# Anglican Legislation Unit

# Report to General Synod Standing Committee: 15-16 October 2020

## COVID-19 Response

The work of the Anglican Legislation Unit (ALU) in conjunction with the InterChurch Bureau (ICB) during the first half of 2020 was necessarily focussed on responding and adapting to the demands created by the COVID-19 emergency. The onset of the virus and the resulting nationwide lockdown raised a number of issues affecting the Anglican Church along with all New Zealand’s churches and church organisations to a greater or lesser extent.

The ALU fielded a large number of enquiries during each week of the lockdown period and for some weeks afterwards. These queries sought advice on topics ranging from eligibility for the government’s wage subsidy scheme, to emergency response planning and health and safety matters. Answers were not always immediately obtainable due to the speed with which officials were obliged to formulate policy, and the limited availability of key contacts in the public service. However, information-sharing across Anglican dioceses and the full ICB membership enabled dissemination of advice as it became available. Churches were also able to share their learnings on the challenges of conducting services and continuing outreach programmes under unprecedented circumstances.

In brief, the most prominent challenges and learnings related to:

*Wage Subsidy Scheme*

Most churches anticipated a loss in revenue over the lockdown period and consequently applied for assistance from the wage subsidy scheme. Some parishes and church activities were more severely affected than others due to the nature of their operation or their participant demographic. Some regional or parish bodies now intend to repay some of the funding received as their actual loss of revenue fell below the threshold for support. In some cases churches which did not apply for the subsidy are considering other means of financial recovery from the COVID emergency, including a wage freeze for the next financial year or deferment of planned capital improvements.

*Worship*

New Zealand’s churches employed a wide and innovative range of solutions to the technological, social and administrative challenges posed by the lockdown and continuing restrictions. A number reported higher levels of participation during lockdown than in previous months, including larger congregations attending online church services.

Many churches are continuing to embrace worship innovation as a result of learnings from the lockdown period, balancing some return to traditional styles of worship with continuing online provision of services, prayer and house groups, and pastoral care. This is proving particularly valuable for those whose congregations may be at heightened risk from the coronavirus infection, for example due to an older demographic profile.

*Employment*

The recognition that church employees are able to perform at least part of their role while working from home has led many church organisations to re-evaluate working arrangements. Mechanisms being tested by churches for ensuring the success of the office/home framework include rosters and mandatory ‘all staff’ days. Many are also reducing the requirement for face-to-face meetings with the acceptance that much can be achieved via Zoom and similar apps. Experience of these approaches has been shared across the ICB membership.

*Emergency Response*

The COVID-19 lockdown was an opportunity to test the churches’ resilience in responding to emergencies more generally. It has been encouraging to note reported successes in new approaches to pastoral care and community support, from the provision of counselling online to rethinking management of foodbank operations. Some congregations and religious orders have stepped up their support for migrant communities which found themselves isolated and under stress during lockdown.

## Charities Services

The Manager, ALU, is a member of the Department of Internal Affairs (DIA) Charities Sector Group along with two members of the InterChurch Bureau. The group allows sector representatives to engage with officials on issues affecting the sector. While work on the *Charities Act* Review has been put on hold and no amended legislation will be tabled this year there remain a number of current matters of interest.

The Charities Sector Group met on 24 September. A key matter discussed, of interest to churches and church organisations, was the issue of advocacy. Recent High Court and Court of Appeal decisions have found that Greenpeace New Zealand (an environmental organisation) and Family First New Zealand (a conservative Christian lobby group) both qualify for registration as charities. The courts’ decisions (the latter of which is to be appealed by the Attorney General) will help shape the meaning of ‘charitable purposes’ in Aotearoa in the future, and indicate that organisations with a significant advocacy role may now qualify more easily for registration as charities. It is worth noting here that the ICB, on behalf of the churches, argued in its 2019 submission to the ongoing *Charities Act* Review that “advocacy in pursuit of a charity’s stated purpose is legitimate and should not be grounds for deregistration”.

## COGS Funding

Many churches and individual parishes rely upon a funding stream from the Community Organisation Grants Scheme (COGS) administered by the Department of Internal Affairs (DIA). The scheme provides grants to non-profit community groups and organisations delivering community-based social services, projects and events. Following reports that a number of churches had lost access to this funding due to a change in allocation policy the ALU/ICB has commenced a work stream on this issue. The loss of funding is related to a new maximum operating expenditure limit for eligibility ($2 million per annum for each of the previous two financial years) which the DIA is apparently applying to national level church organisations rather than the operating expenditure of smaller (for example, parish-level) units. Anglican dioceses and ICB members have been surveyed on the impact of this policy and a working group is being established to seek to address the issue.

## Privacy

A new *Privacy Act* 2020, incorporating significant new responsibilities for organisations holding personal information, will come into force in December this year. The Act moves responsibility for reporting breaches of privacy from the person affected to the ‘agency’ in which the breach occurred. Agencies (any organisation or individual holding personal information) must report a breach of privacy to the Office of the Privacy Commissioner, if the breach poses a risk of harm. New powers to issue compliance notices to agencies will be given to the Privacy Commissioner.

Given the potential impact of the legislation on the churches, the ALU is monitoring this development and has established a relationship with the Office of the Privacy Commissioner in order to obtain early notice of guidance as it becomes available. The Commissioner will attend the ICB’s October meeting to discuss the implications of the changes for churches and other religious organisations.

## Financial Reporting

The External Reporting Bureau (XRB) will shortly launch a post-implementation review of the Tier 3 and 4 not-for-profit standards. Many church entities report in these tiers and the Bureau will invite submissions from individual churches and the ICB on this consultation. The ALU will circulate further information on the review as it becomes available.

On 22 September, the XRB advised the ALU that, in response to COVID-19, it had approved amending standards on Going Concern Disclosures which require more specific disclosure by Tier 1 and Tier 2 entities, including not-for-profit entities. The intention of this amendment is to provide users of the financial reports with information as to how the entities coped with the implications of the COVID-19 epidemic. These standards are effective for accounting periods ending on or after 30 September 2020. The ALU is seeking further information about this change.

The date for commencement of PBE FRS 48 *Service Performance Reporting* has been deferred from
01 January 2021 to 01 January 2022, to allow entities to focus on dealing with the economic effects of COVID-19 in their operating environment.

## Heritage Properties

The ICB maintains a close relationship with Heritage New Zealand, the work of which is of particular interest to the Anglican church and its counterparts with responsibility for a significant number of properties with high heritage value. At the ICB’s June meeting, Andrew Coleman, Chief Executive of Heritage New Zealand warmly encouraged churches with potential heritage issues or questions to seek advice from his organisation as early as possible. Heritage NZ is keen to advise and inform, as well as to advocate on behalf of a building where appropriate. A good example is St Paul’s Anglican Memorial Church in Putiki, Whanganui. Heritage NZ worked closely with the congregation on the conservation of this Category 1 building.

Many churches with restoration or preservation work in hand are currently facing the dilemma of deciding whether to continue to dedicate funding to these projects or to divert resources towards relieving hardship for people affected by the COVID-related economic slowdown. Mr Coleman expressed his support for placing plans on hold to allow funds to be re-assigned to social responsibilities. However, he emphasised the need to protect the heritage property from further deterioration in the meantime (for example, via protective seismic strengthening).

## Royal Commission

The Royal Commission into Abuse in Care is currently (21 September-06 October) hearing evidence from survivors who have sought redress for abuse suffered in State care, as well as from lawyers who have dealt with government departments on behalf of claimants. Witnesses for the Crown will be heard from Monday 19 October. This part of the Commission’s work is focused on State care though it may have implications for some church entities (for example, those which have provided care on behalf of the state). The ICB is continuing to monitor the work of the Commission on behalf of its members, who have expressed a strong desire to work positively and transparently with the inquiry.

## ICB Matters

*Health & Safety Project*

Due to significant pressures on the members of the ICB’s health and safety working group during the ongoing COVID-19 crisis, the project to update ICB H&S resources has been temporarily deferred and will resume shortly.

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