

DICTIONARY OF DEFINED TERMS – VOLUME 1

**in respect of the Churches of Christ in NSW & the ACT Professional Conduct Protocols
(the “*Professional Conduct Protocols*”)**

This is Volume 1 of the Churches of Christ in NSW & the ACT Professional Conduct Protocols.

The Churches of Christ in NSW & the ACT Professional Conduct Protocols comprises:

Volume 1: Dictionary of Defined Terms.

Volume 2: Guide for personal behaviour and practice in ministry.

Volume 3: Code of Conduct.

Volume 4: Professional Standards Unit Establishment and Functions Policy.

Volume 5: Complaints Procedure.

Volume 6: Pastoral Response Policy.

INTRODUCTION TO THE *PROFESSIONAL CONDUCT PROTOCOLS*

The *Professional Conduct Protocols* is a group of documents intended to assist *Ministering Persons* to act appropriately in their *Ministries*. The suite of documents:

- contains a dictionary of terms used in the documents;
- outlines standards and expectations of personal and professional behaviour for *Ministering Persons*;
- prescribes behaviour of *Ministering Persons* which if not observed may lead to a complaint against a *Ministering Person* and, if the complaint is upheld, may lead to the imposition of sanctions against that person;
- establishes a professional standards unit to administer the *Code of Conduct*;
- establishes a procedure to deal with *Complaints*; and
- ensures pastoral care is available and provided to the *Complainants* and those against whom *Complaints* are made.

As to the *Professional Conduct Protocols*, note:

- for *Complainants* Volumes 1, 5 and 6 are the principal documents to consider;
- for *Ministering Persons* Volumes 1, 2, 3, 5 and 6 are the principal documents to consider;
- Volume 4 will likely only need consideration in the event a complaint is made;
- Volume 1 contains a dictionary of the terms used in each of Volumes 2 to 6; and
- for the assistance of both *Complainants* and *Ministering Persons*, some key definitions are also included in other Volumes.

The address and contact details of the *Professional Standards Unit Co-ordinator* are:

Professional Standards Unit Co-ordinator, Churches of Christ in NSW & ACT
Suite 301, Level 3, 1B Homebush Bay Drive
Rhodes NSW 2138
psu@ccnswact.org.au
(02) 8573 6000

All communications are kept strictly confidential, subject to the *Churches of Christ in NSW & the ACT Professional Conduct Protocols* and the *CCNSWACT Procedure for Responding to Child Safety Concerns*.

Contents

1. Introduction	4
1.1 Application	4
1.2 Authorisation	4
1.3 Adoption and <i>Effective Date</i>	4
1.4 Amendments	4
2. Definitions and Interpretation	4
2.1 Definitions	4
2.2 Interpretation	13
2.3 Relevant Legislation	13

1. Introduction

1.1 Application

This *Dictionary* sets out definitions of defined terms used in the *Churches of Christ in NSW & the ACT Professional Conduct Protocols*. The *Churches of Christ in NSW & the ACT Professional Conduct Protocols* is referred to in each Volume of it as the *Professional Conduct Protocols*.

1.2 Authorisation

Responsible person	The <i>Executive Ministry Director</i>
Version	1.1
Review date	February 2025

1.3 Adoption and *Effective Date*

Adopted by <i>Conference Executive</i>	3 June 2023
<i>Effective Date</i>	1 July 2023

1.4 Amendments

Any Volume of the *Professional Conduct Protocols* may be amended from time to time by *Conference Executive*. Any amendment will be binding on all *Subscribers* to the *Code* from the *Amendment Date* specified in the notice of the amendment. The *Amendment Date* shall be 30 days after the date the amendment is published. Publication of any amendment of any Volume shall be effected by *Conference Executive* in the following manner:

1.4.1 by an email to the *Subscribers*; and

1.4.2 by publication on the website [www.ccnswact.org.au].

Publication in that manner will constitute publication under this clause.

Where any Volume which forms part of the *Professional Conduct Protocols* is amended, a reference to the *Effective Date* is the most recent *Amendment Date* in respect of that Volume.

2. Definitions and Interpretation

2.1 Definitions

Unless the context otherwise requires, the following terms used in the *Professional Conduct Protocols* have the meanings as set out below:

Abuse means any action (or failure to act) that harms or injures another person in any manner.

Abuser means a person who is engaging in *Abuse*.

Accountable Ministry means the entity by which the *Ministering Person* is engaged or employed in respect of their ministry or religious employment and to whom the *Ministering Person* is accountable.

ACOM means Australian College of Ministries (ACN 130 267 604).

ACT Church means a church, associated with *Churches of Christ in NSW*, that is functioning and situated in the Australian Capital Territory.

Amendment Date means the date that is specified as the *Amendment Date* in any notice of any amendment of any Volume of the *Professional Conduct Protocols* that is published.

Anonymous Complainant means a person who is a *Complainant* who discloses their full name and contact details to that person to whom the *Complaint* is made but wishes to remain anonymous to the *Respondent*, however they cannot be anonymous to the *PSU*.

Anonymous Complaint means a complaint by an *Anonymous Complainant*.

Appeal means the *Appeal* the subject of the *Notice of Appeal*.

Appeal Panel constituted by the *Professional Standards Unit Establishment and Functions Policy (Volume 4)*.

Bullying means the repeated and unreasonable seeking out or targeting of a person, which causes them distress or humiliation or to feel intimidated or threatened, and which creates a risk to their health and safety. *Bullying* may be physical or psychological (verbal and non-verbal) and may take place via communications technology (e.g. cyberbullying). It may include but is not limited to any of:

- making derogatory, demeaning or belittling comments or jokes about someone's appearance, lifestyle, beliefs, background or capability;
- communicating in an abusive or aggressive manner;
- spreading rumours or innuendo about someone or undermining their performance or reputation in other ways;
- dismissing or minimising someone's legitimate concerns or needs;
- unreasonably ignoring or excluding someone from information, peer groups or activities;
- touching someone threateningly;
- unreasonably invading someone's personal space;
- unreasonably interfering with a person's property;
- unreasonably teasing or making someone the brunt of pranks or practical jokes;
- displaying or distributing written or visual material that degrades or offends;
- intimidation; and
- extortion.

Behaviour which is not *Bullying* includes any of:

- reasonable and lawful conduct carried out by a *Ministering Person* in the circumstances;
- disagreeing respectfully with someone's beliefs or opinion;
- setting reasonable performance goals, standards or deadlines;
- giving reasonable directives, feedback or assessments of performance or behaviour; and
- taking legitimate disciplinary action;

Care Plan means a plan which makes provision of the care of a *Complainant* or *Respondent* in the manner described in the *Pastoral Response Policy* (in whole or in part).

Child or Children means any person under 18 years of age.

Child Abuse means *Abuse* of a *Child*.

Child Exploitation Material means *Child Pornography* and any film, printed matter, electronic data, computer image or any other portrayal that describes or depicts a person who is, or reasonably appears to be, a *Child*:

- engaged in sexual activity;
- in a sexual context;
- 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, inappropriate or offensive.

Child Pornography means sexually explicit or suggestive material depicting *Children*.

Churches of Christ in NSW means the association of Churches of Christ affiliated under the *Constitution*.

Churches of Christ in NSW & the ACT also referred to as (**CCNSWACT**) is a network of faith communities made up of *Conference Churches*, *Provisional Churches* and *ACT Churches*, spread across New South Wales and the Australian Capital Territory which intentionally associate as Churches of Christ.

CCNSWACT (see the definition of *Churches of Christ in NSW & the ACT*).

Code means the *Code of Conduct*.

Code of Conduct means the Code of Conduct in **Volume 3** of the *Professional Conduct Protocols*.

Complainant means the person or entity who makes a *Complaint* against a *Ministering Person*.

Complaint means information about any allegation, suspicion, concern or report of a breach of a *Minimum Standard*. The conduct complained of may or may not constitute *Criminal Conduct* or *Reportable Conduct*.

Complaints Procedure means the document titled *Complaints Procedure* forming party of the *Professional Conduct Protocols*.

Concerned Person has the meaning set out in the definition of *Consultative Process*.

Conference means the association of Churches of Christ affiliated under the *Constitution*, and which is known as the *Conference of Churches of Christ in NSW*.

Conference Church means a church affiliated under the *Constitution*.

Conference Executive means the committee of that name constituted in accordance with the *Constitution*.

Conference Ministry means any department or entity or agency, formed or established by *Conference*, whether directly or indirectly under the control of *Conference*.

Conference President has the meaning of that expression as set out in the *Constitution*.

Constitution means the *Constitution* of the *Conference*.

Consultative Process has the meaning set out in Section 12 of the *Code*.

Criminal Conduct means acts or omissions that, if established, would constitute a criminal offence:

- in NSW, under the *Crimes Act 1900* (NSW), which includes those offences relating to conduct involving children set out in Schedule 2 of the *Child Protection (Working with Children Act) 2012* (NSW);
- in the ACT, under the *Crimes Act 1900* (ACT), which includes those offences relating to conduct involving children set out in Schedule 1 and 2 of the *Crimes (Child Sex Offenders) Act 2005* (ACT); or
- under legislation in any other Australian jurisdiction.

Cultural Tradition means an inherited, established, or customary pattern of thought, action or behaviour that is unique to a particular people group, country, area or ethnicity.

Dictionary means this document, the *Dictionary of Defined Terms*.

Domestic Abuse means *Abuse* that occurs between family members or with people who are or have been in a familial relationship or who cohabit or have cohabited and includes any action or omission which is defined in any relevant legislation in NSW and the ACT as being “abuse”. *Domestic Abuse* can take many forms including verbal *Abuse*, *Neglect*, *Financial Abuse*, and ostracisation, without reasonable cause, from friends and family. *Domestic Abuse* is also known as domestic violence or domestic and family violence.

Effective Date means the date so specified as a date on which a document has effect.

Emotional Abuse means acts or omissions that cause emotional harm or may lead to serious behavioural or cognitive disorders. It includes:

- subjecting a person to excessive and repeated unreasonable personal criticism;
- ridiculing a person, including the use of insulting or derogatory terms when referring to them;
- threatening or intimidating a person;
- unreasonably ignoring a person;
- behaving in a hostile manner or in any way that could result in another person feeling unreasonably isolated or unreasonably rejected.

Endorsed Minister means a person who has been *Endorsed*.

Endorsed means formally endorsed under the *Policy for Endorsement of Ministers*.

Endorsement means formal endorsement under the *Policy for Endorsement of Ministers*.

Executive Ministry Director (EMD) means the *Executive Ministry Director of Churches of Christ in NSW*.

Financial Abuse means inappropriately or unreasonably:

- controlling a person's ability to acquire, use, and maintain their financial resources; and/or
- influencing any person's disposal or use of their financial resources which is adverse to the interests of that person.

Financial Misconduct means the improper, or unauthorised, or intentional misuse, of funds of another person for the personal gain of an individual (or related party). It includes financial fraud or embezzlement.

Fraud means a deceptive or deceitful act that in some way yields a real or intended benefit to which a person is not entitled.

Grooming means each of the *Grooming of Children* and the *Grooming of Adults*.

Grooming of Adults means building an emotional connection with an adult, to gain their trust for the purpose of exploitation or *Abuse*. *Grooming of Adults* often involves conditioning family members, friends and caregivers to consider that the activity which constitutes such grooming to be normal behaviour. *Abuse* may take the form of *Physical Abuse, Financial Abuse, Spiritual Abuse, Emotional Abuse or Psychological Abuse*.

Grooming of Children means building an emotional connection with a *Child* to gain their trust for the purposes of *Sexual Abuse or Sexual Exploitation*. *Grooming of Children* often involves conditioning parents, other adults, colleagues, church leaders and the community to consider the activity which constitutes such grooming to be normal behaviour.

Indicators of grooming may include, but are not limited to:

- treating a *Child* or group of *Children* as favoured, making them feel special compared with others in a group, for example by providing gifts and favours to the *Child, Children* or their families;
- seeking out opportunities to be alone with a *Child or Children* (in person or online);
- exhibiting frequent physical affection such as kissing, hugging, stroking hair or playful wrestling regardless of whether the *Child* encourages such behaviour or it is not required;
- sharing secrets with a *Child* and encouraging the keeping of secrets;
- having an inappropriate interest in to a *Child's* physical and sexual development;
- openly exposing, or pretending to accidentally expose a *Child* to nudity, sexual material and sexual acts;
- making close physical contact sexual with a *Child*, such as tickling and wrestling;
- talking about sex and sexuality with a *Child*; and
- controlling a *Child* through threats, force, or use of authority.

The indicators listed are indicative but may not, of themselves, always constitute *Grooming of Children*. The "indicators of grooming" must be examined in their context and by reference to the relationship of the *Child* and the *Subscriber*.

Guide means the document titled "*Guide for personal behaviour and practice in ministry*" forming part of the *Professional Conduct Protocols*.

Guidelines means the guidelines contained in the *Guide*.

Harassment means unreasonable and unwelcome conduct in relation to another person where a reasonable person would be offended, belittled or threatened. It includes:

- making unreasonable unwelcome physical contact with a person;
- vilification;

- making gestures or using language that could reasonably give offence, including continual and unwarranted shouting;
- making unjustified or unreasonable comments about a person’s capacities or attributes;
- displaying pictures, posters, graffiti or written materials that are reasonably likely to give offence;
- making unreasonable and unwelcome communication with a person in any form (e.g. phone, email, messaging); and
- stalking.

Mandatory Reporting/Reports is a legislative requirement to report matters relating to risk of harm to *Children*:

- in NSW, under section 27 of the *Children and Young Persons (Care and Protection) Act 1998* (NSW); and
- in the ACT, under section 356 of the *Children and Young People Act 2008* (ACT).

Marriage means marriage as defined in the Marriage Rites of Churches of Christ in Australia as the union between one man and one woman to the exclusion of all others for life.

Minimum Standards means the standards so described as defined in the document titled *Code of Conduct*.

Ministering Person means each of:

- (a) a person who is *Endorsed*, or who seeks to be *Endorsed* under the *Policy for Endorsement of Ministers*;
- (b) the members of *Conference Executive* from time to time; and
- (c) such persons who from time to time fill roles within each of:
 - *Churches of Christ in NSW*; and
 - *ACOM*,

as *Conference Executive* determines and specifies in a resolution of *Conference Executive*.

Where a *Ministering Person* is a *Subscriber*, unless the context indicates otherwise, a reference in the *Professional Conduct Protocols* to a *Ministering Person* means and includes a *Subscriber*.

Ministry means:

- a *Conference Church*;
- a *Provisional Church*;
- an *ACT Church*;
- a *Conference Ministry*; or
- *Pastoral Care* or *Religious Service* offered in a *Conference Church*, a *Provisional Church*, an *ACT Church* a *Conference Ministry* or by an *Accountable Ministry*.

Ministers Disqualified from Service List means the list of people whose record is made with the Federal Council of Churches of Christ in Australia list as being unsuitable for ministry due to adverse findings in a *PSU* (or similar) process.

Neglect means the unreasonable failure to provide the basic necessities of life where a person’s health (or the development of a *Child*), is unreasonably placed at risk of significant harm. *Neglect* is a form of *Abuse*. It includes being unreasonably deprived of food, clothing, shelter, hygiene, safety or medical care. *Children* may also be neglected if unreasonably deprived of education, supervision, safety, attachment to, and affection from, adults.

Notice of Appeal has the meaning set out in Section 4 of the *Complaints Procedure*.

Parent/Guardian means any person, who at any relevant time, has responsibility for a child and/or who exercises the functions and duties of a parent to a child.

Pastoral Care means the provision of care, counsel, support or education to persons who seek the support of a *Conference Church* or *Conference Ministry* or *Accountable Ministry*, including by means of:

- spiritual guidance by means of Christian teaching;
- prayer;
- provision of practical support;
- reconciling someone to God and/or other people;
- spiritual advice, counselling, guidance, and direction; and
- assisting people to deal with hardship and/or crisis.

Pastoral Care Committee means the committee of that name appointed pursuant to the *Professional Standards Unit Establishment and Functions Policy*.

Pastoral Relationship means the relationship between a *Ministering Person* and another person:

- in which the *Ministering Person* is providing *Pastoral Care* for the person; or
- where the person has looked to the *Ministering Person* for guidance, protection, or care; or
- where the person has made contact with the *Ministering Person* in their capacity as a *Ministering Person*.

Pastoral Response Policy means the document titled *Pastoral Response Policy* forming part of the *Professional Conduct Protocols*.

Physical Abuse means any intentional or reckless use of force, or threat to use force, causing injury to, or involving unreasonable unwelcome physical contact with, another person, such as slapping, punching, shaking, kicking, burning, shoving or grabbing. It does not include lawful discipline by a *Parent/Guardian*.

Policy means a policy in any Volume of the *Professional Conduct Protocols* and is always in reference to the version of the Volume in effect on the most recent *Effective Date* set out in the relevant Volume.

Policy for Endorsement of Ministers means the “Churches of Christ Policy for Endorsement of Ministers in NSW and in ACT”.

Positional Power means the authority a person has by virtue of the person’s role or position in an organisational structure.

Post Cessation Complaint has the meaning set out in Section 13.2 of the *Code*.

Psychological Abuse means any subjection or exposure to another person that may result in psychological trauma, including anxiety, chronic depression or post-traumatic stress disorder.

Procedure for Responding to Child Safety Concerns means the “Churches of Christ Procedure for Responding to Child Safety Concerns in NSW and the ACT”.

Professional Conduct Protocols means the following documents published by *Churches of Christ in NSW & the ACT*:

- *Dictionary of Defined Terms*;
- *Guide for personal behaviour and practice in ministry*;
- *Code of Conduct*;
- *Professional Standards Unit Establishment and Functions Policy*;
- *Procedure for Handling Complaints Relating to Breaches of the Code of Conduct*; and
- *Pastoral Response Policy*.

Professional Standards Panel means the panel of that name, appointed pursuant to the *Professional Standards Unit Establishment and Functions Policy*.

Professional Standards Unit means the committee established under the *Professional Standards Unit Establishment and Functions Policy* composed of the persons described in that *Policy* appointed by *Conference Executive* who oversee compliance with the *Code*, investigate breaches of the *Code*, and process and respond to *Complaints* made in accordance with the *Complaints Procedure*.

Professional Standards Unit Establishment and Functions Policy means the document so titled forming part of the *Professional Conduct Protocols*.

Professional Standards Unit Co-ordinator (PSU Co-ordinator) means the person appointed to that role under the *Professional Standards Unit Establishment and Functions Policy*.

Protocols means the *Professional Conduct Protocols*.

Provisional Church means a church which has been provisionally affiliated with, *Churches of Christ in NSW*.

PSU means the *Professional Standards Unit*.

PSU Hearing Committee means the committee of that name appointed pursuant the *Professional Standards Unit Establishment and Functions Policy*.

Recipient of Ministry means any individual with whom a *Ministering Person* has a *Pastoral Relationship* except as otherwise provided in a *Policy*.

Reference Committee means the committee of that name appointed pursuant to the *Professional Standards Unit Establishment and Functions Policy*.

Relevant Legislation means the *Relevant Legislation* listed in the *Code* of Conduct in Volume 3.

Religious Service means the work or activity carried out by a *Ministering Person* in the course of their engagement or employment.

Reportable Conduct means acts or omissions that, if established, would constitute *Reportable Conduct* under the relevant State or Territory legislation as follows:

In NSW, section 20 of the *Children's Guardian Act 2019* (NSW) defines *Reportable Conduct* as including the following conduct, whether or not a criminal proceeding in relation to the conduct has been commenced or concluded:

- a sexual offence;
- sexual misconduct;
- ill-treatment or *Abuse* of a *Child*;
- neglect of a *Child*;
- an assault against a *Child*;
- an offence under section 43B (failure to protect a *Child* from *Abuse*) or 316A (concealing *Child Abuse*) of the *Crimes Act 1900* (NSW); and
- behaviour that causes significant emotional or psychological harm to a *Child*.

In ACT, section 17E of the *Ombudsman Act 1989* (ACT), defines *Reportable Conduct* as including:

- ill-treatment of a *Child* (such as emotional *Abuse* or use of force);
- exposing or subjecting a *Child* to neglect;
- exposing or subjecting a *Child* to psychological harm;
- exposing or subjecting a *Child* to misconduct of a sexual nature;
- sexual or physical offences under the *Crimes Act 1900* where a child is a victim or is present;
- inappropriate discipline; or
- not protecting *Children* from harm.

Any information relating to a complaint of *Reportable Conduct* must be reported to the relevant authority and the *Professional Standards Unit* if committed, or alleged to have been committed, at any time by any *Ministering Person* or *Subscriber*. See in that regard the *Procedure for Responding to Child Safety Concerns*.

Respondent means a *Ministering Person* who is the subject of a *Complaint*.

Risk Assessment is an assessment as set out in the *Complaints Procedure*.

Risk of Significant Harm means situations where a reasonable person has current concerns about the safety, welfare or wellbeing of a *Child*. For example, when there is a potential that a *Child* may be injured or harmed as a result of physical, sexual or psychological *Abuse*, ill-treatment, *Neglect* or exposure to *Domestic Abuse*. Conduct putting a *Child* at *Risk of Significant Harm* may be criminal or *Reportable Conduct*.

Risk Management Framework means the “Risk Management Framework Policy” of *Churches of Christ in NSW*.

Serious Misconduct means a breach of a *Minimum Standard*.

Sexual Abuse means each and all of exposure to sexually inappropriate material or treatment constituting *Sexual Assault*, *Sexual Exploitation* or *Sexual Harassment*. Behaviour which is not *Sexual Abuse* includes:

- sex education with the prior consent of a *Parent/Guardian*; and
- age-appropriate consensual sexual behaviour between adults or peers (i.e. the same or a similar age) where neither has *Positional Power* or responsibility for the other).

Sexual Abuse of a Child means *Sexual Abuse* in respect of a *Child* and, without limitation, the use of a *Child* by another person for his or her own sexual stimulation or gratification or for that of others. It includes:

- exposing oneself indecently to a *Child*;
- penetrating a *Child* with an object or any bodily part, or allowing a *Child* to penetrate another with their bodily part or an object;
- kissing, touching, holding or fondling a *Child* in a sexual manner;
- staring at or secretly watching a *Child* for the purpose of sexual stimulation or gratification;
- making sexual advances, sexual references, or sexual gestures, or sexual actions or innuendo, in a *Child’s* presence using any form of communication;
- discussing or inquiring about personal matters of a sexual nature with a *Child* (other than by a *Parent/Guardian*);
- exposing a *Child* to any form of sexually explicit or suggestive material; and
- allowing a *Child* to engage in or watch any other sexual activity, either by themselves, or with any other person.

Sexual Assault means any use of force or threat to use force involving some form of sexual activity, or attempted sexual activity, against any person without their consent. It includes:

- having vaginal or anal intercourse with a person without their consent;
- penetrating another person’s vagina or anus with an object or any bodily part without that person’s consent;
- sexually touching and fondling a person without their consent;
- kissing another person without their actual or implied consent (except kissing a child by a *Parent/Guardian*);
- holding another person in a sexual manner without their consent;
- forcing a person to sexually touch or fondle another person; and
- forcing a person to perform oral sex or oral sex with a person without their consent.

Sexual Exploitation means any form of unreasonable sexual contact, or invitation to unreasonable sexual contact or exposure, with an adult, without actual or implied consent and regardless of who initiated the contact or invitation, for the purpose of sexual gratification, financial gain, personal benefit or advantage, or any other unreasonable purpose.

Sexual Harassment means sexual behaviour, which could reasonably be expected to be unwelcome or to make a person feel offended, humiliated, or intimidated.

Sexual harassment can take many different forms – it can be obvious or indirect, physical or verbal, repeated or a one-off, perpetrated by anyone.

Sexual harassment in respect of a person may include the following in relation to, or to, the person:

- staring, leering or voyeurism;
- unnecessary familiarities, such as deliberately brushing up against another person or unwelcome touching;
- suggestive comments or jokes;
- insults or taunts of a sexual nature;
- intrusive questions or statements of a sexual nature;
- displaying posters, magazines or images of a sexual nature;
- sending sexually explicit emails, text messages or any other form of communication, including exposing someone to sexually explicit material (in any form);
- advances on social networking sites;
- requests for sex or repeated unwanted requests to go meet;
- staring at or secretly watching a person for sexual stimulation or gratification.

Actions, by adults with adults, such as social interaction or flirtation arising out of relationships which are relational or familial or which are mutual or consensual are not considered sexual harassment.

Sexuality means a person's capacity for sexual feelings, sexual orientation or preference, and sexual activity.

Sexual Misconduct means any one or more of *Sexual Abuse*, *Sexual Assault*, *Sexual Exploitation* and *Sexual Harassment*.

Spiritual Abuse means the mistreatment of a person by actions or threats when justified by appeal to God, faith or religion, or the abuse of power in the context of Christian community or fellowship. It may include but is not limited to:

- using biblical or religious texts or terminology to justify *Abuse*;
- using a position of spiritual authority to dominate, manipulate, or seek deference from others;
- invoking divine authority to manipulate a person into carrying out actions that meet the desires of the *Abuser*;
- inflating the vocation and spiritual insight of the *Abuser* above other people, enabling the *Abuser* to seek to justify *Abuse* or unhealthy behaviour;
- inflating the importance of a religious organisation above the wellbeing of an individual;
- the exploitation of a *Recipient of Ministry* for the *Abuser's* advantage or profit;
- unreasonably isolating a person from friends and family members or restricting normal contact with others;
- coercing a *Recipient of Ministry* to accept ideas or behaviour which are contrary to law or unreasonably cross acceptable personal boundaries;

- *Neglecting a Recipient of Ministry* by failing to provide reasonable care and concern in a responsive manner, when reasonably requested to do so. This may occur when a person in ministry interacts insensitively, is unreasonably uninvolved and detached, or ignores a *Recipient of Ministry's* emotional or physical needs.

Subject Person means the person who is the subject of any actions and/or omissions of a *Respondent*.

Subscriber means:

- each subscriber to the Code of Conduct, effective 1 July 2011, of *Churches of Christ in NSW*; and
- each *Subscriber* to the *Code*.

Sustained Lower Level Misconduct means a failure to observe any provisions of the *Guidelines*, repeated upon multiple occasions, and not addressed by the relevant *Ministering Person*:

- to the satisfaction of a relevant *Accountable Ministry*; or
- to the satisfaction of any *Concerned Person* after the *Consultative Process*.

Unauthorised Information means personal information that may identify a *Child*, including information such as their full name, age, email address, telephone number, or residence.

2.2 Interpretation

In the *Professional Conduct Protocols*, unless the context otherwise requires:

- headings do not affect interpretation;
- the singular includes the plural and vice versa;
- an amendment to any document which is part of the *Professional Conduct Protocols* will be binding on all *Subscribers* as and from the *Amendment Date* published in respect of it.
- words of one gender include any gender;
- reference to legislation includes any legislation as amended, any legislation substituted for it, and any subordinate legislation made under it;
- reference to any section of any legislation includes any replacement section (or sections) for that section;
- a reference to any Policy includes any Policy as amended, any Policy substituted for it and any Policy made under a Policy;
- notices under the *Professional Conduct Protocols* must be in writing and an email shall constitute a notice in writing;
- reference to a person includes a corporation, joint venture, association, government body, firm and any other entity;
- another grammatical form of a defined expression has a corresponding meaning;
- a reference to any document, policy or protocol (including this document) includes a reference to that document, policy or protocol as varied or replaced from time to time; and
- a reference to a person or a *Ministering Person* upholding or being obliged to refrain from acting, or failing to act, in a manner which satisfies the *Minimum Standards* means a *Ministering Person* or person who is a *Subscriber*.

2.3 Relevant Legislation

The following legislation is relevant to the *Professional Conduct Protocols*.

- NSW Statutory Obligations:
 - *Child Protection (Working with Children) Act 2012* (NSW)
 - *Children and Young Persons (Care and Protection) Act 1998* (NSW)
 - *Children's Guardian Act 2019* (NSW)
 - *Crimes Act 1900* (NSW)
- ACT Statutory Obligations:

- *Working with Vulnerable People (Background Checking) Act 2011 (ACT)*
- *Children and Young People Act 2008 (ACT)*
- *Ombudsman Act 1989 (ACT)*
- *Crimes Act 1900 (ACT)*
- *Commonwealth Statutory Legislation:*
 - *Privacy Act 1988*
 - *Marriage Act 1961*
 - *Fair Work Act 2009 and Fair Work Regulations 2009*
 - *Australian Charities and Not-for-profits Commission Act 2012*
 - *Income Tax Assessment Act 1997*