

ANGLICAN CHURCH OF AUSTRALIA – DIOCESE OF NEWCASTLE

The Professional Standards Ordinance Amendment Ordinance 2017

Explanatory Memorandum

In her review of Professional Standards and Redress, Helen Deas recommended that the Professional Standards Director not be a member of the Professional Standards Committee. This is facilitated by amendment 2(a).

She also recommended the capacity to appoint an Acting Director. This is facilitated by amendment 2(c).

The Ordinance may be construed as both allowing for the PSC not to have a non-Anglican member and limiting the appointment of non-Anglican members of the Professional Standards Committee to one person. Amendment 2(b) requires the appointment of at least one person and enables the Diocesan Council to exercise discretion to have more than one person.

At present the Professional Standards Review Board has not been granted indemnity by the Synod in the same way as the Professional Standards Committee and the Professional Standards Board. This oversight is corrected.

Helen Deas recommended that

- the procedures for suspension contained in section 39 be amended to minimise the influence that a church body may have while a matter is being investigated;
- A review of Part 12 of the Ordinance in relation to reviews of decisions by the PSB; and
- Provision for the use of a certificate of conviction in place of a PSB hearing.

Pursuant to the Constitutions of the Province, which form part of the Anglican Church of Australia Constitutions Act 1902, these matters would need to be dealt with by the Synod and cannot be considered by the Diocesan Council or other delegate of the Synod.

Helen Deas recommended that consideration be given to specifying the skills required by members of the Professional Standards Board. That matter has not yet been considered by the Diocesan Council.

The Bill

BE IT ORDAINED BY THE DIOCESAN COUNCIL AS FOLLOWS

1. This Ordinance may be cited as the Professional Standards Ordinance Amendment Ordinance 2017
2. The Professional Standards Ordinance 2012 is amended by
 - a. The repeal of the words 'Director and another of whom is the' in section 16(1).
 - b. The repeal of the words 'and may include a person who is not a member of this Church' in section 16(3) and the insertion in their place of the words 'and must include a person who is not a member of this Church and may include up to two people who are not members of this Church'
 - c. The insertion of a new section 27A to read
 - (1) The Diocesan Council may appoint a suitable person to be the Acting Director in the absence of the Director.
 - (2) Any Acting Director shall be appointed in accordance with any resolution or regulation of the Diocesan Council.
 - (3) An Acting Director when acting in that capacity is taken to be the Director and has all the powers and functions of the Director.
 - d. The insertion of a new section 91A to read

The Synod indemnifies each member of the Review Board for any act or omission by the member in good faith and in the exercise of or the purported exercise of power or functions, or in the discharge or purported discharge of duties under this Ordinance.

I HEREBY CERTIFY the Ordinance as printed is in accordance with the Ordinance as reported.

PASSED BY DIOCESAN COUNCIL on the 29th day of June 2017.



Ms Linda Wilson
Acting Secretary, Diocesan Council

THE ASSENT of Peter Derrick James Stuart, Administrator (Sede Vacante) was given to the above Ordinance on the 29th day of June 2017 in the Ninth year of our Consecration.



PRESIDENT