

overturned that decision and litigation is pending in the other two.<sup>34</sup> The *Loyola* decision is especially pertinent in this context because a religious institution *qua* institution is arguing that it has freedom of religion to expect Christian practices of its students, including its future law students, without legal penalty. If the logic of *Loyola* is applied in these four examples, complainants may well succeed in winning exemptions from prevailing social norms about sexuality expressed in various legal and regulatory provisions.

*Loyola* may turn out to be a watershed case, should subsequent cases follow its leads in relation to freedom of religion for corporate persons, adoption of a proportionality analysis, abandonment of a section 1 analysis, a more robust role for the state in affirming and supporting religious pluralism, and generally permitting a more complex mosaic of belief systems to exist side by side in Canadian society. By allowing Roman Catholic parents to ensure one means of passing on their faith to their children through their schools, the SCC may have signalled that it will take freedom of religion claims more seriously. The challenge will be to find and articulate the appropriate balance between freedom for religion and freedom from religion necessary to ensure peaceful and prosperous pluralist societies.

doi:10.1017/S0956618X16000077

## The Educational Work of the Ecclesiastical Law Society

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**Keywords:** canon law, education, training, clergy, Ecclesiastical Law Society

The Ecclesiastical Law Society (ELS) is a charity whose object is ‘to promote education in ecclesiastical law for the benefit of the public, including in particular the clergy and laity of the Church of England’. The ELS Committee has recently begun a review of this part of the society’s work and this piece is a part of that review. This article seeks to set out what is currently happening and to solicit

34 The Nova Scotia Barristers’ Society has announced that it will appeal the decision.

views on how our education work could be developed. The current education function may be described under three headings.

## OVERTLY

We have a number of projects ongoing which are overtly the work of ELS. Lindsay Yates and Will Adam have produced a booklet for curates at the point of ordination which sets out some of the legal issues they will face in ministry.<sup>1</sup> This is distributed to all ordinands in the name of the ELS through the Ministry Division. I act as Education Adviser. In this capacity, I make a regular offer of assistance through the national ministry officers network and I currently run courses in eight dioceses for those new to incumbency, as well as courses for curates and in some cases those newly appointed as area deans. I also offer my material to others if they want to self-start.

Our education brief is, of course, not only about clergy training. The work done by David Harte in masterminding the university law schools prizes comes under this heading, as do our Mooting competitions. This *Journal* and the regular ELS newsletter are also within our educational function. And of course our conferences attract lawyers and clergy who will be using the event as continuing professional development.

One final area where we have a resource is the old syllabus 'An ordered Church'. This is very out of date both in terms of law and education theory but represents a specific project that we have undertaken in the past and plan to revisit.

## COVERTLY

In addition to the above, the ELS has a role which may be described as covert assistance. By this I simply mean that some of the dioceses which offer training in church law use people who happen to be members of the society, even if they are not acting in that capacity. I think of members who are chancellors, registrars or in other roles (solicitors, members of diocesan advisory committees (DACs) and so on). The society is keen to draw up a database of what is happening in the dioceses; if any readers are involved in training I would be pleased to know.

There are also three key law text books suitable for clergy and others, all written by ELS members: Hill, Behrens and Parrott.<sup>2</sup> These may similarly be said to represent covert ELS work in the area of education. The Doe corpus, while pitched at a different audience, is in the same category.

1 L Yates and W Adam, *Canon Law for the Newly Ordained*, third edition (London, 2011).

2 M Hill, *Ecclesiastical Law*, third edition (Oxford, 2007); J Behrens, *Practical Church Management*, third edition (Leominster, 2014); D Parrott, *Your Church and the Law*, second edition (Norwich, 2011).

## REMOTELY

By this third title I mean people involved in law education who are not ELS members. This may include a wide range of people: authors of church law books who are not members, university law teachers who include church law in their syllabuses, diocesan staff and others who support law training (ministry officers, DAC staff, faculty clerks, finance officers, liturgical officers and so forth). All of these are things and people whom we as a society want to support and encourage as part of the bigger law education picture. Our role in the area of education is not to be territorial about our own work but to encourage law education as widely as possible.

## REVIEW

The current review of our education function gives us a chance to ensure that we are maximising our opportunities and that we offer effective support to members and non-members alike in the area of law training. This may involve a new syllabus, training for trainers, development of web resources and more. I invite any readers who are currently involved in training to let me know and anyone who wishes to comment on the education work and future possibilities to be in touch with me by email at [vicar@stlawrencejewry.org.uk](mailto:vicar@stlawrencejewry.org.uk).

doi:10.1017/S0956618X16000089

# The Anglican Diocese of Grafton's Response to Child Sexual Abuse at the North Coast Children's Home

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**Keywords:** commissions of inquiry, child sexual abuse, failure to follow procedures, disciplinary action

## INTRODUCTION

In January 2013 the Australian Government established the Royal Commission into Institutional Responses to Child Sexual Abuse. The terms of reference