the past, no effort to beg pardon and to seek to repair the harm done will ever be sufficient. Looking ahead to the future, no effort must be spared to create a culture able to prevent such situations from happening, but also to prevent the possibility of their being covered up and perpetuated. The pain of the victims and their families is also our pain, and so it is urgent that we once more reaffirm our commitment to ensure the protection of minors and of vulnerable adults.

Pope Francis, Letter to the People of God, 20 August 2018

- 2.1.** Particular individuals who have been part of the Catholic Diocese of Maitland-Newcastle ('Diocese') abused children and vulnerable adults. The Diocese has a particularly troubled history of failing to protect children from abuse and through these failures, allowed predatory individuals to continue to abuse.
- 2.2.** The Diocese has an absolute commitment to promote the safety, welfare and wellbeing of all children and vulnerable adults, particularly those who participate in the life of the Diocese; as part of our faith communities in parishes, as students in our Diocesan schools and early education and care centres, as part of our out of school hours care programmes, community services and other works and ministries that are or will be undertaken by the Diocese. The Diocese also has an enduring commitment to be present with and support those who have been affected by abuse.
- 2.3.** The Diocesan Protection and Safety Council ('Council') will provide independent advice to the Bishop of Maitland-Newcastle ('Bishop') on a range of issues including:
 - 2.3.1.** promoting the safeguarding of children and vulnerable adults within the Diocese from abuse or exploitation,

- 2.3.2. developing the Diocesan capacity to be a genuine, innovative and supportive presence for those who have been affected by abuse, and
- 2.3.3. rebuilding a sense of trust within the Diocesan faithful and the broader community about the Diocese's commitment to safeguarding children and vulnerable adults.

3. Definitions

- 3.1. For the purposes of this Constitution and related documents the following words or expressions are defined as set out in this clause, the **Bishop of Maitland-Newcastle** ("**Bishop**") means the diocesan bishop who has taken canonical possession of the Diocese in accordance with the Code of Canon Law in force ("the Code"). If the episcopal see comprising the Diocese is either impeded or vacant as set out in the Code, then the Bishop of Maitland-Newcastle ("Bishop") shall be inclusive of the person properly empowered to undertake the governance of the impeded or vacant see of Maitland-Newcastle in accordance with the Code, including:
 - 3.1.1. a coadjutor bishop,
 - 3.1.2. an auxiliary bishop,
 - 3.1.3. the diocesan administrator, or
 - 3.1.4. an apostolic administrator.
- 3.2. The **Catholic Diocese of Maitland-Newcastle** ('Diocese') is inclusive of all parishes, agencies, services and programmes that are under the authority of the Bishop of Maitland-Newcastle. The Bishop takes his authority from Canon Law (cannons 375-402).
 - 3.2.1. The Diocese is not wholly geographic in nature. There are elements of the Catholic Church operating within the geographical boundaries of the Diocese that do not fall under the authority of the Bishop and are not a part of the Diocese of Maitland-Newcastle.
- 3.3. **Diocesan personnel** is an inclusive term that captures all persons acting on behalf of the Diocese, including people who are employed, contracted or voluntary laity, clerics incardinated to the Diocese and other clergy or religious engaged as agents of the Diocese.
- 3.4. A **person affected by abuse** is a collective term to describe those affected by abuse perpetrated by Diocesan personnel and those residing in this Diocese who have been affected by abuse perpetrated by a member of a religious order or personnel from another Diocese. Affected persons include individuals who were victims of abuse or the close relative or supporter/friend of individuals who were victims of abuse. A close relative includes but is not restricted to the parent, partner, biological, step or de facto child or sibling.
- 3.5. The Council has particular **key constituents**, which include:
 - 3.5.1. members of the Diocesan faith communities,
 - 3.5.2. people affected by abuse who have a relationship with the Diocese, and
 - 3.5.3. Diocesan personnel.

3.6. Majority of the Council:

- 3.6.1. Half plus one of the Council members in attendance when a matter is considered by the Council or who vote as part of a circular resolution.
- 3.6.2. Should the vote be tied, the Bishop may invite the Chair to determine the Council's position on the matter.

3.7. Office of Safeguarding is a specialist directorate within the Diocese but separate from other parishes, directorates or services, established to support the **Director of Safeguarding** to fulfil the Director's mandate. The Director of Safeguarding is mandated to:

- 3.7.1. Ensure safeguarding of children and vulnerable adults is an integral part of the Diocese of Maitland-Newcastle's culture and daily practices, and
- 3.7.2. Ensure that the Diocese of Maitland-Newcastle adopts best-practice:
 - 3.7.2.1. safeguarding policies, procedures and practices and that they are applied in all diocesan ministries and activities, and
 - 3.7.2.2. healing practices and support services for those affected by abuse, and
- 3.7.3. Provide expert advice to diocesan leadership in the areas of safeguarding children and vulnerable adults, including:
 - 3.7.3.1. contemporary safeguarding methodologies,
 - 3.7.3.2. the regulatory environment and resultant organisational challenges and opportunities,
 - 3.7.3.3. the provision of healing services for survivors, and
 - 3.7.3.4. the current status of inquiries and other issues of concern.

To assist in achieving this mandate, the Director of Safeguarding is empowered, directly or through delegation to appropriate members of the Office of Safeguarding, to:

- 3.7.4. Oversee and support the Diocese's parishes, directorates and services to comply with:
 - 3.7.4.1. statutory obligations to safeguard children and vulnerable adults, and
 - 3.7.4.2. safeguarding standards, principles or guidelines promulgated by the Australian Catholic Bishops Conference, and
 - 3.7.4.3. the Diocese's codes of conduct, policies, procedures and protocols relevant to safeguarding children and vulnerable adults,
- 3.7.5. Conduct or oversee and assist in the investigation of Diocesan personnel who are alleged to have committed:
 - 3.7.5.1. criminal conduct against a child or vulnerable adult, or
 - 3.7.5.2. reportable conduct, or
 - 3.7.5.3. a breach of professional standards against a child or vulnerable adult,
- 3.7.6. Support the provision of personalised healing and support services to people affected by abuse, their partners, parents, children and siblings, in accordance with the standards of the Catholic Church and relevant Diocesan policies and procedures,
- 3.7.7. Conduct or oversee and assist in the resolution of complaints made against Diocesan personnel that relate to a child or vulnerable adult, that does not require an investigative response,

- 3.7.8. Manage uninsured claims brought against the Diocese by persons alleging to have suffered harm as a consequence of having been the subject of historic child abuse,
- 3.7.9. Respond on behalf of the Diocese to Requests for Information from the National Redress Scheme (NRS) and assist in managing the internal attribution of liability for costs incurred in response to the NRS
- 3.7.10. Oversee and support the management of individuals within the Diocese identified as posing an elevated risk to children or vulnerable adults,
- 3.7.11. Manage the Diocese's relationships with:
 - 3.7.11.1. statutory authorities and Catholic entities assigned the responsibility to oversee the Diocese's compliance with safeguarding legislation, regulation and standards, and
 - 3.7.11.2. Catholic and other religious and community entities responsible for safeguarding children and vulnerable adults in their particular entities, and
 - 3.7.11.3. statutory authorities and Catholic entities relevant to the provision of redress to and healing services for people affected by abuse.

4. Functions

- 4.1. The Council is an advisory body, unless otherwise stipulated in this Constitution. The Bishop remains the principal decision-maker.
- 4.2. The Council will review and critique the standards of compliance achieved by Diocesan agencies to statutory and Church based legislation, safeguarding standards and other obligations including, but not limited to:
 - 4.2.1. parishes, the Chancery and related offices and programmes under the Bishop's auspice,
 - 4.2.2. the Catholic Schools Office and the related Diocesan systemic schools,
 - 4.2.3. CatholicCare Social Services, and
 - 4.2.4. St Nicholas Early Education Centres and out-of-school hours care services.
- 4.3. The Council will consider new strategies and programmes promoting protective and ethical practice towards children and vulnerable adults by Diocesan clergy, employees, contractors, volunteers or agents of the Diocese.
 - 4.3.1. Key considerations for the Council will be whether the new strategies and programmes are in alignment with Catholic teachings, existing professional standards and guidelines, relevant legislation and, as far as possible, community expectations.
- 4.4. The Council will explore and critique innovative programmes, strategies and other interventions that may be implemented by or developed with the support of the Diocese, designed to promote the well being of those affected by abuse, including but not limited to:
 - 4.4.1. Administering the Bishop's Healing Fund (refer part 8).

- 4.5. The Council will provide informed advice on the functioning of the Director of Safeguarding including the Office of Safeguarding, its current operations, funding and scope of responsibilities, legislative obligations, and strategic goals.
- 4.6. The Council will engage with the key constituents within the Diocese, to provide information and listen to their reflections on issues of protective and ethical practice relating to children and vulnerable adults.

5. Council Membership

- 5.1. The Council will consist of at least five and not more than nine members, excluding ex-officio members.
 - 5.1.1. Council members cannot be employees of the Diocese or clergy incardinated to the Diocese, other than as ex-officio members.
 - 5.1.2. It will be the Bishop's highest priority to ensure that one or more of the Council members will have been affected by abuse.
 - 5.1.3. The majority of Council members should have children or have raised children.
- 5.2. Council members are selected for a range of qualities. Particular professional skills and personal backgrounds should be represented within the Council, as set out in the Council's composition matrix (refer Appendix A).
- 5.3. The Bishop appoints Council members.
- 5.4. By accepting appointment, each Council member agrees to act in accordance with this Constitution.
- 5.5. Council members are:
 - 5.5.1. required to attend Council meetings regularly, having undertaken reasonable preparation for the matters scheduled for review, and
 - 5.5.2. encouraged to participate in one or more of the Council's standing committees, other than the Chair who is excluded from membership of any of the Council's standing committees.

Recruitment, Screening and Induction

- 5.6. Persons identified as potential members of the Council may be approached directly by the Bishop or his representative on behalf of the Council or an expression of interest (EOI) may be published on behalf of the Council seeking applicants.
- 5.7. Prospective Council members must consent to undergo National Police Check conducted by the Diocese.
 - 5.7.1. Refusal or failure to provide consent by a prospective member makes them ineligible for appointment to the Council.

- 5.7.2. Prospective Council members who have been charged with or convicted of offences listed in Schedule 1(1) or Schedule 2 of the Child Protection (Working with Children) Act 2012 are ineligible for appointment to the Council.
- 5.7.3. The appointment of a prospective Council member who has other criminal convictions will be assessed based on the individual merits of the prospective member.
- 5.8. Appointment as a Council member will be for up to four years, with the possibility of being asked to serve further four year terms at the discretion of the Bishop.
 - 5.8.1. Prospective members may request of the Bishop that their terms be for less than four years but not less than two.
- 5.9. When appointed for the first time, Council members will be expected to undertake an induction process as determined by the Bishop that may include undertaking the Diocese's mandatory safeguarding training.

Chair

- 5.10. At a Council meeting and with the advice of the Council, the Bishop will appoint a Chairperson for the Diocesan Protection and Safety Council ('Chair') and a Deputy Chairperson ('Deputy').
 - 5.10.1. The Chair and Deputy must be Council members.
 - 5.10.2. Council members will be asked to nominate themselves or one of their peers.
 - 5.10.3. In the absence of any applicants for Chair or Deputy, the Bishop may invite particular members of the Council to accept appointment.
 - 5.10.4. Should there be more than one candidate, each will be given an equal, agreed period of time to promote their cause to their fellow Council members and to the Bishop.
- 5.11. The Deputy will act as Chair in the Chair's absence but otherwise has no particular duties.
- 5.12. The Chair and Deputy Chair are appointed for four years.
 - 5.12.1. With the advice of the Council, the Bishop may approach either appointee to serve further four year terms in office.
- 5.13. The Chair will:
 - 5.13.1. provide an inclusive and supportive leadership to fellow Council members,
 - 5.13.2. establish an effective and efficient working relationship with the Council's Secretary,
 - 5.13.3. approve publication of the Council's quarterly reports,
 - 5.13.4. monitor the Council's standing committees and work with committee convenors to ensure that the committees are successfully fulfilling their particular mandates, and
 - 5.13.5. ensure that the Council operates within its budget and conducts its business in accordance with generally accepted principles of good governance.

Ex-Officio Members

- 5.14. There are some diocesan offices, that when filled, will be ex-officio members of the Council, including:

- 5.14.1. the Vicar-General of Maitland-Newcastle, and
- 5.14.2. the Director of Safeguarding or its future equivalency.

- 5.15.** The Bishop may, from time to time, appoint a delegate for the Bishop to the Council, to accept advice from the Council in absence of the Bishop and Vicar General. The appointment of a delegate for the Bishop is restricted to a single Council meeting.
- 5.16.** With the advice of the Council, the Bishop may appoint additional ex-officio members to the Council for
- 5.16.1. an indefinite period, or
 - 5.16.2. a particular purpose and particular time.
- 5.17.** Ex-officio members have no say in Council decision making, nor may they be appointed to any particular roles or given any particular responsibilities, unless otherwise specified in this constitution.

6. Supports

Running Costs

- 6.1.** The costs of supporting the operations and functions of the Council will be funded through the Office of Safeguarding operating budget.
- 6.1.1. The Chair will consult with the Director of Safeguarding as to the Council's provisions for the coming financial year as the Chair deems appropriate.
- 6.2.** In consultation with the Bishop, the Chair may raise the question of specific funding for Council initiatives that are outside the established budget, at a Council meeting.
- 6.3.** The cost of the Bishop's Healing Fund is met from the Bishop's discretionary budget.

Secretary

- 6.4.** The Director of Safeguarding, or its future equivalency, will fulfil the role of Secretary to the Diocesan Protection and Safety Council ('Secretary').
- 6.4.1. The Director is empowered to delegate to one or more personnel from the Office of Safeguarding some or all of the roles and responsibilities of Secretary.
- 6.5.** The Secretary will:
- 6.5.1. support the Chair in fulfilling the Chair's roles and responsibilities,
 - 6.5.2. support the establishment and maintenance of effective communications within the Council and between the Council, the Bishop and its constituents within the Diocese,
 - 6.5.3. participate in and promote the effective functioning of the Council's standing committees,
 - 6.5.4. identify potential recruits for membership of the Council,
 - 6.5.5. coordinate the induction of new members to the Council, and

6.5.6. ensure the secure retention of the Council Records.

6.6. The Secretary is responsible for the provision of administrative support to the Council, including:

- 6.6.1. preparation and distribution of the agenda, draft minutes, reports and other records in preparation for meetings,
- 6.6.2. making arrangements for the holding of Council's meetings
- 6.6.3. arranging accommodation for Council members at the expense of the Diocese, when requested to do so by Council members whose residence is more than 1.5 hours travel from the location of the Council meeting place
- 6.6.4. reimbursing travel costs and making travel arrangements for Council members who request it, and
- 6.6.5. the taking of Council's meeting minutes.

6.7. The costs of the Secretary and provision of administrative support will be charged against the Council's budget as annualised estimates.

7. Governance

Adoption of the Constitution

7.1. At the Inaugural meeting of the Council or thereafter the Bishop will formally adopt this constitution.

Amending the Constitution

7.2. With the consent of at least two thirds of the Council members, the Chair can recommend to the Bishop to make changes to this constitution.

7.3. The revised constitution comes into effect when it is adopted by the Bishop.

Deed

7.4. Following acceptance of appointment, each Council member will be required to sign a deed of indemnity and right of access to information.

7.5. Council members are required to submit a signed deed to the Secretary within 28 days of receiving the deed or at a time agreed to by the Bishop.

7.6. Refusal to sign the deed or failure to submit within the agreed timeframe, without reasonable explanation as to why, will nullify the individual's appointment, automatically creating a vacancy on the Council.

Confidentiality

- 7.7.** All communications and deliberations in relation to Council business are confidential, other than those instances specified in this constitution.
- 7.8.** A Council member's obligation to maintain confidentiality is superseded only by the member's obligations to act in accordance with civil and/or canonical legislation and the Diocesan reporting policy and procedures.

Council Meetings

- 7.9.** The Council will meet four times a year and conduct such meetings in an atmosphere conducive to creative, courageous and respectful exploration of the matters placed before it.
- 7.10.** The purpose of the Council, as stated in clause 2.3 of this Constitution, is to provide the Bishop with independent advice. Therefore, the Council cannot meet in absence of the Bishop, Vicar General or delegate.
- 7.11.** The Council will not meet in absence of a quorum of members being present. Excluding ex-officio members, half of the Council's existing members constitute a quorum. One of the members must be the Chair or Deputy.
- 7.12.** With the prior agreement of the Chair, Council members may attend a meeting by electronic means (teleconferencing, 'Skype', etc.).
- 7.12.1.** The agreed medium must allow the member to actively participate in the Council's discussions.
- 7.12.2.** The Chair may require Council members to attend personally, if deemed appropriate or necessary.
- 7.13.** In consultation with the Bishop and the Council, the Chair will set the agenda for Council meetings.
- 7.14.** Council meetings will commence with review and adoption of the previous meeting's minutes, should the minutes not have been approved earlier by circular resolution.
- 7.15.** The Chair or the Bishop may call an extraordinary meeting of the Council.

Circular Resolutions

- 7.16.** The Council may make non-contentious or routine decisions through the use of Circular Resolutions ('CR').
- 7.16.1.** Only the Chair, Deputy or Secretary may propose a CR.
- 7.16.2.** A CR must be set out in writing in the agreed format and in a non-editable electronic format (e.g. pdf).
- 7.16.3.** The Secretary will distribute the CR to all members, including ex-officio Council members, by using their agreed email service.

- 7.16.4. Council members (excluding ex-officio Council members) have seven days in which to respond, by indicating that they '*Agree*' or '*Oppose*' or '*Abstain*' by replying to the original email that delivered the CR to them.
- 7.16.5. A non-response from a Council member will be recorded as '*Non-Voting*'.
- 7.16.6. The Secretary will tabulate the results and confirm to the Council members whether the CR was passed or not and by how many votes.
- 7.16.7. CR may be passed by the majority of the Council who votes in the CR.

7.17. The CR and Council members' votes will be tabled at the next Council meeting.

7.18. The Secretary will establish and maintain a table recording all CRs and members' votes.

7.19. Non contentious decisions are those deemed to be so by the Chair or Deputy in consultation with the Bishop and include:

- 7.19.1. approval of meeting minutes (refer section 7.26), and
- 7.19.2. approval of quarterly reports (refer section 7.35).

Advice to the Bishop

7.20. The Council will provide singular formal advice to the Bishop on any particular matter under consideration.

7.21. Council members will endeavour to reach a consensus as to the advice to give the Bishop.

- 7.21.1. In absence of a consensus, a majority decision may be taken as to the Council's position.

7.22. A Council member's position in relation to the matters under consideration by the Council is a matter of personal conscience and should be based on the member:

- 7.22.1. having considered all available information and carefully analysed its meaning,
- 7.22.2. having earnestly sought wisdom to discern what is the best available advice to give, and
- 7.22.3. being free of any conflicts of interest.

7.23. Council members may choose to abstain from promoting or supporting a particular position within Council deliberations without the need for justification to the Council.

Conflicts of Interest

7.24. A Council member must advise the Chair of any actual or perceived conflicts of interest that affects the member in relation to a matter under consideration by the Council.

7.25. The Council member may withdraw themselves from Council deliberations pertaining to the matter; alternatively the Chair determines the appropriate course of action.

Council Records and Minutes of Meetings

- 7.26.** Minutes of Council meetings will be made. The minutes will be a brief summation of the meeting not a verbatim record. Council meeting minutes will record:
- 7.26.1. Council members' attendance or apologies,
 - 7.26.2. a list of tabled documents including reports from the standing committees,
 - 7.26.3. a brief descriptor of the matters under review,
 - 7.26.4. the advice given the Bishop and whether by consensus or majority decision,
 - 7.26.5. the Bishop's decisions (if any),
 - 7.26.6. any action items to be followed up and by whom, and
 - 7.26.7. issues arising for further discussion and/or review at the next Council meeting and/or referral to a Council standing committee.
- 7.27.** Only documents tabled at a Council meeting will be attached to the minutes and considered part of the Council's Records.
- 7.27.1. Should one or more Council members object to a document being tabled, the Chair will determine whether the document may be tabled.
- 7.28.** The Council's Records will be stored in electronic form within the Diocesan records management system.
- 7.28.1. Unrestricted access to the Council's Records will be given to the Bishop, Vicar-General, Chair and Deputy.
 - 7.28.2. Access to the Council's Records will be given to the Secretary, excluding those records relating to the oversight of the Director of Safeguarding.
 - 7.28.3. Access to the Council's Records will be given to members of the Council on request to the Secretary.
 - 7.28.3.1. If the requested records relate to oversight of the Director of Safeguarding, the Secretary will forward the request to the Chair.
 - 7.28.4. Access to the Council's Records for ex-officio members other than those previously named in sub sections 7.28.1 and 7.28.2, will be restricted to the areas of their actual involvement with the Council. For example such ex officio members are not entitled to review any records generated by a standing committee in which they are not a member.
- 7.29.** A quarterly report of the Council's meetings will be made for the purposes of publishing a record of the Council's activities, (refer sections 7.35).
- 7.30.** The Council's meeting report will form part of the Council's Records.

Intra Council Communications

- 7.31.** Distribution of agenda, draft minutes, reports and other documents relating to Council business will be done in electronic form other than in exceptional circumstances.
- 7.31.1. On appointment, members will be obliged to nominate a secure email address for receipt of electronic notices.

- 7.31.2. Members will be provided access to a protected file sharing portal, for the purposes of files sharing.
- 7.32. Council members may communicate with each other informally in relations to Council business. Such communications cannot be for the purposes of establishing a pre-determined bloc of members in relation to matters due for consideration by the Council.
- 7.33. Council members are able to introduce material for Council members' consideration between meetings.
 - 7.33.1. Council members will submit the material to the Secretary for distribution.
 - 7.33.2. The Chair may direct particular Council members to refrain from distributing material should the material be deemed irrelevant or inappropriate.
- 7.34. The Secretary will maintain ongoing contact with Council members and will endeavour to respond to members' queries, as they arise.

Extra Council Communications and the Quarterly Report

- 7.35. The Secretary will prepare a draft Diocesan Protection and Safety Council Quarterly Report ('quarterly report') which will provide a summary or overview of the Council's activities over the previous three months of the year, including:
 - 7.35.1. any meetings and deliberations held by Council during the reporting period
 - 7.35.2. the work of the Council's standing committees
 - 7.35.3. results of the Council's evaluation and review processes, when conducted and in accordance with sections 10.5 and 10.7, and
 - 7.35.4. any other matter of interest deemed appropriate by the majority of the Council's members that are within the scope of the Council's purpose and functions.
- 7.36. The quarters that will be reported on will be:
 - 7.36.1. January to March,
 - 7.36.2. April to June,
 - 7.36.3. July to September, and
 - 7.36.4. October to December.
- 7.37. A quarterly report must be prepared for the Council's review as soon as is reasonably possible after the quarter has passed.
- 7.38. The majority of Council members must approve the quarterly report before it is able to be published through CR (circular resolution) or as part of a Council meeting.
- 7.39. Upon request from a representative of one of the Council's key constituencies, the Chair will, with the consent of the Bishop, invite one or more Council members to represent the Council.
 - 7.39.1. Ex-officio members may be asked to represent the Council in these circumstances.

- 7.40.** Upon request of the Bishop and with the consent of the majority of Council members, the Chair may issue a public statement on behalf of the Council, in relation to an issue of importance which is within the Council's purpose and functions.

Financial Support for Council Members

- 7.41.** Council members are entitled to claim for reasonable expenses incurred as part of their roles on the Council, through the submission of a completed Diocesan 'Expense Claim Form' or its equivalent document.
- 7.41.1.** Reasonable expenses includes, travel costs, meals, telephony and stationery costs.
 - 7.41.2.** Claim forms should be submitted to the Secretary.
 - 7.41.3.** Where ever possible, receipts detailing the claimed expense should be attached to the form.
 - 7.41.4.** Reimbursement of expenses greater than \$200 for Council business, other than participation in Council or standing committee meetings, requires prior consent of the Chair.
 - 7.41.5.** The Chair approves payment of the claim, on authorisation from the Secretary.

Suspension, Resignation and Dismissal

- 7.42.** A Council member must advise the Bishop of their resignation in writing.
- 7.43.** The Bishop can direct a Council member to resign should one or more of the following circumstances arise:
- 7.43.1.** the Chair or a majority of Council members, deem that the actions of the member have brought, or are at significant risk of bringing the Council into disrepute,
 - 7.43.2.** the member continues to contravene this constitution after having been warned by the Chair on at least one occasion, or
 - 7.43.3.** the Chair or a majority of Council members form the view that the member has conspicuously failed to contribute to the purpose and functions of the Council over six months or more.
- 7.44.** The Bishop will not direct a Council member to resign without:
- 7.44.1.** providing the member written notification of his intent,
 - 7.44.2.** affording the member reasonable opportunity to reply,
 - 7.44.3.** tabling the member's response to the remaining Council members, and
 - 7.44.4.** after considering the response, and at least one half of the remaining members recommending that the member's resignation remains in the Council's best interests.
- 7.45.** In consultation with the Bishop, the Chair may suspend a Council member if that member is subject to allegations of criminal or improper conduct.
- 7.46.** The Bishop may suspend the Chair, if the Chair is subject to allegations of criminal or improper conduct.

8. Bishop's Healing Fund

- 8.1. On an annual basis the Bishop of Maitland-Newcastle will reserve a quantum of funds for use as the Bishop's Healing Fund.
 - 8.1.1. The quantum of the Healing Fund will not be less than \$25,000 per financial year, or as notified by the Bishop in writing to the Council from time to time.
- 8.2. The Bishop empowers the Council with absolute discretion to award or withhold funds from the Healing Fund to applicants, in accordance with an agreed criteria for determining the value of an application to those affected by abuse.
- 8.3. The Council is empowered to delegate part or all of this responsibility to an appropriately established standing committee.
- 8.4. Records detailing the Council's decisions to award or withhold funds that are sufficient to meet future financial audit requirements, will be entered into the Council's Records.

9. Standing Committees

- 9.1. To assist the Council in addressing the ongoing complexities and challenges posed by its purpose and functions, permanent standing committees will be formed to operate under the auspice of the Council.
- 9.2. A standing committee will have no less than four members, inclusive of the convenor.
 - 9.2.1. The Council members on a standing committee determine its position on matters under its consideration, unless otherwise stated in the standing committee's mandate.
- 9.3. Standing committees may provide singular advice or individual members may be required to give individual advice to the Bishop or Council or other parties, as stipulated in a standing committee's mandate.
- 9.4. Standing committees have no public voice. No appointee to a standing committee may represent or make any comment on behalf of a standing committee in any public forum.

Mandate

- 9.5. With the consent of the Council, the Bishop will authorise the standing committee's mandate.
- 9.6. A standing committee's mandate will include its:
 - 9.6.1. full and functional titles,
 - 9.6.2. membership and the member's status on the committee,
 - 9.6.3. role and responsibilities, and
 - 9.6.4. meeting arrangements.

- 9.7.** A standing committee's mandate will be subject to occasional review which will be led by the convenor of the relevant standing committee, oversighted by the Chair and include feedback from all members of the standing committee.
- 9.7.1.** Should the review process propose changes, the revised mandate will be tabled at a Council meeting.
 - 9.7.2.** With consent of the Council, the Bishop will authorise the revised mandate.
 - 9.7.3.** Should the review process recommend no changes to the existing mandate, the convenor will advise the Council and the standing committee's mandate continues unaffected.
- 9.8.** The changing of a standing committee's membership and those changes being recorded in the mandate does not constitute a 'review' or a 'revision' of the mandate.
- 9.8.1.** A copy of a standing committee's mandate with changes to membership having been recorded and no other changes, will, with the consent of the Chair, be tabled at a Council meeting and continue to be the legitimate mandate for that standing committee.

Convenor

- 9.9.** The convenor of a standing committee must be a Council member.
- 9.9.1.** An ex-officio member of the Council may be a convenor.
- 9.10.** The Bishop appoints the convenor of a standing committee.
- 9.11.** Council members will be invited to nominate as the convenor for a particular standing committee or may be approached to accept appointment by the Bishop or his agent.
- 9.11.1.** A convenor is appointed for a four-year term and may be asked to serve further four year terms by the Bishop.
 - 9.11.2.** A convenor's appointment is automatically terminated should that individual no longer be a member of the Council.
- 9.12.** The convenor of a standing committee will:
- 9.12.1.** ensure that the standing committee operates in a professional and effective manner, fulfilling its mandate,
 - 9.12.2.** identify and engage appropriately skilled and motivated specialist appointees,
 - 9.12.3.** establish an annual meeting schedule with committee members, appropriate for the demands of the standing committee's mandate,
 - 9.12.4.** establish an agreed protocol for the convening of unscheduled and urgent meetings,
 - 9.12.5.** provide advice as part of each Council meeting as to the activities and disposition of the convenor's standing committee, and
 - 9.12.6.** provide advice to the Secretary as to the activities of the standing committee to contribute to the preparation of the Council's quarterly reports.

Appointment of Standing Committee Members

- 9.13.** Unless otherwise stipulated in this constitution, the Chair, after obtaining advice from the Council, appoints persons to the standing committees.
- 9.14.** Council members, including ex-officio members, may nominate themselves to be appointed or may be approached to accept appointment by the Chair to serve on a standing committee.
- 9.15.** Council members are appointed to serve on standing committees for a term of four years.
- 9.15.1.** Council members may nominate or be asked to serve further four year terms on the same standing committee.
- 9.15.2.** A Council member may request that their appointment be for less than four years but not less than two, with the consent of the committee convenor and approval of the Council Chair.
- 9.16.** A Council member's appointment to a standing committee is automatically terminated should that individual no longer be a member of the Council.

Specialist Appointees from the Community

- 9.17.** Particular members of the community may have the unique expertise or experiences that would allow them to provide invaluable contribution to the work of one or more of the Council's standing committees. These persons may be invited to join a standing committee as a 'community specialist appointee'.
- 9.18.** With the consent of the Chair, the convenor may invite a member of the community to join their standing committee as a community specialist appointee.
- 9.19.** A community specialist appointee's appointment will be for up to four years, with the possibility of being asked to serve further four year terms, at the discretion of the Convenor.
- 9.20.** The prospective community specialist appointee must consent to undergo National Police Check conducted by the Diocese:
- 9.20.1.** Refusal or failure to provide consent by a prospective specialist appointee makes them ineligible for appointment to a standing committee.
- 9.20.2.** Prospective specialist appointees who have been charged with or convicted of offences listed in Schedule 1(1) or Schedule 2 of the Child Protection (Working with Children) Act 2012 are ineligible for appointment to a standing committee.
- 9.20.3.** The appointment of a prospective specialist appointee who has other criminal convictions will be assessed based on the individual merits of the prospective appointee.
- 9.21.** The prospective community specialist appointee must sign a deed of indemnity and right of access to information.
- 9.21.1.** The prospective specialist appointee must submit a signed deed to the Secretary within 28 days of receiving the deed.

9.21.2. Refusal to sign the deed or failure to submit within 28 days, without reasonable explanation as to why, will make the prospective specialist appointee ineligible for appointment to a standing committee.

9.22. A community specialist appointee will be provided with an induction session by the standing committee's convenor and attend the Diocese's Safeguarding training at their earliest possible convenience.

9.23. A community specialist appointee's appointment may be terminated at the discretion of the Chair:

9.23.1. on advice from the standing committee's convenor, and

9.23.2. with the support of the other Council members appointed to the committee.

9.24. A community specialist appointee may resign by submitting a written resignation to the convenor of the relevant standing committee.

Specialist Appointees from within the Diocese

9.25. Particular Diocesan personnel may possess the requisite professional background and experiences to contribute to the work of one or more of the Council's standing committees. These personnel may join a standing committee as 'diocesan specialist appointees'.

9.26. With the consent of the Chair, the convenor may approach the supervisor of the potential appointee to obtain permission to approach the individual, to invite them to join their standing committee as a diocesan specialist appointee.

9.27. Diocesan personnel approached to become diocesan specialist appointees are free to refuse the offer of appointment without justification.

9.27.1. No adverse consequences may flow from such a refusal.

9.28. A diocesan specialist appointee's appointment will be for a maximum of four years, with the possibility of being asked to serve further four year terms, at the discretion of the Convenor.

9.29. A diocesan specialist appointee may resign by submitting a written resignation to the convenor of the relevant standing committee.

9.30. A diocesan specialist appointee's appointment may be terminated at the discretion of the Chair:

9.30.1. on advice from the standing committee's convenor, and

9.30.2. with the support of the other Council members appointed to the committee.

9.31. A diocesan specialist appointee's appointment to a standing committee is automatically terminated when the person no longer meets the criteria of being Diocesan personnel.

Ex-Officio Appointees

- 9.32.** Particular roles and offices in the Diocese may be assessed as being of particular importance to the mandate of a standing committee. The incumbents in those roles or of those offices will join a relevant standing committee as an ex-officio appointee.
- 9.33.** On the advice of a convenor of a standing committee and consent of the Chair, the Bishop may make an ex-officio appointment to a standing committee.
- 9.34.** Based on the advice of the Chair, the Bishop will stipulate the length of an ex-officio appointment, which may be stipulated as being until the appointment is terminated by the Bishop.
- 9.35.** The ex-officio appointee is not a decision maker in a standing committee's processes.
- 9.36.** The ex-officio appointee will ensure that the standing committee is:
- 9.36.1.** provided with expert advice in relation to the ex-officio appointee's area of responsibilities,
 - 9.36.2.** informed about diocesan activities relevant to its mandate, and
 - 9.36.3.** aware of any decisions or activities it is involved in that may be in conflict with diocesan policies or duplicating other diocesan activities.
- 9.37.** The ex-officio appointment may be terminated at the discretion of the Bishop.

Dissolving a Standing Committee

- 9.38.** With the consent of the Council, the Bishop may withdraw his mandate for a standing committee, thereby dissolving it.
- 9.39.** The act of dissolution and rationale for doing so will form the basis of a report that will be tabled at a Council meeting.

10. Evaluation

Independent Evaluation

- 10.1.** As deemed appropriate by the Bishop, in consultation with the Chair, an independent third party will be engaged to conduct an evaluation of the Council.
- 10.2.** The independent third party and their methodology for conducting the review will be determined in consultation with the Council.
- 10.3.** The review will consider:
- 10.3.1.** the Council's performance in fulfilling its stated purpose and functions,
 - 10.3.2.** the strength of the Council's current and prospective membership,

- 10.3.3. the efficiency and effectiveness of the Council's current supports and structures, particularly the Council's standing committees,
- 10.3.4. the continued relevance and appropriateness of the Council's constitution, and
- 10.3.5. any other issues as directed by the Bishop.

- 10.4. The independent third party will submit a report to the Bishop, who after due consideration, will table the report at a Council meeting.
- 10.5. A summary of the evaluation report and the Council's response will be prepared for inclusion in the Council's quarterly reports.

Survey

- 10.6. As deemed appropriate by the Chair, the Secretary will oversee the distribution, collection and collation of a standardised survey designed to solicit feedback from the Council's key constituents, as to its performance.
 - 10.6.1. The Secretary will prepare a report for tabling at a Council meeting.
- 10.7. The results of any survey may be published as part of the Council's quarterly report, if deemed appropriate by the Council.
- 10.8. The survey will not be conducted during the year that an independent evaluation process occurs.

Constitution adopted by:



Most Reverend Michael Kennedy
Bishop of Maitland-Newcastle

29 August 2024

Appendix A: Diocesan Protection & Safety Council Composition Matrix

Targeted / desired industry knowledge, technical skills, academic expertise, leadership and experience	Diocesan Protection & Safety Council members								
	#1	#2	#3	#4	#5	#6	#7	#8	#9
Administrative / civil investigations									
Canon law, theology									
Civil law, preferably criminal or personal injury									
Child and family or social / advocacy services									
Disability or aged care support / advocacy services									
Survivor or victim support / advocacy services									
Educator (early, primary, secondary or tertiary)									
Counselling, psychology, mental health									
Human resources / industrial relations									
Accounting, quality assurance, governance									
Gender:									
Faith / religion:									
Person of First Nations or CALD heritage									
Cleric / religious / laity									

It is a priority that one or more of the members of the Committee are survivors of or have been personally affected by institutional abuse.